

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1316
Judiciary

(Delegate Smith)

Baltimore City – Police Officers – Promotional Appointments

This bill (1) increases the number of applicants (from 5 to 20) included on an eligible list prepared for use by the Commissioner of the Baltimore Police Department (BPD) when making promotional appointments; (2) makes corresponding increases for subsequent positions on the eligible list; and (3) renames the procedure from the “Rule of Five” to the “Rule of Twenty.” In addition, the bill authorizes the commissioner to remove eligible appointees from the list if, between the time the applicant applied for the promotion and the time in which the applicant is to be selected for the promotion, a misconduct complaint for which the punishment could be termination if found guilty has been sustained by the Civilian Review Board of Baltimore City against the applicant.

Fiscal Summary

State Effect: None. The bill only affects local government operations in Baltimore City

Local Effect: Baltimore City can implement the bill with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Qualified applicants for promotional appointments within BPD, who meet specified criteria, must be included, in order from the highest to the lowest qualifying score, on an eligible list for promotions prepared by the examining authority. When making a promotional appointment within the department, the commissioner must make appointments from those applicants who place within the top or highest five positions on

the eligible list. The procedure is known and designated as the “Rule of Five.” Under the rule, after an applicant is appointed, the commissioner must fill the next vacancy in the department, if any, from the remaining four applicants on the list with the addition of the next or sixth highest scoring available applicant on the eligible list until all names on the list are exhausted. The eligible list is valid for one year unless extended up to a maximum of two years by the examining authority at the request of the commissioner. Except when an applicant is no longer available, the commissioner is prohibited from removing an applicant’s name from the list for any reason.

The Civilian Review Board of Baltimore City 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 BPD. The board may also review the police department’s policies and make recommendations to the commissioner. The board may issue subpoenas to compel the production of records. If a complaint is not sustained or the police officer is exonerated, on written request by the police officer sent to the board, the board must expunge all records of the complaint.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 752 (Senator Hayes) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 18, 2021
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