



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chairman**

PUBLIC HEARING

**Wednesday, March 23, 2022
1:00 PM**

**Council Bill: 21 – 0078
Investigative Hearing – Baltimore Police Department –
Disciplinary and Complaint Process**

CITY COUNCIL COMMITTEES

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Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

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Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

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Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

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Staff: Matthew Peters

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Kristerfer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Public Safety and Government Operations

Bill 21-0078

Investigative Hearing – BPD – Disciplinary and Complaint Process

Sponsor: Councilman Kris Burnett

Introduced: November 15, 2021

Purpose:

For the purpose of requesting that the Baltimore City Police Commissioner appear before the City Council to brief it regarding the Baltimore City Police Department’s current process to file and investigate a complaint of misconduct against a Baltimore City Police Officer, the current disciplinary process followed if an officer is found to be guilty of misconduct, and any current efforts to improve or overhaul the disciplinary and complaint process in the Baltimore City Police Department.

Effective: N/A

Agency Reports

Law Department	
Baltimore City Administrator	
Police Department	
Department of Finance	

Analysis

Case Outcomes

1. **Exonerated** – Where the investigation determines, by a Preponderance of the Evidence, that the alleged conduct did occur, but did not violate BPD policies, procedures, or training.
2. **Not Sustained** – Where the investigation is unable to determine, by a Preponderance of the Evidence, whether the alleged misconduct occurred.
3. **Sustained** – Where the investigation determines, by a Preponderance of the Evidence, that the alleged misconduct did occur.
4. **Unfounded** – Where the investigation determines, by Clear and Convincing Evidence that the alleged misconduct did not occur or did not involve the employee under investigation.

Baltimore Police Department – Policy 306 – Complaint Intake Process

1. All complaints received about BPD member Misconduct – including Allegations against sworn and civilian members – shall be accepted and investigated, whether submitted by a member of the public or a BPD employee;
2. All complaints, whether internal or external, shall be documented by the BPD in writing, and electronically stored;
3. Any complaint made by a BPD member will be accepted, classified, and investigated in the same way as a Complaint made by a member of the public, unless otherwise provided by law or BPD policy; and
4. All complaints will be courteously accepted by any BPD member. Persons may make complaints in multiple ways, including in-person at any BPD building or by making the complaint directly to a BPD supervisor, by phone, through a 24-hour hotline, online, by email, or through a third party. Complaints may be made anonymously, and anonymous complaints will be investigated as fully, fairly, and effectively as complaints in which the complainant party provides a name.

Baltimore Police Department – Policy 308 – General Disciplinary Process

1. For sworn officers, not members of the BPD who serve at the pleasure of the Police Commissioner, civilian employees, cadets, police officer trainees, and officers on probation (unless investigated for brutality), if the case appears viable for charges:
 - i. Recommend what violations(s) should be Sustained;
 - ii. Refer the case to Accelerated Disposition Program, if appropriate;
 - iii. Submit the Charging Document and Investigative Report to the Legal Affairs Section for review for legal sufficiency; and
 - iv. Submit the Investigative Casebook and Charging Document to the Office of Administrative Hearings (OAH).

Additional Information

Information Source(s):

Analysis by: Samuel Johnson
Analysis Date: March 14, 2022

Direct Inquiries to: (410) 396-1091

CITY OF BALTIMORE
COUNCIL BILL 21-0078R
(First Reader)

Introduced by: Councilmembers Burnett, Dorsey, Cohen, Bullock, Porter, Torrence

Introduced and read first time: November 15, 2021

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Police Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing - Baltimore Police Department**
3 **Disciplinary and Complaint Process**

4 FOR the purpose of requesting that the Baltimore City Police Commissioner appear before the
5 City Council to brief it regarding the Baltimore City Police Department’s current process to
6 file and investigate a complaint of misconduct against a Baltimore City Police Officer, the
7 current disciplinary process followed if an officer is found to be guilty of misconduct, and
8 any current efforts to improve or overhaul the disciplinary and complaint process in the
9 Baltimore City Police Department.

10 **Recitals**

11 **WHEREAS**, The Consent Decree between the Baltimore City Police Department and the
12 Department of Justice affirms that “[a] robust and well-functioning accountability system in
13 which officers are held to the highest standards of integrity is critical to BPD’s legitimacy, and a
14 priority of the Department”;

15 **WHEREAS**, The Baltimore City Council would like to better understand the current process
16 for making a complaint of misconduct against a police officer and the current disciplinary
17 process followed if an officer is found guilty of misconduct;

18
19 **WHEREAS**, The Baltimore City Council would like to explore strategies to streamline,
20 improve, or overhaul the disciplinary and complaint process in the Baltimore City Police
21 Department.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the
23 Baltimore City Council invites the Baltimore City Police Commissioner to brief the City Council
24 regarding the Baltimore Police Department’s disciplinary and complaint process and any current
25 effort to improve or overhaul the process.

26 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the City Solicitor,
27 the Baltimore City Police Commissioner, and the Mayor’s Legislative Liaison to the City
28 Council.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

**PUBLIC SAFETY AND
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AGENCY REPORTS

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 17, 2022

Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 21-0078R – Investigative Hearing - Baltimore City Police
Department – Disciplinary and Complaint Process

Dear President and Members:

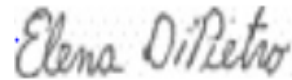
You have requested the advice of the Law Department regarding City Council Bill 21-0078R. City Council Bill 21-0078R is for the purpose of requesting that the Baltimore City Police Commissioner appear before the City Council to brief it regarding the Baltimore City Police Department's current process to file and investigate a complaint of misconduct against a Baltimore City Police Officer. The Council is also interested in the current disciplinary process being followed if an officer is found to be guilty of misconduct, and any current efforts to improve or overhaul the disciplinary and complaint process in the Baltimore City Police Department.

In general, Art. III, Sec. 9 of the City Charter and Art. 1, Sec. 1-4 gives the City Council authority to call before it, department heads and other City officials to inquire about the operation of City agencies and to investigate complaints and allegations regarding City operations. As the Law Department has stated in previous reports, the Council has no authority to compel the Police Commissioner to attend a Council hearing as the Police Department is considered a State agency and the Commissioner is considered a State official. Although the BPD is funded by the City, their operations are not controlled by the City Code but rather by the Code of Public Local Laws for Baltimore City which is enacted by the General Assembly. They can, however voluntarily appear.

Council Bill 21-0078R is an appropriate resolution to initiate this process and request appropriate officials to attend to discuss efforts and measures being taken to develop and implement plans and strategies to improve the eviction process.

The Law Department approves Council Bill 21-0078R for form and legal sufficiency as it is a valid method of inviting City officials to discuss this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Elena DiPietro".

Elena R. DiPietro
Chief Solicitor

cc: James L. Shea, City Solicitor
Ebony Thompson, Deputy Solicitor
Stephen Salsbury, Chief of Staff
Matthew Stegman, Presidents' Office
Nikki Thompson, President's Office
Natasha Mehu, MOGR
Nina Themelis, MOGR
Hilary Ruley, Chief Solicitor
Victor Tervalva, Chief Solicitor
Ashlea Brown, Chief Solicitor
Dereka Bolton, Assistant Solicitor
Michele Toth, Special Solicitor
Avery Aisenstark, Legislative Reference