

## Former Charleston Police Officer Suing the Navy

Training for war can be ugly, but what happens when details of that training get back to an employer?

Is it considered strictly private personnel-record information, or is it shareable?

That's part of the argument scheduled to be debated Monday in a Washington, D.C., courtroom, where a former Charleston police officer is suing the Navy for disclosing what he contends should have remained privileged.

Former patrolman Timothy M. Reed says the U.S. Navy did him wrong when accusations from his Navy Reserve time got into the hands of his police department higher-ups.

Under normal circumstances, information in personnel records can be released only after specific permission is granted.

"Malicious," said Reed, 42, of Goose Creek, of the disclosure that contributed to his departure from the Charleston force.

Reed's complaint contends that the Navy violated the Privacy Act designed to safeguard the release of certain record information. His lawyer said the Navy's actions amounted to unilateral sharing.

"It had nothing to do with his job as a city of Charleston police officer, any more than it did if he were the janitor," attorney David Sheldon said of what was disclosed. The suit seeks \$950,000 in damages.

Reed said the case is not about money; he wants his name cleared.

For its part, the Navy denies wrong-doing and says release of some information, including what might be applicable in law enforcement, is an exception in the privacy law.

Whatever the outcome, experts say the dispute illustrates what could be a growing concern as thousands of reservists from the Iraq and Afghan conflicts return to civilian life.

The case stems from Reed's fourth call-up, when he was sent to Fort Lewis in Washington state, not far from Tacoma, in January 2009. Reed had originally enlisted in the Navy in 1990 after high school. In 2000, after leaving the service, he joined the Charleston police force, following in his father's footsteps.

He continued on in the reserves, which deployed him to the Middle East and to Guantanamo, Cuba, guarding terror-suspect camps.

After each call-up he would return to his police job.

It was during his time at Fort Lewis when the negative-conduct allegations arose that became part of Reed's military paper trail.

According to court papers filed by the Navy's attorneys, Reed was accused of various

infractions, which included pointing an M-16 rifle at two fellow trainees and yelling at them to get on the ground; pointing his knife at another trainee while threatening to cut him; disobeying an order; making a derogatory statement about a female in uniform; and making inappropriate comments regarding the use of force against Iraqis.

Reed, who disputes and denies the charges, was made to face a psychological evaluation and was disciplined through a non-judicial punishment,

His rank was reduced “one stripe” from E-6 to E-5, or down from one petty officer ranking to a lower one. His call-up also was ended. He eventually was honorably discharged from the service.

Upon returning to Charleston, Reed expected to report to his police duties. But an internal investigation was launched by the department in light of the Fort Lewis allegations. Reed ultimately resigned rather than face the possibility of being fired, he said.

Washington attorney Lisa Windsor, who works for a law firm that specializes in military issues, said Reed appears to be in a strong position, given the nature of how the information was passed on.

She called it a “worst case scenario” in which someone discloses something “that is little more than a rumor to someone’s civilian employer.”

The effect is that freely passing on such information effectively ends someone’s ability to earn a living, she said.

One critical point in the legal fight is how much weight the Navy’s phone call informing Charleston police injured Reed.

U.S. District Judge Ellen Segal Huvelle referenced that contact last month when she denied a Navy request to throw out Reed’s case. Charleston’s internal affairs probe of Reed “might never have been opened if (a Navy official) had not made the initial disclosures,” she wrote.

The Navy argues that attempts to confirm anything about Reed’s work history was critical in determining whether Reed showed “fitness for duty as a Navy sailor.”

Reed had tried to sue the Charleston department earlier, though that case was dropped this summer.

Reed, whose military career lasted 18 years, said he is not mad at the entire Navy for letting personal information out, but believes his name should be cleared. “The money is not what matters to me,” he said. “It’s about vindication.”

Reed’s police career has not come to a complete halt. He currently works in police security at Joint Base Charleston.

The trial is expected to last several days, with a decision possibly coming later.