

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 1138 (Delegate Oaks. *et al.*)

Judiciary

Baltimore City - Civilian Review Board

This bill establishes a Civilian Review Board of Baltimore City to look into certain categories of complaints against the police department and eliminates the existing Complaint Evaluation Board (CEB).

Fiscal Summary

State Effect: Minimal. The criminal penalty provisions of this bill are not expected to significantly affect governmental finances or operations. Persons sentenced to a term of less than one year in Baltimore City are generally incarcerated in Division of Correction (DOC) facilities.

Local Effect: Minimal. While this bill could lead to an increase in some incidental costs, the bill's changes could be accommodated with the existing budgeted resources of Baltimore City. If the city hires an independent administrator for the board, it is assumed that the additional expenditure could be handled with existing resources. Currently, the costs of operating the CEB are handled with the budgeted resources of the agencies represented on the CEB. The city does not provide the CEB with a separate budget allotment. In FY 1998, 101 cases were presented for review by the CEB; most of these concerned allegations of excessive force.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill establishes a Civilian Review Board of Baltimore City as a permanent, statutory agency through which complaints against police personnel must be processed and evaluated. The board may also review police department policies. The board's jurisdiction is limited to complaints regarding "abusive language," "harassment," and "excessive force." False statements, reports, or complaints to the board or the Internal Investigation Division subjects offenders to maximum misdemeanor penalties of a fine of \$500 and/or imprisonment for six months.

The bill eliminates the existing Complaint Evaluation Board and specifies the membership of the new board and details requirements relating to members, including staggered terms. The Mayor is required to assign staff to the board from the Office of the City Solicitor and the Community Relations Commission, and the city is authorized to hire an independent administrator to serve the board. The board is required to publish a semiannual statistical report regarding police complaints. The report must be submitted to the Mayor, the City Council, and the Police Commissioner.

The bill provides the procedures for filing and processing complaints, the time frames in which complaints must be filed and handled, and a list of actions from which the board must choose in making its determinations. Complaints alleging excessive force are subject to additional specified filing requirements. The board is granted a specified subpoena power. Police personnel guaranteed due process, and the methods and procedures for suspension or dismissal of members of the department may not be affected.

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

Fiscal Note History:

First Reader - March 19, 1999

Inc/jr

Revised - House Third Reader - April 7, 1999

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