

## 2022 Legislative Session

Date of Introduction June 7, 2022

AN ACT repealing the Citizen Complaint Oversight Panel as part of the new Prince George's County laws being enacted in accordance with the State of Maryland Police Accountability Act of 2021.

For the purpose of repealing, in its entirety Subtitle 18, Subdivision 3-Citizen Complaint Oversight Panel.

BY repealing:

Sections 18-186.01, 18-186.02, 18-186.03, 18-186.04,  
18-186.05, 18-186.06, 18-186.07, 18-186.08, 18-186.09 and 18-186.10

The Prince George's County Code  
(2019 Edition; 2021 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 18-186.01, 18-186.02, 18-186.03, 18-186.04, 18-186.05, 18-186.06, 18-186.07, 18-186.08, 18-186.09 and 18-186.10 of the Prince George's County Code be and the same are hereby repealed:

## DIVISION 5. POLICE DEPARTMENT.

**SUBDIVISION 3. RESERVED [CITIZEN COMPLAINT OVERSIGHT**

**PANEL.****Sec. 18-186.01. - Legislative Findings.**

- (a) The procedures to be used when any law enforcement officer is subject to investigation or interrogation for any reason which could lead to disciplinary action, demotion, or dismissal are established under Article 27, Sections 727-734D of the Annotated Code of Maryland ("Law Enforcement Officers' Bill of Rights"), and are in no way supplanted by the procedures set forth in this Subdivision.
- (b) It is found and declared that when a complaint is filed or an incident occurs in which a Prince George's County Police Officer is alleged to have discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law enforcement officer's use of force or while in the custody of a law enforcement officer, or a law enforcement officer or other person has filed a complaint with the Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding the conduct of a law enforcement officer, the public needs assurance that the investigation is complete, thorough, and impartial, and that the report and recommendations of the investigating unit are reasonable and appropriate under the circumstances.
- (c) It is declared that the purpose of the Citizen Complaint Oversight Panel is to review the report of the investigation and to advise the Chief of the Prince George's County Police Department if the investigation was complete, thorough, and impartial.
- (d) It is a further declared purpose of the Citizen Complaint Oversight Panel to review the processing of complaints by law enforcement officers or other persons and to comment on the action taken on such complaints, to report its comments and conclusions to the Chief Administrative Officer upon the final disposition of each case, and to issue an annual report to the public.
- (e) It is a further declared purpose of the Citizen Complaint Oversight Panel, that, if in the judgment of the Citizen Complaint Oversight Panel, substantive issues have not been adequately or impartially addressed by the investigation of complaints by the Internal Affairs Division, the Citizen Complaint Oversight Panel may conduct its own investigation.

**Sec. 18-186.02. - Definitions.**

(a) As used herein, the following words shall have the following meanings:

- (1) Chief of Police means the Chief of the Prince George's County Police Department.
- (2) Complaint means any written allegation, signed by the complainant, that the conduct of a law enforcement officer violated standards imposed by law or departmental procedures.
- (3) Hearing Board means the Police Hearing Board as defined in Article 27, Section 727 of the Annotated Code of Maryland.
- (4) Law enforcement officer means a sworn officer of the Prince George's County Police Department.
- (5) Panel means the Citizen Complaint Oversight Panel.
- (6) Police Department means the Prince George's County Police Department.
- (7) Use of force means but is not limited to, any action taken by a law enforcement officer to strike or control another person including the use of firearms, canine dogs, impact weapons, electrical stun devices, chemical or natural agents, physical contact and restraint devices.

**Sec. 18-186.03. - Citizen Complaint Oversight Panel created; composition; appointment; compensation.**

- (a) There is hereby created a Citizen Complaint Oversight Panel.
- (b) The Panel shall consist of seven (7) members who shall be appointed by the County Executive and confirmed by the County Council.
- (c) Appointments shall be for four (4) year terms. In the event that a member does not complete a term, the vacancy shall be filled in the same manner as initial appointments. No member shall be appointed for more than two (2) consecutive full terms.
- (d) Members shall be residents of Prince George's County and broadly representative of the citizens of the County; however, no person may be appointed, nor serve as a member, who is a municipal, bicounty, County, or State employee, or who is a municipal, County, or State elected official or candidate for any such elected office, or who is employed by any law enforcement organization.
- (e) Members may be reimbursed for reasonable expenses incurred in the performance of their duties and shall be compensated at the rate of Fifty Dollars (\$50) per hour

for meetings, but no member shall receive more than Fifteen Thousand Dollars (\$15,000) in any twelve (12) month period.

(f) The County Executive shall designate a member to serve as Chairperson of the Panel.

(g) The County Executive shall provide appropriate staff, including an Administrator who shall be an attorney admitted to the practice of law in the State of Maryland. The Administrator shall be compensated as provided in the annual budget.

(h) The chairperson shall designate five (5) members of the Panel to review each complaint referred to the Panel pursuant to this Subdivision. A quorum of four (4) members of the Panel shall be required to conduct the business of the Panel.

#### **Sec. 18-186.04. - Citizen Complaints.**

(a) Whenever an individual believes that he or she has been the object of police misconduct, such individual may file a written complaint with the Chief of Police on a form provided by the Police Department.

(1) The complaint shall include the name of the complainant and, to the extent known, the name of the law enforcement officer allegedly involved, and the time, place, and circumstances involved in the incident. The complaint shall also include an explanation of the conduct that is deemed to be wrongful.

(2) Sufficient supplies of citizen complaint forms shall be readily available at every Prince George's County Police station, every public library branch within the County, and at a designated office in the County Administration Building. These written complaint forms may be submitted in person or sent by mail to any office of the Prince George's County Police Department or to any office of the Panel.

(b) Individuals who present oral complaints by telephone or in person to police headquarters or to individual law enforcement officers shall be instructed to fill out a written citizen complaint form. The law enforcement officers shall advise such individuals of the correct procedures to be followed under this Section. Upon request, a copy of the citizen complaint form will be mailed to the complainant at the address furnished.

(c) The Police Department shall place posters in all police stations, and elsewhere throughout the County, to explain the procedure for filing a complaint.

- (d) An explanation of the complaint procedure shall be made to all officers of the Prince George's County Police Department in a General Order to be included in the Manual of Rules and Procedures of the Police Department, and shall be included in the training program for all new officers.

**Sec. 18-186.05. - Investigation of Complaints.**

- (a) The Police Department, in all cases where a law enforcement officer discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law enforcement officer's use of force or while in the custody of a law enforcement officer, or a law enforcement officer or other person has filed a complaint with the Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding the conduct of a law enforcement officer, shall commence an investigation within a reasonable amount of time, ordinarily within thirty (30) calendar days from the date of receipt of such complaint. The purpose of such investigation shall be to evaluate the merits of the complaint in an objective manner.
- (b) Upon the completion of the investigation, the Chief of Police shall receive a full report of the investigation including comments and recommendations, if any, either that the complaint should be sustained, not sustained or dismissed, or for exoneration.

**Sec. 18-186.06. - Duties of Chief of Police.**

- (a) The Chief of Police shall notify the Panel within twenty-four (24) hours or the next business day after a law enforcement officer discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law enforcement officer's use of force or while in the custody of a law enforcement officer, or a law enforcement officer or other person has filed a complaint with the Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding the conduct of a law enforcement officer.
- (b) The Chief of Police shall promptly send to the Panel a copy of every signed complaint against a law enforcement officer. The copy of the complaint shall be accompanied by a statement indicating whether the Internal Affairs Division will conduct a full investigation of the alleged incident.
- (c) Within twenty-four (24) hours or the next business day after receipt, subject to the

provisions of State law, the Chief of Police shall send to the Panel a complete copy of the report of the internal affairs investigation of every case that a law enforcement officer discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law enforcement officer's use of force or while in the custody of a law enforcement officer, or a law enforcement officer or other person has filed a complaint with the Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding the conduct of a law enforcement officer, and shall notify the Panel that the investigation has been completed.

- (d) If the Chief of Police determines that the disclosure of information to the Panel mandated under subsections (a) through (c) would reasonably be expected to compromise or impede a pending criminal or internal affairs investigation, within twenty-four (24) hours or the next business day after receipt of the information, the Chief of Police may petition the County Executive or his designee for a temporary exemption. Such a petition shall be in writing, must contain all information that subsections (a) through (c) requires to be disclosed to the Panel and shall provide specific facts demonstrating that the disclosure would reasonably be expected to compromise or impede the pending investigation. The County Executive or his designee shall respond in writing and may grant a temporary exemption from the mandated disclosures of no longer than thirty (30) days. At the expiration of a temporary exemption, the Chief of Police may renew his petition and the County Executive or his designee may grant additional temporary exemptions of no longer than thirty (30) days every time the petition is renewed.
- (e) The Chief of Police shall direct the internal affairs investigator to attend, upon request of the Panel, the meeting of the Panel for the purpose of providing clarification of any information in the report.
- (f) The Chief of Police shall give due consideration to the comments and conclusions of the Panel, and shall instruct the Internal Affairs Division to continue the investigation if, in the judgment of the Chief of Police, substantive issues have not been adequately or impartially addressed.
- (g) After the Chief of Police has reviewed the comments and conclusions of the Panel, the

Chief of Police may proceed to act upon the recommendations of the Internal Affairs Division in accordance with the provisions of Article 27, Sections 727 through 734D of the Annotated Code of Maryland.

(h) The Chief of Police shall provide copies of the following to the Panel concurrent with service, transmittal, or notice to a law enforcement officer:

- (1) All administrative charges served upon a law enforcement officer;
- (2) All notices of hearing boards or suspension hearings served upon a law enforcement officer;
- (3) All notices of suspension of police powers and/or pay served upon a law enforcement officer;
- (4) All reports of the hearing board transmitted to the Chief of Police; and
- (5) All notices of disciplinary action issued by the Chief of Police.

(i) The Chief of Police shall notify the Panel within two (2) working business days of the final disposition of the case.

**Sec. 18-186.07. - Reserved.**

**Sec. 18-186.08. - Duties of the Panel.**

(a) For every investigation alleging that a law enforcement officer discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law enforcement officer's use of force or while in the custody of a law enforcement officer, or a law enforcement officer or other person has filed a complaint with the Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding the conduct of a law enforcement officer, the Panel, subject to the provisions of State law, shall review the complete internal affairs investigation.

(b) All testimony, information or material obtained or created by the Panel shall be considered confidential and shall not be disclosed except in the performance of its functions.

(c) No later than thirty (30) working days after the completion of the internal affairs investigation report, the Panel shall review the reports received and shall issue to the Chief of Police a written report as to the completeness and impartiality of the reports together with any of the following conclusions for each allegation in a complaint:

- (1) Sustained. A preponderance of the evidence proves that the alleged act or acts occurred and that the act or acts violated Department policy or procedure;
  - (2) Not Sustained. The evidence fails to prove or disprove that the alleged act or acts occurred.
  - (3) Proper Conduct. The evidence proves that the alleged act or acts occurred; however, the act or acts were justified, lawful, and proper.
  - (4) Unfounded. The evidence proves that the alleged act or acts did not occur or that the accused law enforcement officer was not involved.
  - (5) Panel Investigation. If, in the judgment of the Panel, substantive issues have not been adequately or impartially addressed by the investigation of complaints by the Internal Affairs Division, the Panel may conduct its own investigation.
  - (6) Remand to Chief of Police. The Panel may defer disposition to remand a complaint back to the Chief of Police for further investigation and/or additional reports.
- (d) Upon written application to the Chief of Police and for good cause shown, the Chief of Police may grant an extension of time, not to exceed ten (10) additional working days, to the Panel to complete its review and report. If the Panel is unable to complete its review and report within the time allowed, including any extension granted by the Chief of Police, then the internal affairs investigation report shall be forwarded to the Chief of Police without comment for action as provided in Section 18-186.06(e).
- (e) The Panel shall base its comments and conclusions on the investigative reports. The Panel may request the internal affairs investigator to attend the Panel meetings to provide clarification, if needed, of any material in the respective reports of investigation.
- (f) The Panel may conduct its own investigation independently from, but concurrently with, the internal affairs investigation.
- (g) The Panel may, upon a majority vote of the members present, apply to the County Council for the issuance of subpoenas upon any person to require such person to attend, testify under oath, and produce documents and records regarding the subject of any investigation by the Panel in accordance with the Annotated Code of Maryland. A complete record, either written, taped, or transcribed, shall be kept of a person's testimony. All testimony, information and material obtained or created by the Panel



during its investigation will be sent to the Chief of Police for consideration.

- (h) The Administrator of the Panel shall advise the Panel on all legal issues, including, but not limited to, rules of evidence and confidentiality of information. The Panel shall protect confidentiality but may otherwise make public its comments and conclusions no sooner than one (1) business day after submitting its report to the Chief of Police.
- (i) Upon direction of the Chairperson of the Panel, a member or staff of the Panel shall observe the proceedings of a hearing board, if one is convened.
- (j) The Panel shall report its comments and conclusions in writing to the Chief Administrative Officer in each case in a timely manner.
- (k) The Panel shall make public an annual report of its activities. The annual report shall contain summary reports of case conclusions, a statistical analysis of cases by type and disposition, including discipline imposed, any recommendations for policy changes, recruitment, supervision, operational procedures and training, and any other information that the Panel deems appropriate.
- (l) The Panel shall inform the complainant of the following in a timely manner: (1) Notice of the time and location of any hearing board; and (2) Final disposition of a complaint.

**Sec. 18-186.09. - Enforcement of Subpoenas.**

- (a) The Prince George's County Citizen Complaint Oversight Panel may petition a court of competent jurisdiction to issue an order requiring compliance with a subpoena issued for the panel by the County Council.
- (b) A court of competent jurisdiction may hold a person who fails to obey an order issued under Subsection (a) of the Section in contempt of court.

**Sec. 18-186.10. - Reserved.]**

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on  
June 30, 2022.

Adopted this 5<sup>th</sup> day of July, 2022.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

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