
By: **Senators Hughes, Conway, and McFadden**
Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Complaints Against Police Officers - Citizen Review Board**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore City to
4 create a citizen review board through which the general public may file
5 complaints against police officers in the Police Department of Baltimore City
6 and by which the complaints may be evaluated and appropriate resolutions may
7 be reached under certain circumstances; requiring the Mayor and City Council
8 to provide for the membership and powers of the citizens review board and the
9 complaint review process under certain circumstances; requiring a citizen
10 review board to have a certain subpoena power; and generally relating to a
11 citizen review board to handle complaints against police officers in Baltimore
12 City.

13 BY repealing
14 The Public Local Laws of Baltimore City
15 Section 16-41 through 16-50, inclusive, and the subheading "Complaint
16 Evaluation Board"
17 Article 4 - Public Local Laws of Maryland
18 (1979 Edition and 1991 and 1993 Supplements, as amended)

19 BY adding to
20 Article 24 - Political Subdivisions - Miscellaneous Provisions
21 Section 18-101 through 18-103, inclusive, to be under the new title "Title 18.
22 Baltimore City Citizen Review Board"
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

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

1 **Article 4 - Baltimore City**

2 [Complaint Evaluation Board]

3 [16-41.

4 (a) The Complaint Evaluation Board (C.E.B.) of Baltimore City is created to
5 provide a permanent, statutory agency in Baltimore City through which complaints
6 lodged by members of the general public regarding alleged acts of discourtesy and
7 excessive force by personnel of the Police Department of Baltimore City are to be
8 processed and evaluated.

9 (b) The Board is composed of the following members or their delegates:

- 10 (1) The State's Attorney of Baltimore City
- 11 (2) The Attorney General of Maryland
- 12 (3) The City Solicitor of Baltimore City
- 13 (4) The Police Commissioner of Baltimore City
- 14 (5) The Executive Director of the Legal Aid Bureau, Inc., of Baltimore
15 City
- 16 (6) The Executive Director of the Maryland Human Relations
17 Commission
- 18 (7) The Executive Director of the Baltimore City Community Relations
19 Commission
- 20 (8) The Chairperson of the Baltimore City Police Advisory Council
- 21 (9) Four members of the general public appointed by the Mayor of
22 Baltimore City.

23 (c) The City Solicitor of Baltimore City shall be the permanent chairman. The
24 representative of the Legal Aid Bureau shall serve as secretary.

25 (d) The Board shall meet in executive session as often as necessary to perform
26 its functions and duties, but it shall meet not less than once a month.

27 (e) In all matters where a quorum is present, a majority vote of the Board
28 shall prevail. A quorum consists of 7 members.

29 (f) (1) The term of a general public member of the Board appointed under
30 subsection (b)(9) of this Section is 4 years.

31 (2) The terms of the general public members are staggered as required
32 by the terms provided for the general public members of the Board on October 1,
33 1993.]

1 [16-42.

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

9 (b) The complaint shall be reduced to writing on a special C.E.B. Form serially
10 numbered, signed by the complainant, and notarized before a duly authorized Notary
11 Public.

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

15 (d) The Secretary of the Board shall assign a consecutive number to each
16 complaint and, within 48 hours, shall mail a copy to each member of the Board. The
17 Secretary shall also maintain on file a record of each complaint.

18 (e) The Internal Investigation Division shall make a comprehensive
19 investigation of each complaint and submit its report thereof to the Board within 90
20 days from the date of the complaint.

21 (f) The Board shall review the Internal Investigation Division's report and
22 submit in writing to the Police Commissioner within 30 days from receipt thereof, a
23 statement of its findings and recommendations as provided under Section 16-43(b).
24 The Police Commissioner shall, within 30 days of his receipt of the findings and
25 recommendations of the C.E.B. forward to the Board a statement of his disposition in
26 each case. Concurrent with this, the Police Commissioner will also forward a copy of
27 the Board's recommendation and the Police Commissioner's statement of disposition
28 to the complainant and respondent police personnel.]

29 [16-43.

30 (a) Jurisdiction of the Board shall extend only to complaints against police
31 personnel with respect to discourtesy and use of excessive force as defined by Police
32 Department rules and regulations.

33 (b) Upon review of the investigative report of each case, the Board shall make
34 forthwith any one of the following four recommendations to the Police Commissioner:

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

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

1 (3) Exonerate the police personnel because of the complainant's failure to
2 prove his case by clear and convincing evidence.

3 (4) Remand the case for further investigation to the Internal
4 Investigation Division or to the Maryland State Police.

5 (c) The Board may request the complainant, witnesses, and the police
6 department personnel involved in a particular complaint to submit voluntarily to a
7 polygraph test or to appear voluntarily before the Board.]

8 [16-44.

9 The Police Commissioner has final decision-making responsibility for the
10 appropriate disciplinary action in each case, but no final action may be taken until
11 the recommendation of the Board has been reviewed.]

12 [16-45.

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

17 [16-46.

18 This procedure may not be construed to affect or change the methods and
19 procedures for suspension or dismissal of members of the Baltimore City Police
20 Department.]

21 [16-47.

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

26 [16-48.

27 Records containing the names or identification of police personnel,
28 complainants, investigators and witnesses may not be disclosed or released to the
29 general public.]

30 [16-49.

31 Subject to the provisions of this Article, the Board may adopt reasonable and
32 proper rules to govern its procedure.]

33 [16-50.

34 The Board shall prepare and publish a semi-annual statistical and analytical
35 report regarding the complaints processed under this Article.]

Article 24 - Political Subdivisions - Miscellaneous Provisions

TITLE 18. BALTIMORE CITY CITIZEN REVIEW BOARD.

3 18-101.

4 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY CREATE A CITIZEN
5 REVIEW BOARD FOR THE PURPOSE OF PROVIDING AN AGENCY IN BALTIMORE CITY:

6 (1) THROUGH WHICH THE GENERAL PUBLIC MAY FILE COMPLAINTS
7 AGAINST POLICE OFFICERS AND OTHER PERSONNEL IN THE POLICE DEPARTMENT
8 OF BALTIMORE CITY; AND

9 (2) BY WHICH THE COMPLAINTS MAY BE EVALUATED AND APPROPRIATE
10 RESOLUTIONS MAY BE REACHED.

11 18-102.

12 SUBJECT TO THE PROVISIONS OF § 18-103 OF THIS TITLE, THE MAYOR AND CITY
13 COUNCIL SHALL PROVIDE FOR THE MEMBERSHIP AND POWERS OF THE BOARD , AND
14 THE COMPLAINT REVIEW PROCESS.

15 18-103.

16 A CITIZEN REVIEW BOARD CREATED UNDER THIS TITLE SHALL HAVE THE
17 POWER TO SUBPOENA DOCUMENTS AND WITNESSES AS THE BOARD DEEMS
18 APPROPRIATE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.