

HOUSE BILL 1016

E4, E2

6lr2035
CF 6lr2037

By: **The Speaker (By Request – Workgroup on Public Safety and Policing) and
Delegates Anderson, Atterbeary, Clippinger, Folden, Hayes, Jackson, Oaks,
Pena–Melnik, B. Wilson, and C. Wilson**

Introduced and read first time: February 10, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Public Safety and Policing Workgroup – Recommendations**

3 FOR the purpose of adding to the individuals who may be a certain investigating officer or
4 interrogating officer; requiring a certain complaint against a law enforcement officer
5 to be signed under the penalty of perjury instead of before an official authorized to
6 administer oaths; authorizing an individual who has a certain video recording to file
7 a certain complaint against a law enforcement officer; altering the time period within
8 which a certain complaint against a law enforcement officer may be filed; altering
9 the number of days that a certain interrogation shall be suspended under certain
10 circumstances; ~~authorizing the appointment to a certain hearing board of a member~~
11 ~~of the public who has received certain training; requiring that, in the case of a~~
12 ~~complaint alleging brutality, a certain hearing board consist of certain members,~~
13 ~~chosen from a certain pool of law enforcement officers in a certain manner; altering~~
14 the membership of a certain hearing board; requiring a hearing board formed in a
15 certain manner to include a certain member; requiring that a certain hearing be open
16 to the public, with a certain exception; ~~removing the Police Training Commission~~
17 ~~from the Department of Public Safety and Correctional Services to become an~~
18 ~~independent unit in the Executive Department~~; renaming the Police Training
19 Commission the Maryland Police Training and Standards Commission; establishing
20 the Commission as an independent commission that functions in the Department of
21 Public Safety and Correctional Services; repealing certain authority of the Secretary
22 of Public Safety and Correctional Services; altering the composition of the
23 Commission; requiring the election of a chair of the Commission; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Commission to appoint an executive director with the approval of the Governor,
2 rather than the Secretary; altering the powers and duties of the Commission;
3 requiring the Commission to develop a certain reporting system by which certain law
4 enforcement agencies shall report certain serious incidents and officer disciplinary
5 actions; requiring the Commission, in consultation with the Department of Health
6 and Mental Hygiene, to develop a certain hotline for certain purposes; requiring the
7 Commission to establish a certain police complaint mediation program; requiring the
8 Commission to develop best practices for the establishment and implementation of
9 certain community policing programs and to develop a system by which each local
10 law enforcement agency annually files a certain description of the local law
11 enforcement agency's community policing program; requiring the Commission to
12 review certain community policing programs and provide certain feedback regarding
13 the programs; requiring the Commission to develop a certain uniform citizen
14 complaint process; requiring the Commission to develop and administer a training
15 program ~~on the Law Enforcement Officers' Bill of Rights for certain citizens~~ on
16 matters relating to police procedures for certain citizens and administrative law
17 judges; adding the submission to a certain psychological evaluation to the
18 requirements for certification as a police officer; ~~prohibiting a law enforcement~~
19 ~~agency from requiring a certain individual to undergo certain additional training~~
20 ~~under certain circumstances;~~ requiring each law enforcement agency to require
21 ensure that a certain incident report is filed by or on behalf of a certain law
22 enforcement officer ~~to file a certain incident report~~ at a certain time, with a certain
23 exception; requiring each law enforcement agency to post certain policies and
24 collective bargaining agreements on certain Web sites; requiring each law
25 enforcement agency to establish a certain policy for counseling certain officers;
26 requiring each local law enforcement agency to adopt a certain community policing
27 program and to post and file certain information about the program in a certain
28 manner; requiring each law enforcement agency to annually report certain
29 information to the Commission regarding certain officer-involved incidents and
30 officer discipline; requiring each law enforcement agency to adopt a certain uniform
31 complaint process and post a certain complaint process on its Web site under certain
32 circumstances; establishing the Community Law Enforcement Program Fund as a
33 special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive
34 Director of the Governor's Office of Crime Control and Prevention to administer the
35 Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account
36 for the Fund; specifying the contents of the Fund; requiring the Governor each fiscal
37 year to include in the annual budget bill an appropriation of a certain amount to the
38 Fund; specifying the purpose for which the Fund may be used; providing for the
39 investment of money in and expenditures from the Fund; requiring the Executive
40 Director to establish a certain application procedure; requiring a local law
41 enforcement agency that makes a certain application to provide the Executive
42 Director with certain information; requiring the Executive Director to make certain
43 grants to certain local law enforcement agencies in a certain manner; requiring local
44 law enforcement agencies to submit certain proof to the Executive Director;
45 providing that money distributed from the Fund is to supplement and not supplant
46 any other funding; requiring the Governor's Office of Crime Control and Prevention
47 and the Maryland Police Training and Standards Commission to provide certain

1 technical assistance to certain law enforcement agencies; requiring the Executive
2 Director to report to the General Assembly on or before a certain date on the
3 distribution of money from the Fund; exempting the Fund from a certain provision
4 of law requiring interest on State money in special funds to accrue to the General
5 Fund of the State; prohibiting a supervisor, an appointing authority, and the head
6 of a certain law enforcement agency from ~~threatening or~~ taking certain ~~retaliatory~~
7 actions against a certain law enforcement officer who discloses certain information
8 or seeks a certain remedy; providing that certain protections apply to certain
9 disclosures only under certain circumstances; requiring a law enforcement agency to
10 provide certain law enforcement officers a copy of a certain subtitle under certain
11 circumstances; authorizing a certain law enforcement officer to file a civil action
12 against a certain law enforcement agency for certain relief under certain
13 ~~circumstances; authorizing the law enforcement officer to seek certain statutory~~
14 ~~damages instead of certain relief;~~ providing that, under certain circumstances, the
15 law enforcement agency has the burden of proving ~~by clear and convincing evidence~~
16 that certain personnel actions would have occurred despite a certain disclosure;
17 ~~requiring the trier of fact to consider certain factors in awarding certain statutory~~
18 ~~damages;~~ authorizing the court to award certain relief and damages to the law
19 enforcement officer under certain circumstances; requiring the court to issue a
20 certain injunction under certain circumstances; authorizing a court to award certain
21 attorney's fees and litigation expenses to a law enforcement agency under certain
22 circumstances; providing that this Act may not be construed to diminish certain
23 rights, privileges, or remedies; requiring the Attorney General to take certain actions
24 for certain purposes; providing that this Act does not preclude certain actions or
25 prohibit certain personnel actions; providing for the continuity of the terms of office
26 of certain appointed or elected persons; providing for the continuity of certain
27 transactions, rights, duties, titles, and interests; providing for the continuity of the
28 status of certain rules, regulations, and other associated duties and responsibilities
29 affected by this Act; providing for the continuity of certain persons and schools
30 certified by the Commission; providing for the application of this Act; requiring the
31 Governor's Office of Crime Control and Prevention to conduct a certain study
32 relating to best practices for the composition of law enforcement disciplinary hearing
33 boards and submit a certain report; defining certain terms; making conforming
34 changes; and generally relating to public safety and policing.

35 BY repealing and reenacting, with amendments,
36 Article – Correctional Services
37 Section 2–201
38 Annotated Code of Maryland
39 (2008 Replacement Volume and 2015 Supplement)

40 BY repealing and reenacting, with amendments,
41 Article – Public Safety
42 Section ~~3–104(e)~~ 3–104(b), (c), and (j), 3–107, 3–201, 3–202, 3–204, and 3–206
43 through 3–209
44 Annotated Code of Maryland
45 (2011 Replacement Volume and 2015 Supplement)

- 1 BY repealing
2 Article – Public Safety
3 Section 3–203
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2015 Supplement)
- 6 BY adding to
7 Article – Public Safety
8 Section 3–203 and 3–514 through 3–519; 3–801 through 3–806 to be under the new
9 subtitle “Subtitle 8. Whistleblower Protections”; and 4–601 through 4–604 to
10 be under the new subtitle “Subtitle 6. Community Law Enforcement Program
11 Fund”
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2015 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article – State Finance and Procurement
16 Section 6–226(a)(2)(i)
17 Annotated Code of Maryland
18 (2015 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 6–226(a)(2)(ii)84. and 85.
22 Annotated Code of Maryland
23 (2015 Replacement Volume)
- 24 BY adding to
25 Article – State Finance and Procurement
26 Section 6–226(a)(2)(ii)86.
27 Annotated Code of Maryland
28 (2015 Replacement Volume)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
30 That the Laws of Maryland read as follows:

31 **Article – Correctional Services**

32 2–201.

33 The following units are in the Department:

- 34 (1) the Division of Correction;
- 35 (2) the Division of Parole and Probation;

- 1 (3) the Division of Pretrial Detention and Services;
- 2 (4) the Patuxent Institution;
- 3 (5) the Board of Review for Patuxent Institution;
- 4 (6) the Maryland Commission on Correctional Standards;
- 5 (7) the Correctional Training Commission;
- 6 (8) ~~the~~ MARYLAND Police Training AND STANDARDS Commission;
- 7 (9)~~]~~ the Maryland Parole Commission;
- 8 ~~[(10)]~~ ~~(9)~~ the Criminal Injuries Compensation Board;
- 9 ~~[(11)]~~ ~~(10)~~ the Emergency Number Systems Board;
- 10 ~~[(12)]~~ ~~(11)~~ the Sundry Claims Board;
- 11 ~~[(13)]~~ ~~(12)~~ the Inmate Grievance Office; and
- 12 ~~[(14)]~~ ~~(13)~~ any other unit that by law is declared to be part of the
- 13 Department.

14 Article – Public Safety

15 3–104.

16 (b) For purposes of this section, the investigating officer or interrogating officer
 17 shall be:

18 (1) a sworn law enforcement officer; [or]

19 (2) if requested by the Governor, the Attorney General or Attorney
 20 General’s designee;

21 (3) A REPRESENTATIVE OR EMPLOYEE OF A LAW ENFORCEMENT
 22 AGENCY; OR

23 (4) A REPRESENTATIVE OF A CIVILIAN REVIEW BOARD ESTABLISHED
 24 UNDER STATE OR LOCAL LAW.

25 (c) (1) A complaint against a law enforcement officer that alleges brutality in
 26 the execution of the law enforcement officer’s duties may not be investigated unless the

1 complaint is **SIGNED AND** sworn to, [before an official authorized to administer oaths]
 2 **UNDER PENALTY OF PERJURY**, by:

3 (i) the aggrieved individual;

4 (ii) a member of the aggrieved individual's immediate family;

5 (iii) an individual with firsthand knowledge obtained because the
 6 individual:

7 1. was present at and observed the alleged incident; **OR**

8 2. **HAS A AN UNALTERED VIDEO RECORDING OF THE**
 9 **INCIDENT**; or

10 (iv) the parent or guardian of the minor child, if the alleged incident
 11 involves a minor child.

12 (2) Unless a complaint is filed within **[90] 366** days after the alleged
 13 brutality, an investigation that may lead to disciplinary action under this subtitle for
 14 brutality may not be initiated and an action may not be taken.

15 (j) (1) (i) On request, the law enforcement officer under interrogation has
 16 the right to be represented by counsel or another responsible representative of the law
 17 enforcement officer's choice who shall be present and available for consultation at all times
 18 during the interrogation.

19 (ii) The law enforcement officer may waive the right described in
 20 subparagraph (i) of this paragraph.

21 (2) (i) The interrogation shall be suspended for a period not exceeding
 22 **[10] 5 BUSINESS** days until representation is obtained.

23 (ii) Within that **[10-day] ~~5-DAY~~ 5 BUSINESS DAY** period, the chief
 24 for good cause shown may extend the period for obtaining representation.

25 (3) During the interrogation, the law enforcement officer's counsel or
 26 representative may:

27 (i) request a recess at any time to consult with the law enforcement
 28 officer;

29 (ii) object to any question posed; and

30 (iii) state on the record outside the presence of the law enforcement
 31 officer the reason for the objection.

1 3-107.

2 (a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of
3 this subtitle, if the investigation or interrogation of a law enforcement officer results in a
4 recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar
5 action that is considered punitive, the law enforcement officer is entitled to a hearing on
6 the issues by a hearing board before the law enforcement agency takes that action.

7 (2) A law enforcement officer who has been convicted of a felony is not
8 entitled to a hearing under this section.

9 (b) (1) The law enforcement agency shall give notice to the law enforcement
10 officer of the right to a hearing by a hearing board under this section.

11 (2) The notice required under this subsection shall state the time and place
12 of the hearing and the issues involved.

13 (c) (1) Except as provided in ~~paragraph (4)~~ ~~PARAGRAPHS (4) AND (5)~~ of
14 this subsection and in § 3-111 of this subtitle, the hearing board authorized under this
15 section shall consist of ~~at least three members who:~~

16 ~~(i) are appointed by the chief and chosen from law enforcement~~
17 ~~officers within that law enforcement agency, [or from] law enforcement officers of another~~
18 ~~law enforcement agency with the approval of the chief of the other agency, OR MEMBERS~~
19 ~~OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND~~
20 ~~POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT~~
21 ~~OFFICERS' BILL OF RIGHTS; and~~

22 ~~(ii) have had no part in the investigation or interrogation of the law~~
23 ~~enforcement officer.~~

24 ~~(2) At least one member of the hearing board shall be A LAW~~
25 ~~ENFORCEMENT OFFICER of the same rank as the law enforcement officer against whom~~
26 ~~the complaint is filed THE FOLLOWING FOUR MEMBERS, WHO ARE APPOINTED BY THE~~
27 ~~CHIEF AND HAVE HAD NO PART IN THE INVESTIGATION OR INTERROGATION OF THE~~
28 ~~LAW ENFORCEMENT OFFICER:~~

29 (1) A LAW ENFORCEMENT OFFICER OF THE SAME RANK AS THE
30 LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED, CHOSEN
31 FROM LAW ENFORCEMENT OFFICERS WITHIN THAT LAW ENFORCEMENT AGENCY OR
32 FROM LAW ENFORCEMENT OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY
33 WITH THE APPROVAL OF THE CHIEF OF THE OTHER AGENCY;

1 **(II) ANOTHER LAW ENFORCEMENT OFFICER, CHOSEN FROM**
2 **LAW ENFORCEMENT OFFICERS WITHIN THAT LAW ENFORCEMENT AGENCY OR FROM**
3 **LAW ENFORCEMENT OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY WITH THE**
4 **APPROVAL OF THE CHIEF OF THE OTHER AGENCY;**

5 **(III) 1. AN ADMINISTRATIVE LAW JUDGE WHO HAS RECEIVED**
6 **TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION**
7 **IN MATTERS RELATING TO POLICE PROCEDURES; OR**

8 **2. A RETIRED JUDGE; AND**

9 **(IV) A CITIZEN WHO HAS RECEIVED TRAINING FROM THE**
10 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS**
11 **RELATING TO POLICE PROCEDURES.**

12 **(2) THE CITIZEN MEMBER OF THE HEARING BOARD SHALL SERVE IN**
13 **AN ADVISORY CAPACITY AND MAY NOT VOTE, BUT MAY PARTICIPATE IN ALL**
14 **DELIBERATIONS OF THE HEARING BOARD.**

15 (3) (i) If the chief is the law enforcement officer under investigation, the
16 chief of another law enforcement agency in the State shall function as the law enforcement
17 officer of the same rank on the hearing board.

18 (ii) If the chief of a State law enforcement agency is under
19 investigation, the Governor shall appoint the chief of another law enforcement agency to
20 function as the law enforcement officer of the same rank on the hearing board.

21 (iii) If the chief of a law enforcement agency of a county or municipal
22 corporation is under investigation, the official authorized to appoint the chief's successor
23 shall appoint the chief of another law enforcement agency to function as the law
24 enforcement officer of the same rank on the hearing board.

25 (iv) If the chief of a State law enforcement agency or the chief of a
26 law enforcement agency of a county or municipal corporation is under investigation, the
27 official authorized to appoint the chief's successor, or that official's designee, shall function
28 as the chief for purposes of this subtitle.

29 (4) (i) **1. A SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS**
30 **SUBPARAGRAPH, A** law enforcement agency or the agency's superior governmental
31 authority that has recognized and certified an exclusive collective bargaining
32 representative may negotiate with the representative an alternative method of forming a
33 hearing board.

34 **2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH**
35 **SHALL INCLUDE A CITIZEN MEMBER WHO HAS RECEIVED TRAINING FROM THE**

1 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS
2 RELATING TO POLICE PROCEDURES AND WHO SHALL SERVE IN AN ADVISORY
3 CAPACITY AND MAY NOT VOTE BUT MAY PARTICIPATE IN ALL DELIBERATIONS OF
4 THE HEARING BOARD.

5 (ii) A law enforcement officer may elect the alternative method of
6 forming a hearing board if:

7 1. the law enforcement officer works in a law enforcement
8 agency described in subparagraph (i) of this paragraph; and

9 2. the law enforcement officer is included in the collective
10 bargaining unit.

11 (iii) The law enforcement agency shall notify the law enforcement
12 officer in writing before a hearing board is formed that the law enforcement officer may
13 elect an alternative method of forming a hearing board if one has been negotiated under
14 this paragraph.

15 (iv) If the law enforcement officer elects the alternative method, that
16 method shall be used to form the hearing board.

17 (v) An agency or exclusive collective bargaining representative may
18 not require a law enforcement officer to elect an alternative method of forming a hearing
19 board.

20 (vi) If the law enforcement officer has been offered summary
21 punishment, an alternative method of forming a hearing board may not be used.

22 (vii) If authorized by local law, this paragraph is subject to binding
23 arbitration.

24 ~~(5) IN THE CASE OF A COMPLAINT ALLEGING BRUTALITY, THE~~
25 ~~HEARING BOARD AUTHORIZED UNDER THIS SECTION SHALL CONSIST OF THREE~~
26 ~~MEMBERS, SELECTED FROM A POOL OF LAW ENFORCEMENT OFFICERS OF ANOTHER~~
27 ~~LAW ENFORCEMENT AGENCY;~~

28 ~~(I) ONE OF WHOM IS CHOSEN BY THE CHIEF;~~

29 ~~(II) ONE OF WHOM IS CHOSEN BY THE LAW ENFORCEMENT~~
30 ~~OFFICER AGAINST WHOM THE COMPLAINT IS FILED; AND~~

31 ~~(III) ONE OF WHOM IS MUTUALLY AGREED ON.~~

1 (d) (1) In connection with a disciplinary hearing, the chief or hearing board
2 may issue subpoenas to compel the attendance and testimony of witnesses and the
3 production of books, papers, records, and documents as relevant or necessary.

4 (2) The subpoenas may be served without cost in accordance with the
5 Maryland Rules that relate to service of process issued by a court.

6 (3) Each party may request the chief or hearing board to issue a subpoena
7 or order under this subtitle.

8 (4) In case of disobedience or refusal to obey a subpoena served under this
9 subsection, the chief or hearing board may apply without cost to the circuit court of a county
10 where the subpoenaed party resides or conducts business, for an order to compel the
11 attendance and testimony of the witness or the production of the books, papers, records,
12 and documents.

13 (5) On a finding that the attendance and testimony of the witness or the
14 production of the books, papers, records, and documents is relevant or necessary:

15 (i) the court may issue without cost an order that requires the
16 attendance and testimony of witnesses or the production of books, papers, records, and
17 documents; and

18 (ii) failure to obey the order may be punished by the court as
19 contempt.

20 (e) (1) ~~The~~ **UNLESS THE CHIEF DETERMINES AND PROVIDES NOTICE**
21 **THAT A HEARING SHOULD BE CLOSED TO PROTECT THE IDENTITY OR SAFETY OF A**
22 **WITNESS OR AN UNDERCOVER LAW ENFORCEMENT OFFICER, THE** hearing shall be
23 conducted by a hearing board **AND BE OPEN TO THE PUBLIC.**

24 (2) The hearing board shall give the law enforcement agency and law
25 enforcement officer ample opportunity to present evidence and argument about the issues
26 involved.

27 (3) The law enforcement agency and law enforcement officer may be
28 represented by counsel.

29 (4) Each party has the right to cross-examine witnesses who testify and
30 each party may submit rebuttal evidence.

31 (f) (1) Evidence with probative value that is commonly accepted by reasonable
32 and prudent individuals in the conduct of their affairs is admissible and shall be given
33 probative effect.

1 (2) The hearing board shall give effect to the rules of privilege recognized
2 by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious
3 evidence.

4 (3) Each record or document that a party desires to use shall be offered and
5 made a part of the record.

6 (4) Documentary evidence may be received in the form of copies or excerpts,
7 or by incorporation by reference.

8 (g) (1) The hearing board may take notice of:

9 (i) judicially cognizable facts; and

10 (ii) general, technical, or scientific facts within its specialized
11 knowledge.

12 (2) The hearing board shall:

13 (i) notify each party of the facts so noticed either before or during
14 the hearing, or by reference in preliminary reports or otherwise; and

15 (ii) give each party an opportunity and reasonable time to contest
16 the facts so noticed.

17 (3) The hearing board may utilize its experience, technical competence, and
18 specialized knowledge in the evaluation of the evidence presented.

19 (h) (1) With respect to the subject of a hearing conducted under this subtitle,
20 the chief shall administer oaths or affirmations and examine individuals under oath.

21 (2) In connection with a disciplinary hearing, the chief or a hearing board
22 may administer oaths.

23 (i) (1) Witness fees and mileage, if claimed, shall be allowed the same as for
24 testimony in a circuit court.

25 (2) Witness fees, mileage, and the actual expenses necessarily incurred in
26 securing the attendance of witnesses and their testimony shall be itemized and paid by the
27 law enforcement agency.

28 (j) An official record, including testimony and exhibits, shall be kept of the
29 hearing.

30 3–201.

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

1 (b) "Commission" means the MARYLAND Police Training AND STANDARDS
2 Commission.

3 (c) ~~f~~"Department" means the Department of Public Safety and Correctional
4 Services.

5 (d)~~f~~ (1) "Law enforcement agency" means a governmental police force, sheriff's
6 office, or security force or law enforcement organization of the State, a county, or a
7 municipal corporation that by statute, ordinance, or common law is authorized to enforce
8 the general criminal laws of the State.

9 (2) "Law enforcement agency" does not include members of the Maryland
10 National Guard who:

11 (i) are under the control and jurisdiction of the Military
12 Department;

13 (ii) are assigned to the military property designated as the Glenn L.
14 Martin State Airport; and

15 (iii) are charged with exercising police powers in and for the Glenn L.
16 Martin State Airport.

17 ~~{(e)}~~ ~~(D)~~ (1) "Police officer" means an individual who:

18 (i) is authorized to enforce the general criminal laws of the State;
19 and

20 (ii) is a member of one of the following law enforcement agencies:

21 1. the Department of State Police;

22 2. the Police Department of Baltimore City;

23 3. the police department, bureau, or force of a county;

24 4. the police department, bureau, or force of a municipal
25 corporation;

26 5. the Maryland Transit Administration police force;

27 6. the Maryland Transportation Authority Police;

28 7. the police forces of the University System of Maryland;

29 8. the police force of Morgan State University;

1 9. the office of the sheriff of a county;

2 10. the police forces of the Department of Natural Resources;

3 11. the police force of the Maryland Capitol Police of the
4 Department of General Services;

5 12. the police force of a State, county, or municipal corporation
6 if the special police officers are appointed under Subtitle 3 of this title;

7 13. the Housing Authority of Baltimore City Police Force;

8 14. the Baltimore City School Police Force;

9 15. the Crofton Police Department;

10 16. the police force of the Department of Labor, Licensing, and
11 Regulation;

12 17. the Washington Suburban Sanitary Commission Police
13 Force;

14 18. the Ocean Pines Police Department;

15 19. the police force of the Baltimore City Community College;

16 20. the police force of the Hagerstown Community College;

17 21. the parole and probation employees of the Warrant
18 Apprehension Unit of the Division of Parole and Probation in the Department who are
19 authorized to make arrests; or

20 22. the police force of the Anne Arundel Community College.

21 (2) "Police officer" includes:

22 (i) a member of the Field Enforcement Bureau of the Comptroller's
23 Office;

24 (ii) the State Fire Marshal or a deputy State fire marshal;

25 (iii) an investigator of the Intelligence and Investigative Division of
26 the Department;

27 (iv) a Montgomery County fire and explosive investigator as defined
28 in § 2-208.1 of the Criminal Procedure Article;

1 (v) an Anne Arundel County or City of Annapolis fire and explosive
2 investigator as defined in § 2–208.2 of the Criminal Procedure Article;

3 (vi) a Prince George’s County fire and explosive investigator as
4 defined in § 2–208.3 of the Criminal Procedure Article;

5 (vii) a Worcester County fire and explosive investigator as defined in
6 § 2–208.4 of the Criminal Procedure Article; and

7 (viii) a City of Hagerstown fire and explosive investigator as defined
8 in § 2–208.5 of the Criminal Procedure Article.

9 (3) “Police officer” does not include:

10 (i) an individual who serves as a police officer only because the
11 individual occupies another office or position;

12 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
13 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of
14 police, or another individual with an equivalent title who is appointed or employed by a
15 government to exercise equivalent supervisory authority; or

16 (iii) a member of the Maryland National Guard who:

17 1. is under the control and jurisdiction of the Military
18 Department;

19 2. is assigned to the military property designated as the
20 Glenn L. Martin State Airport; and

21 3. is charged with exercising police powers in and for the
22 Glenn L. Martin State Airport.

23 [(f) “Secretary” means the Secretary of Public Safety and Correctional Services.]

24 3–202.

25 There is a **MARYLAND Police Training AND STANDARDS Commission, WHICH IS**
26 **AN INDEPENDENT ~~UNIT~~ COMMISSION THAT FUNCTIONS** in the **~~EXECUTIVE~~**
27 Department.

28 [3–203.

29 (a) (1) The Commission consists of 16 members.

30 (2) Of the 16 members of the Commission:

- 1 (i) one shall be the President of the Maryland Chiefs of Police
2 Association;
- 3 (ii) one shall be the President of the Maryland Sheriffs Association;
- 4 (iii) one shall be the President of the Maryland Law Enforcement
5 Officers, Inc.;
- 6 (iv) one shall be the Attorney General of the State;
- 7 (v) one shall be the Secretary of State Police;
- 8 (vi) one shall be the Police Commissioner of Baltimore City;
- 9 (vii) one shall be the Chancellor of the University System of
10 Maryland;
- 11 (viii) one shall be the agent in charge of the Baltimore office of the FBI;
- 12 (ix) one shall be the President of the Eastern Shore Police
13 Association;
- 14 (x) one shall represent the Maryland State Lodge of Fraternal Order
15 of Police;
- 16 (xi) one shall be the Secretary of Public Safety and Correctional
17 Services;
- 18 (xii) one shall be the Chairman of the Maryland Municipal League
19 Police Executive Association;
- 20 (xiii) three shall be police officials of the State appointed under
21 subsection (b) of this section; and
- 22 (xiv) one shall be the President of the Police Chiefs' Association of
23 Prince George's County.

24 (b) (1) The Secretary shall appoint the three police officials to be members of
25 the Commission with the approval of the Governor and the advice and consent of the
26 Senate.

27 (2) The three members appointed under paragraph (1) of this subsection
28 shall represent different geographic areas of the State.

29 (c) (1) The term of a member who is appointed under subsection (b) of this
30 section is 3 years.

1 (2) The terms of the members who are appointed under subsection (b) of
2 this section are staggered as required by the terms provided for members of the Commission
3 on October 1, 2003.

4 (3) At the end of a term, a member who is appointed under subsection (b)
5 of this section continues to serve until a successor is appointed and qualifies.

6 (4) A member who is appointed after a term has begun serves only for the
7 remainder of the term and until a successor is appointed and qualifies.

8 (d) Except for the three members appointed by the Secretary under subsection (b)
9 of this section, a member of the Commission may serve personally at a Commission meeting
10 or may designate a representative from the member's unit, agency, or association who may
11 act at any meeting to the same effect as if the member were personally present.]

12 **3-203.**

13 **(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

14 **(1) THE PRESIDENT OF THE MARYLAND CHIEFS OF POLICE**
15 **ASSOCIATION;**

16 **(2) THE PRESIDENT OF THE MARYLAND SHERIFFS ASSOCIATION;**

17 **(3) THE ATTORNEY GENERAL OF THE STATE;**

18 **(4) THE SECRETARY OF STATE POLICE;**

19 **(5) THE AGENT IN CHARGE OF THE BALTIMORE OFFICE OF THE**
20 **FEDERAL BUREAU OF INVESTIGATION;**

21 **(6) ONE MEMBER REPRESENTING THE MARYLAND STATE LODGE OF**
22 **FRATERNAL ORDER OF POLICE;**

23 **(7) ONE MEMBER REPRESENTING THE MARYLAND STATE'S**
24 **ATTORNEYS' ASSOCIATION;**

25 **(8) THE CHAIR OF THE MARYLAND MUNICIPAL LEAGUE POLICE**
26 **EXECUTIVE ASSOCIATION;**

27 **(9) THE EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL**
28 **LEAGUE;**

1 (10) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF
2 COUNTIES;

3 (11) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;

4 (12) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
5 THE PRESIDENT OF THE SENATE;

6 ~~(12)~~ (13) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED
7 BY THE SPEAKER OF THE HOUSE; AND

8 ~~(13)~~ (14) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE
9 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

10 (I) ~~THREE FIVE~~ POLICE OFFICERS, REPRESENTING ~~DIFFERENT~~
11 ~~GEOGRAPHIC AREAS OF THE STATE~~ RACIAL, GENDER, GEOGRAPHIC, AND OTHER
12 FORMS OF DIVERSITY;

13 (II) ONE INDIVIDUAL WITH EXPERTISE IN COMMUNITY
14 POLICING;

15 (III) ONE INDIVIDUAL WITH EXPERTISE IN POLICING
16 STANDARDS;

17 (IV) ONE INDIVIDUAL WITH EXPERTISE IN MENTAL HEALTH; AND

18 (V) TWO CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO
19 LAW ENFORCEMENT.

20 (B) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

21 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
22 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON
23 OCTOBER 1, 2016.

24 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
25 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
27 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
28 AND QUALIFIES.

29 (C) EXCEPT FOR THE APPOINTED MEMBERS, A MEMBER OF THE
30 COMMISSION MAY SERVE PERSONALLY AT A COMMISSION MEETING OR MAY

1 DESIGNATE A REPRESENTATIVE FROM THE MEMBER'S UNIT, AGENCY, OR
2 ASSOCIATION WHO MAY ACT AT ANY MEETING TO THE SAME EFFECT AS IF THE
3 MEMBER WERE PERSONALLY PRESENT.

4 **(D) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF**
5 **MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY**
6 **CAPACITY ONLY.**

7 3-204.

8 [(a) The Secretary of State Police is the chairman of the Commission.

9 (b) The Commission annually shall elect a [vice chairman] **CHAIR AND VICE**
10 **CHAIR** from among its VOTING members.

11 3-206.

12 (a) (1) ~~With the approval of the Secretary~~ **GOVERNOR**, the ~~THE~~
13 Commission shall appoint an executive director.

14 (2) The executive director shall perform general administrative and
15 training management functions.

16 (3) The executive director serves at the pleasure of the Commission.

17 (b) (1) [With the approval of the Secretary, the] **THE** Commission shall
18 appoint a deputy director and any other employees that the Commission considers
19 necessary to perform general administrative and training management functions.

20 (2) The deputy director and other employees appointed under paragraph
21 (1) of this subsection shall serve at the pleasure of the Commission.

22 (c) In accordance with the State budget, the Commission may set the
23 compensation of:

24 (1) the executive director and the deputy director; and

25 (2) a Commission employee in a position that:

26 (i) is unique to the Commission;

27 (ii) requires specific skills or experience to perform the duties of the
28 position; and

1 (iii) does not require the employee to perform functions that are
2 comparable to functions performed in other units of the Executive Branch of State
3 government.

4 (d) The Secretary of Budget and Management, in consultation with the
5 Commission, shall determine the positions for which the Commission may set
6 compensation under subsection (c) of this section.

7 3–207.

8 (A) [Subject to the authority of the Secretary, the] **THE** Commission has the
9 following powers and duties:

10 (1) to establish standards for the approval and continuation of approval of
11 schools that conduct police entrance–level and in–service training courses required by the
12 Commission, including State, regional, county, and municipal training schools;

13 (2) to approve and issue certificates of approval to police training schools;

14 (3) to inspect police training schools;

15 (4) to revoke, for cause, the approval or certificate of approval issued to a
16 police training school;

17 (5) to establish the following for police training schools:

18 (i) curriculum;

19 (ii) minimum courses of study;

20 (iii) attendance requirements;

21 (iv) eligibility requirements;

22 (v) equipment and facilities;

23 (vi) standards of operation; and

24 (vii) minimum qualifications for instructors;

25 (6) to require, for entrance–level police training and at least every 3 years
26 for in–service level police training conducted by the State and each county and municipal
27 police training school, that the curriculum and minimum courses of study include special
28 training, attention to, and study of the application and enforcement of:

29 (i) the criminal laws concerning rape and sexual offenses, including
30 the sexual abuse and exploitation of children and related evidentiary procedures;

1 (ii) the contact with and treatment of victims of crimes and
2 delinquent acts;

3 (iii) the notices, services, support, and rights available to victims and
4 victims' representatives under State law; and

5 (iv) the notification of victims of identity fraud and related crimes of
6 their rights under federal law;

7 (7) to certify and issue appropriate certificates to qualified instructors for
8 police training schools authorized by the Commission to offer police training programs;

9 (8) to verify that police officers have satisfactorily completed training
10 programs and issue diplomas to those police officers;

11 (9) to conduct and operate police training schools authorized by the
12 Commission to offer police training programs;

13 (10) to make a continuous study of entrance-level and in-service training
14 methods and procedures;

15 (11) to consult with and accept the cooperation of any recognized federal,
16 State, or municipal law enforcement agency or educational institution;

17 (12) to consult and cooperate with universities, colleges, and institutions in
18 the State to develop specialized courses of study for police officers in police science and
19 police administration;

20 (13) to consult and cooperate with other agencies and units of the State
21 concerned with police training;

22 (14) to develop, with the cooperation of the Office of the Chief Medical
23 Examiner and the Federal Bureau of Investigation, a uniform missing person report form
24 to be available for use by each law enforcement agency of the State on or before October 1,
25 2008;

26 (15) to require, for entrance-level police training and annually for
27 in-service level police training conducted by the State and each county and municipal police
28 training school, that the curriculum and minimum courses of study include, for police
29 officers who are issued an electronic control device by a law enforcement agency, special
30 training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal
31 Law Article, consistent with established law enforcement standards and federal and State
32 constitutional provisions;

33 (16) to require, for entrance-level police training and, as determined by the
34 Commission, for in-service level training conducted by the State and each county and

1 municipal police training school, that the curriculum and minimum courses of study
2 include, consistent with established law enforcement standards and federal and State
3 constitutional provisions:

4 (i) training in lifesaving techniques, including Cardiopulmonary
5 Resuscitation (CPR);

6 (ii) training in the proper level and use of force;

7 (iii) training regarding sensitivity to cultural and gender diversity;
8 and

9 (iv) training regarding individuals with physical, intellectual,
10 developmental, and psychiatric disabilities;

11 **(17) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT**
12 **LEAST EVERY 2 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY**
13 **THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT**
14 **THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING,**
15 **ATTENTION TO, AND STUDY OF THE APPLICATION OF ANTIDISCRIMINATION AND USE**
16 **OF FORCE DE-ESCALATION TRAINING;**

17 **[(17)] (18)** to develop, with the cooperation of the Office of the Attorney
18 General, the Governor's Office of Crime Control and Prevention, and the Federal Trade
19 Commission, a uniform identity fraud reporting form that:

20 (i) makes transmitted data available on or before October 1, 2011,
21 for use by each law enforcement agency of State and local government; and

22 (ii) may authorize the data to be transmitted to the Consumer
23 Sentinel program in the Federal Trade Commission; **[and]**

24 **(19) TO REVIEW THE NATIONAL INSTITUTE OF JUSTICE EXAMPLE USE**
25 **OF FORCE CONTINUUM AND ADOPT, IN REGULATION, A SET OF BEST PRACTICES AND**
26 **STANDARDS FOR USE OF FORCE;**

27 **(20) TO EVALUATE AND MODERNIZE RECRUITMENT STANDARDS AND**
28 **PRACTICES OF LAW ENFORCEMENT AGENCIES TO INCREASE DIVERSITY WITHIN**
29 **THOSE LAW ENFORCEMENT AGENCIES AND DEVELOP MEDIA STRATEGIES FOR**
30 **RECRUITING WOMEN AND AFRICAN AMERICAN, HISPANIC OR LATINO, AND OTHER**
31 **MINORITY CANDIDATES;**

32 **(21) TO DEVELOP STANDARDS FOR:**

1 **(I) THE MANDATORY PSYCHOLOGICAL EVALUATION OF A LAW**
2 **ENFORCEMENT OFFICER WHO HAS BEEN INVOLVED IN A TRAUMATIC INCIDENT OR**
3 **HAS RETURNED FROM COMBAT DEPLOYMENT; AND**

4 **(II) THE PERIODIC PSYCHOLOGICAL EVALUATION OF ALL LAW**
5 **ENFORCEMENT OFFICERS, IF DETERMINED BY THE COMMISSION TO BE**
6 **APPROPRIATE; AND**

7 **[(18)] (22) to perform any other act, INCLUDING ADOPTING**
8 **REGULATIONS, that is necessary or appropriate to carry out the powers and duties of the**
9 **Commission under this subtitle.**

10 **(B) (1) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH LAW**
11 **ENFORCEMENT AGENCIES REPORT TO THE COMMISSION ON THE NUMBER OF**
12 **SERIOUS OFFICER-INVOLVED INCIDENTS EACH YEAR, INCLUDING INCIDENTS IN**
13 **WHICH AN OFFICER IS THE VICTIM, THE NUMBER OF OFFICERS DISCIPLINED EACH**
14 **YEAR, AND THE TYPE OF DISCIPLINE ADMINISTERED TO THOSE OFFICERS.**

15 **(2) THE COMMISSION SHALL ANNUALLY SUMMARIZE THE**
16 **INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES AND:**

17 **(I) POST THE SUMMARY ON A WEB SITE MAINTAINED BY THE**
18 **COMMISSION; AND**

19 **(II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, AS**
20 **PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

21 **(C) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL**
22 **HYGIENE, THE COMMISSION SHALL ESTABLISH A CONFIDENTIAL HOTLINE THAT IS**
23 **AVAILABLE FOR POLICE OFFICERS AND OTHER LAW ENFORCEMENT PERSONNEL TO**
24 **CONTACT AND SPEAK WITH A TRAINED PEER LAW ENFORCEMENT OFFICER OR A**
25 **MENTAL HEALTH PROFESSIONAL WHO MAY PROVIDE INITIAL COUNSELING ADVICE**
26 **AND CONFIDENTIAL REFERRAL TO APPROPRIATE SERVICES.**

27 **(D) THE COMMISSION SHALL:**

28 **(1) ESTABLISH A POLICE COMPLAINT MEDIATION PROGRAM TO**
29 **WHICH A LAW ENFORCEMENT AGENCY MAY REFER, SUBJECT TO THE AGREEMENT**
30 **OF THE COMPLAINANT, A NONVIOLENT COMPLAINT MADE AGAINST A POLICE**
31 **OFFICER OUT OF THE STANDARD COMPLAINT PROCESS;**

32 **(2) REFER A COMPLAINT REFERRED TO THE PROGRAM TO**
33 **VOLUNTARY MEDIATION CONDUCTED BY AN INDEPENDENT MEDIATION SERVICE;**
34 **AND**

1 (3) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM, INCLUDING
2 CRITERIA CONCERNING ELIGIBILITY FOR REFERRAL OF COMPLAINTS.

3 (E) (1) THE COMMISSION SHALL DEVELOP BEST PRACTICES FOR THE
4 ESTABLISHMENT AND IMPLEMENTATION OF A COMMUNITY POLICING PROGRAM IN
5 EACH JURISDICTION.

6 (2) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH EACH
7 LOCAL LAW ENFORCEMENT AGENCY ANNUALLY FILES A DETAILED DESCRIPTION OF
8 THE LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM.

9 (3) THE COMMISSION SHALL ANNUALLY:

10 (I) REVIEW EACH COMMUNITY POLICING PROGRAM FILED IN
11 ACCORDANCE WITH § 3-517 OF THIS TITLE; AND

12 (II) PROVIDE EACH AGENCY WITH ANY COMMENTS THAT THE
13 COMMISSION HAS TO IMPROVE THE AGENCY'S COMMUNITY POLICING PROGRAM.

14 (F) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN
15 COMPLAINT PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT AGENCY.

16 (2) THE UNIFORM COMPLAINT PROCESS SHALL:

17 (I) BE SIMPLE;

18 (II) ~~REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION TO~~
19 ~~AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO~~
20 ~~CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;~~

21 ~~(III)~~ REQUIRE, IF THE COMPLAINANT IS IDENTIFIED, THAT A THE
22 COMPLAINANT BE INFORMED OF THE FINAL DISPOSITION OF THE COMPLAINANT'S
23 COMPLAINT; AND

24 ~~(IV)~~ (III) BE POSTED ON THE WEB SITES OF THE COMMISSION
25 AND EACH LAW ENFORCEMENT AGENCY.

26 (G) THE COMMISSION SHALL DEVELOP AND ADMINISTER A TRAINING
27 PROGRAM ON ~~THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS MATTERS~~
28 RELATING TO POLICE PROCEDURES FOR CITIZENS AND ADMINISTRATIVE LAW
29 JUDGES WHO INTENDED TO QUALIFY TO PARTICIPATE AS A MEMBER OF A HEARING
30 BOARD UNDER § 3-107 OF THIS TITLE.

1 3-208.

2 [Subject to the authority of the Secretary, the] **THE** Commission has the following
3 powers and duties:

4 (1) to adopt regulations necessary or appropriate to carry out this subtitle;
5 and

6 (2) to adopt regulations that establish and enforce standards for prior
7 substance abuse by individuals applying for certification as a police officer.

8 3-209.

9 (a) The Commission shall certify as a police officer each individual who:

10 (1) (i) satisfactorily meets the standards of the Commission; or

11 (ii) provides the Commission with sufficient evidence that the
12 individual has satisfactorily completed a training program in another state of equal quality
13 and content as required by the Commission; [and]

14 (2) **SUBMITS TO A PSYCHOLOGICAL EVALUATION BY A LICENSED**
15 **PSYCHOLOGIST APPROVED BY THE COMMISSION; AND**

16 (3) submits to a criminal history records check in accordance with §
17 3-209.1 of this subtitle.

18 (b) The Commission may certify as a police officer an individual who is not
19 considered a police officer under § 3-201(e)(3) of this subtitle if the individual meets the
20 selection and training standards of the Commission.

21 (c) Each certificate issued to a police officer under this subtitle remains the
22 property of the Commission.

23 ~~(d) IF THE COMMISSION HAS PREVIOUSLY CERTIFIED AN INDIVIDUAL AS A~~
24 ~~POLICE OFFICER, A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE THE~~
25 ~~INDIVIDUAL TO UNDERGO ADDITIONAL ENTRANCE-LEVEL POLICE TRAINING.~~

26 **3-514.**

27 **EACH LAW ENFORCEMENT AGENCY SHALL ~~REQUIRE~~ ENSURE THAT AN**
28 **INCIDENT REPORT IS FILED BY OR ON BEHALF OF A LAW ENFORCEMENT OFFICER**
29 **WHO WAS INVOLVED IN A USE OF FORCE INCIDENT IN THE LINE OF DUTY ~~TO FILE AN~~**
30 **~~INCIDENT REPORT REGARDING THE USE OF FORCE~~ BY THE END OF THE OFFICER'S**
31 **SHIFT UNLESS THE OFFICER IS DISABLED.**

1 3-515.

2 EACH LAW ENFORCEMENT AGENCY SHALL POST ALL OF THE OFFICIAL
3 POLICIES OF THE LAW ENFORCEMENT AGENCY, INCLUDING PUBLIC COMPLAINT
4 PROCEDURES AND COLLECTIVE BARGAINING AGREEMENTS:

5 (1) ON THE WEB SITE OF THE MARYLAND POLICE TRAINING AND
6 STANDARDS COMMISSION; AND

7 (2) ON THE AGENCY'S OWN WEB SITE, IF THE AGENCY MAINTAINS A
8 WEB SITE.

9 3-516.

10 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A CONFIDENTIAL
11 AND NONPUNITIVE EARLY INTERVENTION POLICY FOR COUNSELING OFFICERS WHO
12 RECEIVE THREE OR MORE CITIZEN COMPLAINTS WITHIN A 12-MONTH PERIOD.

13 (B) A POLICY DESCRIBED IN THIS SECTION MAY NOT PREVENT THE
14 INVESTIGATION OF OR IMPOSITION OF DISCIPLINE FOR ANY PARTICULAR
15 COMPLAINT.

16 3-517.

17 (A) IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" MEANS:

18 (1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL
19 CORPORATION IN THE STATE; OR

20 (2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT
21 FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

22 ~~(A)~~ (B) EACH LOCAL LAW ENFORCEMENT AGENCY SHALL ADOPT A
23 COMMUNITY POLICING PROGRAM IN ACCORDANCE WITH BEST PRACTICES
24 DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

25 ~~(B)~~ (C) EACH LOCAL LAW ENFORCEMENT AGENCY SHALL:

26 (1) POST A DETAILED DESCRIPTION OF THE LOCAL LAW
27 ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM ON THE INTERNET IN
28 ACCORDANCE WITH § 3-515 OF THIS SUBTITLE; AND

29 (2) ANNUALLY FILE A DETAILED DESCRIPTION OF THE LOCAL LAW
30 ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM WITH THE MARYLAND

1 POLICE TRAINING AND STANDARDS COMMISSION, IN ACCORDANCE WITH § 3-207
2 OF THIS TITLE.

3 3-518.

4 EACH LAW ENFORCEMENT AGENCY SHALL ANNUALLY REPORT TO THE
5 MARYLAND POLICE STANDARDS AND TRAINING COMMISSION, IN ACCORDANCE
6 WITH § 3-207 OF THIS TITLE:

7 (1) THE NUMBER OF SERIOUS OFFICER-INVOLVED INCIDENTS,
8 INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM;

9 (2) THE NUMBER OF OFFICERS DISCIPLINED; AND

10 (3) THE TYPE OF DISCIPLINE ADMINISTERED TO EACH OFFICER WHO
11 WAS DISCIPLINED.

12 3-519.

13 (A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM
14 CITIZEN COMPLAINT PROCESS DEVELOPED BY THE MARYLAND POLICE TRAINING
15 AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE.

16 (B) A LAW ENFORCEMENT AGENCY SHALL POST THE AGENCY'S CITIZEN
17 COMPLAINT PROCESS ON THE AGENCY'S WEB SITE IF THE AGENCY MAINTAINS A
18 WEB SITE.

19 SUBTITLE 6. COMMUNITY LAW ENFORCEMENT PROGRAM FUND.

20 4-601.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) "COMMUNITY LAW ENFORCEMENT PROGRAM" MEANS A PROGRAM THAT
24 IS ESTABLISHED AND SPONSORED BY A LOCAL LAW ENFORCEMENT AGENCY TO:

25 (1) PROVIDE RECREATIONAL OR ATHLETIC OPPORTUNITIES FOR
26 MEMBERS OF THE COMMUNITY;

27 (2) IMPROVE RELATIONS BETWEEN CITIZENS AND LAW
28 ENFORCEMENT; OR

29 (3) OTHERWISE BENEFIT OR IMPROVE THE COMMUNITY.

1 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
2 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

3 (D) "FUND" MEANS THE COMMUNITY LAW ENFORCEMENT PROGRAM
4 FUND.

5 (E) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE
6 DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

7 4-602.

8 (A) THERE IS A COMMUNITY LAW ENFORCEMENT PROGRAM FUND.

9 (B) THE PURPOSE OF THE FUND IS TO ASSIST LOCAL LAW ENFORCEMENT
10 AGENCIES IN ESTABLISHING COMMUNITY LAW ENFORCEMENT PROGRAMS.

11 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

12 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
13 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY
15 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND, IN CONJUNCTION WITH
16 THE EXECUTIVE DIRECTOR.

17 (E) (1) THE FUND CONSISTS OF:

18 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
19 FUND;

20 (II) INVESTMENT EARNINGS OF THE FUND; AND

21 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
22 BENEFIT OF THE FUND.

23 (2) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER,
24 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
25 TO THE FUND OF \$500,000.

26 (F) (1) THE FUND MAY BE USED ONLY TO MAKE GRANTS AS PROVIDED
27 UNDER THIS SUBTITLE.

28 (2) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

1 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
2 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

3 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO**
4 **THE FUND.**

5 **4-603.**

6 **(A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR**
7 **LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR MONEY FROM THE FUND.**

8 **(B) A LOCAL LAW ENFORCEMENT AGENCY THAT APPLIES FOR MONEY FROM**
9 **THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:**

10 **(1) A DESCRIPTION OF THE ACTIVITIES AND FUNCTIONS OF THE**
11 **COMMUNITY LAW ENFORCEMENT PROGRAM FOR WHICH THE MONEY IS REQUESTED;**

12 **(2) THE ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE**
13 **COMMUNITY LAW ENFORCEMENT PROGRAM;**

14 **(3) THE NUMBER OF PARTICIPANTS IN THE COMMUNITY LAW**
15 **ENFORCEMENT PROGRAM; AND**

16 **(4) ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR**
17 **CONSIDERS NECESSARY.**

18 **(C) (1) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE**
19 **FUND TO LOCAL LAW ENFORCEMENT AGENCIES TO SUPPORT COMMUNITY LAW**
20 **ENFORCEMENT PROGRAMS.**

21 **(2) THE AMOUNT OF EACH GRANT SHALL BE IN PROPORTION TO THE**
22 **NUMBER OF LAW ENFORCEMENT AGENCIES THAT APPLY FOR MONEY FROM THE**
23 **FUND.**

24 **(D) THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE**
25 **EXECUTIVE DIRECTOR PROOF OF EXPENDITURES OF THE GRANT FOR THE**
26 **COMMUNITY LAW ENFORCEMENT PROGRAM.**

27 **(E) MONEY DISTRIBUTED UNDER THIS SUBTITLE SHALL BE USED TO**
28 **SUPPLEMENT AND NOT SUPPLANT ANY OTHER FUNDING FOR A COMMUNITY LAW**
29 **ENFORCEMENT PROGRAM.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101
4 OF THIS TITLE.

5 (C) "RETALIATORY ACTION" INCLUDES ANY RECOMMENDED, THREATENED,
6 OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:

7 (1) ~~TERMINATION, DEMOTION, SUSPENSION, OR REPRIMAND;~~

8 ~~(2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN~~
9 ~~ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND LESS~~
10 ~~FAVORABLE;~~

11 ~~(3) FAILURE TO PROMOTE, HIRE, OR TAKE OTHER FAVORABLE~~
12 ~~PERSONNEL ACTION;~~

13 ~~(4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A~~
14 ~~REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES~~
15 ~~PROTECTED UNDER THIS SUBTITLE; OR~~

16 ~~(5) RETALIATING IN ANY OTHER MANNER~~ DISCHARGE, DISCIPLINE,
17 DEMOTION, SUSPENSION, DENIAL OF PROMOTION, TRANSFER, OR REASSIGNMENT;
18 OR

19 (2) ANY OTHER DISCRIMINATORY ACTION OR THREAT OF ACTION
20 AGAINST A LAW ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT
21 OFFICER MAKES A DISCLOSURE PROTECTED UNDER THIS SUBTITLE.

22 **3-802.**

23 (A) THIS SUBTITLE DOES NOT PRECLUDE AN ACTION FOR DEFAMATION OR
24 INVASION OF PRIVACY.

25 (B) THIS SUBTITLE DOES NOT PROHIBIT A PERSONNEL ACTION THAT
26 WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF INFORMATION.

27 **3-803.**

28 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN
29 APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT
30 ~~THREATEN OR TAKE~~ TAKE, THREATEN TO TAKE, OR REFUSE TO TAKE ANY

1 PERSONNEL ACTION AS A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT
2 OFFICER WHO:

3 (1) DISCLOSES INFORMATION THAT ~~THE LAW ENFORCEMENT~~
4 ~~OFFICER REASONABLY BELIEVES~~ PROVIDES EVIDENCE OF:

5 (I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR A
6 GROSS WASTE OF MONEY;

7 (II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH
8 OR SAFETY; OR

9 (III) A VIOLATION OF LAW; OR

10 (2) FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SUBSECTION,
11 SEEKS A REMEDY PROVIDED UNDER THIS SUBTITLE OR ANY OTHER LAW OR POLICY
12 GOVERNING THE LAW ENFORCEMENT AGENCY.

13 (B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS
14 ~~OTHERWISE~~ SPECIFICALLY PROHIBITED BY LAW OR A DISCLOSURE OF
15 INFORMATION THAT IS CONFIDENTIAL BY LAW ONLY IF THE DISCLOSURE:

16 (1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL UNDER §
17 3-806 OF THIS SUBTITLE;

18 (2) IS IN WRITING; AND

19 (3) CONTAINS:

20 (I) THE DATE OF THE DISCLOSURE;

21 (II) THE NAME OF THE LAW ENFORCEMENT OFFICER MAKING
22 THE DISCLOSURE;

23 (III) ~~THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE~~
24 ~~OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER~~ THE
25 INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

26 (IV) IF POSSIBLE, THE DATE OR RANGE OF DATES ~~ON WHICH THE~~
27 ~~ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF~~
28 ~~MONEY, OR DANGER OCCURRED~~ REGARDING ANY OCCURRENCE RELATED TO THE
29 INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION.

30 3-804.

1 (A) ON REQUEST OF A LAW ENFORCEMENT OFFICER, THE LAW
2 ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER A COPY
3 OF THIS SUBTITLE.

4 (B) IF A LAW ENFORCEMENT OFFICER ALLEGES THAT A RETALIATORY
5 ACTION HAS OCCURRED, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW
6 ENFORCEMENT OFFICER WHO IS SUBJECT TO THE ALLEGED RETALIATORY ACTION
7 A COPY OF THIS SUBTITLE.

8 3-805.

9 (A) ~~A~~ AFTER A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION
10 OF § 3-803 OF THIS SUBTITLE EXHAUSTS ALL ADMINISTRATIVE REMEDIES, THE LAW
11 ENFORCEMENT OFFICER MAY BRING A CIVIL ACTION AGAINST THE LAW
12 ENFORCEMENT AGENCY FOR EQUITABLE RELIEF ~~OR DAMAGES.~~

13 (B) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION,
14 IF THE LAW ENFORCEMENT OFFICER DEMONSTRATES ~~BY A PREPONDERANCE OF~~
15 ~~THE EVIDENCE~~ THAT THE DISCLOSURE OF INFORMATION WAS A CONTRIBUTING
16 FACTOR IN THE ALLEGED RETALIATORY ACTION AGAINST THE LAW ENFORCEMENT
17 OFFICER, THE LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROVING ~~BY~~
18 ~~CLEAR AND CONVINCING EVIDENCE~~ THAT THE PERSONNEL ACTION WOULD HAVE
19 OCCURRED FOR LEGITIMATE REASONS EVEN IF THE LAW ENFORCEMENT OFFICER
20 HAD NOT MADE THE DISCLOSURE.

21 (C) ~~(1) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS~~
22 ~~SECTION, A LAW ENFORCEMENT OFFICER MAY SEEK, INSTEAD OF REINSTATEMENT~~
23 ~~AND BACK PAY, STATUTORY DAMAGES IN THE AMOUNT OF NOT LESS THAN \$5,000~~
24 ~~FOR EACH INSTANCE OF RETALIATORY ACTION.~~

25 ~~(2) IN AWARDING STATUTORY DAMAGES UNDER PARAGRAPH (1) OF~~
26 ~~THIS SUBSECTION, THE TRIER OF FACT SHALL CONSIDER THE SEVERITY OF THE~~
27 ~~PROHIBITED RETALIATORY ACTION AND THE PURPOSES OF THIS SUBTITLE.~~

28 ~~(D)~~ IF THE TRIER OF FACT DETERMINES THAT THE LAW ENFORCEMENT
29 OFFICER IS ENTITLED TO EQUITABLE RELIEF ~~OR DAMAGES~~ IN A CIVIL ACTION
30 BROUGHT UNDER THIS SECTION, THE COURT MAY:

31 (1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL
32 INFORMATION FROM THE LAW ENFORCEMENT OFFICER'S PERSONNEL RECORDS;

33 (2) ~~(H)~~ ORDER THE LAW ENFORCEMENT AGENCY TO HIRE,
34 PROMOTE, OR REINSTATE THE LAW ENFORCEMENT OFFICER TO THE SAME OR

1 EQUIVALENT EMPLOYMENT WITH ANY APPLICABLE BENEFITS AND SENIORITY
2 RIGHTS; ~~OR~~

3 ~~(H) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY~~
4 ~~DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND~~

5 (3) AWARD THE LAW ENFORCEMENT OFFICER:

6 (I) ~~COMPENSATION FOR ALL LOST REMUNERATION~~ BACK PAY
7 TO THE DAY OF THE VIOLATION; AND

8 (II) REASONABLE ATTORNEY'S FEES AND COSTS; AND

9 (4) TAKE ANY OTHER REMEDIAL ACTION CONSISTENT WITH THE
10 PURPOSES OF THIS SUBTITLE.

11 ~~(E)~~ (D) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION ~~(D)~~
12 (C) OF THIS SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT
13 AGENCY AN INJUNCTION AGAINST ANY CONTINUING VIOLATIONS ~~OF~~ RESULTING
14 FROM THE DISCLOSURE MADE BY THE LAW ENFORCEMENT OFFICER UNDER THIS
15 SUBTITLE.

16 ~~(F)~~ (E) IF THE COURT DETERMINES THAT A CIVIL ACTION UNDER
17 SUBSECTION (A) OF THIS SECTION WAS BROUGHT BY A LAW ENFORCEMENT OFFICER
18 IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY AWARD
19 REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES TO THE LAW
20 ENFORCEMENT AGENCY.

21 ~~(G)~~ (F) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE
22 RIGHTS, PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED
23 UNDER ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING
24 AGREEMENT.

25 3-806.

26 FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:

27 (1) DESIGNATE AN ASSISTANT ATTORNEY GENERAL TO RECEIVE
28 FROM LAW ENFORCEMENT OFFICERS ANY INFORMATION THE DISCLOSURE OF
29 WHICH IS OTHERWISE PROTECTED BY LAW;

30 (2) INVESTIGATE EACH ALLEGATION OF ILLEGALITY OR
31 IMPROPRIETY; AND

1 **(3) TAKE APPROPRIATE LEGAL ACTION.**

2 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
3 appointed members of the Maryland Police Training and Standards Commission shall
4 expire as follows:

5 (1) four members in 2017;

6 (2) four members in 2018; and

7 (3) four members in 2019.

8 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction affected by
9 or flowing from any statute amended, repealed, or transferred, and validly entered into
10 before the effective date of this Act and every right, duty, or interest flowing from it remains
11 valid after the effective date and may be terminated, completed, consummated, or enforced
12 pursuant to law.

13 SECTION 5. AND BE IT FURTHER ENACTED, That any rules and regulations,
14 standards, guidelines, orders and other directives, forms, plans, memberships, funds,
15 appropriations, contracts properties, administrative and judicial proceedings, rights to sue
16 and be sued, and other duties and responsibilities associated with those functions affected
17 by this Act shall continue in effect until completed, withdrawn, canceled, modified, or
18 otherwise changed in accordance with law.

19 SECTION 6. AND BE IT FURTHER ENACTED, That any person or school issued a
20 certificate by the Police Training Commission is considered for all purposes to be continued
21 under this Act for the duration of the term for which the certificate was issued unless
22 otherwise provided by law.

23 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
24 construed to apply only prospectively and may not be applied or interpreted to have any
25 effect on or application to any cause of action arising before the effective date of this Act.

26 SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime
27 Control and Prevention shall conduct a study of best practices for the composition of law
28 enforcement disciplinary hearing boards statewide and nationwide, and submit a report
29 containing its findings and recommendations to the Governor and, in accordance with §
30 2-1246 of the State Government Article, the General Assembly by December 1, 2018.

31 SECTION ~~8~~ 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2016.