

# SENATE BILL 843

L2, E4

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By: **Senators Carter, Hayes, McCray, Nathan-Pulliam, and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Community Oversight and Accountability Commission of**  
3 **Baltimore City**

4 FOR the purpose of repealing provisions of law establishing and relating to the Civilian  
5 Review Board of Baltimore City; establishing the Community Oversight and  
6 Accountability Commission of Baltimore City; specifying the purpose of the  
7 Commission; providing for the composition, chair, voting, terms, powers, duties,  
8 staffing, procedures, jurisdiction, and reporting of the Commission; establishing  
9 certain requirements for members of the Commission; requiring the Commission to  
10 employ an Executive Director; providing for the selection, required qualifications,  
11 review, and termination of the Executive Director; establishing the Community  
12 Oversight and Accountability Commission of Baltimore City Advisory Board;  
13 providing for the composition, voting, purpose, and duties of the Advisory Board;  
14 requiring an individual employed by the Commission to receive certain training;  
15 prohibiting a certain individual employed by the Commission from having been  
16 employed by a certain law enforcement agency within a certain period of time before  
17 becoming employed by the Commission; prohibiting an individual employed by the  
18 Commission from also being employed by a certain unit or agency; establishing  
19 certain requirements for the Commission's offices; requiring the annual City budget  
20 to include a certain appropriation; establishing certain requirements for a law  
21 enforcement unit; requiring a certain collective bargaining agreement to be  
22 consistent with provisions of this Act; requiring and authorizing the Commission to  
23 engage in certain investigations and take certain actions; authorizing the  
24 Commission to access and review certain information, documents, and testimony;  
25 authorizing the Commission to reopen a certain investigation under certain  
26 circumstances; providing that the Commission has certain investigative authority  
27 over certain matters; requiring the Commission to conduct a certain investigation  
28 and issue a certain report with certain findings within a certain period of time;  
29 requiring the Commission to provide certain notice to certain persons under certain  
30 circumstances; requiring the Commission to make certain recommendations  
31 regarding discipline or remedial action against a certain police officer; requiring a

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain chief to provide a certain response to the Commission under certain  
2 circumstances; authorizing the Commission to file a certain complaint with the  
3 Office of Administrative Hearings under certain circumstances; providing for the  
4 adjudication of a certain complaint made by the Commission; providing for the  
5 review of a certain determination; providing for mediation of certain complaints;  
6 requiring a certain individual to cooperate with certain requests made by the  
7 Commission under certain circumstances; providing that a certain individual is  
8 subject to discipline under certain circumstances; requiring that certain procedures  
9 developed by the Commission allow for a certain complaint to be made in a certain  
10 manner; authorizing the Commission to conduct hearings, administer oaths and  
11 affirmations, issue certain process, and require a person to testify and produce  
12 evidence; providing for the service and enforcement of a certain subpoena;  
13 authorizing a certain person to have an attorney present under certain  
14 circumstances; requiring the Commission to advise a certain person of the right to  
15 counsel under certain circumstances; providing for certain recommendations made  
16 by the Commission to a law enforcement unit; requiring the chief of a certain law  
17 enforcement unit to provide a certain response to certain recommendations made by  
18 the Commission within a certain period of time; requiring the chief of a law  
19 enforcement unit to appear before a certain committee under certain circumstances;  
20 requiring the Commission to make certain reports and recommendations publicly  
21 available in a certain manner; requiring the Commission to redact certain  
22 information from certain reports; prohibiting a person from retaliating against,  
23 punishing, intimidating, discouraging, threatening, or penalizing another under  
24 certain circumstances; prohibiting a person from knowingly refusing to comply with  
25 a certain subpoena; prohibiting a person from knowingly interfering with or  
26 obstructing a certain investigation; prohibiting a person from knowingly making a  
27 certain false statement, report, or complaint under certain circumstances;  
28 establishing penalties for violations of certain provisions of this Act; prohibiting the  
29 Commission from making certain information publicly available; requiring the  
30 Commission to make certain quarterly and annual reports; providing for the  
31 staggering of the terms of the initial members of the Commission; defining certain  
32 terms; and generally relating to the Community Oversight and Accountability  
33 Commission of Baltimore City.

34 BY repealing

35 The Public Local Laws of Baltimore City  
36 Section 16–41 through 16–54  
37 Article 4 – Public Local Laws of Maryland  
38 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

39 BY adding to

40 The Public Local Laws of Baltimore City  
41 Section 16–41 through 16–51  
42 Article 4 – Public Local Laws of Maryland  
43 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

44 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

1 That Section(s) 16–41 through 16–54 of Article 4 – Baltimore City of the Code of Public  
2 Local Laws of Maryland be repealed.

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

5 **Article 4 – Baltimore City**

6 **16–41.**

7 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) “ABUSIVE LANGUAGE” MEANS THE USE OF REMARKS, WRITTEN OR  
10 ORAL, THAT ARE:

11 (1) OVERTLY INSULTING, MOCKING, OR BELITTLING; AND

12 (2) DIRECTED AT A PERSON AND MADE BASED ON THE PERSON’S  
13 ACTUAL OR PERCEIVED RACE, IMMIGRATION STATUS, COLOR, SEX, GENDER,  
14 GENDER IDENTITY, AGE, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
15 ORIENTATION, DISABILITY, MARITAL STATUS, PARENTAL STATUS, MILITARY  
16 DISCHARGE STATUS, OR EMPLOYMENT STATUS.

17 (C) “ADVISORY BOARD” MEANS THE COMMUNITY OVERSIGHT AND  
18 ACCOUNTABILITY COMMISSION OF BALTIMORE CITY ADVISORY BOARD.

19 (D) (1) “CHIEF” MEANS THE HEAD OF A LAW ENFORCEMENT UNIT.

20 (2) “CHIEF” INCLUDES AN OFFICER OR EMPLOYEE DESIGNATED BY  
21 THE HEAD OF A LAW ENFORCEMENT AGENCY.

22 (E) “COERCION” MEANS THE USE OF IMPROPER OR UNLAWFUL FORCE OR  
23 THREATS, WHETHER EXPRESS OR IMPLIED, FOR THE PURPOSE OF CAUSING A  
24 PERSON TO ACT AGAINST THE PERSON’S WILL.

25 (F) “COMMISSION” MEANS THE COMMUNITY OVERSIGHT AND  
26 ACCOUNTABILITY COMMISSION OF BALTIMORE CITY.

27 (G) “ELECTRONIC CONTROL DEVICE” MEANS A PORTABLE DEVICE  
28 DESIGNED AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING, OR INFLICTING  
29 PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.

30 (H) “EXCESSIVE FORCE” MEANS THE USE OF GREATER PHYSICAL FORCE

1 THAN APPEARS REASONABLY NECESSARY, UNDER ALL CIRCUMSTANCES, TO EFFECT  
2 A LAWFUL PURPOSE.

3 (I) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
4 COMMISSION.

5 (J) "FALSE ARREST" MEANS AN ARREST MADE WITHOUT LEGAL  
6 JUSTIFICATION.

7 (K) "FALSE IMPRISONMENT" MEANS AN INTENTIONAL RESTRICTION, MADE  
8 WITHOUT LEGAL JUSTIFICATION, ON THE FREEDOM OF MOVEMENT OF A PERSON  
9 WHO IS AWARE OF THE RESTRICTION AND DOES NOT CONSENT TO THE RESTRICTION.

10 (L) "FINAL SUMMARY REPORT" MEANS A REPORT BY THE COMMISSION  
11 SUMMARIZING AN INVESTIGATION RELATING TO AN INCIDENT OF ALLEGED  
12 MISCONDUCT OF A POLICE OFFICER OR OTHER MATTER SUBJECT TO THE  
13 COMMISSION'S REVIEW UNDER THIS SUBTITLE.

14 (M) "HARASSMENT" MEANS:

15 (1) REPEATED OR SEVERELY UNWARRANTED CONDUCT THAT IS  
16 INTENDED TO BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR  
17 BELITTLING; OR

18 (2) ANY CONDUCT THAT IS INTENDED TO CAUSE UNNECESSARY  
19 PHYSICAL DISCOMFORT OR INJURY.

20 (N) "LAW ENFORCEMENT UNIT" MEANS:

21 (I) (I) THE POLICE DEPARTMENT OF BALTIMORE CITY;

22 (II) THE BALTIMORE CITY SCHOOL POLICE;

23 (III) THE HOUSING AUTHORITY OF BALTIMORE CITY POLICE;

24 (IV) THE BALTIMORE CITY SHERIFF'S DEPARTMENT;

25 (V) THE BALTIMORE CITY WATERSHED POLICE FORCE;

26 (VI) THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY  
27 COLLEGE; OR

28 (VII) THE POLICE FORCE OF MORGAN STATE UNIVERSITY;

1           **(2) ANY POLICE DEPARTMENT, BUREAU, OR AGENCY ESTABLISHED BY**  
2 **STATE STATUTE WITH ITS HEADQUARTERS LOCATED IN BALTIMORE CITY; OR**

3           **(3) AN ENTITY OPERATING IN BALTIMORE CITY THAT EMPLOYS A**  
4 **SPECIAL POLICE OFFICER.**

5           **(O) “OFFICER–INVOLVED DEATH” MEANS AN INCIDENT IN WHICH A POLICE**  
6 **OFFICER IS INVOLVED IN THE DEATH OF A PERSON.**

7           **(P) “POLICE OFFICER” MEANS:**

8           **(1) A MEMBER OF A LAW ENFORCEMENT UNIT WHO IS AUTHORIZED TO**  
9 **MAKE ARRESTS;**

10           **(2) A MEMBER OF ANY STATE, COUNTY, OR MUNICIPAL POLICE**  
11 **DEPARTMENT WHO IS AUTHORIZED TO MAKE ARRESTS, WHILE ACTING IN AN**  
12 **OFFICIAL CAPACITY IN BALTIMORE CITY; OR**

13           **(3) A SPECIAL POLICE OFFICER COMMISSIONED UNDER TITLE 3,**  
14 **SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE, WHILE ACTING IN AN OFFICIAL**  
15 **CAPACITY IN BALTIMORE CITY.**

16 **16–42.**

17           **(A) THE COMMUNITY OVERSIGHT AND ACCOUNTABILITY COMMISSION OF**  
18 **BALTIMORE CITY IS ESTABLISHED AS A PERMANENT, STATUTORY AGENCY IN**  
19 **BALTIMORE CITY TO:**

20           **(1) CONDUCT INVESTIGATIONS INTO INCIDENTS OF ALLEGED POLICE**  
21 **MISCONDUCT THAT OCCUR IN BALTIMORE CITY IN A FAIR AND TIMELY MANNER;**

22           **(2) IDENTIFY AND ADDRESS PATTERNS OF POLICE MISCONDUCT; AND**

23           **(3) MAKE RECOMMENDATIONS FOR IMPROVING THE POLICIES AND**  
24 **OPERATIONS OF LAW ENFORCEMENT UNITS TO REDUCE INCIDENTS OF POLICE**  
25 **MISCONDUCT.**

26           **(B) (1) THE COMMISSION IS COMPOSED OF:**

27           **(I) ONE MEMBER OF THE PUBLIC FROM EACH OF THE NINE**  
28 **POLICE DISTRICTS IN BALTIMORE CITY, SELECTED BY THE MAYOR WITH THE**  
29 **ADVICE OF THE BALTIMORE CITY COUNCIL;**

1                   (II) ONE REPRESENTATIVE OF THE FRATERNAL ORDER OF  
2 POLICE;

3                   (III) ONE REPRESENTATIVE OF THE VANGUARD JUSTICE  
4 SOCIETY;

5                   (IV) THE BALTIMORE POLICE COMMISSIONER OR THE  
6 COMMISSIONER'S DESIGNEE;

7                   (V) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES  
8 UNION OF MARYLAND; AND

9                   (VI) ONE REPRESENTATIVE OF THE BALTIMORE CITY BRANCH  
10 OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

11                   (2) A MEMBER OF THE COMMISSION APPOINTED UNDER PARAGRAPH  
12 (1)(I) OF THIS SUBSECTION:

13                   (I) IS A VOTING MEMBER OF THE COMMISSION; AND

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

16                   (3) EACH VOTING MEMBER OF THE COMMISSION SHALL BE A  
17 RESIDENT OF BALTIMORE CITY.

18                   (C) AT THE COMMISSION'S FIRST MEETING EACH YEAR, THE COMMISSION  
19 SHALL ELECT A CHAIR AND A SECRETARY.

20                   (D) (1) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY TO  
21 PERFORM ITS FUNCTIONS AND DUTIES BUT SHALL MEET AT LEAST ONCE EACH  
22 MONTH.

23                   (2) THE COMMISSION SHALL ATTEMPT TO DIVERSIFY THE  
24 LOCATIONS OF ITS MEETINGS TO THE EXTENT POSSIBLE AND, AT THE VERY LEAST,  
25 SHALL HOLD ONE MEETING PER CALENDAR YEAR IN EACH OF THE NINE POLICE  
26 DISTRICTS IN BALTIMORE CITY.

27                   (E) (1) A MAJORITY OF THE VOTING MEMBERS OF THE COMMISSION  
28 SERVING AT ANY ONE TIME CONSTITUTES A QUORUM.

29                   (2) THE COMMISSION MAY ACT BY MAJORITY VOTE OF THE

1 COMMISSION'S MEMBERS WHO ARE PRESENT AND VOTING AT A MEETING ATTENDED  
2 BY A QUORUM.

3 (F) (1) THE TERM OF A MEMBER OF THE COMMISSION APPOINTED  
4 UNDER SUBSECTION (B)(1)(I) OF THIS SECTION IS 3 YEARS;

5 (2) THE TERMS OF THE MEMBERS OF THE COMMISSION APPOINTED  
6 UNDER SUBSECTION (B)(1)(I) OF THIS SECTION ARE STAGGERED AS REQUIRED BY  
7 THE TERMS PROVIDED FOR THE PUBLIC MEMBERS OF THE COMMISSION ON  
8 OCTOBER 1, 2019.

9 (3) A MEMBER OF THE COMMISSION APPOINTED UNDER SUBSECTION  
10 (B)(1)(I) OF THIS SECTION MAY NOT SERVE ON THE COMMISSION FOR MORE THAN  
11 TWO FULL SUCCESSIVE TERMS.

12 (4) AT THE END OF A TERM, A MEMBER OF THE COMMISSION  
13 APPOINTED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION SHALL CONTINUE TO  
14 SERVE ON THE COMMISSION UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

15 (5) A MEMBER OF THE COMMISSION APPOINTED UNDER SUBSECTION  
16 (B)(1)(I) OF THIS SECTION AFTER A TERM HAS BEGUN SHALL SERVE ONLY FOR THE  
17 REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (6) A MEMBER OF THE COMMISSION WHO IS APPOINTED UNDER  
19 SUBSECTION (B)(1)(II) THROUGH (V) OF THIS SECTION SHALL SERVE IN A  
20 NONVOTING ADVISORY CAPACITY.

21 (G) (1) THE COMMISSION SHALL EMPLOY AN EXECUTIVE DIRECTOR AND  
22 STAFF SUFFICIENT TO CARRY OUT THE PURPOSES OF THIS SUBHEADING.

23 (2) THE EXECUTIVE DIRECTOR SHALL BE NOMINATED BY THE CITY  
24 COUNCIL AND CONFIRMED BY THE MAYOR.

25 (3) THE EXECUTIVE DIRECTOR SHALL:

26 (I) BE AN ATTORNEY WITH SUBSTANTIAL EXPERIENCE IN:

27 1. CRIMINAL LAW, CIVIL RIGHTS, LABOR AND  
28 EMPLOYMENT, AND CORPORATE OR GOVERNMENTAL INVESTIGATIONS; OR

29 2. LAW ENFORCEMENT OVERSIGHT AND  
30 INVESTIGATIONS OF WRONGDOING;

1 (II) HAVE A COMMITMENT TO AND KNOWLEDGE OF:

2 1. THE NEED FOR AND RESPONSIBILITIES OF POLICE  
3 OFFICERS; AND

4 2. THE IMPORTANCE OF PROTECTING THE CIVIL RIGHTS  
5 OF INDIVIDUALS;

6 (III) HAVE A DEMONSTRATED HISTORY OF INTEGRITY,  
7 PROFESSIONALISM, SOUND JUDGMENT, AND LEADERSHIP;

8 (IV) BE ABLE TO WORK WITH DIVERSE GROUPS AND  
9 INDIVIDUALS; AND

10 (V) POSSESS BEFORE BECOMING EMPLOYED BY THE  
11 COMMISSION, OR OBTAIN WITHIN 1 YEAR OF BECOMING EMPLOYED BY THE  
12 COMMISSION, CREDENTIALS AS A CERTIFIED PRACTITIONER OF OVERSIGHT FROM  
13 THE NATIONAL ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT.

14 (4) (I) THE EXECUTIVE DIRECTOR MAY BE TERMINATED FROM  
15 EMPLOYMENT WITH THE COMMISSION ONLY IN THE MANNER PROVIDED IN THIS  
16 PARAGRAPH.

17 (II) AN INDIVIDUAL EMPLOYED AS THE EXECUTIVE DIRECTOR  
18 MAY BE TERMINATED FROM EMPLOYMENT ONLY BY THE ADVISORY BOARD.

19 (III) THE ADVISORY BOARD MAY TERMINATE THE EMPLOYMENT  
20 OF THE EXECUTIVE DIRECTOR ONLY FOR:

21 1. AN ACT OF MISCONDUCT;

22 2. A DEMONSTRATED AND PERSISTENT INABILITY TO  
23 PERFORM THE EXECUTIVE DIRECTOR'S JOB FUNCTION; OR

24 3. CONDUCT THAT IS PREJUDICIAL TO THE PROPER  
25 ADMINISTRATION OF JUSTICE.

26 (IV) AN AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE  
27 ADVISORY BOARD MEMBERS IS REQUIRED TO TERMINATE THE EMPLOYMENT OF  
28 THE EXECUTIVE DIRECTOR.

29 (H) (1) THERE IS A COMMUNITY OVERSIGHT AND ACCOUNTABILITY  
30 COMMISSION OF BALTIMORE CITY ADVISORY BOARD.



1           **(2) THE ADVISORY BOARD CONSISTS OF:**

2                   **(I) THE MAYOR OR THE MAYOR'S DESIGNEE;**

3                   **(II) THE CITY SOLICITOR OR THE CITY SOLICITOR'S DESIGNEE;**

4                   **(III) THE CITY COMPTROLLER OR THE CITY COMPTROLLER'S**  
5 **DESIGNEE;**

6                   **(IV) THE PRESIDENT OF THE CITY COUNCIL OR THE**  
7 **PRESIDENT'S DESIGNEE; AND**

8                   **(V) THE CHAIR OF THE PUBLIC SAFETY COMMITTEE OF THE**  
9 **CITY COUNCIL OR THE CHAIR'S DESIGNEE.**

10           **(3) FOUR MEMBERS OF THE ADVISORY BOARD CONSTITUTE A**  
11 **QUORUM.**

12           **(4) EXCEPT AS OTHERWISE PROVIDED, THE ADVISORY BOARD MAY**  
13 **ACT BY MAJORITY VOTE OF THE ADVISORY BOARD'S MEMBERS WHO ARE PRESENT**  
14 **AND VOTING AT A MEETING ATTENDED BY A QUORUM.**

15           **(5) THE PURPOSE OF THE ADVISORY BOARD IS TO:**

16                   **(I) PROVIDE ADVICE AND RECOMMENDATIONS TO THE**  
17 **COMMISSION; AND**

18                   **(II) OTHERWISE ACT AS AUTHORIZED UNDER THIS**  
19 **SUBHEADING.**

20           **(I) THE COMMISSION HAS THE FOLLOWING GENERAL POWERS:**

21                   **(1) TO SUE AND BE SUED IN ITS OWN NAME;**

22                   **(2) TO ENTER INTO CONTRACTS GENERALLY AND TO EXECUTE ALL**  
23 **INSTRUMENTS NECESSARY OR APPROPRIATE TO CARRY OUT ITS PURPOSES AND**  
24 **POWERS;**

25                   **(3) TO HIRE AND SET WAGES FOR EMPLOYEES TO STAFF THE**  
26 **COMMISSION;**

27                   **(4) TO ADOPT AND CARRY OUT PROCEDURES FOR THE DISCIPLINE OF**

1 **THE COMMISSION'S EMPLOYEES; AND**

2 **(5) TO ADOPT REGULATIONS TO CARRY OUT ITS PURPOSES UNDER**  
3 **THIS SUBHEADING.**

4 **(J) THE JURISDICTION OF THE COMMISSION SHALL EXTEND TO ANY**  
5 **MISCONDUCT COMMITTED BY A POLICE OFFICER, INCLUDING MISCONDUCT**  
6 **INVOLVING ABUSIVE LANGUAGE, FALSE ARREST, FALSE IMPRISONMENT,**  
7 **HARASSMENT, USE OF EXCESSIVE FORCE, OR VIOLATION OF ANY OFFICIAL RULE,**  
8 **PROCEDURE, POLICY, ORDER, OR REQUIREMENT OF LAW.**

9 **(K) (1) EACH INDIVIDUAL EMPLOYED BY THE COMMISSION SHALL**  
10 **RECEIVE TRAINING ON ISSUES WITHIN THE COMMISSION'S JURISDICTION.**

11 **(2) AN INDIVIDUAL EMPLOYED BY THE COMMISSION TO CONDUCT**  
12 **INVESTIGATIONS UNDER THIS SUBHEADING MAY NOT HAVE BEEN EMPLOYED BY A**  
13 **MUNICIPAL, COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY WITHIN 10**  
14 **YEARS BEFORE BECOMING EMPLOYED BY THE COMMISSION.**

15 **(3) AN INDIVIDUAL EMPLOYED BY THE COMMISSION MAY NOT**  
16 **SIMULTANEOUSLY BE EMPLOYED BY ANY OTHER GOVERNMENTAL UNIT OR AGENCY.**

17 **(L) THE COMMISSION'S OFFICES MAY NOT BE LOCATED IN THE SAME**  
18 **BUILDING OR STRUCTURE AS THE OFFICES OR FACILITIES OF A LAW ENFORCEMENT**  
19 **UNIT.**

20 **(M) THE ANNUAL CITY BUDGET SHALL INCLUDE AN APPROPRIATION FOR**  
21 **FUNDING FOR THE COMMISSION THAT IS NOT LESS THAN 5% OF THE**  
22 **APPROPRIATION INCLUDED IN THE BUDGET FOR THE BALTIMORE CITY POLICE**  
23 **DEPARTMENT.**

24 **16-43.**

25 **A LAW ENFORCEMENT UNIT SHALL:**

26 **(1) PLACE AND MAINTAIN POSTERS IN ALL LAW ENFORCEMENT UNIT**  
27 **STATIONS AND ELSEWHERE THROUGHOUT THE CITY TO EXPLAIN THE PROCEDURE**  
28 **FOR FILING A COMPLAINT WITH THE COMMISSION;**

29 **(2) EXPLAIN THE COMMISSION'S COMPLAINT PROCEDURES TO ALL**  
30 **POLICE OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE MANUAL OF RULES**  
31 **AND PROCEDURES OF THE LAW ENFORCEMENT UNIT AND INCORPORATED IN THE**  
32 **TRAINING PROGRAM FOR NEW POLICE OFFICERS; AND**

1           **(3) ENSURE THAT ANY COLLECTIVE BARGAINING AGREEMENT**  
2 **BETWEEN THE LAW ENFORCEMENT UNIT AND THE POLICE OFFICERS EMPLOYED BY**  
3 **THE LAW ENFORCEMENT UNIT IS CONSISTENT WITH THE PROVISIONS OF THIS**  
4 **SUBHEADING.**

5 **16-44.**

6           **(A) THE COMMISSION SHALL:**

7           **(1) RECEIVE AND REGISTER ALL COMPLAINTS MADE AGAINST POLICE**  
8 **OFFICERS;**

9           **(2) CONDUCT INVESTIGATIONS RELATING TO ANY INCIDENT OF:**

10           **(I) MISCONDUCT SUSPECTED OR ALLEGED TO HAVE BEEN**  
11 **COMMITTED BY A POLICE OFFICER, INCLUDING A SUSPECTED OR ALLEGED**  
12 **INCIDENT INVOLVING EXCESSIVE FORCE, COERCION, OR ABUSIVE LANGUAGE;**

13           **(II) A POLICE OFFICER WHO:**

14           **1. DISCHARGES A FIREARM IN A MANNER THAT COULD**  
15 **CAUSE DEATH OR BODILY INJURY;**

16           **2. DISCHARGES AN ELECTRONIC CONTROL DEVICE IN A**  
17 **MANNER THAT RESULTS IN DEATH OR SERIOUS BODILY INJURY; OR**

18           **3. DISCHARGES OR USES ANY OTHER WEAPON OR**  
19 **EQUIPMENT THAT IS USED AS A WEAPON RESULTING IN DEATH OR SERIOUS BODILY**  
20 **INJURY;**

21           **(III) OFFICER-INVOLVED DEATH;**

22           **(IV) SERIOUS BODILY INJURY SUSTAINED BY A PERSON WHILE**  
23 **BEING DETAINED BY A POLICE OFFICER OR AS A RESULT OF A POLICE OFFICER'S**  
24 **ACTIONS; AND**

25           **(V) THE VIOLATION OF A PERSON'S CONSTITUTIONAL RIGHTS**  
26 **BY A POLICE OFFICER, INCLUDING AN INCIDENT INVOLVING IMPROPER SEARCH AND**  
27 **SEIZURE OR UNLAWFUL DENIAL OF ACCESS TO LEGAL COUNSEL;**

28           **(3) CONDUCT INVESTIGATIONS INTO MISCONDUCT COMMITTED BY A**  
29 **POLICE OFFICER, EVEN WHEN NO COMPLAINT HAS BEEN MADE TO THE**

1 COMMISSION, IF THE COMMISSION HAS REASONABLE SUSPICION TO BELIEVE THAT  
2 MISCONDUCT HAS OCCURRED;

3 (4) REVIEW DOCUMENTS, TESTIMONY, OR OTHER INFORMATION  
4 RELATING TO ANY LAWSUIT, INCLUDING A LAWSUIT THAT HAS BEEN DISMISSED OR  
5 SETTLED, AGAINST BALTIMORE CITY, A LAW ENFORCEMENT UNIT, OR A POLICE  
6 OFFICER IN WHICH A POLICE OFFICER IS ALLEGED TO HAVE ENGAGED IN  
7 MISCONDUCT;

8 (5) PROVIDE A COPY OF ANY COMPLAINT MADE AGAINST A POLICE  
9 OFFICER TO THE LAW ENFORCEMENT UNIT THAT EMPLOYS THE POLICE OFFICER;

10 (6) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW  
11 ENFORCEMENT UNIT RELATING TO ANY DISCIPLINARY OR OTHER REMEDIAL ACTION  
12 AGAINST A POLICE OFFICER EMPLOYED BY THE LAW ENFORCEMENT UNIT WHOM  
13 THE COMMISSION FINDS TO HAVE COMMITTED MISCONDUCT, INCLUDING  
14 MISCONDUCT INVOLVING THE VIOLATION OF ANY RULE, PROCEDURE, POLICY,  
15 ORDER, OR REQUIREMENT OF LAW;

16 (7) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW  
17 ENFORCEMENT UNIT RELATING TO THE LAW ENFORCEMENT UNIT'S POLICIES,  
18 PRACTICES, PROGRAMS, AND TRAINING TO ELIMINATE MISCONDUCT; AND

19 (8) ADDRESS AND ENGAGE WITH THE PERSONNEL OF A LAW  
20 ENFORCEMENT UNIT AND MEMBERS OF THE COMMUNITY TO PROVIDE  
21 INFORMATION REGARDING THE COMMISSION'S MISSION, POLICIES, AND ONGOING  
22 OPERATIONS.

23 (B) THE COMMISSION MAY:

24 (1) SUBJECT TO LIMITATIONS UNDER STATE AND FEDERAL LAW,  
25 ACCESS ANY INFORMATION OR DOCUMENTS IN THE POSSESSION OR UNDER THE  
26 CONTROL OF A LAW ENFORCEMENT UNIT OR A UNIT OF BALTIMORE CITY  
27 GOVERNMENT RELATING TO A MATTER WITHIN THE COMMISSION'S JURISDICTION  
28 OR MANDATE, INCLUDING INFORMATION OR DOCUMENTS RELATING TO PAST  
29 ALLEGATIONS OF MISCONDUCT OF A POLICE OFFICER;

30 (2) REVIEW DOCUMENTS, TESTIMONY, OR OTHER INFORMATION  
31 RELATING TO ANY CRIMINAL PROCEEDING IN WHICH A POLICE OFFICER IS ALLEGED  
32 TO HAVE ENGAGED IN MISCONDUCT;

33 (3) REOPEN ANY CLOSED COMMISSION INVESTIGATION IF:

1           **(I) THE COMMISSION BECOMES AWARE OF EVIDENCE NOT**  
2 **AVAILABLE AT THE TIME THE INVESTIGATION WAS CLOSED THAT COULD HAVE**  
3 **MATERIALLY AFFECTED THE OUTCOME OF THE INVESTIGATION; OR**

4           **(II) THE COMMISSION DETERMINES THAT THE OUTCOME OF**  
5 **THE INVESTIGATION HAS RESULTED IN A GROSS MISCARRIAGE OF JUSTICE;**

6           **(4) CONDUCT AN INVESTIGATION INTO ANY MATTER WITHIN ITS**  
7 **JURISDICTION CONCURRENT TO ANY ACTIVE CRIMINAL INVESTIGATION OR**  
8 **PROCEEDING RELATING TO THE MATTER UNDER INVESTIGATION BY THE**  
9 **COMMISSION; AND**

10           **(5) REFER THE RESULTS OR INFORMATION FROM ANY**  
11 **INVESTIGATION CONDUCTED UNDER THIS SUBHEADING TO AN APPROPRIATE LAW**  
12 **ENFORCEMENT OR PROSECUTORIAL AGENCY FOR REVIEW AND PROSECUTION.**

13           **(C) THE COMMISSION SHALL HAVE SOLE INVESTIGATIVE AUTHORITY OVER**  
14 **ALL MATTERS WITHIN ITS JURISDICTION.**

15           **(D) (1) UNLESS THE COMMISSION REQUIRES ADDITIONAL TIME TO**  
16 **COMPLETE AN INVESTIGATION OR PREPARATION OF A FINAL SUMMARY REPORT,**  
17 **THE COMMISSION SHALL COMPLETE AN INVESTIGATION OF ALLEGED OR**  
18 **SUSPECTED MISCONDUCT OF A POLICE OFFICER AND ISSUE A FINAL SUMMARY**  
19 **REPORT BASED ON THE COMMISSION'S FINDINGS WITHIN 90 DAYS AFTER THE**  
20 **EARLIER OF:**

21           **(I) RECEIVING A COMPLAINT OF ALLEGED MISCONDUCT OF A**  
22 **POLICE OFFICER; OR**

23           **(II) INITIATING AN INVESTIGATION OF MISCONDUCT OF A**  
24 **POLICE OFFICER.**

25           **(2) (I) IF THE COMMISSION IS UNABLE TO COMPLETE AN**  
26 **INVESTIGATION AND ISSUE A FINAL SUMMARY REPORT WITHIN THE TIME REQUIRED**  
27 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION IMMEDIATELY**  
28 **SHALL SEND NOTICE EXPLAINING THE REASON OR REASONS FOR THE**  
29 **COMMISSION'S FAILURE TO COMPLETE THE INVESTIGATION AND ISSUE A FINAL**  
30 **SUMMARY REPORT TO:**

31           **1. IF THE COMMISSION INITIATED THE INVESTIGATION**  
32 **AFTER A COMPLAINT WAS MADE, THE PERSON WHO MADE THE COMPLAINT;**

33           **2. THE POLICE OFFICER WHO IS THE SUBJECT OF THE**

1 INVESTIGATION;

2                                   3.     COUNSEL FOR THE POLICE OFFICER WHO IS THE  
3 SUBJECT OF THE INVESTIGATION; AND

4                                   4.     THE CHIEF OF THE LAW ENFORCEMENT UNIT THAT  
5 EMPLOYS THE POLICE OFFICER.

6                                   (II)   THE COMMISSION SHALL SEND NOTICE AS DESCRIBED  
7 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH EVERY 90 DAYS UNTIL THE  
8 COMMISSION CONCLUDES THE INVESTIGATION AND ISSUES A FINAL SUMMARY  
9 REPORT.

10                   (E)   (1)   WITHIN 30 DAYS AFTER COMPLETING AN INVESTIGATION OF  
11 ALLEGED MISCONDUCT OF A POLICE OFFICER, THE COMMISSION SHALL ISSUE A  
12 FINAL SUMMARY REPORT DETERMINING WHETHER THE COMPLAINT MADE AGAINST  
13 A POLICE OFFICER:

14                                   (I)     IS SUSTAINED;

15                                   (II)    IS NOT SUSTAINED;

16                                   (III)   IS UNFOUNDED; OR

17                                   (IV)    WAS RESOLVED THROUGH MEDIATION.

18                                   (2)    IF THE COMMISSION SUSTAINS A COMPLAINT OF MISCONDUCT OF  
19 A POLICE OFFICER, THE COMMISSION SHALL INCLUDE IN THE FINAL SUMMARY  
20 REPORT THE FACTUAL BASIS AND REASONS FOR SUSTAINING THE COMPLAINT AND  
21 MAKE RECOMMENDATIONS FOR DISCIPLINARY OR REMEDIAL ACTION AGAINST THE  
22 POLICE OFFICER, UP TO AND INCLUDING TERMINATION.

23                                   (3)    REGARDLESS OF THE COMMISSION'S FINDING UNDER THIS  
24 SUBSECTION, THE COMMISSION SHALL SEND A COPY OF THE FINAL SUMMARY  
25 REPORT TO:

26                                   (I)     IF THE COMMISSION INITIATED THE INVESTIGATION AFTER  
27 A COMPLAINT WAS MADE, THE PERSON WHO MADE THE COMPLAINT;

28                                   (II)    THE POLICE OFFICER WHO IS THE SUBJECT OF THE  
29 INVESTIGATION;

30                                   (III)   COUNSEL FOR THE POLICE OFFICER WHO IS THE SUBJECT

1 OF THE INVESTIGATION; AND

2 (IV) THE CHIEF OF THE LAW ENFORCEMENT UNIT THAT  
3 EMPLOYS THE POLICE OFFICER.

4 (F) (1) IF THE COMMISSION ISSUES A RECOMMENDATION FOR  
5 DISCIPLINE OR REMEDIAL ACTION IN A FINAL SUMMARY REPORT, THE CHIEF OF THE  
6 RELEVANT LAW ENFORCEMENT UNIT SHALL RESPOND IN WRITING TO THE  
7 COMMISSION'S RECOMMENDATION WITHIN 60 DAYS AFTER RECEIVING THE  
8 REPORT.

9 (2) THE RESPONSE SHALL NOTIFY THE COMMISSION THAT:

10 (I) THE CHIEF HAS IMPOSED THE DISCIPLINARY OR REMEDIAL  
11 ACTION RECOMMENDED BY THE COMMISSION AGAINST THE POLICE OFFICER;

12 (II) THE CHIEF REQUESTS THAT THE COMMISSION CONDUCT  
13 ADDITIONAL INVESTIGATION OR CLARIFY THE FACTUAL BASIS FOR ITS  
14 RECOMMENDATION; OR

15 (III) THE CHIEF INTENDS TO TAKE NO ACTION OR INTENDS TO  
16 TAKE ACTION THAT IS LESS SEVERE THAN THE ACTION THAT THE COMMISSION HAS  
17 RECOMMENDED.

18 (3) (I) IF THE CHIEF NOTIFIES THE COMMISSION THAT THE CHIEF  
19 INTENDS TO TAKE NO ACTION OR INTENDS TO TAKE ACTION THAT IS LESS SEVERE  
20 THAN THE ACTION THAT THE COMMISSION HAS RECOMMENDED, WITHIN 30 DAYS  
21 AFTER RECEIVING NOTICE FROM THE CHIEF, THE COMMISSION MAY FILE A  
22 COMPLAINT WITH THE OFFICE OF ADMINISTRATIVE HEARINGS SEEKING TO  
23 COMPEL THE CHIEF TO IMPLEMENT THE RECOMMENDED DISCIPLINE OR REMEDIAL  
24 ACTION.

25 (II) WITHIN 60 DAYS AFTER A COMPLAINT IS MADE UNDER THIS  
26 PARAGRAPH, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL SCHEDULE AND  
27 CONDUCT A HEARING AT WHICH WITNESS TESTIMONY AND OTHER EVIDENCE MAY  
28 BE PROVIDED.

29 (III) WITHIN 90 DAYS AFTER THE CONCLUSION OF THE LAST  
30 HEARING ON THE MATTER, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL  
31 ISSUE A FINDING OF FACTS AND A DECISION AS TO:

32 1. WHETHER THE POLICE OFFICER COMMITTED AN ACT  
33 OF MISCONDUCT; AND

1                   **2. WHAT DISCIPLINE OR REMEDIAL ACTION, IF ANY, THE**  
2 **CHIEF SHALL BE REQUIRED TO IMPOSE.**

3                   **(IV) A PARTY THAT IS AGGRIEVED BY THE DECISION OF THE**  
4 **OFFICE OF ADMINISTRATIVE HEARINGS MAY APPEAL THE DECISION TO THE**  
5 **CIRCUIT COURT.**

6                   **(G) (1) FOR A COMPLAINT THAT DOES NOT INVOLVE AN ALLEGATION**  
7 **THAT A POLICE OFFICER WAS INVOLVED IN THE USE OF EXCESSIVE FORCE AGAINST**  
8 **A PERSON RESULTING IN INJURY OR DEATH, THE COMMISSION MAY, IN ITS**  
9 **DISCRETION, REFER THE COMPLAINT FOR MEDIATION BETWEEN THE POLICE**  
10 **OFFICER AND THE COMPLAINANT.**

11                   **(2) THE MEDIATION PROCESS SHALL BE VOLUNTARY FOR BOTH THE**  
12 **POLICE OFFICER AND THE COMPLAINANT.**

13                   **(3) (I) IF THE MEDIATION RESULTS IN AN AGREEMENT BETWEEN**  
14 **THE POLICE OFFICER AND THE COMPLAINANT TO RESOLVE THE COMPLAINT, THE**  
15 **FINAL SUMMARY REPORT ISSUED BY THE COMMISSION UNDER SUBSECTION (E)(1)**  
16 **OF THIS SECTION SHALL INDICATE THAT THE COMPLAINT WAS RESOLVED THROUGH**  
17 **MEDIATION.**

18                   **(II) IF A COMPLAINT IS RESOLVED THROUGH MEDIATION, THE**  
19 **COMMISSION MAY NOT MAKE A RECOMMENDATION FOR DISCIPLINARY OR**  
20 **REMEDIAL ACTION IN A FINAL SUMMARY REPORT EXCEPT TO THE EXTENT THAT**  
21 **DISCIPLINARY OR REMEDIAL ACTION IS AGREED TO IN THE TERMS OF A MEDIATION**  
22 **AGREEMENT.**

23                   **(H) (1) EXCEPT AS OTHERWISE PROVIDED, A POLICE OFFICER, AN**  
24 **EMPLOYEE OF A LAW ENFORCEMENT UNIT, A PUBLIC OFFICIAL, OR A GOVERNMENT**  
25 **EMPLOYEE SHALL COOPERATE WITH REQUESTS MADE BY THE COMMISSION IN**  
26 **RELATION TO AN INVESTIGATION CONDUCTED UNDER THIS SUBHEADING.**

27                   **(2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS**  
28 **SUBSECTION IS SUBJECT TO THE DISCIPLINE PROCEDURES OF THE DEPARTMENT,**  
29 **AGENCY, OR OTHER BODY RESPONSIBLE FOR IMPOSING DISCIPLINARY ACTION**  
30 **AGAINST THE INDIVIDUAL UP TO AND INCLUDING TERMINATION FOR FAILURE TO**  
31 **COOPERATE WITH REQUESTS MADE BY THE COMMISSION IN RELATION TO AN**  
32 **INVESTIGATION CONDUCTED UNDER THIS SUBHEADING.**



1           **(A) THE COMMISSION SHALL DEVELOP AND IMPLEMENT PROCEDURES**  
2 **ALLOWING A PERSON TO MAKE A COMPLAINT ALLEGING MISCONDUCT OF A POLICE**  
3 **OFFICER TO THE COMMISSION.**

4           **(B) THE PROCEDURES DEVELOPED UNDER SUBSECTION (A) OF THIS**  
5 **SECTION SHALL ALLOW FOR:**

6                   **(1) ANONYMOUS COMPLAINTS; AND**

7                   **(2) COMPLAINTS TO BE RECEIVED USING A VARIETY OF**  
8 **COMMUNICATION METHODS, INCLUDING IN PERSON, BY MAIL, BY TELEPHONE, AND**  
9 **BY INTERNET.**

10 **16-46.**

11           **(A) THE COMMISSION MAY:**

12                   **(1) CONDUCT HEARINGS;**

13                   **(2) ADMINISTER OATHS AND AFFIRMATIONS;**

14                   **(3) ISSUE PROCESS TO COMPEL THE ATTENDANCE OF WITNESSES AND**  
15 **THE PRODUCTION OF EVIDENCE; AND**

16                   **(4) REQUIRE A PERSON TO TESTIFY AND PRODUCE EVIDENCE.**

17           **(B) (1) A SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE**  
18 **ISSUED BY A CIRCUIT COURT.**

19                   **(2) THE COMMISSION IMMEDIATELY MAY REPORT THE FAILURE OF A**  
20 **PERSON TO OBEY A LAWFULLY SERVED SUBPOENA TO THE CIRCUIT COURT OF**  
21 **BALTIMORE CITY.**

22                   **(3) THE COMMISSION SHALL PROVIDE A COPY OF THE SUBPOENA**  
23 **AND PROOF OF SERVICE TO THE CIRCUIT COURT.**

24                   **(4) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO**  
25 **ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA HAS AN OPPORTUNITY TO BE**  
26 **HEARD AND REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE**  
27 **RELIEF.**

28           **(C) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY**  
29 **CONTACT WITH THE COMMISSION.**

1           **(2) THE COMMISSION SHALL ADVISE A PERSON OF THE RIGHT TO**  
2 **COUNSEL WHEN A SUBPOENA IS SERVED.**

3 **16-47.**

4           **(A) IF THE COMMISSION ISSUES A RECOMMENDATION TO A LAW**  
5 **ENFORCEMENT UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE LAW**  
6 **ENFORCEMENT UNIT, THE CHIEF OF THE LAW ENFORCEMENT UNIT SHALL RESPOND**  
7 **TO THE COMMISSION'S RECOMMENDATION WITHIN 60 DAYS AFTER RECEIVING THE**  
8 **RECOMMENDATION.**

9           **(B) (1) THE RESPONSE ISSUED BY THE CHIEF OF A LAW ENFORCEMENT**  
10 **UNIT SHALL INCLUDE A DESCRIPTION OF ANY ACTION THE CHIEF HAS TAKEN OR IS**  
11 **PLANNING TO TAKE WITH RESPECT TO THE RECOMMENDATIONS MADE BY THE**  
12 **COMMISSION AND STATE WHETHER THE CHIEF PLANS TO IMPLEMENT THE**  
13 **RECOMMENDATIONS.**

14           **(2) IF THE CHIEF STATES THAT THE CHIEF DOES NOT PLAN TO**  
15 **IMPLEMENT A RECOMMENDATION FROM THE COMMISSION, THE CHIEF SHALL**  
16 **EXPLAIN THE REASON FOR NOT IMPLEMENTING THE RECOMMENDATION.**

17           **(C) AT THE REQUEST OF THREE MEMBERS OF THE BALTIMORE CITY**  
18 **COUNCIL, THE CHAIR OF THE CITY COUNCIL PUBLIC SAFETY COMMITTEE MAY**  
19 **REQUEST THE CHIEF TO APPEAR BEFORE THE PUBLIC SAFETY COMMITTEE TO**  
20 **EXPLAIN A RESPONSE PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.**

21 **16-48.**

22           **(A) (1) THE COMMISSION SHALL MAKE ALL FINAL SUMMARY REPORTS**  
23 **PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE COMMISSION.**

24           **(2) THE COMMISSION SHALL REDACT INFORMATION FROM A FINAL**  
25 **SUMMARY REPORT TO THE EXTENT REQUIRED BY STATE LAW BEFORE THE REPORT**  
26 **IS MADE AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

27           **(B) THE COMMISSION SHALL MAKE ALL RECOMMENDATIONS MADE TO A**  
28 **LAW ENFORCEMENT UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE**  
29 **LAW ENFORCEMENT UNIT PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE**  
30 **COMMISSION.**

31 **16-49.**

1           **(A) A PERSON MAY NOT:**

2                   **(1) RETALIATE AGAINST, PUNISH, INTIMIDATE, DISCOURAGE,**  
3 **THREATEN, OR PENALIZE ANOTHER FOR:**

4                           **(I) MAKING A COMPLAINT TO THE COMMISSION;**

5                           **(II) PROVIDING TESTIMONY, INFORMATION, OR DOCUMENTS TO**  
6 **THE COMMISSION; OR**

7                           **(III) COOPERATING WITH OR ASSISTING THE COMMISSION;**

8                   **(2) KNOWINGLY REFUSE TO COMPLY WITH A SUBPOENA ISSUED BY**  
9 **THE COMMISSION;**

10                   **(3) KNOWINGLY INTERFERE WITH OR OBSTRUCT AN INVESTIGATION**  
11 **CONDUCTED BY THE COMMISSION; OR**

12                   **(4) KNOWINGLY MAKE A FALSE STATEMENT, REPORT, OR COMPLAINT**  
13 **TO THE COMMISSION OR A REPRESENTATIVE OF THE COMMISSION.**

14           **(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
15 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS**  
16 **THAN 30 DAYS AND NOT EXCEEDING 6 MONTHS OR A FINE OF NOT LESS THAN \$1,000**  
17 **AND NOT EXCEEDING \$5,000 OR BOTH.**

18                   **(2) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE OF**  
19 **THE ANNOTATED CODE OF MARYLAND:**

20                           **(I) IF THE COURT IMPOSES A TERM OF IMPRISONMENT, THE**  
21 **COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 30**  
22 **DAYS; AND**

23                           **(II) IF THE COURT IMPOSES A FINE, THE COURT MAY NOT**  
24 **IMPOSE LESS THAN THE MANDATORY MINIMUM FINE OF \$1,000.**

25                   **(3) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY**  
26 **MINIMUM SENTENCE OF 30 DAYS.**

27 **16-50.**

28           **THE COMMISSION MAY NOT MAKE INVESTIGATIVE RECORDS OR REPORTS**  
29 **CONTAINING THE NAMES OR PERSONALLY IDENTIFYING INFORMATION OF**

1 **COMPLAINANTS, INVESTIGATORS, OR WITNESSES PUBLICLY AVAILABLE.**

2 **16-51.**

3 **THE COMMISSION SHALL PREPARE AND PUBLISH ON ITS WEBSITE:**

4 **(1) A QUARTERLY STATISTICAL REPORT REGARDING THE**  
5 **COMPLAINTS PROCESSED UNDER THIS SUBHEADING; AND**

6 **(2) AN ANNUAL STATISTICAL REPORT REGARDING THE COMPLAINTS**  
7 **PROCESSED UNDER THIS SUBHEADING.**

8 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial public  
9 members of the Community Oversight and Accountability Commission of Baltimore City  
10 shall expire as follows:

11 (1) three members in 2020;

12 (2) three members in 2021; and

13 (3) three members in 2022.

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