

SENATE BILL 747

Unofficial Copy
L2

1999 Regular Session
9lr2379
CF 9lr2474

By: **Senators Hughes, Mitchell, Conway, McFadden, Blount, and Kelley**

Introduced and read first time: February 26, 1999

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 11, 1999

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 1999

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 personnel; providing for the
22 membership, officers, meetings, staff, and powers of the Board; authorizing the
23 City of Baltimore 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 personnel under
26 certain circumstances; requiring the Internal Investigation Division of the
27 Baltimore City Police Department to investigate each complaint and report to

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

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

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

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

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

37 **Article 4 - Baltimore City**

38 16-1.

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

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

3 (4) (2) "Department" shall mean the Police Department of Baltimore
4 City as constituted and established by this subtitle.

5 (2) (3) "Commissioner" or "Commissioner of Police" shall mean the
6 Police Commissioner of Baltimore City.

7 (3) (4) "Members of the department" shall mean and include all
8 persons and personnel employed by the department, whether civilian employees or
9 police officers.

10 (4) (5) "Police officers" shall mean all those members of the
11 department having and exercising the powers of police officers, as provided in this
12 subtitle, and shall specifically include the Police Commissioner of Baltimore City, all
13 deputy police commissioners, and such other ranks or positions which the
14 Commissioner may determine require experience as a police officer as a prerequisite.

15 (5) (6) "Civilian employees" shall mean all members of the department
16 other than police officers.

17 (6) (7) "Examining Authority" shall mean the Civil Service
18 Commission of Baltimore.

19 ~~[Complaint Evaluation] POLICE REVIEW Board~~

20 ~~16-41.~~

21 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
22 ~~INDICATED.~~

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

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

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

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

31 ~~[16-41.]16-42.~~

32 (a) The ~~[Complaint Evaluation] POLICE REVIEW Board [(C.E.B.)]~~ of
33 Baltimore City is created to provide a permanent, statutory agency in Baltimore City
34 through which complaints lodged by members of the general public regarding
35 ~~[alleged acts of discourtesy and] ABUSIVE LANGUAGE, HARASSMENT, OR excessive~~

1 force by personnel of the [Police] Department [of Baltimore City] are to be processed
 2 and evaluated ~~AND DEPARTMENT POLICIES MAY BE REVIEWED.~~

3 (b) The POLICE REVIEW Board is composed of [the following members or their
 4 delegates]:

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

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

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

11 (4) [The Police Commissioner of Baltimore City

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

14 [(6)] (5) The Executive Director of the Maryland Human Relations
 15 Commission ~~OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

16 [(7)] (6) The Executive Director of the Baltimore City Community
 17 Relations Commission ~~OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

18 [(8)] (7) The Chairperson of the Baltimore City Police Advisory Council
 19 ~~OR THE CHAIRPERSON'S DESIGNEE;~~

20 [(9)] (8) [Four] EIGHT members of the general public appointed by the
 21 Mayor of Baltimore City ~~SUBJECT TO THE CONSENT OF THE CITY COUNCIL;~~

22 (9) ONE DELEGATE FROM BALTIMORE CITY APPOINTED BY THE
 23 SPEAKER OF THE HOUSE OF DELEGATES;

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

26 (11) ONE MEMBER OF THE BALTIMORE CITY COUNCIL APPOINTED BY
 27 THE MAYOR OF BALTIMORE CITY ~~SUBJECT TO THE CONSENT OF THE CITY COUNCIL.~~

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

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

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

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

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

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

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

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

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

18 ~~[16 42.] 16 43.~~

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

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

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

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

37 (E) ~~THE POLICE REVIEW BOARD SHALL REVIEW ALL COMPLAINTS ALLEGING~~
38 ~~POLICE MISCONDUCT.~~

1 ~~[(e) The Internal Investigation Division shall make a comprehensive~~
 2 ~~investigation of each complaint and submit its report thereof to the Board within 90~~
 3 ~~days from the date of the complaint.~~

4 ~~(f) The Board shall review the Internal Investigation Division's report and~~
 5 ~~submit in writing to the Police Commissioner within 30 days from receipt thereof, a~~
 6 ~~statement of its findings and recommendations as provided under Section 16-43(b).~~
 7 ~~The Police Commissioner shall, within 30 days of his receipt of the findings and~~
 8 ~~recommendations of the C.E.B. forward to the Board a statement of his disposition in~~
 9 ~~each case. Concurrent with this, the Police Commissioner will also forward a copy of~~
 10 ~~the Board's recommendation and the Police Commissioner's statement of disposition~~
 11 ~~to the complainant and respondent police personnel.]~~

12 ~~[16-43.] 16-44.~~

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

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

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

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

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

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

28 ~~(c) (1) The POLICE REVIEW Board:~~

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

32 ~~(II) MAY ISSUE A SUBPOENA TO COMPEL THE ATTENDANCE AND~~
 33 ~~TESTIMONY OF A WITNESS OR THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER~~
 34 ~~DOCUMENT.~~

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

1 ~~{16-44.} 16-45.~~

2 The Police ~~{Commissioner} REVIEW BOARD~~ has final decision making
3 responsibility for the appropriate disciplinary action in each case, but no final action
4 may be taken until the recommendation of the Board has been reviewed.

5 ~~{16-45.} 16-46.~~

6 Nothing contained in this article may abrogate any constitutional, statutory or
7 common-law right of police personnel against whom a complaint is filed, nor of the
8 complainants, investigators or witnesses who participate in the complaint procedure.
9 ~~{16-46.} 16-47.~~

10 This procedure may not be construed to affect or change the methods and
11 procedures for suspension or dismissal of members of the ~~{Baltimore City Police}~~
12 Department.

13 ~~{16-47.} 16-48.~~

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

18 ~~{16-48.} 16-49.~~

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

22 ~~{16-49.} 16-50.~~

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

25 ~~{16-50.} 16-51.~~

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

28 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the terms of members
29 of the general public serving on the Complaint Evaluation Board, renamed the Police
30 Review Board under Section 1 of this Act, on the effective date of this Act shall remain
31 in effect. The terms of the additional members of the general public added by Section
32 ~~1~~ of this Act shall expire as follows:

33 (1) one member in 2000;

34 (2) one member in 2001;

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

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

3 CIVILIAN REVIEW BOARD

4 16-41.

5 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) (1) "ABUSIVE LANGUAGE" MEANS HARSH, VIOLENT, PROFANE, OR
8 DEROGATORY LANGUAGE WHICH WOULD DEMEAN THE DIGNITY OF AN INDIVIDUAL.

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

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

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

16 (D) "HARASSMENT" MEANS REPEATED, UNWARRANTED VERBAL OR PHYSICAL
17 ANNOYANCES, THREATS, OR DEMANDS.

18 16-42.

19 (A) THE CIVILIAN REVIEW BOARD OF BALTIMORE CITY IS ESTABLISHED TO
20 PROVIDE A PERMANENT, STATUTORY AGENCY IN BALTIMORE CITY THROUGH
21 WHICH:

22 (1) COMPLAINTS LODGED BY MEMBERS OF THE GENERAL PUBLIC
23 REGARDING ABUSIVE LANGUAGE, HARASSMENT, OR EXCESSIVE FORCE BY POLICE
24 PERSONNEL OF THE DEPARTMENT SHALL BE PROCESSED AND EVALUATED; AND

25 (2) DEPARTMENT POLICIES MAY BE REVIEWED.

26 (B) JURISDICTION OF THE BOARD SHALL EXTEND ONLY TO COMPLAINTS
27 AGAINST POLICE PERSONNEL WITH RESPECT TO ABUSIVE LANGUAGE, HARASSMENT,
28 AND USE OF EXCESSIVE FORCE AS DEFINED IN § 16-41 OF THIS SUBTITLE AND BY
29 DEPARTMENT RULES AND REGULATIONS.

30 16-43.

31 (A) (1) THE CIVILIAN REVIEW BOARD IS COMPOSED OF:

32 (I) ONE MEMBER OF THE GENERAL PUBLIC FROM EACH OF THE
33 NINE POLICE DISTRICTS IN BALTIMORE CITY SELECTED BY THE MAYOR, SUBJECT TO
34 THE ADVICE AND CONSENT OF THE CITY COUNCIL;

- 1 (II) ONE REPRESENTATIVE OF THE FRATERNAL ORDER OF POLICE;
2 (III) ONE REPRESENTATIVE OF THE VANGUARD JUSTICE SOCIETY;
3 AND
- 4 (IV) THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE.
- 5 (2) EACH MEMBER OF THE GENERAL PUBLIC SHALL:
- 6 (I) BE A VOTING MEMBER OF THE BOARD; BUT
7 (II) MAY NOT BE A CURRENT EMPLOYEE OF A MUNICIPAL, COUNTY,
8 STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.
- 9 (3) EACH VOTING MEMBER OF THE BOARD SHALL BE A RESIDENT OF
10 BALTIMORE CITY.
- 11 (B) AT ITS FIRST MEETING EACH YEAR, THE BOARD SHALL ELECT A
12 CHAIRMAN AND SECRETARY.
- 13 (C) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO PERFORM ITS
14 FUNCTIONS AND DUTIES, BUT IT SHALL MEET AT LEAST ONCE A MONTH.
- 15 (D) (1) THE BOARD SHALL DETERMINE WHAT CONSTITUTES A QUORUM.
- 16 (2) IN ALL MATTERS WHERE A QUORUM IS PRESENT, A MAJORITY OF
17 THE VOTING MEMBERS OF THE BOARD SHALL PREVAIL.
- 18 (E) (1) THE TERMS OF THE MEMBERS OF THE BOARD FROM THE GENERAL
19 PUBLIC APPOINTED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION IS 3 YEARS.
- 20 (2) (I) THE TERMS OF THE MEMBERS FROM THE GENERAL PUBLIC
21 ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS FROM
22 THE GENERAL PUBLIC ON OCTOBER 1, 1999.
- 23 (II) A MEMBER FROM THE GENERAL PUBLIC IS NOT ELIGIBLE TO
24 SERVE FOR MORE THAN TWO FULL SUCCESSIVE TERMS.
- 25 (3) AT THE END OF A TERM, A MEMBER APPOINTED UNDER SUBSECTION
26 (A)(1)(I) OF THIS SECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED
27 AND QUALIFIES.
- 28 (4) A MEMBER WHO IS APPOINTED UNDER SUBSECTION (A)(1)(I) OF THIS
29 SECTION AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND
30 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- 31 (5) THE MEMBERS APPOINTED UNDER SUBSECTION (A)(1)(II), (III), AND
32 (IV) OF THIS SECTION SHALL SERVE IN A NONVOTING ADVISORY CAPACITY.

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

4 (2) THE CITY OF BALTIMORE MAY HIRE AN INDEPENDENT
5 ADMINISTRATOR TO SERVE THE BOARD.

6 16-44.

7 (A) A PERSON WHO CLAIMS TO HAVE BEEN SUBJECTED TO, OR HAVE
8 PERSONAL KNOWLEDGE OF, AN ACT OF ABUSIVE LANGUAGE, HARASSMENT, OR USE
9 OF EXCESSIVE FORCE, OR INJURY ALLEGEDLY RESULTING FROM EXCESSIVE FORCE
10 CAUSED BY POLICE PERSONNEL, MAY FILE A COMPLAINT OF SUCH CONDUCT AT THE
11 OFFICE OF THE INTERNAL INVESTIGATION DIVISION OF THE DEPARTMENT, THE
12 LEGAL AID BUREAU, THE MARYLAND HUMAN RELATIONS COMMISSION, THE
13 BALTIMORE COMMUNITY RELATIONS COMMISSION, OR AT ANY OF THE POLICE
14 DISTRICT STATIONS.

15 (B) THE COMPLAINT SHALL BE REDUCED TO WRITING ON A CONSECUTIVELY
16 NUMBERED FORM AUTHORIZED BY THE BOARD, SIGNED BY THE COMPLAINANT, AND
17 WITNESSED BY A NOTARY PUBLIC.

18 (C) ONE COPY OF THE COMPLETED FORM SHALL BE RETAINED BY THE
19 RECIPIENT OF THE COMPLAINT AND A COPY GIVEN TO THE COMPLAINANT. A COPY
20 SHALL BE MAILED WITHIN 48 HOURS TO THE INTERNAL INVESTIGATION DIVISION
21 AND THE SECRETARY OF THE BOARD.

22 (D) THE SECRETARY OF THE BOARD SHALL:

23 (1) ASSIGN A CONSECUTIVE NUMBER TO EACH COMPLAINT;

24 (2) WITHIN 48 HOURS MAIL A COPY OF THE COMPLAINT TO EACH
25 MEMBER OF THE BOARD; AND

26 (3) MAINTAIN ON FILE A RECORD OF EACH COMPLAINT.

27 16-45.

28 (A) THE INTERNAL INVESTIGATION DIVISION SHALL MAKE A
29 COMPREHENSIVE INVESTIGATION OF EACH COMPLAINT AND SUBMIT ITS COMPLETE
30 INVESTIGATIVE REPORT TO THE BOARD WITHIN 90 DAYS FROM THE DATE OF THE
31 COMPLAINT.

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

34 16-46.

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

1 (2) THE BOARD MAY INVESTIGATE, SIMULTANEOUSLY WITH THE
2 INTERNAL INVESTIGATION DIVISION, EACH COMPLAINT IT DEEMS APPROPRIATE
3 AND REPORT ITS RECOMMENDATIONS TO THE INTERNAL INVESTIGATION DIVISION.

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

6 (I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER
7 THAN THE ACCUSED OFFICER; AND

8 (II) THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER
9 DOCUMENT THAT IS RELEVANT TO THE SPECIFIC COMPLAINT UNDER
10 CONSIDERATION.

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

14 (3) THE CHAIRMAN OR THE SECRETARY OF THE BOARD MAY
15 ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.

16 (C) (1) THE BOARD SHALL REVIEW THE INTERNAL INVESTIGATION
17 DIVISION'S REPORT.

18 (2) ON REVIEW OF THE INTERNAL INVESTIGATION DIVISION'S AND THE
19 BOARD'S INVESTIGATIVE REPORT, IF ANY, OF EACH CASE, THE BOARD SHALL MAKE
20 ANY ONE OF THE FOLLOWING RECOMMENDATIONS:

21 (I) SUSTAIN THE COMPLAINT AND RECOMMEND THE
22 APPROPRIATE DISCIPLINARY ACTION AGAINST THE POLICE PERSONNEL;

23 (II) NOT SUSTAIN THE COMPLAINT BECAUSE OF LACK OR
24 INSUFFICIENCY OF EVIDENCE;

25 (III) EXONERATE THE POLICE PERSONNEL BECAUSE OF THE
26 COMPLAINANT'S FAILURE TO PROVE THE CASE BY A PREPONDERANCE OF EVIDENCE;

27 (IV) REMAND THE CASE TO THE INTERNAL INVESTIGATION
28 DIVISION FOR FURTHER INVESTIGATION; OR

29 (V) REFER THE CASE TO THE MARYLAND STATE POLICE.

30 (D) THE BOARD SHALL SUBMIT A STATEMENT OF ITS RECOMMENDATIONS TO
31 THE POLICE COMMISSIONER WITHIN 30 DAYS OF RECEIPT OF THE INTERNAL
32 INVESTIGATION DIVISION'S REPORT.

33 16-47.

34 ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT, REPORT, OR
35 COMPLAINT IN THE COURSE OF AN INVESTIGATION BY THE INTERNAL
36 INVESTIGATION DIVISION OR THE BOARD CONDUCTED UNDER THIS SUBHEADING IS

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

3 16-48.

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

8 16-49.

9 NOTHING IN THIS SUBHEADING MAY ABROGATE ANY CONSTITUTIONAL,
10 STATUTORY, OR COMMON LAW RIGHT OF POLICE PERSONNEL AGAINST WHOM A
11 COMPLAINT IS FILED, NOR OF THE COMPLAINANTS, INVESTIGATORS, OR WITNESSES
12 WHO PARTICIPATE IN THE COMPLAINT PROCEDURE.

13 16-50.

14 THIS PROCEDURE MAY NOT BE CONSTRUED TO AFFECT OR CHANGE THE
15 METHODS AND PROCEDURES FOR SUSPENSION OR DISMISSAL OF MEMBERS OF THE
16 DEPARTMENT.

17 16-51.

18 POLICE PERSONNEL MAY NOT BE PENALIZED OR AFFECTED ADVERSELY IN ANY
19 WAY AS A RESULT OF THE PROCEDURE SET FORTH IN THIS SUBHEADING WITHOUT
20 HAVING BEEN FIRST AFFORDED PROPER WRITTEN NOTICE OF THE CHARGES
21 LODGED AGAINST POLICE PERSONNEL AND THE RIGHT TO A HEARING BEFORE THE
22 POLICE TRIAL BOARD IN ACCORDANCE WITH DUE PROCESS OF LAW.

23 16-52.

24 RECORDS CONTAINING THE NAMES OR IDENTIFICATION OF POLICE
25 PERSONNEL, COMPLAINANTS, INVESTIGATORS, AND WITNESSES MAY NOT BE
26 DISCLOSED OR RELEASED TO THE GENERAL PUBLIC.

27 16-53.

28 SUBJECT TO THE PROVISIONS OF THIS SUBHEADING, THE BOARD MAY ADOPT
29 REASONABLE AND PROPER RULES TO GOVERN ITS PROCEDURES.

30 16-54.

31 (A) THE BOARD SHALL PREPARE AND PUBLISH A SEMIANNUAL STATISTICAL
32 AND ANALYTICAL REPORT REGARDING THE COMPLAINTS PROCESSED UNDER THIS
33 SUBHEADING.

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

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

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

5 (i) Central District;

6 (ii) Eastern District; and

7 (iii) Northeastern District;

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

9 (i) Northern District;

10 (ii) Northwestern District; and

11 (iii) Southeastern District; and

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

13 (i) Southern District;

14 (ii) Southwestern District; and

15 (iii) Western District.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 1999. It shall remain effective for a period of 3 years and, at the end
18 of September 30, 2002, with no further action required by the General Assembly, this
19 Act shall be abrogated and of no further force and effect.