
By: Delegates C. Mitchell, Fulton, Branch, and Kirk

Introduced and read first time: January 29, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Citizen Review Boards**

3 FOR the purpose of creating a Citizen Review Board in each police district in Baltimore
4 City; abolishing the Complaint Evaluation Board of Baltimore City; providing for
5 the appointment of each Board and staggered terms of citizen members; requiring
6 each Board to elect a chairman and secretary at certain intervals; authorizing the
7 chairman and secretary of a Board to administer oaths in connection with
8 proceedings of the Board; specifying the types of complaints over which the Board
9 has jurisdiction; providing for the powers and duties of the CitizenReview Boards;
10 requiring the Mayor of Baltimore City to provide certain staff to each Board;
11 requiring the Police Commissioner of Baltimore City to appear beforea Board
12 under certain circumstances; defining certain terms; making stylistic changes;
13 providing for the application of this Act; and generally relating tothe establishment,
14 membership, and powers of a Citizen Review Boards in Baltimore City.

15 BY repealing and reenacting, without amendments,

16 The Public Local Laws of Baltimore City

17 Section 16-1

18 Article 4 - Public Local Laws of Maryland

19 (1979 Edition and 1991 and 1993 Supplements, as amended)

20 BY repealing and reenacting, with amendments,

21 The Public Local Laws of Baltimore City

22 Section 16-41 through 16-50, inclusive, to be under the amended subheading

23 "Citizen Review Boards"

24 Article 4 - Public Local Laws of Maryland

25 (1979 Edition and 1991 and 1993 Supplements, as amended)

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

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

28 **Article 4 - Baltimore City**

29 16-1.

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

2

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

3 (2) "Commissioner" or "Commissioner of Police" shall mean the Police
4 Commissioner of Baltimore City.

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

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

12 (5) "Civilian employees" shall mean all members of the department other
13 than police officers.

14 (6) "Examining Authority" shall mean the Civil Service Commission of
15 Baltimore.

16 [Complaint Evaluation Board] CITIZEN REVIEW BOARDS

17 16-41.

18 (A) IN THIS SUBHEADING, THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "ABUSIVE LANGUAGE" MEANS RACIAL, ETHNIC, OR SEXIST SLURS.

21 (C) "HARASSMENT" MEANS REPEATED, UNWARRANTED VERBAL OR
22 PHYSICAL ANNOYANCES, THREATS, OR DEMANDS.

23 (D) (1) "EXCESSIVE FORCE" MEANS THE USE OF GREATER PHYSICAL FORCE
24 THAN REASONABLY NECESSARY TO REPEL AN ATTACKER OR TERMINATE
25 RESISTANCE.

26 (2) "EXCESSIVE FORCE" DOES NOT INCLUDE FORCE THAT IS
27 REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.

28 16-42.

29 (a) [The Complaint Evaluation Board (C.E.B.) of Baltimore City] A CITIZEN
30 REVIEW BOARD is created IN EACH POLICE DISTRICT IN BALTIMORE CITY to provide
31 [a] permanent, statutory [agency] AGENCIES in Baltimore City through which
32 complaints lodged by members of the general public regarding [alleged acts of
33 discourtesy and] ABUSIVE LANGUAGE, HARASSMENT, OR excessive force by personnel
34 of the [Police] Department [of Baltimore City] are to be processed and evaluated AND
35 DEPARTMENT POLICIES MAY BE REVIEWED.

36 (b) [The] EACH CITIZEN REVIEW Board is composed of [the following
37 members or their delegates]:

3

1 (1) The State's Attorney of Baltimore City OR THE STATE'S ATTORNEY'S
2 DESIGNEE;

3 [(2) The Attorney General of Maryland;

4 (3) The City Solicitor of Baltimore City;

5 (4) The Police Commissioner of Baltimore City;

6 (5) The Executive Director of the Legal Aid Bureau, Inc., of Baltimore City;

7 (6) The Executive Director of the Maryland Human Relations Commission;

8 (7) The Executive Director of the Baltimore City Community Relations
9 Commission;

10 (8) The Chairperson of the Baltimore City Police Advisory Council;]

11 (2) THE COMMANDER OF THE APPROPRIATE POLICE DISTRICT OR THE
12 COMMANDER'S DESIGNEE; AND

13 [(9)] (3) [Four] THREE members of the general public appointed by the
14 Mayor of Baltimore City FROM THE POLICE DISTRICT.

15 (c) [The City Solicitor of Baltimore City shall be the permanent chairman. The
16 representative of the Legal Aid Bureau shall serve as secretary.] AT ITS FIRST MEETING
17 EACH YEAR, A CITIZEN REVIEW BOARD SHALL ELECT A CHAIRMAN AND A
18 SECRETARY.

19 (d) [The] EACH CITIZEN REVIEW Board shall meet in executive session as often
20 as necessary to perform its functions and duties[, but it shall meet not less than once a
21 month].

22 (e) (1) In all matters where a quorum is present, a majority vote of[the] A
23 CITIZEN REVIEW Board shall prevail.

24 (2) A quorum consists of [7] THREE members, TWO OF WHOM MUST BE
25 MEMBERS OF THE GENERAL PUBLIC APPOINTED UNDER SUBSECTION (B)(3) OF THIS
26 SECTION.

27 (f) (1) The term of a general public member of [the] A CITIZEN REVIEW
28 Board appointed under subsection [(b)(9)] (B)(3) of this Section is 4 years.

29 (2) The terms of the general public members are staggered as required by
30 the terms provided for the general public members of [the] A CITIZEN REVIEW Board
31 on October 1, [1993] 1996.

32 (3) AT THE END OF A TERM, A MEMBER APPOINTED UNDER
33 SUBSECTION (B)(3) OF THIS SECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS
34 APPOINTED.

35 (4) A MEMBER WHO IS APPOINTED UNDER SUBSECTION (B)(3) OF THIS
36 SECTION AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM
37 AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

4

1 (G) THE MAYOR OF BALTIMORE CITY SHALL ASSIGN STAFF TO EACH CITIZEN
2 REVIEW BOARD FOR THE PERIODIC MEETINGS OF THE BOARD.

3 [16-42.] 16-43.

4 (a) Any person who claims to have been subjected to, or any person who claims to
5 have personal knowledge of an act or acts of [discourtesy,] ABUSIVE LANGUAGE,
6 HARASSMENT, OR use of excessive force, or injury allegedly resulting from excessive
7 force caused by Police personnel, may make a complaint of such conduct at the Office of
8 the Internal Investigation Division of the [Police] Department [of Baltimore City], the
9 Legal Aid Bureau, the Maryland Human Relations Commission, the Baltimore
10 Community Relations Commission, or at any of the Police District Stations.

11 (b) The complaint shall be reduced to writing on a [special C.E.B. Form] serially
12 numbered CITIZEN REVIEW BOARD FORM, signed by the complainant, and notarized
13 before a duly authorized Notary Public.

14 (c) One copy of the completed form shall be retained by the recipient of the
15 complaint and a copy given to the complainant. A copy shall be mailed within 48 hours to
16 the Internal Investigation Division and to the Secretary of the APPROPRIATE CITIZEN
17 REVIEW Board.

18 (d) The Secretary of the CITIZEN REVIEW Board shall assign a consecutive
19 number to each complaint and, within 48 hours, shall mail a copy to each member of the
20 CITIZEN REVIEW Board. The Secretary shall also maintain on file a record of each
21 complaint.

22 (e) The Internal Investigation Division shall make a comprehensive investigation
23 of each complaint and submit its report [thereof] to the CITIZEN REVIEW Board within
24 90 days from the date of the complaint.

25 (f) The CITIZEN REVIEW Board shall review the Internal Investigation Division's
26 report and submit in writing to the [Police] Commissioner within 30 days from receipt
27 [thereof] OF THE REPORT, a statement of its findings and recommendations as provided
28 under Section [16-43(b)] 16-44(B). The [Police] Commissioner shall, within 30 days of
29 [his] receipt of the findings and recommendations of the [C.E.B.] CITIZEN REVIEW
30 BOARD, forward to the CITIZEN REVIEW Board a statement of [his] THE
31 COMMISSIONER'S disposition in each case. Concurrent with this, the [Police]
32 Commissioner will also forward a copy of the CITIZEN REVIEW Board's recommendation
33 and the [Police] Commissioner's statement of disposition to the complainant and
34 respondent police personnel.

35 [16-43.] 16-44.

36 (a) Jurisdiction of [the] A CITIZEN REVIEW Board shall extend only to
37 complaints against police personnel with respect to [discourtesy] ABUSIVE LANGUAGE,
38 HARASSMENT, and use of excessive force as defined IN § 16-41 AND by [Police]
39 Department rules and regulations.

40 (b) Upon review of the investigative report of each case, [the] A CITIZEN
41 REVIEW Board shall make forthwith any one of the following four recommendations to
42 the [Police] Commissioner:

5

1 (1) Sustain the complaint and approve, disapprove or modify the proposed
2 Internal Investigation Division's action against the police personnel.

3 (2) Dismiss the complaint because of lack or insufficiency of evidence.

4 (3) Exonerate the police personnel because of the complainant's failure to
5 prove [his] THE case by clear and convincing evidence.

6 (4) Remand the case for further investigation to the Internal Investigation
7 Division [or], to the Maryland State Police, OR TO THE STATE'S ATTORNEY.

8 (c) (1) (I) [The] A CITIZEN REVIEW Board may request the complainant,
9 witnesses, and the police department personnel involved in a particular complaint to
10 submit voluntarily to a polygraph test or to appear voluntarily before the Board.

11 (II) A CITIZEN REVIEW BOARD MAY SUBPOENA ANY PERSON
12 INVOLVED IN THE COMPLAINT TO APPEAR BEFORE THE BOARD; HOWEVER, THE
13 BOARD MAY NOT SUBPOENA THE POLICE PERSONNEL AGAINST WHOM THE
14 COMPLAINT HAS BEEN FILED.

15 (2) THE CHAIRMAN OR THE SECRETARY OF A CITIZEN REVIEW BOARD
16 MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.

17 [16-44.] 16-45.

18 (A) [The Police] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE
19 Commissioner has final decision-making responsibility for the appropriate disciplinary
20 action in each case, but no final action may be taken until the recommendation of [the]
21 A CITIZEN REVIEW Board has been reviewed. IF A CITIZEN REVIEW BOARD
22 DISAGREES WITH THE COMMISSIONER'S DECISION ON ANY MATTER THAT CAME
23 BEFORE THE BOARD, ON REQUEST OF THE BOARD, THE COMMISSIONER SHALL
24 APPEAR BEFORE THE BOARD TO EXPLAIN THE DECISION.

25 (B) A CITIZEN REVIEW BOARD MAY REFER A CASE TO THE STATE'S
26 ATTORNEY.

27 [16-45.] 16-46.

28 Nothing contained in this article may abrogate any constitutional, statutory or
29 common law right of police personnel against whom a complaint is filed, nor of the
30 complainants, investigators or witnesses who participate in the complaint procedure.

31 [16-46.] 16-47.

32 This procedure may not be construed to affect or change the methods and
33 procedures for suspension or dismissal of members of the [Baltimore City Police]
34 Department.

35 [16-47.] 16-48.

36 Police personnel may not be penalized or affected adversely in any way as a result of
37 the procedure set forth in this Article without having been first afforded proper written
38 notice of charges lodged [against him] and the right to a hearing before the Police Trial
39 Board in accordance with due process of law.

6

1 [16-48.] 16-49.

2 Records containing the names or identification of police personnel, complainants,
3 investigators and witnesses may not be disclosed or released to the general public.

4 [16-49.] 16-50.

5 Subject to the provisions of this Article, [the] A CITIZEN REVIEW Board may
6 adopt reasonable and proper rules to govern its procedure.

7 [16-50.] 16-51.

8 [The] A CITIZEN REVIEW Board shall prepare and publish a semi-annual
9 statistical and analytical report regarding the complaints processed under this Article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
11 members of the general public appointed to a Citizen Review Board shall expire as
12 follows:

13 (1) one member in 1998;

14 (2) one member in 1999; and

15 (3) one member in 2000.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Complaint Evaluation
17 Board of Baltimore City shall terminate on the effective date of this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1996.