

# HOUSE BILL 1371

L2, E4

9lr3204

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By: **Delegate Glenn**

Introduced and read first time: February 20, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Public Safety Community Oversight Board**

3 FOR the purpose of repealing certain provisions of law relating to the Baltimore City  
4 Civilian Review Board; establishing the Public Safety Community Oversight Board  
5 to process and review certain complaints and review certain policies; requiring a law  
6 enforcement unit to place certain posters in certain areas; requiring an explanation  
7 of certain procedures to be included in a certain manual; requiring each member of  
8 the Board to receive certain training; providing for the composition of the Board;  
9 providing for the election of officers of the Board; requiring the Board to meet at  
10 certain intervals in certain locations; providing for how a certain quorum is  
11 determined; providing for the terms of members of the Board; providing for staff to  
12 the Board; providing for legal counsel to the Board; providing for procedures and  
13 requirements for filing a certain complaint; establishing a procedure for dealing with  
14 certain complaints; authorizing the Board to issue a certain subpoena; providing for  
15 certain witnesses and oaths; requiring the Board to take certain actions with regard  
16 to a certain complaint and a certain report; requiring the Board to submit a certain  
17 statement of findings and recommendations to the head of a certain law enforcement  
18 unit within a certain period; prohibiting a person from knowingly making a false  
19 statement, report, or complaint in the course of a certain investigation; providing  
20 certain criminal penalties; establishing that the head of a law enforcement unit has  
21 a certain responsibility for certain disciplinary action; providing for expungement of  
22 certain records; providing that the Act does not abrogate certain rights or change  
23 certain methods and procedures; prohibiting certain penalties under certain  
24 conditions; prohibiting disclosure of certain records; establishing the custodian of  
25 certain records; authorizing the Board to adopt certain regulations; requiring the  
26 Board to prepare, publish, and submit certain reports; defining certain terms;  
27 providing for the scope of this Act; and generally relating to the Public Safety  
28 Community Oversight Board.

29 BY repealing

30 The Public Local Laws of Baltimore City

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–41 through 16–54  
2 Article 4 – Public Local Laws of Maryland  
3 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

4 BY adding to  
5 Article – Public Safety  
6 Section 3–521  
7 Annotated Code of Maryland  
8 (2018 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
10 That Section(s) 16–41 through 16–54 of Article 4 – Baltimore City of the Code of Public  
11 Local Laws of Maryland be repealed.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
13 as follows:

14 **Article – Public Safety**

15 **3–521.**

16 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

17 **(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
18 **INDICATED.**

19 **(2) “ABUSIVE LANGUAGE” MEANS THE USE OF REMARKS INTENDED**  
20 **TO BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING THAT MAY**  
21 **OR MAY NOT BE BASED ON THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION,**  
22 **SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR GENDER IDENTITY OF AN**  
23 **INDIVIDUAL.**

24 **(3) “BOARD” MEANS THE PUBLIC SAFETY COMMUNITY OVERSIGHT**  
25 **BOARD.**

26 **(4) (I) “EXCESSIVE FORCE” MEANS THE USE OF GREATER**  
27 **PHYSICAL FORCE THAN REASONABLY NECESSARY TO REPEL AN ATTACKER OR**  
28 **TERMINATE RESISTANCE.**

29 **(II) “EXCESSIVE FORCE” DOES NOT INCLUDE FORCE THAT IS**  
30 **REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.**

31 **(5) “FALSE ARREST” MEANS AN ARREST MADE WITHOUT LEGAL**  
32 **JUSTIFICATION.**

1           **(6) “FALSE IMPRISONMENT” MEANS THE INTENTIONAL RESTRICTION**  
2 **WITHOUT LEGAL JUSTIFICATION OF THE FREEDOM OF MOVEMENT OF A PERSON**  
3 **WHO IS AWARE OF THE RESTRICTION AND WHO DOES NOT CONSENT.**

4           **(7) (I) “HARASSMENT” MEANS:**

5                   **1. REPEATED OR UNWANTED CONDUCT THAT IS**  
6 **INTENDED TO BE OVERTLY DEMEANING, HUMILIATING, MOCKING, INSULTING, OR**  
7 **BELITTLING; OR**

8                   **2. ANY CONDUCT THAT IS INTENDED TO CAUSE**  
9 **UNNECESSARY PHYSICAL DISCOMFORT OR INJURY.**

10           **(II) “HARASSMENT” DOES NOT INCLUDE CONDUCT THAT IS**  
11 **REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.**

12           **(8) “LAW ENFORCEMENT UNIT” MEANS:**

13                   **(I) THE POLICE DEPARTMENT OF BALTIMORE CITY;**

14                   **(II) THE BALTIMORE CITY SCHOOL POLICE;**

15                   **(III) THE UNIVERSITY OF BALTIMORE POLICE FORCE;**

16                   **(IV) THE BALTIMORE CITY SHERIFF’S DEPARTMENT;**

17                   **(V) THE BALTIMORE CITY WATERSHED POLICE FORCE;**

18                   **(VI) THE UNIVERSITY OF MARYLAND AT BALTIMORE POLICE**  
19 **FORCE;**

20                   **(VII) THE COPPIN STATE UNIVERSITY POLICE FORCE;**

21                   **(VIII) THE BALTIMORE CITY COMMUNITY COLLEGE POLICE**  
22 **FORCE;**

23                   **(IX) THE MORGAN STATE UNIVERSITY POLICE FORCE; OR**

24                   **(X) THE SPECIAL TRAFFIC ENFORCEMENT OFFICERS OF THE**  
25 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION.**

1           **(9) "POLICE OFFICER" MEANS A MEMBER OF A LAW ENFORCEMENT**  
2 **UNIT AUTHORIZED TO MAKE ARRESTS OR ENFORCE THE LAWS OF THE STATE OF**  
3 **MARYLAND.**

4           **(C) (1) THERE IS A PUBLIC SAFETY COMMUNITY OVERSIGHT BOARD.**

5           **(2) THE BOARD IS ESTABLISHED TO PROVIDE A PERMANENT,**  
6 **STATUTORY AGENCY IN BALTIMORE CITY THROUGH WHICH:**

7           **(I) COMPLAINTS LODGED BY MEMBERS OF THE PUBLIC**  
8 **REGARDING ABUSIVE LANGUAGE, FALSE ARREST, FALSE IMPRISONMENT,**  
9 **HARASSMENT, OR EXCESSIVE FORCE BY POLICE OFFICERS OF A LAW ENFORCEMENT**  
10 **UNIT MAY BE PROCESSED AND EVALUATED; AND**

11           **(II) POLICIES OF A LAW ENFORCEMENT UNIT MAY BE**  
12 **REVIEWED.**

13           **(3) THE JURISDICTION OF THE BOARD IS LIMITED TO THE MATTERS**  
14 **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.**

15           **(4) A LAW ENFORCEMENT UNIT SHALL PLACE POSTERS IN ALL LAW**  
16 **ENFORCEMENT UNIT STATIONS AND ELSEWHERE THROUGHOUT BALTIMORE CITY**  
17 **TO EXPLAIN THE PROCEDURE FOR FILING A COMPLAINT UNDER THIS SECTION.**

18           **(5) AN EXPLANATION OF THE BOARD'S COMPLAINT PROCEDURES**  
19 **SHALL BE:**

20           **(I) MADE TO ALL POLICE OFFICERS IN A DEPARTMENTAL**  
21 **POLICY TO BE INCLUDED IN THE MANUAL OF RULES AND PROCEDURES OF A LAW**  
22 **ENFORCEMENT UNIT; AND**

23           **(II) INCLUDED IN THE TRAINING PROGRAM FOR NEW POLICE**  
24 **OFFICERS.**

25           **(6) (I) EACH MEMBER OF THE BOARD SHALL RECEIVE TRAINING**  
26 **ON THE ISSUES OF ABUSIVE LANGUAGE, FALSE ARREST, FALSE IMPRISONMENT,**  
27 **HARASSMENT, AND EXCESSIVE FORCE.**

28           **(II) THE TRAINING DESCRIBED IN SUBPARAGRAPH (I) OF THIS**  
29 **PARAGRAPH SHALL BE PROVIDED BY A PERSON WHO:**

30           **1. IS AN INSTRUCTOR FROM AN ACCREDITED ACADEMIC**  
31 **INSTITUTION THAT HAS A CRIMINAL JUSTICE OR LEGAL CURRICULUM; AND**

1                                   **2. QUALIFIES FOR CERTIFICATION AS AN INSTRUCTOR**  
2 **BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS.**

3           **(D) (1) THE BOARD IS COMPOSED OF:**

4                                   **(I) ONE MEMBER OF THE PUBLIC FROM EACH OF THE NINE**  
5 **POLICE DISTRICTS IN BALTIMORE CITY SELECTED BY THE BALTIMORE CITY**  
6 **DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, SUBJECT TO THE ADVICE**  
7 **AND CONSENT OF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**  
8 **HOUSE, WHO SHALL PRESENT THE NAME OF EACH PERSON TO BE APPOINTED TO**  
9 **THE GOVERNOR FOR FORMAL APPOINTMENT (“PUBLIC MEMBERS”);**

10                                   **(II) ONE REPRESENTATIVE OF THE BALTIMORE BRANCH OF THE**  
11 **NAACP DESIGNATED BY THE PRESIDENT OF THE BALTIMORE BRANCH OF THE**  
12 **NAACP; AND**

13                                   **(III) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES**  
14 **UNION (ACLU) OF MARYLAND DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE**  
15 **ACLU OF MARYLAND.**

16                                   **(2) EACH MEMBER OF THE BOARD SELECTED UNDER PARAGRAPH**  
17 **(1)(I) OF THIS SUBSECTION SHALL BE A VOTING MEMBER.**

18                                   **(3) A MEMBER OF THE BOARD SELECTED UNDER PARAGRAPH (1)(I)**  
19 **OF THIS SUBSECTION MAY NOT BE A CURRENT EMPLOYEE OF A MUNICIPAL, COUNTY,**  
20 **STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.**

21                                   **(4) EACH MEMBER OF THE BOARD SELECTED UNDER PARAGRAPH**  
22 **(1)(I) OF THIS SUBSECTION SHALL BE A RESIDENT OF BALTIMORE CITY.**

23                                   **(5) AT THE FIRST MEETING OF THE BOARD EACH YEAR, THE BOARD**  
24 **SHALL ELECT A CHAIR AND A SECRETARY.**

25                                   **(6) (I) THE BOARD SHALL MEET AT LEAST ONCE A MONTH AND AS**  
26 **OFTEN AS NECESSARY TO PERFORM THE FUNCTIONS AND DUTIES OF THE BOARD.**

27                                   **(II) EACH YEAR AT LEAST FOUR MEETINGS OF THE BOARD**  
28 **SHALL BE HELD IN LOCATIONS ROTATED THROUGHOUT DIFFERENT POLICE**  
29 **DISTRICTS IN BALTIMORE CITY.**

30                                   **(7) (I) THE BOARD SHALL DETERMINE WHAT CONSTITUTES A**  
31 **QUORUM OF THE BOARD.**

1                   **(II) IN ALL MATTERS WHERE A QUORUM IS PRESENT, A**  
2 **MAJORITY OF THE VOTING MEMBERS IN ATTENDANCE SHALL PREVAIL.**

3                   **(8) (I) THE TERM OF A MEMBER OF THE BOARD SELECTED UNDER**  
4 **PARAGRAPH (1)(I) OF THIS SUBSECTION IS 3 YEARS.**

5                   **(II) 1. THE TERMS OF THE MEMBERS OF THE BOARD**  
6 **SELECTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION ARE STAGGERED AS**  
7 **REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS ON OCTOBER 1, 2019.**

8                   **2. A MEMBER OF THE BOARD SELECTED UNDER**  
9 **PARAGRAPH (1)(I) OF THIS SUBSECTION IS NOT ELIGIBLE TO SERVE FOR MORE THAN**  
10 **TWO FULL SUCCESSIVE TERMS.**

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

14                   **(IV) A MEMBER OF THE BOARD SELECTED UNDER PARAGRAPH**  
15 **(1)(I) OF THIS SUBSECTION WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**  
16 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**  
17 **QUALIFIES.**

18                   **(9) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**  
19 **SERVICES SHALL ASSIGN STAFF TO THE BOARD FOR THE MEETINGS OF THE BOARD.**

20                   **(10) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
21 **PARAGRAPH, THE OFFICE OF THE ATTORNEY GENERAL SHALL ACT AS A LEGAL**  
22 **ADVISOR TO THE BOARD.**

23                   **(II) IN CASES IN WHICH THE BOARD IS INVESTIGATING A STATE**  
24 **LAW ENFORCEMENT UNIT, THE SECRETARY OF PUBLIC SAFETY AND**  
25 **CORRECTIONAL SERVICES SHALL PROVIDE INDEPENDENT OUTSIDE COUNSEL TO**  
26 **ADVISE AND REPRESENT THE BOARD.**

27                   **(E) (1) AN INDIVIDUAL CLAIMING TO HAVE BEEN SUBJECTED TO OR TO**  
28 **HAVE WITNESSED AN ACT OF ABUSIVE LANGUAGE, FALSE ARREST, FALSE**  
29 **IMPRISONMENT, HARASSMENT, OR EXCESSIVE FORCE, OR INJURY ALLEGEDLY**  
30 **RESULTING FROM EXCESSIVE FORCE CAUSED BY A POLICE OFFICER, MAY FILE A**  
31 **COMPLAINT AT:**

1                   **(I) THE OFFICE OF THE INTERNAL INVESTIGATIVE DIVISION**  
2 **OF THE AFFECTED LAW ENFORCEMENT UNIT;**

3                   **(II) THE LEGAL AID BUREAU;**

4                   **(III) THE MARYLAND HUMAN RELATIONS COMMISSION;**

5                   **(IV) THE BALTIMORE COMMUNITY RELATIONS COMMISSION;**

6 **OR**

7                   **(V) ANY POLICE DISTRICT STATION.**

8                   **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
9 **PARAGRAPH, A COMPLAINT SHALL BE MADE WITHIN 1 YEAR OF THE ACTION GIVING**  
10 **RISE TO THE COMPLAINT.**

11                   **(II) A COMPLAINT OF EXCESSIVE FORCE SHALL BE MADE**  
12 **WITHIN 90 DAYS OF THE ALLEGED ACT OF EXCESSIVE FORCE.**

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

16   **2. IN ADDITION TO THE REQUIREMENTS DESCRIBED IN**  
17 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, A COMPLAINT OF EXCESSIVE**  
18 **FORCE SHALL BE SWORN TO BY THE COMPLAINANT.**

19                   **(II) A COMPLAINT SHALL INCLUDE:**

20   **1. THE NAME OF THE COMPLAINANT;**

21   **2. IF KNOWN, THE NAME OF THE POLICE OFFICER**  
22 **ALLEGEDLY INVOLVED;**

23   **3. THE DATE, TIME, AND PLACE OF THE ALLEGED**  
24 **MISCONDUCT;**

25   **4. THE CIRCUMSTANCES OF THE ALLEGED**  
26 **MISCONDUCT; AND**

27   **5. AN EXPLANATION OF THE ALLEGED MISCONDUCT**  
28 **THAT IS DEEMED TO BE WRONGFUL.**

1           **(4) (I) ONE COPY OF A COMPLETED COMPLAINT FORM SHALL BE**  
2 **RETAINED BY THE RECIPIENT OF THE COMPLAINT AND ONE COPY SHALL BE GIVEN**  
3 **TO THE COMPLAINANT.**

4           **(II) ONE COPY OF THE COMPLAINT SHALL BE SENT WITHIN 48**  
5 **HOURS OF FILING TO:**

6                   **1. THE INTERNAL INVESTIGATIVE DIVISION OF THE**  
7 **AFFECTED LAW ENFORCEMENT UNIT; AND**

8                   **2. THE SECRETARY OF THE BOARD.**

9           **(5) THE SECRETARY OF THE BOARD SHALL:**

10                   **(I) ASSIGN A CONSECUTIVE NUMBER TO EACH COMPLAINT;**

11                   **(II) SEND A COPY OF EACH COMPLAINT TO EACH MEMBER OF**  
12 **THE BOARD WITHIN 48 HOURS; AND**

13                   **(III) MAINTAIN ON FILE A RECORD OF EACH COMPLAINT.**

14           **(F) (1) THE INTERNAL INVESTIGATIVE DIVISION OF THE AFFECTED LAW**  
15 **ENFORCEMENT UNIT SHALL CONDUCT A COMPREHENSIVE INVESTIGATION OF EACH**  
16 **COMPLAINT AND SUBMIT ITS INTERNAL INVESTIGATIVE DIVISION REPORT**  
17 **RELATING TO THE ALLEGED INCIDENT TO THE BOARD WITHIN 90 DAYS FROM THE**  
18 **DATE THE COMPLAINT WAS FILED.**

19                   **(2) FOR GOOD CAUSE SHOWN, THE BOARD MAY EXTEND THE TIME**  
20 **ALLOWED TO COMPLETE THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
21 **SUBSECTION.**

22           **(G) (1) (I) THE BOARD SHALL REVIEW EACH COMPLAINT ALLEGING**  
23 **POLICE MISCONDUCT DESCRIBED IN SUBSECTION (E) OF THIS SECTION.**

24                   **(II) THE BOARD MAY INVESTIGATE, SIMULTANEOUSLY WITH**  
25 **THE INTERNAL INVESTIGATIVE DIVISION OF THE AFFECTED LAW ENFORCEMENT**  
26 **UNIT, EACH COMPLAINT THE BOARD DEEMS APPROPRIATE AND REPORT THE**  
27 **BOARD'S FINDINGS TO THE INTERNAL INVESTIGATIVE DIVISION OF THE AFFECTED**  
28 **LAW ENFORCEMENT UNIT.**

29                   **(2) (I) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIR**  
30 **OF THE BOARD, TO COMPEL:**



1                   **1. THE ATTENDANCE AND TESTIMONY OF A WITNESS**  
2 **OTHER THAN THE OFFICER WHO IS THE SUBJECT OF A COMPLAINT; AND**

3                   **2. THE PRODUCTION OF ANY BOOKS, RECORDS, OR**  
4 **OTHER DOCUMENTS.**

5                   **(II) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED**  
6 **UNDER THIS PARAGRAPH, ON PETITION OF THE BOARD, A COURT OF COMPETENT**  
7 **JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.**

8                   **(3) A POLICE OFFICER MAY SUBMIT A WITNESS LIST TO THE BOARD**  
9 **AT LEAST 10 DAYS BEFORE THE BOARD TAKES TESTIMONY.**

10                  **(4) THE CHAIR OR THE SECRETARY OF THE BOARD MAY ADMINISTER**  
11 **OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.**

12                  **(5) THE POLICE OFFICER WHO IS THE SUBJECT OF THE COMPLAINT**  
13 **OR THE REPRESENTATIVE OF THE POLICE OFFICER MAY QUESTION WITNESSES WHO**  
14 **TESTIFY ABOUT THE COMPLAINT.**

15                  **(6) (I) THE BOARD SHALL REVIEW THE INTERNAL INVESTIGATIVE**  
16 **DIVISION'S REPORT.**

17                  **(II) ON REVIEW OF THE INTERNAL INVESTIGATIVE DIVISION'S**  
18 **REPORT AND THE BOARD'S INVESTIGATIVE REPORT, IF ANY, THE BOARD SHALL**  
19 **RECOMMEND TO THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT UNIT ONE OF**  
20 **THE FOLLOWING ACTIONS:**

21                   **1. SUSTAIN THE COMPLAINT AND IMPOSE APPROPRIATE**  
22 **DISCIPLINARY ACTION AGAINST THE POLICE OFFICER;**

23                   **2. NOT SUSTAIN THE COMPLAINT;**

24                   **3. EXONERATE THE POLICE OFFICER;**

25                   **4. FIND THE COMPLAINT UNFOUNDED; OR**

26                   **5. REQUIRE FURTHER INVESTIGATION BY THE**  
27 **INTERNAL INVESTIGATIVE DIVISION.**

28                  **(7) ALL WITNESS TESTIMONY BEFORE THE BOARD SHALL BE**  
29 **RECORDED.**

1           **(8) THE BOARD SHALL SUBMIT A STATEMENT OF ITS FINDINGS AND**  
2 **RECOMMENDATIONS TO THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT UNIT**  
3 **WITHIN 30 DAYS OF RECEIPT OF THE INTERNAL INVESTIGATIVE DIVISION'S**  
4 **REPORT.**

5           **(H) (1) A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT,**  
6 **REPORT, OR COMPLAINT IN THE COURSE OF AN INVESTIGATION BY THE INTERNAL**  
7 **INVESTIGATIVE DIVISION OR THE BOARD CONDUCTED UNDER THE PROVISIONS OF**  
8 **THIS SECTION.**

9           **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**  
10 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
11 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

12           **(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
13 **THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT UNIT HAS FINAL**  
14 **DECISION-MAKING RESPONSIBILITY FOR THE APPROPRIATE DISCIPLINARY ACTION**  
15 **IN EACH CASE.**

16           **(2) THE HEAD OF THE LAW ENFORCEMENT UNIT DESCRIBED IN**  
17 **PARAGRAPH (1) OF THIS SUBSECTION MAY NOT TAKE FINAL ACTION UNTIL AFTER**  
18 **REVIEWING THE RECOMMENDATION OF THE BOARD UNDER SUBSECTION (G) OF**  
19 **THIS SECTION.**

20           **(J) (1) IF A COMPLAINT IS NOT SUSTAINED OR THE POLICE OFFICER IS**  
21 **EXONERATED, ON WRITTEN REQUEST BY THE POLICE OFFICER SENT TO THE BOARD,**  
22 **THE BOARD SHALL EXPUNGE ALL RECORDS OF THE COMPLAINT.**

23           **(2) THE PROCEDURES ESTABLISHED UNDER THIS SECTION DO NOT**  
24 **ABROGATE ANY CONSTITUTIONAL, STATUTORY, OR COMMON LAW RIGHT OF:**

25                   **(I) A POLICE OFFICER AGAINST WHOM A COMPLAINT IS FILED;**  
26 **OR**

27                   **(II) A COMPLAINANT, AN INVESTIGATOR, OR A WITNESS WHO**  
28 **PARTICIPATES IN THE COMPLAINT PROCEDURE UNDER THIS SECTION.**

29           **(3) THE PROCEDURES UNDER THIS SECTION DO NOT AFFECT OR**  
30 **CHANGE THE METHODS AND PROCEDURES FOR SUSPENSION OR DISMISSAL OF A**  
31 **POLICE OFFICER.**

32           **(4) A POLICE OFFICER MAY NOT BE PENALIZED OR ADVERSELY**  
33 **AFFECTED AS A RESULT OF THE PROCEDURES ESTABLISHED UNDER THIS SECTION**

1 WITHOUT HAVING BEEN FIRST AFFORDED PROPER WRITTEN NOTICE OF THE  
2 ALLEGATIONS MADE AGAINST THE OFFICER AND THE RIGHT TO A HEARING BEFORE  
3 THE POLICE TRIAL BOARD IN ACCORDANCE WITH DUE PROCESS OF LAW.

4 (K) (1) RECORDS CONTAINING THE NAMES OR IDENTIFICATION OF  
5 COMPLAINANTS, INVESTIGATORS, OR WITNESSES MAY NOT BE DISCLOSED OR  
6 RELEASED TO THE PUBLIC.

7 (2) (I) THE INTERNAL INVESTIGATIVE DIVISION SHALL RETAIN  
8 SOLE CUSTODY OF ANY INTERNAL INVESTIGATIVE DIVISION REPORT.

9 (II) EXCEPT FOR AN INTERNAL INVESTIGATIVE DIVISION  
10 REPORT, THE BOARD SHALL BE THE CUSTODIAN OF ALL RECORDS OF A  
11 PROCEEDING INVOLVING A COMPLAINT UNDER THIS SECTION, INCLUDING  
12 PERSONAL NOTES, AUDIO RECORDINGS, MEMORANDA, LETTERS, AND FORMS  
13 RESULTING FROM A COMPLAINT AND PROCEEDINGS BEFORE THE BOARD.

14 (L) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY  
15 ADOPT REASONABLE AND PROPER REGULATIONS TO GOVERN THE PROCEDURES OF  
16 THE BOARD.

17 (M) (1) THE BOARD SHALL PREPARE AND PUBLISH A SEMIANNUAL  
18 STATISTICAL REPORT REGARDING THE COMPLAINTS PROCESSED UNDER THIS  
19 SECTION.

20 (2) THE BOARD SHALL SUBMIT EACH REPORT TO THE SECRETARY OF  
21 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MAYOR AND CITY COUNCIL  
22 OF BALTIMORE CITY, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
23 GOVERNMENT ARTICLE, THE BALTIMORE CITY DELEGATION TO THE MARYLAND  
24 GENERAL ASSEMBLY.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial public  
26 members of the Baltimore City Public Safety Community Oversight Board shall expire as  
27 follows:

28 (1) three members in 2020;

29 (2) three members in 2021; and

30 (3) three members in 2022.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2019.