L2, E4 6lr2413 CF 6lr2414

By: Senator Conway (By Request - Baltimore City Administration)

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

## A BILL ENTITLED

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T	AN	ACT	concerning

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## Baltimore City - Civilian Review Board

FOR the purpose of altering certain procedures for filing a complaint with the Baltimore 4 City Civilian Review Board; repealing certain time limits on filing a complaint; authorizing the Board to review an incomplete complaint; authorizing a complainant to request that a complaint be confidential until the Board makes a certain finding; providing for certain procedures for certain confidential complaints; altering a certain authority of the Board to issue certain subpoenas; repealing certain references to the Secretary of the Board; making certain stylistic changes; altering certain definitions; and generally relating to the Baltimore City Civilian Review Board.

- 12 BY repealing and reenacting, with amendments,
- 13 The Public Local Laws of Baltimore City
- 14 Section 16–41
- 15 Article 4 – Public Local Laws of Maryland
- 16 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
- 17 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended
- 18 by Chapter 130 of the Acts of the General Assembly of 2015)
- 19 BY repealing and reenacting, without amendments,
- 20 The Public Local Laws of Baltimore City
- 21 Section 16–42(a)
- 22 Article 4 – Public Local Laws of Maryland
- 23 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
- 24 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006)
- 25BY repealing and reenacting, with amendments,
- 26 The Public Local Laws of Baltimore City
- 27 Section 16–43(b) and 16–44(c) through (e)
- 28 Article 4 – Public Local Laws of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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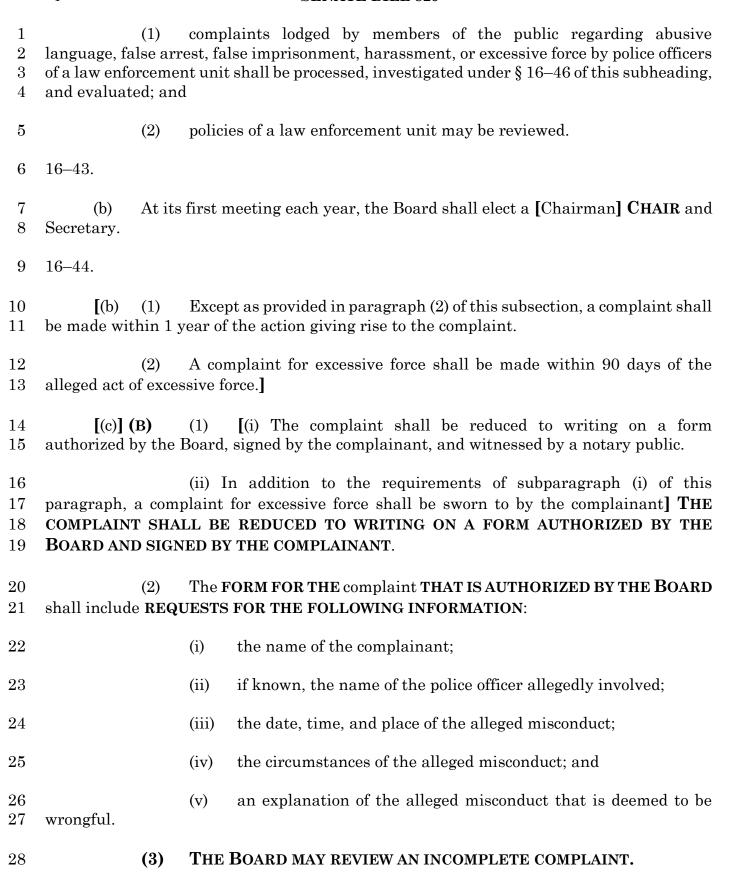
effect a lawful purpose.

1 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended) 2 BY repealing 3 The Public Local Laws of Baltimore City 4 Section 16–44(b) Article 4 – Public Local Laws of Maryland 5 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended) 6 7 BY repealing and reenacting, without amendments, 8 The Public Local Laws of Baltimore City 9 Section 16–45 10 Article 4 – Public Local Laws of Maryland 11 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended) 12 BY repealing and reenacting, with amendments, 13 The Public Local Laws of Baltimore City 14 Section 16–46 15 Article 4 – Public Local Laws of Maryland 16 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended) (As enacted by Chapter 499 of the Acts of the General Assembly of 2006) 17 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 19 That the Laws of Maryland read as follows: 20 Article 4 – Baltimore City 16-41.2122In this subheading the following words have the meanings indicated. (a) 23"Abusive language" means [the use of remarks intended to be (b) **(1)** demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on 2425the actual or perceived race, color, religion, sex, national origin, sexual orientation, or 26 gender identity of an individual HARSH, VIOLENT, PROFANE, OR DEROGATORY LANGUAGE THAT WOULD DEMEAN THE DIGNITY OF AN INDIVIDUAL. 27 28 "ABUSIVE LANGUAGE" INCLUDES PROFANITY AND RACIAL, **(2)** 29 ETHNIC, OR SEXIST SLURS. 30 "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance. 31

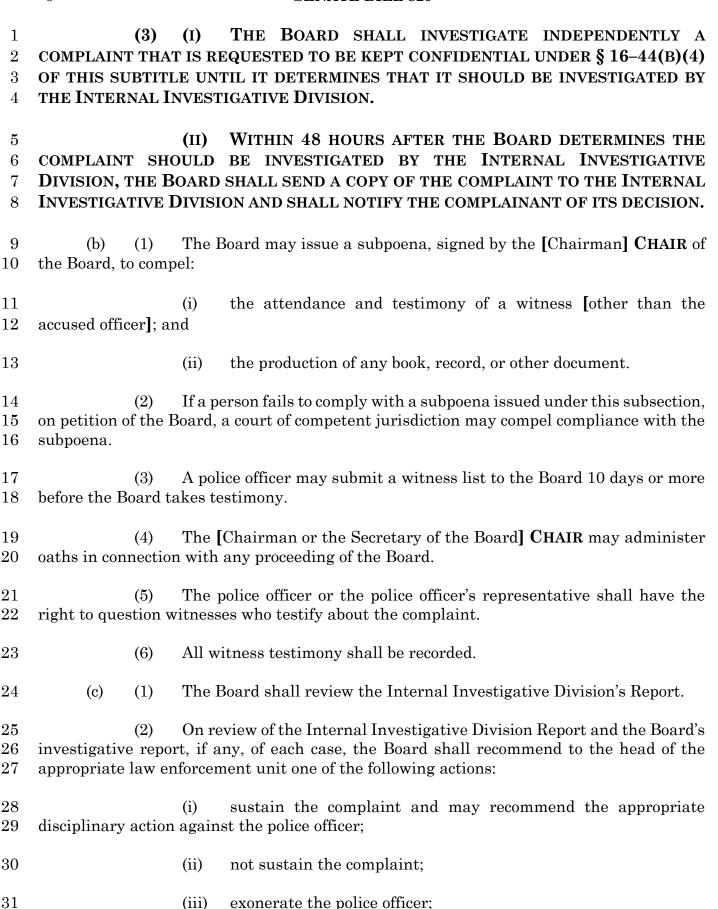
(d) "False arrest" means an arrest made without legal justification.

"Excessive force" does not include force that is reasonably necessary to

1 2 3	(e) justification who does no	of the	e imprisonment" means the intentional restriction without legal efreedom of movement of a person who is aware of the restriction and ent.	
4	(f)	<b>[</b> (1) <b>]</b>	"Harassment" means:	
5 6	demeaning,	humil	[(i) repeated or unwarranted conduct that is intended to be overtly iating, mocking, insulting, or belittling; or	
7 8	discomfort	or injur	(ii) any conduct that is intended to cause unnecessary physical ry.	
9 10	(2) "Harassment" does not include conduct that is reasonably necessary to effect a lawful purpose.]			
11 12	OR	(1)	REPEATED, UNWARRANTED VERBAL OR PHYSICAL ANNOYANCES;	
13		(2)	UNWARRANTED THREATS OR UNWARRANTED DEMANDS.	
14	(g)	"Law	enforcement unit" means:	
15		(1)	the Police Department of Baltimore City;	
16		(2)	the Baltimore City School Police;	
17		(3)	the Housing Authority of Baltimore City Police;	
18		(4)	the Baltimore City Sheriff's Department;	
19		(5)	the Baltimore City Watershed Police Force;	
20		(6)	the police force of the Baltimore City Community College; or	
21		(7)	the police force of Morgan State University.	
22 23	(h) arrests.	"Polic	ce officer" means a member of a law enforcement unit authorized to make	
24	16–42.			
25 26	(a) permanent,		Civilian Review Board of Baltimore City is established to provide a ory agency in Baltimore City through which:	



- 1 (4) A COMPLAINANT MAY REQUEST THAT THE COMPLAINT BE KEPT CONFIDENTIAL UNTIL THE BOARD MAKES ITS FINDING THAT THE COMPLAINT SHOULD BE INVESTIGATED.
- 4 [(d)] (C) (1) One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant.
- 6 (2) [A] EXCEPT FOR COMPLAINTS REQUESTED TO BE CONFIDENTIAL 7 UNDER SUBSECTION (B)(4) OF THIS SECTION, A copy shall be sent within 48 hours to 8 the Internal Investigative Division and [the Secretary of] the Board.
- 9 (3) A COPY OF A COMPLAINT THAT IS REQUESTED TO BE 10 CONFIDENTIAL UNDER SUBSECTION (B)(4) OF THIS SECTION:
- 11 (I) SHALL BE SENT WITHIN 48 HOURS TO THE BOARD; AND
- 12 (II) MAY NOT BE SENT TO THE INTERNAL INVESTIGATIVE 13 DIVISION UNTIL THE BOARD MAKES A DETERMINATION THAT IT SHOULD BE 14 INVESTIGATED.
- 15 (4) A RECIPIENT OF A COMPLAINT THAT IS REQUESTED TO BE CONFIDENTIAL MAY NOT DISCLOSE THE INFORMATION IN THE COMPLAINT.
- [(e)] (D) The [Secretary of the] Board shall assign a consecutive number to each complaint, and within 48 hours, shall send a copy to each member of the Board. The [Secretary] BOARD shall also maintain on file a record of each complaint.
- 20 16-45.
- 21 (a) The Internal Investigative Division shall make a comprehensive investigation 22 of each complaint and submit its Internal Investigative Division Report relating to the 23 incident alleged to the Board within 90 days from the date of the complaint.
- 24 (b) For good cause shown, the Board may extend the time allowed to complete the 25 report required under subsection (a) of this section.
- 26 16–46.
- 27 (a) (1) The Board shall review all complaints alleging police misconduct 28 described in § 16–42(a)(1) of this subheading.
- 29 (2) The Board may investigate, simultaneously with the Internal 30 Investigative Division, each complaint it deems appropriate and report its findings to the 31 Internal Investigative Division.



1	(iv) find that the complaint is unfounded; or
2 3	(v) require further investigation by the Internal Investigative Division.
	(d) The Board shall submit a statement of its findings and recommendations to the head of the appropriate law enforcement unit within 30 days of receipt of the Internal Investigative Division Report.
7	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2016.