

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 864
Judiciary

(Baltimore City Delegation)

Baltimore City – Civilian Review Board and Office of Equity and Civil Rights

This bill repeals the Baltimore City Civilian Review Board and instead requires the Baltimore City Office of Equity and Civil Rights, or its successor, to review all complaints alleging police misconduct involving a member of the public and a police officer. The office may investigate, simultaneously with the Internal Investigative Division, each complaint it deems appropriate and report its findings to the administrative charging committee. By January 1, 2024, the board must conclude or transfer to the office any matter that the board was actively investigating on July 1, 2023, and beginning July 1, 2023, the board may not initiate a new investigation. The bill states the intent of the General Assembly that, except as otherwise provided by the bill, to the extent provided by State law, on July 1, 2023, the responsibilities of the board, as they exist on June 30, 2023, must be transferred to any other board or agency determined appropriate by the Baltimore City Council. **Provisions repealing the board take effect January 1, 2024. All other provisions take effect July 1, 2023.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Baltimore City expenditures increase by approximately \$367,500 in FY 2024, increasing to approximately \$382,700 by FY 2028, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The office may issue a subpoena to compel (1) the attendance and testimony of a witness and (2) the production of any book, record, or other document. If a person fails to comply with a subpoena issued under the bill, on petition of the office, a court of competent jurisdiction may compel compliance with the subpoena.

A police officer may submit a witness list to the office 10 days or more before the office takes testimony. The office may administer oaths in connection with any proceeding, and the police officer or the police officer's representative may question witnesses who testify about the complaint. All witness testimony must be recorded. The office must review the Internal Investigative Division's investigative report.

Current Law:

Baltimore City Civilian Review Board: The board is a permanent, independent agency in Baltimore City that is authorized to process complaints lodged by members of the public who allege abusive language, false arrest, false imprisonment, harassment, or excessive force by members of the Baltimore Police Department (BPD). The board may also review police department's policies and make recommendations to the Police Commissioner. The following police agencies fall under the jurisdiction of the board: BPD; the Baltimore City School Police; the Housing Authority Police of Baltimore City; the Baltimore City Sheriff's Department; the Baltimore City Watershed Police Force; the police force of the Baltimore City Community College; and the police force of Morgan State University. An individual who claims to have been subjected to or witnessed an act of abusive language, false arrest, false imprisonment, harassment, or excessive force, or injury allegedly resulting from excessive force caused by a police officer, may file a complaint at the Office of the Internal Investigative Division, the Legal Aid Bureau, the Maryland Human Relations Commission, the Baltimore Community Relations Commission, or any of the police district stations in Baltimore City.

In general, a complaint must be made within one year of the action giving rise to the complaint. Chapter 598 of 2017 requires the complaint to be reduced to writing on a form authorized by the board, signed and sworn to, under penalty of perjury, by the complainant.

Police Discipline: Chapter 59 of 2021 repealed the Law Enforcement Officers' Bill of Rights and establishes provisions relating to a statewide accountability and discipline process for police officers.

Police Accountability Boards: Pursuant to Chapter 59, each county must have a police accountability board to (1) hold meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve

matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

The local governing body must (1) establish the membership of and the budget and staff for a police accountability board; (2) appoint a chair for a police accountability board, as specified; and (3) establish the procedures for recordkeeping by a police accountability board. An active police officer may not be a member, and to the extent practicable, the membership must reflect the racial, gender, and cultural diversity of the county.

Administrative Charging Committees: Pursuant to Chapter 59, each county must have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies in the county, and there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. An administrative charging committee must (1) review the findings of a law enforcement agency's investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix, as specified; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant. An administrative charging committee is authorized to request specified information and make specified determinations.

Local Expenditures: Baltimore City advises that the office currently supports board investigations and maintains an overarching Police Accountability Division; therefore, the operational impacts are minimal and can mostly be handled with existing staff and resources. Any staff associated with the review board will shift to the office due to the repeal of the review board. However, as the bill also expands the investigative powers of the office, the office needs three additional investigators and related equipment, at an estimated cost of \$367,500 in fiscal 2024, increasing to \$382,746 by fiscal 2028.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 763 (Senator Carter)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Baltimore City; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

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