

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1037

(Delegate Anderson, *et al.*) (By Request - Baltimore City
Administration)

Judiciary

Judicial Proceedings

Baltimore City - Civilian Review Board

This bill alters the time limit for filing a complaint for excessive force with the Baltimore City Civilian Review Board from within 90 days to within one year of the alleged act giving rise to the complaint. In addition, the bill repeals the requirement for a complaint to be witnessed by a notary public and instead requires that the complaint be signed and sworn to, under the penalty of perjury, by the complainant.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None.

Local Effect: The bill's changes are procedural in nature and do not directly affect Baltimore City finances.

Small Business Effect: None.

Analysis

Current Law: The Baltimore City Civilian Review Board is a permanent, independent agency in Baltimore City that is authorized to process complaints lodged by members of the public who allege abusive language, false arrest, false imprisonment, harassment, or excessive force by members of the Baltimore Police Department. The board may also review police department's policies and make recommendations to the Police

Commissioner. The following police agencies fall under the jurisdiction of the board: the Baltimore Police Department; the Baltimore City School Police; the Housing Authority Police of Baltimore City; the Baltimore City Sheriff's Department; the Baltimore City Watershed Police Force; the police force of the Baltimore City Community College; and the police force of Morgan State University.

An individual who claims to have been subjected to or witnessed an act of abusive language, false arrest, false imprisonment, harassment, or excessive force, or injury allegedly resulting from excessive force caused by a police officer, may file a complaint at the Office of the Internal Investigative Division, the Legal Aid Bureau, the Maryland Human Relations Commission, the Baltimore Community Relations Commission, or at any of the police district stations in Baltimore City.

In general, a complaint must be made within one year of the action giving rise to the complaint. A complaint for excessive force, however, must be made within 90 days of the alleged act of excessive force. The complaint must be reduced to writing on a form authorized by the board, signed by the complainant, and witnessed by a notary public. In addition, a complaint for excessive force must be sworn to by the complainant.

The complaint must include:

- the name of the complainant;
- if known, the name of the police officer allegedly involved;
- the date, time, and place of the alleged misconduct;
- the circumstances of the alleged misconduct; and
- an explanation of the alleged misconduct that is deemed to be wrongful.

The Law Enforcement Officers' Bill of Rights (LEOBR) was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 26 specified State and local agencies and includes all of the agencies under the board's jurisdiction. The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal must be conducted in accordance with LEOBR.

Background: Chapter 519 of 2016 made changes relating to public safety and policing consistent with the recommendations of the Public Safety and Policing Workgroup. Among other things, the Act required that under LEOBR, a complaint against a law enforcement officer alleging brutality be signed and sworn to under penalty of perjury. In

addition, the Act extended the time, from 90 days to 366 days, within which a complaint of brutality must be filed.

Additional Information

Prior Introductions: SB 829 of 2016, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 1262, passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action taken.

Cross File: SB 166 (Senator Conway, *et al.*) (By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Baltimore City; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2017
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