

**CITY OF BALTIMORE
COUNCIL BILL 15-0253R
(Resolution)**

Introduced by: Councilmember Henry, President Young, Councilmembers Middleton, Costello,
Holton, Branch, Kraft, Stokes, Clarke, Welch, Mosby, Curran, Reisinger

Introduced and read first time: August 17, 2015

Assigned to: Public Safety Committee

Committee Report: Favorable, then amended from the Floor

Adopted: January 11, 2015

A COUNCIL RESOLUTION CONCERNING

Request for State Action – Strengthening the Civilian Review Board

FOR the purpose of calling on the Baltimore City Delegation to the Maryland General Assembly to introduce, and secure enactment of, legislation authorizing the Mayor and City Council to strengthen the Baltimore City Police Department’s Civilian Review Board.

Recitals

In their publication “Building Momentum From The Ground Up: A Toolkit For Promoting Justice In Policing” published in May of this year, the Center for Popular Democracy states that “more than 100 jurisdictions across the country have some type of civilian oversight board, but few communities feel they have true control over their police departments. In recognition of the reality that community oversight is fundamental to the legitimacy of local law enforcement; many communities have renewed their call for meaningful community oversight”.

~~Recent events have highlighted the importance of restoring the trust of all communities in Baltimore’s Police Department. The reviews of the Department by the U.S. Department of Justice are expected to bring forward many tangible steps that can be taken to improve relations between the public and the police that should be acted upon. However, it is important to take whatever confidence building steps can be independently identified in the meantime as well.~~

~~One such step would be to strengthen the Baltimore City Police Department’s Civilian Review Board, by giving the board the following powers and responsibilities:~~

- ~~1) the Board shall have full investigative powers – including the power to subpoena or compel testimony and documents;~~
- ~~2) the Board shall be responsible for auditing the entire chain of custody for contraband weapons and drugs – from seizure, through testing and storage, to destruction, including periodic personal witnessing of each step of the process;~~
- ~~3) the Board shall be fully funded and staffed with investigative and administrative staff sufficient to accomplish its objectives in a timely manner;~~

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

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- 1 4) ~~the composition of the Board shall reflect the communities most impacted by police~~
2 ~~surveillance and allegations of abuse and brutality;~~
- 3 5) ~~the Board shall make its disciplinary recommendations public, acknowledging that~~
4 ~~the additional public scrutiny resulting from public knowledge of any discrepancies~~
5 ~~between the Board’s recommendations and the Department’s actions is a beneficial~~
6 ~~outcome; and~~
- 7 6) ~~the Board shall accept anonymous complaints as well as complaints by third parties;~~
8 ~~including organizations, on behalf of individuals.~~

9 Of these specific powers and responsibilities, perhaps the most important is the power to
10 subpoena or compel testimony and documents. Many insist that the Board’s ability to subpoena
11 officers and hold them accountable for complaints, as well as to ensure compliance by the Police
12 Department in making any and all documentation relevant to citizen complaints available to the
13 Board, is crucial to the long-term effectiveness of the Board. This effectiveness, in turn, is
14 crucial to restoring the needed trust between the Police Department and the community it serves
15 and protects.

16 The issue which has been discussed and debated for the longest time however, is the civilian
17 monitoring of police disposition of seized property and contraband. While there’s no evidence
18 showing that the Police Department routinely mishandles this property, skepticism amongst
19 segments of the public about police claims regarding the destruction of drugs, weapons, and
20 other contraband has sometimes been a source of friction. Involving non-departmental witnesses
21 = the members of the Civilian Review Board = in the Police Department’s property disposition
22 process would be a simple and effective way to eliminate this friction, while improving police
23 openness and transparency.

24 While the Police Department may be able to implement this reform on its own, State
25 legislation clearly authorizing the Mayor and City Council to make these reforms by local
26 ordinance is likely to be the smoothest avenue to permanently require and formalize this easy to
27 implement confidence building measure.

28 The events of last spring have highlighted the importance of restoring the trust of all
29 communities in Baltimore’s Police Department. The reviews of the Department by the U.S.
30 Department of Justice are expected to bring forward many tangible steps that can be taken to
31 improve relations between the public and the police that should be acted upon. However, it is
32 important to take whatever confidence building steps can be independently identified in the
33 meantime as well. One such step would be to strengthen the Baltimore City Police Department’s
34 Civilian Review Board and broaden its membership.

35 Of the various ways the Board could be strengthened, the one which has been discussed and
36 debated for the longest time however, is the civilian monitoring of police disposition of seized
37 property and contraband. While there’s no evidence showing that the Police Department has
38 ever routinely mishandled this property, skepticism amongst segments of the public about police
39 claims regarding the destruction of drugs, weapons, and other contraband has sometimes been a
40 source of friction. Involving non-departmental witnesses – the members of the Civilian Review
41 Board – in the Police Department’s property disposition process would be a simple and effective
42 way to eliminate this friction, while improving police openness and transparency.

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1 Additionally, making the changes presented below to the Public Local Laws governing the
2 Civilian Review Board would significantly enhance its ability to improve community-police
3 relations:

4 **§ 16-43. Composition; officers; meetings; staff.**

5 (a) Composition of Board.

6 The Board is composed of:

7
8 (i) one member of the public from each of the [nine police] FOURTEEN
9 COUNCILMANIC districts in Baltimore City selected by the Mayor, subject to
10 the advice and consent of the City Council;

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

12 (iii) one representative of the Vanguard Justice Society;

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

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

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

17 (VII) ONE MEMBER OF THE PUBLIC SELECTED BY THE CITY COUNCIL PRESIDENT,
18 SUBJECT TO THE ADVICE AND CONSENT OF THE CITY COUNCIL.

19 **§ 16-44. Filing complaints.**

20 (a) Where filed.

21 An individual who claims to have been subjected to or witnessed an act of abusive
22 language, false arrest, false imprisonment, harassment, or excessive force, or injury
23 allegedly resulting from excessive force caused by a police officer, OR A THIRD
24 PARTY, ON BEHALF OF SUCH AN INDIVIDUAL may file a complaint at:

25 the Office of the Internal Investigative Division,

26 the Legal Aid Bureau,

27 the Maryland Human Relations Commission,

28 the Baltimore Community Relations Commission,

29 ANY OF THE BRANCHES OF THE ENOCH PRATT FREE LIBRARY,

30 ANY OF THE BALTIMORE CITY COMMUNITY ACTION CENTERS,

31 or at any of the police district stations.

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1 **(b) When filed.**

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

4 **[(2) A complaint for excessive force shall be made within 90 days of the alleged act**
5 **of excessive force.]**

6 **§ 16-55. BOARD TO OVERSEE DESTRUCTION OF CONTRABAND.**

7 **(A) IN GENERAL.**

8 **THE CIVILIAN REVIEW BOARD IS RESPONSIBLE FOR WITNESSING THE DESTRUCTION OF**
9 **CONTRABAND WEAPONS AND DRUGS.**

10 **(B) REQUIRED BOARD WITNESSES.**

11 **A MINIMUM OF THREE MEMBERS OF THE BOARD MUST BE INVITED TO EACH**
12 **INCIDENCE OF DESTRUCTION, TO PERSONALLY WITNESS THE DESTRUCTION OF ANY**
13 **AND ALL CONTRABAND WEAPONS AND DRUGS BY THE BALTIMORE CITY POLICE**
14 **DEPARTMENT.**

15
16 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
17 Council calls on the Baltimore City Delegation to the Maryland General Assembly to introduce,
18 and secure enactment of, legislation ~~authorizing the Mayor and City Council~~ to strengthen the
19 Baltimore City Police Department’s Civilian Review Board, ~~by giving the Board the powers and~~
20 ~~responsibilities enumerated in the recitals above by ordinance.~~

21 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Interim Police
22 Commissioner, the Honorable Chairs and Members of the Baltimore City House and Senate
23 Delegations to the Maryland General Assembly, the President of the Maryland Senate, the
24 Maryland House Speaker, the Governor, the Mayor, and the Mayor’s Legislative Liaison to the
25 City Council.