

SENATE BILL 616

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2000 Regular Session
0lr1171

By: **Senators Conway, Blount, Hoffman, Hughes, Kelley, McFadden,
Mitchell, and Sfikas**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: April 7, 2000

CHAPTER 290

1 AN ACT concerning

2 **Baltimore City - Civilian Review Board - Law Enforcement Units**

3 FOR the purpose of expanding the authority of the Baltimore City Civilian Review

4 Board to include certain law enforcement units in Baltimore City; defining

5 certain terms; altering a definition; repealing a certain termination provision;

6 and generally relating to the Baltimore City Civilian Review Board.

7 BY repealing and reenacting, with amendments,

8 Chapter 196 of the Acts of the General Assembly of 1999

9 Section 3

10 BY repealing and reenacting, with amendments,

11 The Public Local Laws of Baltimore City

12 Section 16-1, 16-41, 16-42, 16-46, and 16-48

13 Article 4 - Public Local Laws of Maryland

14 (1979 Edition and 1997 Supplement, as amended)

15 (As enacted by Chapter 197 of the Acts of the General Assembly of 1999)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Chapter 196 of the Acts of 1999**

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

20 October 1, 1999. [It shall remain effective for a period of 3 years and at the end of

1 September 30, 2002, with no further action required by the General Assembly, this
2 Act shall be abrogated and of no further force and effect.]

3

Article 4 - Baltimore City

4 16-1.

5 The following words and phrases as used in this subtitle shall have or include
6 the following meanings.

7 (1) "Board" shall mean the Civilian Review Board established in § 16-42
8 of this subtitle.

9 (2) "Department" shall mean the Police Department of Baltimore City as
10 constituted and established by this subtitle.

11 (3) "Commissioner" or "Commissioner of Police" shall mean the Police
12 Commissioner of Baltimore City.

13 (4) "Internal Investigative Division" shall mean an official internal
14 investigative unit under the organizational structure of the Department OR OTHER
15 LAW ENFORCEMENT UNIT.

16 (5) "Internal Investigative Division Report" shall mean the official file of
17 an investigation conducted by the Internal Investigative Division as the result of a
18 complaint against a police officer.

19 (6) "Members of the department" shall mean and include all persons and
20 personnel employed by the department, whether civilian employees or police officers.

21 (7) "Police officers" shall mean all those members of the department
22 having and exercising the powers of police officers, as provided in this subtitle, and
23 shall specifically include the Police Commissioner of Baltimore City, all deputy police
24 commissioners, and such other ranks or positions which the Commissioner may
25 determine require experience as a police officer as a prerequisite.

26 (8) "Civilian employees" shall mean all members of the department other
27 than police officers.

28 (9) "Examining Authority" shall mean the Civil Service Commission of
29 Baltimore.

30 16-41.

31 (a) In this subheading the following words have the meanings indicated.

32 (b) (1) "Abusive language" means harsh, violent, profane, or derogatory
33 language which would demean the dignity of an individual.

1 (2) "Abusive language" includes profanity and racial, ethnic, or sexist
2 slurs.

3 (c) (1) "Excessive force" means the use of greater physical force than
4 reasonably necessary to repel an attacker or terminate resistance.

5 (2) "Excessive force" does not include force that is reasonably necessary
6 to effect a lawful purpose.

7 (d) "Harassment" means:

8 (1) repeated, unwarranted verbal or physical annoyances; or

9 (2) unwarranted threats or unwarranted demands.

10 (E) "LAW ENFORCEMENT UNIT" MEANS THE POLICE DEPARTMENT OF
11 BALTIMORE CITY, THE BALTIMORE CITY SCHOOL POLICE, THE HOUSING AUTHORITY
12 OF BALTIMORE CITY POLICE, AND THE BALTIMORE CITY SHERIFF'S DEPARTMENT.

13 (F) "POLICE OFFICER" MEANS A MEMBER OF A LAW ENFORCEMENT UNIT
14 AUTHORIZED TO MAKE ARRESTS.

15 16-42.

16 (a) The Civilian Review Board of Baltimore City is established to provide a
17 permanent, statutory agency in Baltimore City through which:

18 (1) complaints lodged by members of the public regarding abusive
19 language, harassment, or excessive force by police officers of [the Department] A
20 LAW ENFORCEMENT UNIT shall be processed, investigated under § 16-46 of this
21 subheading, and evaluated; and

22 (2) [Department] policies OF A LAW ENFORCEMENT UNIT may be
23 reviewed.

24 (b) Jurisdiction of the Board shall extend only to complaints against police
25 officers with respect to abusive language, harassment, and use of excessive force as
26 defined in § 16-41 of this subheading and by [Department] THE LAW ENFORCEMENT
27 UNIT'S rules and regulations.

28 (c) [The Department] A LAW ENFORCEMENT UNIT shall place posters in all
29 [police] LAW ENFORCEMENT UNIT stations and elsewhere throughout the City to
30 explain the procedure for filing a complaint.

31 (d) An explanation of the Board's complaint procedures shall be made to all
32 police officers in a general order to be included in the manual of rules and procedures
33 of [the Department] A LAW ENFORCEMENT UNIT, and shall be included in the
34 training program for new police officers.

1 16-46.

2 (a) (1) The Board shall review all complaints alleging police misconduct
3 described in § 16-42(a)(1) of this subheading.

4 (2) The Board may investigate, simultaneously with the internal
5 investigative division, each complaint it deems appropriate and report its findings to
6 the Internal Investigative Division.

7 (b) (1) The Board may issue a subpoena, signed by the chairman of the
8 Board, to compel:

9 (i) the attendance and testimony of a witness other than the
10 accused officer; and

11 (ii) the production of any book, record, or other document.

12 (2) If a person fails to comply with a subpoena issued under this
13 subsection, on petition of the board, a court of competent jurisdiction may compel
14 compliance with the subpoena.

15 (3) A police officer may submit a witness list to the board 10 days or
16 more before the Board takes testimony.

17 (4) The chairman or the secretary of the Board may administer oaths in
18 connection with any proceeding of the Board.

19 (5) The police officer or the police officer's representative shall have the
20 right to question witnesses who testify about the complaint.

21 (6) All witness testimony shall be recorded.

22 (c) (1) The Board shall review the internal investigative Division's report.

23 (2) On review of the Internal Investigative Division Report and the
24 Board's investigative report, if any, of each case, the Board shall recommend to the
25 [Commissioner] HEAD OF THE APPROPRIATE LAW ENFORCEMENT UNIT one of the
26 following actions:

27 (i) sustain the complaint and may recommend the appropriate
28 disciplinary action against the police officer;

29 (ii) not sustain the complaint;

30 (iii) exonerate the police officer; or

31 (iv) further investigation by the Internal Investigative Division.

32 (d) The Board shall submit a statement of its findings and recommendations
33 to the [Commissioner] HEAD OF THE APPROPRIATE LAW ENFORCEMENT UNIT
34 within 30 days of receipt of the Internal Investigative Division Report.

1 16-48.

2 (a) The [Commissioner] HEAD OF THE APPROPRIATE LAW ENFORCEMENT
3 UNIT has final decision-making responsibility for the appropriate disciplinary action
4 in each case, but the [Commissioner] HEAD OF THE LAW ENFORCEMENT UNIT may
5 not take final action until [the Commissioner has reviewed] AFTER REVIEWING the
6 recommendation of the Board under § 16-46(c)(2) of this subheading.

7 (b) If a complaint is not sustained or the police officer is exonerated, on
8 written request by the police officer sent to the Board, the Board shall expunge all
9 records of the complaint.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2000.