

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 22-0234

Introduced by: Councilmember Conway, Bullock, Porter
Introduced and read first time: April 25, 2022
Assigned to: Rules and Legislative Oversight Committee

Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: June 23, 2022

AN ORDINANCE CONCERNING

Police Accountability

1

2 FOR the purpose of establishing the Baltimore City Police Accountability Board; providing for
3 the membership, staffing, budget, and procedures of the Board; requiring the Board to deliver
4 a certain annual report; establishing the Administrative Charging Committee for the City;
5 providing for the membership, staffing, budget, and procedures of the Committee; requiring a
6 member of the Committee to maintain confidentiality; requiring the Committee to deliver a
7 certain annual report; requiring the Director of the Baltimore City Office of Equity and Civil
8 Rights to adopt rules and regulations to carry out this Ordinance; defining certain terms;
9 requiring certain individuals assigned to either the Board or the Committee to file certain
10 financial disclosures; and generally relating to police accountability.

11 BY adding
12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Sections 11-1 through 11-13 to be under the new subtitle designation
14 “Subtitle 11. Police Accountability Board”
15 Baltimore City Code
16 (Edition 2000)

17 BY adding
18 Article 8 - Ethics
19 Sections 7-8(33a)
20 Baltimore City Code
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
23 Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 11. POLICE ACCOUNTABILITY BOARD

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 **§ 11-1. DEFINITIONS.**

2 (A) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *ADMINISTRATIVELY CHARGED.*

5 “ADMINISTRATIVELY CHARGED” MEANS THAT A POLICE OFFICER HAS BEEN FORMALLY
6 ACCUSED OF POLICE MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.

7 (C) *BOARD.*

8 “BOARD” MEANS THE BALTIMORE CITY POLICE ACCOUNTABILITY BOARD ESTABLISHED
9 BY THIS SUBTITLE.

10 (D) *COMMITTEE.*

11 “COMMITTEE” MEANS THE ADMINISTRATIVE CHARGING COMMITTEE ESTABLISHED BY
12 §11-10 OF THIS SUBTITLE.

13 (E) *DIRECTOR.*

14 “DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE CITY OFFICE OF EQUITY AND
15 CIVIL RIGHTS, OR ITS SUCCESSOR OFFICE.

16 (F) *DISCIPLINARY MATRIX.*

17 “DISCIPLINARY MATRIX” MEANS A WRITTEN, CONSISTENT, PROGRESSIVE, AND
18 TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF DISCIPLINARY ACTIONS FOR
19 DIFFERENT TYPES OF POLICE MISCONDUCT.

20 (G) *EXONERATED.*

21 “EXONERATED” MEANS THAT A POLICE OFFICER ACTED IN ACCORDANCE WITH THE LAW
22 AND AGENCY POLICY.

23 (H) *LAW ENFORCEMENT AGENCY.*

24 “LAW ENFORCEMENT AGENCY” MEANS:

25 (1) THE BALTIMORE CITY POLICE DEPARTMENT;

26 (2) THE BALTIMORE CITY SCHOOL POLICE;

27 ~~(3) THE HOUSING AUTHORITY OF BALTIMORE CITY POLICE;~~

28 (3) ~~(4)~~ THE BALTIMORE CITY SHERIFF’S DEPARTMENT;

29 (4) ~~(5)~~ THE BALTIMORE CITY ~~WATERSHED POLICE FORCE~~ ENVIRONMENTAL POLICE;

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1 ~~(5) (6)~~ THE POLICE FOR OF THE BALTIMORE CITY COMMUNITY COLLEGE;

2 ~~(6) (7)~~ THE POLICE FOR OF MORGAN STATE UNIVERSITY; OR

3 ~~(7) (8)~~ THE POLICE DEPARTMENT OF JOHNS HOPKINS UNIVERSITY.

4 (I) *NOT ADMINISTRATIVELY CHARGED.*

5 “NOT ADMINISTRATIVELY CHARGED” MEANS THAT A DETERMINATION HAS BEEN MADE
6 NOT TO ADMINISTRATIVELY CHARGE A POLICE OFFICER IN CONNECTION WITH ALLEGED
7 POLICE MISCONDUCT.

8 (J) *POLICE MISCONDUCT.*

9 “POLICE MISCONDUCT” MEANS A PATTERN, A PRACTICE, OR CONDUCT BY A POLICE
10 OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

11 (1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE CONSTITUTION OR LAWS OF
12 THE CITY, THE STATE, OR THE UNITED STATES;

13 (2) A VIOLATION OF A CRIMINAL STATUTE; AND

14 (3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND POLICIES.

15 (K) *POLICE OFFICER.*

16 “POLICE OFFICER” ~~MEANS A MEMBER OF A LAW ENFORCEMENT AGENCY AUTHORIZED TO~~
17 ~~MAKE ARRESTS HAS THE MEANING STATED IN STATE PUBLIC SAFETY ARTICLE, § 3-101(H)~~
18 {“POLICE OFFICER”}.

19 ~~(L) SUPERIOR GOVERNMENTAL AUTHORITY.~~

20 ~~“SUPERIOR GOVERNMENTAL AUTHORITY” MEAN THE GOVERNING BODY THAT OVERSEES A~~
21 ~~LAW ENFORCEMENT AGENCY.~~

22 ~~(L) (M) UNFOUNDED.~~

23 “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A POLICE OFFICER ARE NOT
24 SUPPORTED BY FACT.

25 **§ 11-2. BOARD ESTABLISHED.**

26 THERE IS A BALTIMORE CITY POLICE ACCOUNTABILITY BOARD.

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1 § 11-3. COMPOSITION AND QUALIFICATIONS.

2 (A) COMPOSITION.

3 (1) IN GENERAL.

4 THE POLICE ACCOUNTABILITY BOARD IS COMPOSED OF ~~13~~ 17 MEMBERS APPOINTED BY
5 THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6, AS FOLLOWS:

6 (1) ~~1~~ EACH FROM THE 9 POLICE DISTRICTS IN BALTIMORE CITY;

7 (2) ~~1~~ REPRESENTATIVE FROM SAFE STREETS BALTIMORE;

8 (3) ~~1~~ REPRESENTATIVE FROM THE BALTIMORE COMMUNITY MEDIATION CENTER;

9 (4) ~~1~~ REPRESENTATIVE FROM HOUSE OF RUTH MARYLAND; AND

10 (5) ~~1~~ REPRESENTATIVE FROM THE MARYLAND VIOLENCE PREVENTION COALITION.

11 (2) NOMINATION AND APPOINTMENT.

12 (i) MAYORAL APPOINTMENT.

13 (A) 2 MEMBERS SHALL BE APPOINTED TO THE BOARD BY THE MAYOR IN
14 ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6.

15 (B) 1 OF THE MEMBERS APPOINTED BY THE MAYOR UNDER THIS
16 PARAGRAPH (2) MUST BE BETWEEN 18 AND 25 YEARS OF AGE.

17 (ii) CITY COUNCIL CANDIDATES.

18 (A) EACH MEMBER OF THE CITY COUNCIL AND THE CITY COUNCIL
19 PRESIDENT SHALL PROPOSE 1 CANDIDATE TO THE MAYOR FOR HIS OR
20 HER CONSIDERATION FOR APPOINTMENT TO THE BOARD.

21 (B) THE MAYOR SHALL CONSIDER THE CANDIDATES PROPOSED BY THE
22 CITY COUNCIL FOR APPOINTMENT TO THE BOARD AND MAY NOMINATE
23 THE CANDIDATES AT HIS OR HER DISCRETION IN ACCORDANCE WITH
24 CITY CHARTER ARTICLE IV, § 6.

25 (C) IF THE MAYOR REJECTS A CANDIDATE PROPOSED BY THE CITY
26 COUNCIL THE MAYOR MUST PROVIDE A WRITTEN RESPONSE TO THE
27 CITY COUNCIL JUSTIFYING WHY HE OR SHE REJECTED THE CANDIDATE.

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1 (B) *QUALIFICATIONS.*

2 (1) *DIVERSITY OF MEMBERSHIP.*

3 TO THE EXTENT PRACTICABLE THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE
4 RACIAL, GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION, SOCIOECONOMIC,
5 AND CULTURAL DIVERSITY OF THE CITY.

6 (2) *IN GENERAL.*

7 EACH MEMBER OF THE BOARD MUST BE:

8 ~~(I) A RESIDENT OF THE CITY OF BALTIMORE;~~

9 ~~(II) AT LEAST 21 YEARS OF AGE; AND~~

10 ~~(III) A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES.~~

11 (3) *EXCLUSIONS.*

12 NO PERSON MAY BE APPOINTED TO THE BOARD, OR ONCE APPOINTED, CONTINUE TO
13 SERVE ON THE BOARD IF THE PERSON:

14 (I) IS OR BECOMES A POLICE OFFICER OR AN OFFICER OR EMPLOYEE OF THE STATE,
15 THE CITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY OF
16 THEIR RESPECTIVE AGENCIES, INSTRUMENTALITIES, OR OTHER UNITS (OTHER
17 THAN A STATE COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF HIGHER
18 EDUCATION) A LAW ENFORCEMENT AGENCY;

19 (II) IS OR BECOMES A CANDIDATE FOR ELECTED PUBLIC OFFICE OF THE STATE, THE
20 CITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE; OR

21 ~~(III) HAS BEEN CONVICTED OF A FELONY OR A MISDEMEANOR WITH A STATUTORY~~
22 ~~PENALTY OF MORE THAN 5 YEARS.~~

23 (III) IS OR BECOMES A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE
24 STATEMENT AS REQUIRED UNDER ARTICLE 8, §§ 7-7 {"ELECTED OFFICIALS
25 AND STAFF"}, 7-8 {"AGENCY OFFICIALS AND STAFF"}, OR 7-9
26 {"PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT PERSONNEL"} OF
27 THE CITY CODE; OR

28 (IV) IS A FORMER POLICE OFFICER WHO DID NOT SEPARATE FROM A LAW
29 ENFORCEMENT AGENCY IN GOOD STANDING.

30 (4) *PROHIBITIONS.*

31 NO MORE THAN 2 FORMER POLICE OFFICERS OR EMPLOYEES OF A LAW ENFORCEMENT
32 AGENCY MAY SERVE ON THE BOARD AT ANY 1 TIME.

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1 § 11-4. OFFICERS.

2 (A) CHAIR.

3 (1) ~~THE MAYOR SHALL APPOINT THE CHAIR OF THE BOARD~~ THE CHAIR SHALL BE
4 ELECTED FROM AMONG THE BOARD'S MEMBERS BY A MAJORITY VOTE OF THE
5 MEMBERS OF THE BOARD.

6 (2) THE TERM OF THE CHAIR IS ~~1 YEAR~~ 2 YEARS.

7 (3) THE CHAIR MAY BE ~~REAPPOINTED~~ RE-ELECTED.

8 (B) VICE-CHAIR.

9 THE BOARD MAY ELECT A VICE-CHAIR AND OTHER OFFICERS FROM AMONG ITS MEMBERS.

10 § 11-5. TERM; REMOVAL; COMPENSATION.

11 (A) TERM.

12 (1) EACH MEMBER OF THE BOARD SERVES A ~~3~~ 4-YEAR TERM.

13 (2) A MEMBER OF THE BOARD MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

14 (3) A MEMBER OF THE BOARD APPOINTED TO FILL A VACANCY SERVES THE REST OF THE
15 THEN CURRENT TERM.

16 (4) A MEMBER OF THE BOARD CONTINUES IN OFFICE UNTIL THEIR SUCCESSOR IS
17 APPOINTED AND QUALIFIED.

18 (B) REMOVAL.

19 THE MAYOR, WITH THE APPROVAL OF AT LEAST ~~7~~ 9 BOARD MEMBERS, MAY REMOVE A
20 MEMBER FOR:

21 (1) NEGLIGENCE OF DUTY;

22 (2) MISFEASANCE, MALFEASANCE, OR NONFEASANCE;

23 (3) A MEMBER'S INABILITY OR UNWILLINGNESS TO PERFORM THE DUTIES OF THE
24 OFFICE;

25 (4) CONDUCT THAT IMPAIRS A MEMBER FROM PERFORMING THE DUTIES OF THE OFFICE;

26 (5) ~~VIOLATION OF LAW~~ A CONVICTION OF A FELONY OR A CRIME RELEVANT TO A
27 MEMBER'S CREDIBILITY FOR WHICH THE PENALTY AND SENTENCE HAS NOT BEEN
28 FULLY SATISFIED; OR

29 (6) INABILITY TO MEET THE QUALIFICATIONS FOR A BOARD MEMBER MANDATED BY
30 CITY OR STATE LAW OR BY IMPLEMENTING REGULATIONS.

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1 (C) *COMPENSATION.*

2 THE MEMBERS OF THE BOARD:

3 (1) ~~SERVE WITHOUT COMPENSATION; BUT SHALL ONLY BE ENTITLED TO SUCH~~
4 COMPENSATION AS PROVIDED FOR IN THE ORDINANCE OF ESTIMATES OR
5 SUPPLEMENTARY APPROPRIATION LEGISLATION; AND

6 (2) ARE ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN THE
7 PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF ESTIMATES
8 OR SUPPLEMENTARY APPROPRIATION LEGISLATION.

9 **§ 11-6. MEETINGS.**

10 (A) *IN GENERAL.*

11 THE BOARD MUST MEET AT THE CALL OF THE CHAIR AS FREQUENTLY AS REQUIRED TO
12 PERFORM ITS DUTIES, BUT NOT LESS THAN 4 TIMES EACH YEAR.

13 (B) *QUORUM; VOTING.*

14 (1) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTES A QUORUM FOR THE
15 TRANSACTION OF BUSINESS.

16 (2) AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS NEEDED FOR ANY OFFICIAL
17 ACTION.

18 **§ 11-7. DUTIES.**

19 THE BOARD MUST:

20 (1) HOLD QUARTERLY MEETINGS WITH THE ~~SUPERIOR GOVERNMENTAL AUTHORITY CHIEF~~
21 ~~OF ONE OR MORE~~ EACH LAW ENFORCEMENT ~~AGENCIES~~ AGENCY;

22 (2) APPOINT CIVILIAN MEMBERS TO THE ADMINISTRATIVE CHARGING COMMITTEE AND
23 TRIAL BOARDS;

24 (3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY A MEMBER OF THE PUBLIC;

25 (4) REVIEW THE OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED BY THE
26 ADMINISTRATIVE CHARGING COMMITTEE ON A QUARTERLY BASIS;

27 (5) ADVISE THE MAYOR AND THE CITY COUNCIL ON POLICING MATTERS; AND

28 (6) REFER EACH ~~COMPLAIN~~ COMPLAINT OF POLICE MISCONDUCT FILED WITH THE BOARD
29 TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN 3 DAYS AFTER RECEIPT FOR
30 INVESTIGATION.

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1 § 11-8. REPORTS.

2 (A) IN GENERAL.

3 THE BOARD MUST PUBLICLY PUBLISH AND SUBMIT AN ANNUAL REPORT TO THE MAYOR
4 AND CITY COUNCIL BY EACH DECEMBER 31 THAT:

5 (1) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF POLICE OFFICERS IN THE
6 CITY;

7 (2) RECOMMENDS CHANGES TO POLICY THAT WOULD IMPROVE POLICE ACCOUNTABILITY
8 IN THE CITY; AND

9 (3) DESCRIBES THE ACTIVITIES OF THE BOARD AND THE NUMBER OF COMPLAINTS
10 RECEIVED.

11 (B) BOARD WEBSITE.

12 THE BOARD MUST MAINTAIN A PUBLIC WEBSITE WHERE REPORTS REQUIRED UNDER
13 SUBSECTION (A) OF THIS SECTION ARE PUBLICLY PUBLISHED.

14 § 11-9. COMPLAINTS OF POLICE MISCONDUCT.

15 (A) IN GENERAL.

16 ~~(1) A COMPLAINT OF POLICE MISCONDUCT MAY BE FILED WITH THE BOARD OR THE LAW~~
17 ~~ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS THE SUBJECT OF~~
18 ~~THE COMPLAINT.~~

19 (1) A COMPLAINT OF POLICE MISCONDUCT MAY BE FILED WITH:

20 (I) THE BOARD OR ITS DESIGNEE; OR

21 (II) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS
22 THE SUBJECT OF THE COMPLAINT.

23 (2) IF A COMPLAINT IS FILED WITH THE BOARD, THE COMPLAINT MUST BE FORWARDED TO
24 THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS THE
25 SUBJECT OF THE COMPLAINT.

26 (3) IF A COMPLAINT IS FILED WITH A LAW ENFORCEMENT AGENCY, THE COMPLAINT MUST
27 BE FORWARDED TO THE BOARD UPON RECEIPT WITHIN 2 WEEKS.

28 (B) RECEIPT OF COMPLAINTS.

29 THE BOARD SHALL RECEIVE COMPLAINTS OF POLICE MISCONDUCT:

30 (1) FILED BY MEMBERS OF THE PUBLIC; ~~OR~~

31 (2) FORWARDED TO THEM FROM A LAW ENFORCEMENT AGENCY; ~~;~~ OR

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1 (3) FORWARDED TO THE BOARD BY THE BOARD’S DESIGNEE, AS AUTHORIZED UNDER
2 § 11-9(A)(1)(I) OF THIS SUBTITLE.

3 (C) *PROCEDURE FOR FILING COMPLAINTS.*

4 THE BOARD ~~SHALL~~ MUST ESTABLISH A UNIFORM PROCEDURE FOR ALLOWING MEMBERS OF
5 THE PUBLIC TO FILE COMPLAINTS OF POLICE MISCONDUCT.

6 (D) *COMPLAINT REQUIREMENTS.*

7 (1) *INCLUSIONS.*

8 A COMPLAINT OF POLICE MISCONDUCT FILED WITH THE BOARD OR A LAW
9 ENFORCEMENT AGENCY MUST INCLUDE:

10 (I) THE NAME OF THE POLICE OFFICER ACCUSED OF POLICE MISCONDUCT;

11 (II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

12 (III) CONTACT INFORMATION OF THE COMPLAINANT OR A PERSON FILING ON
13 BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE FOLLOW-UP.

14 (2) *EXCLUSIONS.*

15 A COMPLAINT OF POLICE MISCONDUCT NEED NOT BE NOTARIZED.

16 **§ 11-10. ADMINISTRATIVE CHARGING COMMITTEE.**

17 (A) *ESTABLISHMENT.*

18 THERE IS AN ADMINISTRATIVE CHARGING COMMITTEE FOR THE CITY.

19 (B) *COMPOSITION; QUALIFICATIONS; TRAINING.*

20 (1) *COMPOSITION.*

21 THE COMMITTEE COMPRISES 5 MEMBERS, OF WHICH:

22 (I) 1 IS THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD, OR ANOTHER
23 MEMBER OF THE BOARD DESIGNATED BY THE CHAIR;

24 (II) 2 ARE CIVILIAN MEMBERS APPOINTED BY THE POLICE ACCOUNTABILITY
25 BOARD; AND

26 (III) 2 ARE CIVILIAN MEMBERS APPOINTED BY THE MAYOR.

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1 (2) *QUALIFICATIONS.*

2 (1) *DIVERSITY OF MEMBERSHIP.*

3 TO THE EXTENT PRACTICABLE THE MEMBERSHIP OF THE COMMITTEE SHALL
4 REFLECT THE RACIAL, GENDER IDENTITY OR EXPRESSION, SEXUAL
5 ORIENTATION, SOCIOECONOMIC, AND CULTURAL DIVERSITY OF THE CITY.

6 (II) *IN GENERAL.*

7 ~~EACH MEMBER OF THE BOARD MUST BE:~~

8 ~~(A) A RESIDENT OF THE CITY OF BALTIMORE; AND~~

9 ~~(B) HAVE EXPERIENCE:~~

10 ~~1. MANAGING OR EVALUATING THE MANAGEMENT OF A LAW~~
11 ~~ENFORCEMENT AGENCY;~~

12 ~~2. EVALUATING CITIZEN COMPLAINTS AGAINST A POLICE OFFICER;~~
13 ~~OR~~

14 ~~3. IN PERSONNEL DISCIPLINARY PROCEEDINGS AS A MANAGER,~~
15 ~~EMPLOYEE REPRESENTATIVE, MEDIATOR, OR ARBITRATOR.~~

16 EACH MEMBER OF THE COMMITTEE MUST BE A RESIDENT OF THE CITY OF
17 BALTIMORE.

18 (3) *TRAINING.*

19 BEFORE SERVING AS A MEMBER OF THE COMMITTEE, A PERSON MUST RECEIVE
20 TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM THE MARYLAND
21 POLICE TRAINING AND STANDARDS COMMISSION.

22 (C) *TERM; REMOVAL; COMPENSATION.*

23 (1) *TERM.*

24 (I) EACH MEMBER OF THE COMMITTEE SERVES A 3-YEAR TERM.

25 (II) A MEMBER OF THE COMMITTEE MAY NOT SERVE MORE THAN 2 CONSECUTIVE
26 FULL TERMS.

27 (III) A MEMBER OF THE COMMITTEE APPOINTED TO FILL A VACANCY SERVES THE
28 REST OF THE UNEXPIRED TERM.

29 (IV) A MEMBERS OF THE COMMITTEE CONTINUES IN OFFICE UNTIL HIS OR HER
30 SUCCESSOR IS APPOINTED AND QUALIFIED.

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1 (2) *REMOVAL.*

2 THE MAYOR MAY REMOVE A MEMBER FOR:

3 (I) NEGLIGENCE OF DUTY;

4 (II) MISFEASANCE, MALFEASANCE, OR NONFEASANCE;

5 (III) A MEMBER'S INABILITY OR UNWILLINGNESS TO PERFORM THE DUTIES OF THE
6 OFFICE;

7 (IV) CONDUCT THAT IMPAIRS A MEMBER FROM PERFORMING THE DUTIES OF THE
8 OFFICE;

9 (V) ~~VIOLATION OF LAW~~ A CONVICTION OF A FELONY OR A CRIME RELEVANT TO A
10 MEMBER'S CREDIBILITY FOR WHICH THE PENALTY AND SENTENCE HAS NOT
11 BEEN FULLY SATISFIED; OR

12 (VI) INABILITY TO MEET THE QUALIFICATIONS FOR A COMMITTEE MEMBER
13 MANDATED BY CITY OR STAT LAW, OR IMPLEMENTING REGULATIONS.

14 (3) *COMPENSATION.*

15 THE MEMBERS OF THE COMMITTEE:

16 (I) SERVE WITH COMPENSATION, AS PROVIDED FOR IN THE ORDINANCE OF
17 ESTIMATES OR SUPPLEMENTARY APPROPRIATION LEGISLATION; AND

18 (II) ARE ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN
19 THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF
20 ESTIMATES OR SUPPLEMENTARY APPROPRIATION LEGISLATION.

21 (D) *CHAIR.*

22 (1) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS AT THE FIRST
23 MEETING OCCURRING ON OR AFTER JULY 1.

24 (2) THE CHAIR OF THE COMMITTEE MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
25 TERMS.

26 (E) *MEETINGS; QUORUM; VOTING.*

27 (1) *IN GENERAL.*

28 THE COMMITTEE SHALL MEET ONCE PER MONTH OR AS NEEDED.

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1 (2) *QUORUM; VOTING.*

2 (I) A MAJORITY OF THE MEMBERS OF THE COMMITTEE CONSTITUTES A QUORUM
3 FOR THE TRANSACTION OF BUSINESS.

4 (II) AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS NEEDED FOR ANY
5 OFFICIAL ACTION.

6 (F) *DUTIES.*

7 THE COMMITTEE MUST:

8 (I) REVIEW THE FINDINGS OF EACH LAW ENFORCEMENT AGENCY'S INVESTIGATION
9 FORWARDED BY THE AGENCY TO THE COMMITTEE;

10 (II) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO THE MATTERS
11 COVERED IN THE COMPLAINT OF POLICE MISCONDUCT;

12 (III) AUTHORIZE A POLICE OFFICER CALLED BEFORE THE COMMITTEE TO BE
13 ACCOMPANIED BY A REPRESENTATIVE;

14 (IV) WITHIN 30 DAYS AFTER RECEIPT OF THE LAW ENFORCEMENT AGENCY'S
15 INVESTIGATORY FILE, UNLESS THE COMMITTEE REQUESTS FURTHER REVIEW
16 UNDER SUBSECTION (G) OF THIS SECTION, DETERMINE IF THE POLICE OFFICER WHO
17 IS THE SUBJECT OF THE CHARGED INVESTIGATION SHOULD BE ADMINISTRATIVELY
18 CHARGED OR NOT ADMINISTRATIVELY CHARGED;

19 (V) IF THE COMMITTEE DETERMINES THAT A POLICE OFFICER SHOULD BE
20 ADMINISTRATIVELY CHARGED, RECOMMEND DISCIPLINE PURSUANT TO THE
21 DISCIPLINARY MATRIX;

22 (VI) IF THE COMMITTEE DETERMINES THAT A POLICE OFFICER SHOULD NOT BE
23 ADMINISTRATIVELY CHARGED, ~~DETERMINE IF~~ MAKE A DETERMINATION THAT:

24 (A) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED;
25 ~~INCLUDING SITUATIONS WHERE EXISTING LAW ENFORCEMENT AGENCY~~
26 ~~POLICY FAILS TO PROPERLY ADDRESS THE SITUATION FOR WHICH THE~~
27 ~~OFFICER WAS CHARGED; OR~~

28 (B) THE POLICE OFFICER IS EXONERATED;

29 (VII) ISSUE A WRITTEN OPINION FOR EACH COMPLAINT DESCRIBING IN DETAIL THE
30 COMMITTEE'S FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND

31 (VIII) FORWARD THE WRITTEN OPINION TO THE ~~SUPERIOR GOVERNMENTAL AUTHORITY~~
32 CHIEF OF THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE ACCUSED POLICE
33 OFFICER, AND THE COMPLAINANT.

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1 (G) *AUTHORITY OF THE COMMITTEE.*

2 THE COMMITTEE HAS THE AUTHORITY TO:

3 (I) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT
4 CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL
5 INVESTIGATION;

6 (II) ISSUE SUBPOENAS FOR DOCUMENTS OR WITNESSES NECESSARY TO EXECUTE THE
7 COMMITTEE’S DUTIES; AND

8 (III) RECORD, IN WRITING, ANY FAILURE OF SUPERVISION THAT CAUSED OR
9 CONTRIBUTED TO THE OFFICER’S POLICE MISCONDUCT.

10 (H) *LAW ENFORCEMENT AGENCY - DELIVERY OF INVESTIGATORY FILES.*

11 ~~ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT MADE BY A MEMBER OF THE~~
12 ~~PUBLIC AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT AGENCY SHALL FORWARD TO~~
13 ~~THE COMMITTEE THE INVESTIGATORY FILES FOR THE MATTER.~~

14 ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT OF POLICE MISCONDUCT
15 INVOLVING A MEMBER OF THE PUBLIC AND A POLICE OFFICER, REGARDLESS OF WHETHER
16 THE COMPLAINT ORIGINATED FROM WITHIN THE LAW ENFORCEMENT AGENCY OR FROM
17 AN EXTERNAL SOURCE, THE LAW ENFORCEMENT AGENCY SHALL FORWARD TO THE
18 COMMITTEE THE INVESTIGATORY FILES FOR THE MATTER.

19 (I) *CONFIDENTIALITY.*

20 EACH MEMBER OF THE COMMITTEE MUST MAINTAIN CONFIDENTIALITY RELATING TO THE
21 MATTER BEING CONSIDERED BY THE COMMITTEE UNTIL THE FINAL DISPOSITION OF THE
22 MATTER.

23 **§ 11-11. RULES AND REGULATIONS.**

24 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
25 GENERAL PROVISIONS ARTICLE, THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO
26 CARRY OUT THIS SUBTITLE.

27 **§ 11-12. DIRECTOR; STAFF; BUDGET.**

28 (A) *DIRECTOR.*

29 THE DIRECTOR OF THE BALTIMORE CITY OFFICE OF EQUITY AND CIVIL RIGHTS, OR ITS
30 SUCCESSOR OFFICE, SERVES AS THE DIRECTOR OF THE BALTIMORE CITY POLICE
31 ACCOUNTABILITY BOARD AND IS RESPONSIBLE FOR ASSISTING THE BOARD IN PERFORMING
32 ITS RESPONSIBILITIES.

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1 (B) *STAFF.*

2 IN CONSULTATION WITH THE BOARD, THE DIRECTOR MAY ASSIGN STAFF FROM THE OFFICE
3 OF EQUITY AND CIVIL RIGHTS TO ASSIST THE POLICE ACCOUNTABILITY BOARD AND THE
4 ADMINISTRATIVE CHARGING COMMITTEE.

5 (C) *BUDGET.*

6 THE DIRECTOR MAY EXPEND FUNDS AS AUTHORIZED IN THE ORDINANCE OF ESTIMATES OR
7 IN ANY SUPPLEMENTARY APPROPRIATIONS.

8 (D) PUBLIC RECORDS REQUESTS — PERSONNEL RECORDS.

9 (1) IN GENERAL.

10 (I) AT THE TIME A FORMER POLICE OFFICER IS NOMINATED TO THE BOARD UNDER
11 § 11-3(A)(2) {"NOMINATION AND APPOINTMENT"} OF THIS SUBTITLE THE
12 DIRECTOR SHALL SUBMIT WRITTEN PUBLIC RECORDS REQUESTS FOR THE
13 FORMER POLICE OFFICER’S PERSONNEL RECORDS.

14 (II) WRITTEN PUBLIC RECORDS REQUEST SHALL BE SUBMITTED TO ALL KNOWN
15 LAW ENFORCEMENT AGENCIES, POLICE FORCES, SHERIFF’S OFFICES, OR
16 SECURITY FORCES OR LAW ENFORCEMENT ORGANIZATIONS, REGARDLESS OF
17 JURISDICTION, THAT EMPLOYED THE FORMER POLICE OFFICER.

18 (2) ACCESS TO PERSONNEL RECORDS.

19 ACCESS TO PERSONNEL RECORDS RECEIVED RESULTING FROM RQUESTS SUBMITTED
20 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED TO THOSE INDIVIDUALS
21 DIRECTLY INVOLVED WITH THE NOMINATION AND APPOINTMENT PROCESS FOR BOARD
22 MEMBERS.

23 (3) RETENTION AND DISPOSITION OF PERSONNEL RECORDS.

24 ALL PERSONNEL RECORDS COLLECTED UNDER THIS SUBSECTION SHALL BE RETAINED
25 FOR THE DURATION OF THE NOMINATION AND APPOINTMENT PROCESS, AND THEN
26 DESTROYED.

27 **§ 11-13. RECORDS.**

28 (A) *RECORD RETENTION.*

29 THE DIRECTOR MUST MAINTAIN RECORDS OF THE POLICE ACCOUNTABILITY BOARD AND
30 THE ADMINISTRATIVE CHARGING COMMITTEE IN ACCORDANCE WITH A RECORD
31 RETENTION SCHEDULE CREATED WITH THE ASSISTANCE OF THE BALTIMORE CITY
32 RECORDS MANAGEMENT OFFICER IN ACCORDANCE WITH CITY AND STATE LAW.

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1 (B) *CONFIDENTIALITY OF RECORDS.*

2 ALL RECORDS PROHIBITED FROM DISCLOSURE UNDER THE MARYLAND PUBLIC
3 INFORMATION ACT OR OTHER APPLICABLE LAW REGARDING THE CONFIDENTIALITY OF
4 THESE RECORDS MUST BE KEPT CONFIDENTIAL BY:

5 (1) MEMBERS OF THE BOARD;

6 (2) MEMBERS OF THE COMMITTEE;

7 (3) THE DIRECTOR; ~~AND~~

8 (4) STAFF FROM THE OFFICE OF EQUITY AND CIVIL RIGHTS; AND

9 (5) ANY OTHER PERSON WHO BECOMES A CUSTODIAN OF THE RECORDS THAT ARE
10 HANDLED BY THE BOARD OR THE COMMITTEE.

11 **Article 8. Ethics**

12 **Subtitle 7. Financial Disclosure**

13 ***Part II. Who Must File***

14 **§ 7-8. Persons required to file - Agency officials and staff.**

15 The following officials and employees must file the financial disclosure statements required
16 by this subtitle.

17 . . .

18 (33A) *POLICE ACCOUNTABILITY BOARD.*

19 (I) MEMBERS OF THE BOARD.

20 (II) MEMBERS OF THE ADMINISTRATIVE CHARGING COMMITTEE.

21 (III) DIRECTOR.

22 (IV) ALL NON-CLERICAL EMPLOYEES ASSIGNED TO THE BOARD OR THE
23 COMMITTEE.

24 ~~**SECTION 2. AND BE IT FURTHER ORDAINED,** That, to establish staggering of terms of the~~
25 ~~initial Board members of the Baltimore City Police Accountability Board, 4 5 Board members~~
26 ~~shall have a term of 1 year, 4 5 Board members shall have a term of 2 years, and 5 Board~~
27 ~~members, one of which shall be the chair, shall have a term of 3 years.~~

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1 ~~SECTION 3. AND BE IT FURTHER ORDAINED, That, to establish staggering of terms of the~~
2 ~~initial Committee members of the Administrative Charging Committee, 1 Committee member~~
3 ~~shall have a term of 1 year, 2 Committee members shall have a term of 2 years, and 2 Committee~~
4 ~~members shall have a term of 3 years.~~

5 ~~SECTION 4-2. AND BE IT FURTHER ORDAINED, That, in accordance with House Bill No. 670,~~
6 ~~enacted as Chapter 59 of the Laws of Maryland by the Maryland General Assembly during its~~
7 ~~2021 Session, the Baltimore City Police Accountability Board may not engage in any of the~~
8 ~~activities listed in § 3-102 of the Public Safety Article of the Annotated Code of Maryland until~~
9 ~~July 1, 2022.~~

10 SECTION 3. AND BE IT FURTHER ORDAINED, That the Baltimore City Office of Equity and
11 Civil Rights shall temporarily serve as the Board’s designee, as provided for in § 11-9(a) of this
12 Ordinance {“Complaints of police misconduct . . . In general.”}, and accept complaints of police
13 misconduct beginning July 1, 2022, and continuing until the Board establishes a uniform
14 procedure for filing complaints as required by § 11-9(c) {“Complaints of police misconduct . . .
15 Procedure for filing complaints.”} of this Ordinance.

16 ~~SECTION 5. 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th~~
17 ~~day after the date it is enacted.~~

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Certified as duly passed this 27th day of June, 20 22



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 30th day of June, 20 22



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City