

***PARK POLICE*****§ 16-40. Status in Police Department.**

Any person who became a member of the Baltimore City Police Department as a result of the merger of the Park Police, a Division of the Department of Recreation and Parks, of the City of Baltimore, with the Police Department shall be deemed to have been a member of the Baltimore City Police Department for the period such person was employed as a member of the said Park Police Division; and the period of each person's employment time spent with the Park Police Division prior to the effective date of the merger on January 1, 1961, shall be held to have been spent in the service of the Baltimore City Police Department for purposes of probationary period, seniority rating, length of service for compensation, or additional compensation, eligibility for promotion and all other purposes except eligibility for membership in the Special Fund for Widows; and each person shall continue in the rank attained in the Park Police Division during his tenure in the Baltimore City Police Department, until promoted, reduced, retired, dropped, dismissed, or otherwise altered, according to law, and in the same manner as other members of the Baltimore City Police Department. Any person who is a member of the Baltimore City Police Department shall be given credit for all the purposes aforesaid for all time spent as a member of the said Park Police Division. (*P.L.L., 1969, §16-40.*) (*1961, ch. 290.*)

***CIVILIAN REVIEW BOARD*****§ 16-41. Definitions.**(a) *In general.*

In this subheading the following words have the meanings indicated.

(b) *Abusive language.*

“Abusive language” means the use of remarks intended to be demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of an individual.

(c) *Excessive force.*

(1) “Excessive force” means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) “Excessive force” does not include force that is reasonably necessary to effect a lawful purpose.

(d) *False arrest.*

“False arrest” means an arrest made without legal justification.

(e) *False imprisonment.*

“False imprisonment” means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

(f) *Harassment.*

(1) “Harassment” means:

(i) repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling; or

(ii) any conduct that is intended to cause unnecessary physical discomfort or injury.

(2) “Harassment” does not include conduct that is reasonably necessary to effect a lawful purpose.

(g) *Law enforcement unit.*

“Law enforcement unit” means:

(1) the Police Department of Baltimore City;

(2) the Baltimore City School Police;

(3) the Housing Authority of Baltimore City Police;

(4) the Baltimore City Sheriff’s Department;

(5) the Baltimore City Watershed Police Force;

(6) the police force of the Baltimore City Community College; or

(7) the police force of Morgan State university.

(h) *Police officer.*

“Police officer” means a member of a law enforcement unit authorized to make arrests. (1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499; 2015, ch. 130.)

**§ 16-42. Board established; jurisdiction; notice of procedures; training.**

(a) *Board established.*

The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law

enforcement unit shall be processed, investigated under § 16-46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) *Board jurisdiction.*

Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16-41 of this subheading and by the law enforcement unit's rules and regulations.

(c) *Public notice.*

A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) *Notice to officers.*

An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) *Training Board members.*

Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

**§ 16-43. Composition; officers; meetings; staff.**

(a) *Composition of Board.*

(1) The Board is composed of:

(i) one member of the public from each of the nine police districts in Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;

(ii) one representative of the Fraternal Order of Police;

(iii) one representative of the Vanguard Justice Society;

(iv) the Commissioner or the Commissioner's designee;

(v) one representative of the American Civil Liberties Union of Maryland; and

(vi) one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People.

(2) Each public member of the Board:

- (i) shall be a voting member of the Board; but
- (ii) may not be a current employee of a municipal, county, state, or federal law enforcement agency.

(3) Each voting member of the Board shall be a resident of Baltimore City.

(b) *Officers.*

At its first meeting each year, the Board shall elect a Chairman and Secretary.

(c) *Meetings — frequency.*

- (1) The Board shall meet as often as necessary to perform its functions and duties, but it shall meet at least once a month.
- (2) Each year at least four meetings of the Board shall be held in locations rotated throughout different police districts in the City.

(d) *Meetings — quorum; voting.*

- (1) The Board shall determine what constitutes a quorum.
- (2) In all matters where a quorum is present, a majority of the voting members of the Board shall prevail.

(e) *Terms; voting status.*

- (1) The term of a public member of the Board appointed under subsection (a)(1)(i) of this section is 3 years.
- (2) (i) The terms of the public members are staggered as required by the terms provided for the public members of the Board on October 1, 1999.
  - (ii) A public member of the Board is not eligible to serve for more than two full successive terms.
- (3) At the end of a term, a public member appointed under subsection (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.
- (4) A public member who is appointed under subsection (a)(1)(i) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member who is appointed under subsection (a)(1)(ii), (iii), (iv), (v), or (vi) of this section shall serve in a nonvoting advisory capacity.

(f) *Staff.*

(1) The Mayor of Baltimore City shall assign staff to the Board for the periodic meetings of the Board from the Office of the City Solicitor and the Community Relations Commission.

(2) Baltimore City may hire an independent administrator to serve the Board.

(1999, chs. 196, 197; 2015, ch. 130.)

**§ 16-44. Filing complaints.**

(a) *Where filed.*

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

at any of the police district stations.

(b) *When filed.*

(1) Except as provided in paragraph (2) of this subsection, a complaint shall be made within 1 year of the action giving rise to the complaint.

(2) A complaint for excessive force shall be made within 90 days of the alleged act of excessive force.

(c) *Form.*

(1) (i) The complaint shall be reduced to writing on a form authorized by the Board, signed by the complainant, and witnessed by a notary public.

(ii) In addition to the requirements of subparagraph (i) of this paragraph, a complaint for excessive force shall be sworn to by the complainant.

(2) The complaint shall include:

(i) the name of the complainant;

(ii) if known, the name of the police officer allegedly involved;

(iii) the date, time, and place of the alleged misconduct;

(iv) the circumstances of the alleged misconduct; and

(v) an explanation of the alleged misconduct that is deemed to be wrongful.

(d) *Referral to IID and Board Secretary.*

One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant. A copy shall be sent within 48 hours to the Internal Investigative Division and the Secretary of the Board.

(e) *Docketing; referral to Board members.*

The Secretary of the Board shall assign a consecutive number to each complaint, and within 48 hours, shall send a copy to each member of the Board. The Secretary shall also maintain on file a record of each complaint.

(1999, chs. 196, 197; 2006, ch. 499.)

**§ 16-45. Investigations.**

(a) *IID to investigate within 90 days.*

The Internal Investigative Division shall make a comprehensive investigation of each complaint and submit its Internal Investigative Division Report relating to the incident alleged to the Board within 90 days from the date of the complaint.

(b) *Extension.*

For good cause shown, the Board may extend the time allowed to complete the report required under subsection (a) of this section.

(1999, chs. 196, 197.)

**§ 16-46. Board proceedings.**

(a) *Board review of complaint.*

(1) The Board shall review all complaints alleging police misconduct described in § 16-42(a)(1) of this subheading.

(2) The Board may investigate, simultaneously with the Internal Investigative Division, each complaint it deems appropriate and report its findings to the Internal Investigative Division.

(b) *Witnesses and records.*

(1) The Board may issue a subpoena, signed by the Chairman of the Board, to compel:

(i) the attendance and testimony of a witness other than the accused officer; and

(ii) the production of any book, record, or other document.

- (2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.
  - (3) A police officer may submit a witness list to the Board 10 days or more before the Board takes testimony.
  - (4) The Chairman or the Secretary of the Board may administer oaths in connection with any proceeding of the Board.
  - (5) The police officer or the police officer's representative shall have the right to question witnesses who testify about the complaint.
  - (6) All witness testimony shall be recorded.
- (c) *Board review of report; recommendations.*
- (1) The Board shall review the Internal Investigative Division's Report.
  - (2) On review of the Internal Investigative Division Report and the Board's investigative report, if any, of each case, the Board shall recommend to the head of the appropriate law enforcement unit one of the following actions:
    - (i) sustain the complaint and may recommend the appropriate disciplinary action against the police officer;
    - (ii) not sustain the complaint;
    - (iii) exonerate the police officer;
    - (iv) find that the complaint is unfounded; or
    - (v) require further investigation by the Internal Investigative Division.
- (d) *Submission to unit head.*

The Board shall submit a statement of its findings and recommendations to the head of the appropriate law enforcement unit within 30 days of receipt of the Internal Investigative Division Report.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

**§ 16-47. Penalty for false statements, etc.**

Any person who knowingly makes a false statement, report, or complaint in the course of an investigation by the Internal Investigative Division or the Board conducted under the provisions of this subheading is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(1999, chs. 196, 197.)

**§ 16-48. Final decision by unit head.**

(a) *Consideration of Board recommendation.*

The head of the appropriate law enforcement unit has final decision-making responsibility for the appropriate disciplinary action in each case, but the head of the appropriate law enforcement unit may not take final action until after reviewing the recommendation of the Board under § 16-46(c)(2) of this subheading.

(b) *Expungement or records.*

If a complaint is not sustained or the police officer is exonerated, on written request by the police officer sent to the Board, the Board shall expunge all records of the complaint. (1999, chs. 196, 197; 2000, ch. 290.)

**§ 16-49. Rights preserved.**

The procedures established under this subheading may not be construed to abrogate any constitutional, statutory, or common law right of:

- (1) a police officer against whom a complaint is filed; or
- (2) the complainants, investigators, or witnesses who participate in the complaint procedure under this subheading.

(1999, chs. 196, 197.)

**§ 16-50. Disciplinary proceeding unaffected.**

The procedures established under this subheading may not be construed to affect or change the methods and procedures for suspension or dismissal of police officers. (1999, chs. 196, 197.)

**§ 16-51. Officer’s right to notice and hearing.**

A police officer may not be penalized or affected adversely in any way as a result of the procedures established under this subheading without having been first afforded proper written notice of the charges lodged against the officer and the right to a hearing before the Police Trial Board in accordance with due process of law. (1999, chs. 196, 197.)

**§ 16-52. Records.**

(a) *Names to be kept confidential.*

Records containing the names or identification of complainants, investigators, and witnesses may not be disclosed or released to the public.



(b) *Records maintenance.*

(1) The Internal Investigative Division shall retain sole custody of an Internal Investigative Division Report.

(2) Except for an Internal Investigative Division Report, the Board shall be the custodian of all records of a proceeding for a complaint under this subheading, including personal notes, audio recordings, memoranda, letters, and forms resulting from a complaint and proceedings before the Board involving the complaint.

(1999, chs. 196, 197.)

**§ 16-53. Rules and regulations.**

Subject to the provisions of this subheading, the Board may adopt reasonable and proper regulations to govern its procedures.

(1999, chs. 196, 197.)

**§ 16-54. Semiannual statistical report.**

(a) *Board to publish.*

The Board shall prepare and publish a semiannual statistical report regarding the complaints processed under this subheading.

(b) *Submission.*

The Board shall submit the report semiannually to the Mayor and City Council of Baltimore City and the Commissioner.

(1999, chs. 196, 197.)