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By: **Delegates Oaks, Marriott, V. Jones, Phillips, Gladden, Fulton, Rawlings,  
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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City - ~~Police~~ Civilian Review Board**

3 FOR the purpose of ~~converting the Complaint Evaluation Board of Baltimore City to~~  
4 ~~the Police Review Board; altering the membership of the Board to increase the~~  
5 ~~number of members of the general public and add certain public officials;~~  
6 ~~altering the appointment process; requiring the Board to elect a chairman and~~  
7 ~~secretary at certain intervals; authorizing the chairman and secretary of the~~  
8 ~~Board to administer oaths in connection with proceedings of the Board;~~  
9 ~~requiring the Board to make a certain determination on each complaint alleging~~  
10 ~~abusive language, harassment, or use of excessive force by police personnel;~~  
11 ~~repealing certain investigative and reporting responsibilities of the Internal~~  
12 ~~Investigation Division; altering the types of complaints over which the Board~~  
13 ~~has jurisdiction; requiring the Mayor of Baltimore City to provide certain staff to~~  
14 ~~the Board; authorizing the Board to issue a subpoena under certain~~  
15 ~~circumstances; repealing the final decision-making responsibility of the Police~~  
16 ~~Commissioner; granting final decision-making responsibilities to the Board;~~  
17 ~~defining certain terms; making stylistic changes; providing for the application of~~  
18 ~~this Act; specifying the terms of certain additional members of the Board;~~  
19 repealing the Complaint Evaluation Board of Baltimore City; establishing the  
20 Civilian Review Board of Baltimore City with certain jurisdiction over abusive  
21 language, harassment, and excessive force by police officers; providing for the  
22 membership, officers, meetings, staff, and powers of the Board; authorizing  
23 Baltimore City to hire an independent administrator to serve the Board;  
24 authorizing a person to file at certain locations a complaint that alleges abusive  
25 language, harassment, or use of excessive force by police officers under certain  
26 circumstances; requiring the Internal Investigative Division of the Baltimore

1 City Police Department to investigate each complaint and report to the Board  
 2 within a certain time; authorizing the Board to simultaneously investigate each  
 3 complaint it deems appropriate; requiring the Board to make certain  
 4 recommendations on each complaint alleging abusive language, harassment, or  
 5 use of excessive force by police officers; requiring the Board to submit a  
 6 statement of its findings and determinations to the Police Commissioner of  
 7 Baltimore City; authorizing the Board to issue subpoenas under certain  
 8 circumstances; authorizing the chairman and secretary of the Board to  
 9 administer oaths in connection with proceedings of the Board; prohibiting a  
 10 person from making certain false statements in the course of an investigation by  
 11 the Internal Investigative Division or the Board; establishing a certain penalty;  
 12 providing that the Commissioner has final decision-making responsibility for  
 13 appropriate disciplinary action based on the Board's recommendations;  
 14 establishing certain protections and rights for police officers; providing for the  
 15 construction of this Act; establishing procedures and rights concerning certain  
 16 records; allowing the adoption of certain regulations; imposing certain reporting  
 17 requirements on the Board; defining certain terms; specifying the terms of  
 18 certain initial members of the Board; and generally relating to the  
 19 establishment, membership, and powers of a ~~Police~~ Civilian Review Board in  
 20 Baltimore City.

21 BY repealing and reenacting, ~~without~~ with amendments,  
 22 The Public Local Laws of Baltimore City  
 23 Section 16-1  
 24 Article 4 - Public Local Laws of Maryland  
 25 (1979 Edition and 1997 Supplement, as amended)

26 BY repealing and reenacting, ~~with amendments,~~  
 27 The Public Local Laws of Baltimore City  
 28 Section 16-41 through 16-50, inclusive, ~~to be under the amended subheading~~  
 29 ~~"Police Review Board~~ and the subheading "Complaint Evaluation Board"  
 30 Article 4 - Public Local Laws of Maryland  
 31 (1979 Edition and 1997 Supplement, as amended)

32 BY adding to  
 33 The Public Local Laws of Baltimore City  
 34 Section 16-41 through 16-54, inclusive, to be under the new subheading  
 35 "Civilian Review Board"  
 36 Article 4 - Public Local Laws of Maryland  
 37 (1979 Edition and 1997 Supplement, as amended)

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

**Article 4 - Baltimore City**

16-1.

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

(1) "BOARD" SHALL MEAN THE CIVILIAN REVIEW BOARD ESTABLISHED IN § 16-42 OF THIS SUBTITLE.

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

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

(4) "INTERNAL INVESTIGATIVE DIVISION" SHALL MEAN AN OFFICIAL INTERNAL INVESTIGATIVE UNIT UNDER THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT.

(5) "INTERNAL INVESTIGATIVE DIVISION REPORT" SHALL MEAN THE OFFICIAL FILE OF AN INVESTIGATION CONDUCTED BY THE INTERNAL INVESTIGATIVE DIVISION AS THE RESULT OF A COMPLAINT AGAINST A POLICE OFFICER.

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

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

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

(9) "Examining Authority" shall mean the Civil Service Commission of Baltimore.

~~[Complaint Evaluation] POLICE REVIEW Board~~

~~16-41.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

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

1 ~~(C) "HARASSMENT" MEANS REPEATED, UNWARRANTED VERBAL OR PHYSICAL~~  
 2 ~~ANNOYANCES, THREATS, OR DEMANDS.~~

3 ~~(D) (1) "EXCESSIVE FORCE" MEANS THE USE OF GREATER PHYSICAL FORCE~~  
 4 ~~THAN REASONABLY NECESSARY TO REPEL AN ATTACKER OR TERMINATE~~  
 5 ~~RESISTANCE.~~

6 ~~(2) "EXCESSIVE FORCE" DOES NOT INCLUDE FORCE THAT IS~~  
 7 ~~REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.~~

8 ~~{16-41.} 16-42.~~

9 (a) ~~The {Complaint Evaluation} POLICE REVIEW Board {(C.E.B.)} of~~  
 10 ~~Baltimore City is created to provide a permanent, statutory agency in Baltimore City~~  
 11 ~~through which complaints lodged by members of the general public regarding~~  
 12 ~~{alleged acts of discourtesy and} ABUSIVE LANGUAGE, HARASSMENT, OR excessive~~  
 13 ~~force by personnel of the {Police} Department {of Baltimore City} are to be processed~~  
 14 ~~and evaluated AND DEPARTMENT POLICIES MAY BE REVIEWED.~~

15 (b) ~~The POLICE REVIEW Board is composed of {the following members or their~~  
 16 ~~delegates}:~~

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

19 (2) ~~The Attorney General of Maryland OR THE ATTORNEY GENERAL'S~~  
 20 ~~DESIGNEE;~~

21 (3) ~~The City Solicitor of Baltimore City OR THE CITY SOLICITOR'S~~  
 22 ~~DESIGNEE;~~

23 (4) ~~{The Police Commissioner of Baltimore City~~

24 (5)} ~~The Executive Director of the Legal Aid Bureau, Inc., of Baltimore~~  
 25 ~~City OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

26 {(6)} (5) ~~The Executive Director of the Maryland Human Relations~~  
 27 ~~Commission OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

28 {(7)} (6) ~~The Executive Director of the Baltimore City Community~~  
 29 ~~Relations Commission OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

30 {(8)} (7) ~~The Chairperson of the Baltimore City Police Advisory Council~~  
 31 ~~OR THE CHAIRPERSON'S DESIGNEE;~~

32 {(9)} (8) ~~{Four} EIGHT members of the general public appointed by the~~  
 33 ~~Mayor of Baltimore City SUBJECT TO THE CONSENT OF THE CITY COUNCIL;~~

34 (9) ~~ONE DELEGATE FROM BALTIMORE CITY APPOINTED BY THE~~  
 35 ~~SPEAKER OF THE HOUSE OF DELEGATES;~~

1           (10)    ONE SENATOR FROM BALTIMORE CITY APPOINTED BY THE  
2 PRESIDENT OF THE SENATE; AND

3           (11)    ONE MEMBER OF THE BALTIMORE CITY COUNCIL APPOINTED BY  
4 THE MAYOR OF BALTIMORE CITY SUBJECT TO THE CONSENT OF THE CITY COUNCIL.

5       (e)     ~~[The City Solicitor of Baltimore City shall be the permanent chairman.  
6 The representative of the Legal Aid Bureau shall serve as secretary.] AT ITS FIRST  
7 MEETING EACH YEAR, THE POLICE REVIEW BOARD SHALL ELECT A CHAIRMAN AND  
8 SECRETARY.~~

9       (d)     ~~The POLICE REVIEW Board shall meet in executive session as often as  
10 necessary to perform its functions and duties, but it shall meet not less than once a  
11 month.~~

12       (e)     (1)    In all matters where a quorum is present, a majority vote of the  
13 POLICE REVIEW Board shall prevail.

14           (2)    A quorum consists of ~~[7] 10 members, FOUR OF WHOM MUST BE  
15 MEMBERS OF THE GENERAL PUBLIC APPOINTED UNDER SUBSECTION (B)(8) OF THIS  
16 SECTION.~~

17       (f)     (1)    The terms of a general public member of the POLICE REVIEW Board  
18 appointed under subsection ~~[(b)(9)] (B)(8)~~ of this Section is 4 years.

19           (2)    The terms of the general public members are staggered as required  
20 by the terms provided for the general public members of the POLICE REVIEW Board on  
21 October 1, ~~[1993] 1999.~~

22           (3)    ~~AT THE END OF A TERM, A MEMBER APPOINTED UNDER SUBSECTION  
23 (B)(8) OF THIS SECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.~~

24           (4)    ~~A MEMBER WHO IS APPOINTED UNDER SUBSECTION (B)(8) OF THIS  
25 SECTION AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND  
26 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

27       (G)     ~~THE MAYOR OF BALTIMORE CITY SHALL ASSIGN STAFF TO THE POLICE  
28 REVIEW BOARD FOR THE PERIODIC MEETINGS OF THE BOARD.~~

29 ~~[16-42.] 16-43.~~

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

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

4 (c) One copy of the completed form shall be retained by the recipient of the  
5 complaint and a copy given to the complainant. A copy shall be mailed within 48  
6 hours to [~~the Internal Investigation Division and to~~] the Secretary of the POLICE  
7 ~~REVIEW Board.~~

8 (d) The Secretary of the POLICE REVIEW Board shall assign a consecutive  
9 number to each complaint and, within 48 hours, shall mail a copy to each member of  
10 the POLICE REVIEW Board. The Secretary shall also maintain on file a record of each  
11 complaint.

12 (E) ~~THE POLICE REVIEW BOARD SHALL REVIEW ALL COMPLAINTS ALLEGING~~  
13 ~~POLICE MISCONDUCT.~~

14 [(c) The Internal Investigation Division shall make a comprehensive  
15 investigation of each complaint and submit its report thereof to the Board within 90  
16 days from the date of the complaint.]

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

25 [~~16-43.~~]16-44.

26 (a) Jurisdiction of the POLICE REVIEW Board shall extend only to complaints  
27 against police personnel with respect to [~~discourtesy~~] ABUSIVE LANGUAGE,  
28 HARASSMENT, and use of excessive force as defined IN § 16-41 AND by [Police]  
29 Department rules and regulations.

30 (b) Upon review of [~~the investigative report of each case~~] EACH COMPLAINT,  
31 the POLICE REVIEW Board shall make [~~forthwith~~] any one of the following four  
32 [~~recommendations to the Police Commissioner~~] DETERMINATIONS:

33 (1) Sustain the complaint and [~~approve, disapprove or modify the~~  
34 ~~proposed Internal Investigation Division's~~] DECIDE THE APPROPRIATE  
35 DISCIPLINARY action against the police personnel[.];

36 (2) Dismiss the complaint because of lack or insufficiency of evidence[.];

37 (3) Exonerate the police personnel because of the complainant's failure to  
38 prove [~~his~~] THE case by clear and convincing evidence[.]; OR

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

3     (e)     (1)     The POLICE REVIEW Board:

4           (1)     [~~may~~] MAY request the complainant, witnesses, and the police  
5 department personnel involved in a particular complaint to submit voluntarily to a  
6 polygraph test or to appear voluntarily before the POLICE REVIEW Board; AND

7           (H)     MAY ISSUE A SUBPOENA TO COMPEL THE ATTENDANCE AND  
8 TESTIMONY OF A WITNESS OR THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER  
9 DOCUMENT.

10          (2)     THE CHAIRMAN OR THE SECRETARY OF THE POLICE REVIEW BOARD  
11 MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.

12 ~~[16-44.]16-45.~~

13     The Police [~~Commissioner~~] REVIEW BOARD has final decision-making  
14 responsibility for the appropriate disciplinary action in each case, but no final action  
15 may be taken until the recommendation of the Board has been reviewed.

16 ~~[16-45.]16-46.~~

17     Nothing contained in this article may abrogate any constitutional, statutory or  
18 common law right of police personnel against whom a complaint is filed, nor of the  
19 complainants, investigators or witnesses who participate in the complaint procedure.  
20 ~~[16-46.]16-47.~~

21     This procedure may not be construed to affect or change the methods and  
22 procedures for suspension or dismissal of members of the [~~Baltimore City Police~~]  
23 Department.

24 ~~[16-47.]16-48.~~

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

29 ~~[16-48.]16-49.~~

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

33 ~~[16-49.]16-50.~~

34     Subject to the provisions of this Article, the POLICE REVIEW Board may adopt  
35 reasonable and proper rules to govern its procedure.

1 ~~[16-50.] 16-51.~~

2 The POLICE REVIEW Board shall prepare and publish a semi-annual statistical  
3 and analytical report regarding the complaints processed under this Article.

4 SECTION 2. ~~AND BE IT FURTHER ENACTED, That the terms of members~~  
5 ~~of the general public serving on the Complaint Evaluation Board, renamed the Police~~  
6 ~~Review Board under Section 1 of this Act, on the effective date of this Act shall remain~~  
7 ~~in effect. The terms of the additional members of the general public added by Section~~  
8 ~~1 of this Act shall expire as follows:~~

9 (1) ~~one member in 2000;~~

10 (2) ~~one member in 2001;~~

11 (3) ~~one member in 2002; and~~

12 (4) ~~one member in 2003.~~

13 CIVILIAN REVIEW BOARD

14 16-41.

15 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) (1) "ABUSIVE LANGUAGE" MEANS HARSH, VIOLENT, PROFANE, OR  
18 DEROGATORY LANGUAGE WHICH WOULD Demean THE DIGNITY OF AN INDIVIDUAL.

19 (2) "ABUSIVE LANGUAGE" INCLUDES PROFANITY AND RACIAL, ETHNIC,  
20 OR SEXIST SLURS.

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

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

26 (D) "HARASSMENT" MEANS:

27 (1) REPEATED, UNWARRANTED VERBAL OR PHYSICAL ANNOYANCES; OR

28 (2) UNWARRANTED THREATS OR UNWARRANTED DEMANDS.

29 16-42.

30 (A) THE CIVILIAN REVIEW BOARD OF BALTIMORE CITY IS ESTABLISHED TO  
31 PROVIDE A PERMANENT, STATUTORY AGENCY IN BALTIMORE CITY THROUGH  
32 WHICH:



1           (1)     COMPLAINTS LODGED BY MEMBERS OF THE PUBLIC REGARDING  
2 ABUSIVE LANGUAGE, HARASSMENT, OR EXCESSIVE FORCE BY POLICE OFFICERS OF  
3 THE DEPARTMENT SHALL BE PROCESSED, INVESTIGATED UNDER § 16-46 OF THIS  
4 SUBHEADING, AND EVALUATED; AND

5           (2)     DEPARTMENT POLICIES MAY BE REVIEWED.

6     (B)     JURISDICTION OF THE BOARD SHALL EXTEND ONLY TO COMPLAINTS  
7 AGAINST POLICE OFFICERS WITH RESPECT TO ABUSIVE LANGUAGE, HARASSMENT,  
8 AND USE OF EXCESSIVE FORCE AS DEFINED IN § 16-41 OF THIS SUBHEADING AND BY  
9 DEPARTMENT RULES AND REGULATIONS.

10    (C)     THE DEPARTMENT SHALL PLACE POSTERS IN ALL POLICE STATIONS AND  
11 ELSEWHERE THROUGHOUT THE CITY TO EXPLAIN THE PROCEDURE FOR FILING A  
12 COMPLAINT.

13    (D)     AN EXPLANATION OF THE BOARD'S COMPLAINT PROCEDURES SHALL BE  
14 MADE TO ALL POLICE OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE  
15 MANUAL OF RULES AND PROCEDURES OF THE DEPARTMENT, AND SHALL BE  
16 INCLUDED IN THE TRAINING PROGRAM FOR NEW POLICE OFFICERS.

17 16-43.

18    (A)     (1)     THE BOARD IS COMPOSED OF:

19                   (I)     ONE MEMBER OF THE PUBLIC FROM EACH OF THE NINE  
20 POLICE DISTRICTS IN BALTIMORE CITY SELECTED BY THE MAYOR, SUBJECT TO THE  
21 ADVICE AND CONSENT OF THE CITY COUNCIL;

22                   (II)    ONE REPRESENTATIVE OF THE FRATERNAL ORDER OF POLICE;

23                   (III)   ONE REPRESENTATIVE OF THE VANGUARD JUSTICE SOCIETY;  
24 AND

25                   (IV)   THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE.

26           (2)     EACH PUBLIC MEMBER OF THE BOARD SHALL:

27                   (I)     BE A VOTING MEMBER OF THE BOARD; BUT

28                   (II)    MAY NOT BE A CURRENT EMPLOYEE OF A MUNICIPAL, COUNTY,  
29 STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

30                   (3)     EACH VOTING MEMBER OF THE BOARD SHALL BE A RESIDENT OF  
31 BALTIMORE CITY.

32    (B)     AT ITS FIRST MEETING EACH YEAR, THE BOARD SHALL ELECT A  
33 CHAIRMAN AND SECRETARY.

34    (C)     THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO PERFORM ITS  
35 FUNCTIONS AND DUTIES, BUT IT SHALL MEET AT LEAST ONCE A MONTH.

1       (D)     (1)     THE BOARD SHALL DETERMINE WHAT CONSTITUTES A QUORUM.

2               (2)     IN ALL MATTERS WHERE A QUORUM IS PRESENT, A MAJORITY OF  
3 THE VOTING MEMBERS OF THE BOARD SHALL PREVAIL.

4       (E)     (1) THE TERM OF A PUBLIC MEMBER OF THE BOARD APPOINTED UNDER  
5 SUBSECTION (A)(1)(I) OF THIS SECTION IS 3 YEARS.

6               (2)     (I)     THE TERMS OF THE PUBLIC MEMBERS ARE STAGGERED AS  
7 REQUIRED BY THE TERMS PROVIDED FOR THE PUBLIC MEMBERS OF THE BOARD ON  
8 OCTOBER 1, 1999.

9                       (II)     A PUBLIC MEMBER OF THE BOARD IS NOT ELIGIBLE TO SERVE  
10 FOR MORE THAN TWO FULL SUCCESSIVE TERMS.

11               (3)     AT THE END OF A TERM, A PUBLIC MEMBER APPOINTED UNDER  
12 SUBSECTION (A)(1)(I) OF THIS SECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS  
13 APPOINTED AND QUALIFIES.

14               (4)     A PUBLIC MEMBER WHO IS APPOINTED UNDER SUBSECTION (A)(1)(I)  
15 OF THIS SECTION AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE  
16 TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

17               (5)     A MEMBER WHO IS APPOINTED UNDER SUBSECTION (A)(1)(II), (III), OR  
18 (IV) OF THIS SECTION SHALL SERVE IN A NONVOTING ADVISORY CAPACITY.

19       (F)     (1)     THE MAYOR OF BALTIMORE CITY SHALL ASSIGN STAFF TO THE  
20 BOARD FOR THE PERIODIC MEETINGS OF THE BOARD FROM THE OFFICE OF THE  
21 CITY SOLICITOR AND THE COMMUNITY RELATIONS COMMISSION.

22               (2)     BALTIMORE CITY MAY HIRE AN INDEPENDENT ADMINISTRATOR TO  
23 SERVE THE BOARD.

24 16-44.

25       (A)     AN INDIVIDUAL WHO CLAIMS TO HAVE BEEN SUBJECTED TO OR  
26 WITNESSED AN ACT OF ABUSIVE LANGUAGE, HARASSMENT, OR EXCESSIVE FORCE,  
27 OR INJURY ALLEGEDLY RESULTING FROM EXCESSIVE FORCE CAUSED BY A POLICE  
28 OFFICER, MAY FILE A COMPLAINT AT THE OFFICE OF THE INTERNAL INVESTIGATIVE  
29 DIVISION, THE LEGAL AID BUREAU, THE MARYLAND HUMAN RELATIONS  
30 COMMISSION, THE BALTIMORE COMMUNITY RELATIONS COMMISSION, OR AT ANY OF  
31 THE POLICE DISTRICT STATIONS.

32       (B)     (1)     EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
33 COMPLAINT SHALL BE MADE WITHIN 1 YEAR OF THE ACTION GIVING RISE TO THE  
34 COMPLAINT.

35               (2)     A COMPLAINT FOR EXCESSIVE FORCE SHALL BE MADE WITHIN 90  
36 DAYS OF THE ALLEGED ACT OF EXCESSIVE FORCE.

1 (C) (1) (I) THE COMPLAINT SHALL BE REDUCED TO WRITING ON A FORM  
2 AUTHORIZED BY THE BOARD, SIGNED BY THE COMPLAINANT, AND WITNESSED BY A  
3 NOTARY PUBLIC.

4 (II) IN ADDITION TO THE REQUIREMENTS OF SUBPARAGRAPH (I) OF  
5 THIS PARAGRAPH, A COMPLAINT FOR EXCESSIVE FORCE SHALL BE SWORN TO BY  
6 THE COMPLAINANT.

7 (2) THE COMPLAINT SHALL INCLUDE:

8 (I) THE NAME OF THE COMPLAINANT;

9 (II) IF KNOWN, THE NAME OF THE POLICE OFFICER ALLEGEDLY  
10 INVOLVED;

11 (III) THE DATE, TIME, AND PLACE OF THE ALLEGED MISCONDUCT;

12 (IV) THE CIRCUMSTANCES OF THE ALLEGED MISCONDUCT; AND

13 (V) AN EXPLANATION OF THE ALLEGED MISCONDUCT THAT IS  
14 DEEMED TO BE WRONGFUL.

15 (D) ONE COPY OF THE COMPLETED FORM SHALL BE RETAINED BY THE  
16 RECIPIENT OF THE COMPLAINT AND A COPY GIVEN TO THE COMPLAINANT. A COPY  
17 SHALL BE SENT WITHIN 48 HOURS TO THE INTERNAL INVESTIGATIVE DIVISION AND  
18 THE SECRETARY OF THE BOARD.

19 (E) THE SECRETARY OF THE BOARD SHALL ASSIGN A CONSECUTIVE NUMBER  
20 TO EACH COMPLAINT, AND WITHIN 48 HOURS, SHALL SEND A COPY TO EACH  
21 MEMBER OF THE BOARD. THE SECRETARY SHALL ALSO MAINTAIN ON FILE A RECORD  
22 OF EACH COMPLAINT.

23 16-45.

24 (A) THE INTERNAL INVESTIGATIVE DIVISION SHALL MAKE A  
25 COMPREHENSIVE INVESTIGATION OF EACH COMPLAINT AND SUBMIT ITS INTERNAL  
26 INVESTIGATIVE DIVISION REPORT RELATING TO THE INCIDENT ALLEGED TO THE  
27 BOARD WITHIN 90 DAYS FROM THE DATE OF THE COMPLAINT.

28 (B) FOR GOOD CAUSE SHOWN, THE BOARD MAY EXTEND THE TIME ALLOWED  
29 TO COMPLETE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

30 16-46.

31 (A) (1) THE BOARD SHALL REVIEW ALL COMPLAINTS ALLEGING POLICE  
32 MISCONDUCT DESCRIBED IN § 16-42(A)(1) OF THIS SUBHEADING.

33 (2) THE BOARD MAY INVESTIGATE, SIMULTANEOUSLY WITH THE  
34 INTERNAL INVESTIGATIVE DIVISION, EACH COMPLAINT IT DEEMS APPROPRIATE  
35 AND REPORT ITS FINDINGS TO THE INTERNAL INVESTIGATIVE DIVISION.

1 (B) (1) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIRMAN OF  
2 THE BOARD, TO COMPEL:

3 (I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER  
4 THAN THE ACCUSED OFFICER; AND

5 (II) THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER  
6 DOCUMENT.

7 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER  
8 THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT  
9 JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

10 (3) A POLICE OFFICER MAY SUBMIT A WITNESS LIST TO THE BOARD 10  
11 DAYS OR MORE BEFORE THE BOARD TAKES TESTIMONY.

12 (4) THE CHAIRMAN OR THE SECRETARY OF THE BOARD MAY  
13 ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.

14 (5) THE POLICE OFFICER OR THE POLICE OFFICER'S REPRESENTATIVE  
15 SHALL HAVE THE RIGHT TO QUESTION WITNESSES WHO TESTIFY ABOUT THE  
16 COMPLAINT.

17 (6) ALL WITNESS TESTIMONY SHALL BE RECORDED.

18 (C) (1) THE BOARD SHALL REVIEW THE INTERNAL INVESTIGATIVE  
19 DIVISION'S REPORT.

20 (2) ON REVIEW OF THE INTERNAL INVESTIGATIVE DIVISION REPORT  
21 AND THE BOARD'S INVESTIGATIVE REPORT, IF ANY, OF EACH CASE, THE BOARD  
22 SHALL RECOMMEND TO THE COMMISSIONER ONE OF THE FOLLOWING ACTIONS:

23 (I) SUSTAIN THE COMPLAINT AND MAY RECOMMEND THE  
24 APPROPRIATE DISCIPLINARY ACTION AGAINST THE POLICE OFFICER;

25 (II) NOT SUSTAIN THE COMPLAINT;

26 (III) EXONERATE THE POLICE OFFICER; OR

27 (IV) FURTHER INVESTIGATION BY THE INTERNAL INVESTIGATIVE  
28 DIVISION.

29 (D) THE BOARD SHALL SUBMIT A STATEMENT OF ITS FINDINGS AND  
30 RECOMMENDATIONS TO THE COMMISSIONER WITHIN 30 DAYS OF RECEIPT OF THE  
31 INTERNAL INVESTIGATIVE DIVISION REPORT.

32 16-47.

33 ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT, REPORT, OR  
34 COMPLAINT IN THE COURSE OF AN INVESTIGATION BY THE INTERNAL  
35 INVESTIGATIVE DIVISION OR THE BOARD CONDUCTED UNDER THE PROVISIONS OF

1 THIS SUBHEADING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
2 TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR  
3 BOTH.

4 16-48.

5 (A) THE COMMISSIONER HAS FINAL DECISION-MAKING RESPONSIBILITY FOR  
6 THE APPROPRIATE DISCIPLINARY ACTION IN EACH CASE, BUT THE COMMISSIONER  
7 MAY NOT TAKE FINAL ACTION UNTIL THE COMMISSIONER HAS REVIEWED THE  
8 RECOMMENDATION OF THE BOARD UNDER § 16-46(C)(2) OF THIS SUBHEADING.

9 (B) IF A COMPLAINT IS NOT SUSTAINED OR THE POLICE OFFICER IS  
10 EXONERATED, ON WRITTEN REQUEST BY THE POLICE OFFICER SENT TO THE BOARD,  
11 THE BOARD SHALL EXPUNGE ALL RECORDS OF THE COMPLAINT.

12 16-49.

13 THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING MAY NOT BE  
14 CONSTRUED TO ABROGATE ANY CONSTITUTIONAL, STATUTORY, OR COMMON LAW  
15 RIGHT OF:

16 (1) A POLICE OFFICER AGAINST WHOM A COMPLAINT IS FILED; OR

17 (2) THE COMPLAINANTS, INVESTIGATORS, OR WITNESSES WHO  
18 PARTICIPATE IN THE COMPLAINT PROCEDURE UNDER THIS SUBHEADING.

19 16-50.

20 THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING MAY NOT BE  
21 CONSTRUED TO AFFECT OR CHANGE THE METHODS AND PROCEDURES FOR  
22 SUSPENSION OR DISMISSAL OF POLICE OFFICERS.

23 16-51.

24 A POLICE OFFICER MAY NOT BE PENALIZED OR AFFECTED ADVERSELY IN ANY  
25 WAY AS A RESULT OF THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING  
26 WITHOUT HAVING BEEN FIRST AFFORDED PROPER WRITTEN NOTICE OF THE  
27 CHARGES LODGED AGAINST THE OFFICER AND THE RIGHT TO A HEARING BEFORE  
28 THE POLICE TRIAL BOARD IN ACCORDANCE WITH DUE PROCESS OF LAW.

29 16-52.

30 (A) RECORDS CONTAINING THE NAMES OR IDENTIFICATION OF  
31 COMPLAINANTS, INVESTIGATORS, AND WITNESSES MAY NOT BE DISCLOSED OR  
32 RELEASED TO THE PUBLIC.

33 (B) (1) THE INTERNAL INVESTIGATIVE DIVISION SHALL RETAIN SOLE  
34 CUSTODY OF AN INTERNAL INVESTIGATIVE DIVISION REPORT.

35 (2) EXCEPT FOR AN INTERNAL INVESTIGATIVE DIVISION REPORT, THE  
36 BOARD SHALL BE THE CUSTODIAN OF ALL RECORDS OF A PROCEEDING FOR A

1 COMPLAINT UNDER THIS SUBHEADING, INCLUDING PERSONAL NOTES, AUDIO  
2 RECORDINGS, MEMORANDA, LETTERS, AND FORMS RESULTING FROM A COMPLAINT  
3 AND PROCEEDINGS BEFORE THE BOARD INVOLVING THE COMPLAINT.

4 16-53.

5 SUBJECT TO THE PROVISIONS OF THIS SUBHEADING, THE BOARD MAY ADOPT  
6 REASONABLE AND PROPER REGULATIONS TO GOVERN ITS PROCEDURES.

7 16-54.

8 (A) THE BOARD SHALL PREPARE AND PUBLISH A SEMIANNUAL STATISTICAL  
9 REPORT REGARDING THE COMPLAINTS PROCESSED UNDER THIS SUBHEADING.

10 (B) THE BOARD SHALL SUBMIT THE REPORT SEMIANNUALLY TO THE MAYOR  
11 AND CITY COUNCIL OF BALTIMORE CITY AND THE COMMISSIONER.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
13 members of the public serving on the Civilian Review Board shall expire as follows:

14 (1) in 2000, one member from each of the following police districts:

15 (i) Central District;

16 (ii) Eastern District; and

17 (iii) Northeastern District;

18 (2) in 2001, one member from each of the following police districts:

19 (i) Northern District;

20 (ii) Northwestern District; and

21 (iii) Southeastern District; and

22 (3) in 2002, one member from each of the following police districts:

23 (i) Southern District;

24 (ii) Southwestern District; and

25 (iii) Western District.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
27 effect October 1, 1999.

