



Legislation Text

File #: 22-0234, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember Conway

A Bill Entitled

An Ordinance concerning
Police Accountability

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

By adding

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

By adding

Article 8 - Ethics
Sections 7-8(33a)
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 11. Police Accountability Board

§ 11-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Administratively charged.*

“Administratively charged” means that a police officer has been formally accused of police misconduct in an administrative proceeding.

(c) *Board.*

“Board” means the Baltimore City Police Accountability Board established by this subtitle.

(d) *Committee.*

“Committee” means the Administrative Charging Committee established by §11-10 of this subtitle.

(e) *Director.*

“Director” means the Director of the Baltimore City Office of Equity and Civil Rights, or its successor office.

(f) *Disciplinary matrix.*

“Disciplinary matrix” means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of police misconduct.

(g) *Exonerated.*

“Exonerated” means that a police officer acted in accordance with the law and agency policy.

(h) *Law enforcement agency.*

“Law enforcement agency” means:

- (1) the Baltimore City Police Department;
- (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 for of the Baltimore City Community College;
- (7) the police for of Morgan State University; or
- (8) the police department of Johns Hopkins University.

(i) *Not administratively charged.*

“Not administratively charged” means that a determination has been made not to administratively charge a police officer in connection with alleged police misconduct.

(j) *Police misconduct.*

“Police misconduct” means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

- (1) depriving persons of rights protected by the constitution or laws of the City, the State, or the United States;
- (2) a violation of a criminal statute; and
- (3) a violation of law enforcement agency standards and policies.

(k) *Police officer.*

“Police officer” means a member of a law enforcement agency authorized to make arrests.

(l) *Superior governmental authority.*

“Superior governmental authority” mean the governing body that oversees a law enforcement agency.

(m) *Unfounded.*

“Unfounded” means that the allegations against a police officer are not supported by fact.

§ 11-2. Board established.

There is a Baltimore City Police Accountability Board.

§ 11-3. Composition and qualifications.

(a) *Composition.*

The Police Accountability Board is composed of 13 members appointed by the Mayor in accordance with City Charter Article IV, § 6, as follows:

- (1) 1 each from the 9 police districts in Baltimore City;
- (2) 1 representative from Safe Streets Baltimore;
- (3) 1 representative from the Baltimore Community Mediation Center;
- (4) 1 representative from House of Ruth Maryland; and
- (5) 1 representative from the Maryland Violence Prevention Coalition.

(b) *Qualifications.*

- (1) *Diversity of membership.*

To the extent practicable the membership of the Board shall reflect the racial, gender identity or expression, sexual orientation, socioeconomic, and cultural diversity of the City.

(2) *In general.*

Each member of the Board must be:

- (i) a resident of the City of Baltimore;
- (ii) at least 21 years of age; and
- (iii) a legal resident or citizen of the United States.

(3) *Exclusions.*

No person may be appointed to the Board, or once appointed, continue to serve on the Board if the person:

- (i) is or becomes an officer or employee of the State, the City, or any other political subdivision of the State, or any of their respective agencies, instrumentalities, or other units (other than a State college, university, or other institution of higher education);
- (ii) is or becomes a candidate for elected public office of the State, the City, or any other political subdivision of the State; or
- (iii) has been convicted of a felony or a misdemeanor with a statutory penalty of more than 5 years.

§ 11-4. Officers.

(a) *Chair.*

- (1) The Mayor shall appoint the Chair of the Board from among the Board's members.
- (2) The term of the Chair is 1 year.
- (3) The Chair may be reappointed.

(b) *Vice-chair.*

The Board may elect a Vice-Chair and other officers from among its members.

§ 11-5. Term; removal; compensation.

(a) *Term.*

- (1) Each member of the Board serves a 3-year term.
- (2) A member of the Board may not serve more than 2 consecutive full terms.
- (3) A member of the Board appointed to fill a vacancy serves the rest of the then current term.

(4) A member of the Board continues in office until their successor is appointed and qualified.

(b) *Removal.*

The Mayor, with the approval of at least 7 Board members, may remove a member for:

- (1) neglect of duty;
- (2) misfeasance, malfeasance, or nonfeasance;
- (3) a member's inability or unwillingness to perform the duties of the office;
- (4) conduct that impairs a member from performing the duties of the office;
- (5) violation of law; or
- (6) inability to meet the qualifications for a Board member mandated by City or State law or by implementing regulations.

(c) *Compensation.*

The members of the Board:

- (1) serve without compensation; but
- (2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

§ 11-6. Meetings.

(a) *In general.*

The Board must meet at the call of the Chair as frequently as required to perform its duties, but not less than 4 times each year.

(b) *Quorum; voting.*

- (1) A majority of the members of the Board constitutes a quorum for the transaction of business.
- (2) An affirmative vote by the majority of a quorum is needed for any official action.

§ 11-7. Duties.

The Board must:

- (1) hold quarterly meetings with the superior governmental authority of one or more law enforcement agencies;
- (2) appoint civilian members to the administrative charging committee and trial boards;
- (3) receive complaints of police misconduct filed by a member of the public;
- (4) review the outcomes of disciplinary matters considered by the administrative charging committee on a quarterly basis;

- (5) advise the Mayor and the City Council on policing matters; and
- (6) refer each complain of police misconduct filed with the Board to the appropriate law enforcement agency within 3 days after receipt for investigation.

§ 11-8. Reports.

The Board must submit an annual report to the Mayor and City Council by each December 31 that:

- (1) identifies any trends in the disciplinary process of police officers in the City;
- (2) recommends changes to policy that would improve police accountability in the City; and
- (3) describes the activities of the Board and the number of complaints received.

§ 11-9. Complaints of police misconduct.

(a) *In general.*

- (1) A complaint of police misconduct may be filed with the Board or the law enforcement agency that employs the police officer who is the subject of the complaint.
- (2) If a complaint is filed with the Board, the complaint must be forwarded to the law enforcement agency that employs the police officer who is the subject of the complaint.

(b) *Receipt of complaints.*

The Board shall receive complaints of police misconduct:

- (1) filed by members of the public; or
- (2) forwarded to them from a law enforcement agency.

(c) *Procedure for filing complaints.*

The Board shall establish a uniform procedure for allowing members of the public to file complaints of police misconduct.

(d) *Complaint requirements.*

(1) *Inclusions.*

A complaint of police misconduct filed with the Board or a law enforcement agency must include:

- (i) the name of the police officer accused of police misconduct;
- (ii) a description of the facts on which the complaint is based; and
- (iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(2) *Exclusions.*

A complaint of police misconduct need not be notarized.

§ 11-10. Administrative charging committee.

(a) *Establishment.*

There is an Administrative Charging Committee for the City.

(b) *Composition; qualifications; training.*

(1) *Composition.*

The Committee comprises 5 members, of which:

- (i) 1 is the Chair of the Police Accountability Board, or another member of the Board designated by the Chair;
- (ii) 2 are civilian members appointed by the Police Accountability Board; and
- (iii) 2 are civilian members appointed by the Mayor.

(2) *Qualifications.*

(i) *Diversity of membership.*

To the extent practicable the membership of the Board shall reflect the racial, gender identity or expression, sexual orientation, socioeconomic, and cultural diversity of the City.

(ii) *In general.*

Each member of the Board must be:

- (A) a resident of the City of Baltimore; and
- (B) have experience:
 - 1. managing or evaluating the management of a law enforcement agency;
 - 2. evaluating citizen complaints against a police officer;
or
 - 3. in personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator.

(3) *Training.*

Before serving as a member of the Committee, a person must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(c) *Term; removal; compensation.*

(1) *Term.*

- (i) Each member of the Committee serves a 3-year term.
- (ii) A member of the Committee may not serve more than 2 consecutive full terms.
- (iii) A member of the Committee appointed to fill a vacancy serves the rest of the unexpired term.
- (iv) A members of the Committee continues in office until his or her successor is appointed and qualified.

(2) *Removal.*

The Mayor may remove a member for:

- (i) neglect of duty;
- (ii) misfeasance, malfeasance, or nonfeasance;
- (iii) a member's inability or unwillingness to perform the duties of the office;
- (iv) conduct that impairs a member from performing the duties of the office;
- (v) violation of law; or
- (vi) inability to meet the qualifications for a Committee member mandated by City or Stat law, or implementing regulations.

(3) *Compensation.*

The members of the Committee:

- (i) serve with compensation, as provided for in the Ordinance of Estimates; and
- (ii) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(d) *Chair.*

- (1) The Committee shall elect a Chair from among its members at the first meeting occurring on or after July 1.
- (2) The Chair of the Committee may not serve more than 2 consecutive full terms.

(e) *Meetings; quorum; voting.*

(1) *In general.*

The Committee shall meet once per month or as needed.

(2) *Quorum; voting.*

(i) A majority of the members of the Committee constitutes a quorum for the transaction of business.

(ii) An affirmative vote by the majority of a quorum is needed for any official action.

(f) *Duties.*

The Committee must:

(i) review the findings of each law enforcement agency's investigation forwarded by the agency to the Committee;

(ii) review any body camera footage that may be relevant to the matters covered in the complaint of police misconduct;

(iii) authorize a police officer called before the Committee to be accompanied by a representative;

(iv) within 30 days after receipt of the law enforcement agency's investigatory file, unless the Committee requests further review under subsection (g) of this section, determine if the police officer who is the subject of the charged investigation should be administratively charged or not administratively charged;

(v) if the Committee determines that a police officer should be administratively charged, recommend discipline pursuant to the disciplinary matrix;

(vi) if the Committee determines that a police officer should not be administratively charged, determine if:

(A) the allegations against the police officer are unfounded, including situations where existing law enforcement agency policy fails to properly address the situation for which the officer was charged; or

(B) the police officer is exonerated;

(vii) issue a written opinion for each complaint describing in detail the Committee's findings, determinations, and recommendations; and

(viii) forward the written opinion to the superior governmental authority of the appropriate law enforcement agency, the accused police officer, and the complainant.

(g) *Authority of the Committee.*

The Committee has the authority to:

(i) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation;

(ii) issue subpoenas for documents or witnesses necessary to execute the Committee's duties; and

(iii) record, in writing, any failure of supervision that caused or

contributed to the officer's police misconduct.

(h) *Law enforcement agency - delivery of investigatory files.*

On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the Committee the investigatory files for the matter.

(i) *Confidentiality.*

Each member of the Committee must maintain confidentiality relating to the matter being considered by the Committee until the final disposition of the matter.

§ 11-11. Rules and regulations.

Subject to Title 4 {"Administrative Procedure Act - Regulations"} of the City General Provisions Article, the Director must adopt rules and regulations to carry out this subtitle.

§ 11-12. Director; staff; budget.

(a) *Director.*

The Director of the Baltimore City Office of Equity and Civil Rights, or its successor office, serves as the director of the Baltimore City Police Accountability Board and is responsible for assisting the Board in performing its responsibilities.

(b) *Staff.*

In consultation with the Board, the Director may assign staff from the Office of Equity and Civil Rights to assist the Police Accountability Board and the Administrative Charging Committee.

(c) *Budget.*

The Director may expend funds as authorized in the Ordinance of Estimates or in any supplementary appropriations.

§ 11-13. Records.

(a) *Record retention.*

The Director must maintain records of the Police Accountability Board and the Administrative Charging Committee in accordance with a record retention schedule created with the assistance of the Baltimore City Records Management Officer in accordance with City and State law.

(b) *Confidentiality of records.*

All records prohibited from disclosure under the Maryland Public Information Act must be kept confidential by:

- (1) members of the Board;
- (2) members of the Committee;

- (3) the Director; and
- (4) staff from the Office of Equity and Civil Rights.

Article 8. Ethics

Subtitle 7. Financial Disclosure

Part II. Who Must File

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

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

...

(33a) *Police Accountability Board.*

- (i) Members of the Board.
- (ii) Members of the Administrative Charging Committee.
- (iii) Director.
- (iv) All non-clerical employees assigned to the Board or the Committee.

Section 2. And be it further ordained, That, to establish staggering of terms of the initial Board members of the Baltimore City Police Accountability Board, 4 Board members shall have a term of 1 year, 4 Board members shall have a term of 2 years, and 5 Board members, one of which shall be the chair, shall have a term of 3 years.

Section 3. And be it further ordained, That, to establish staggering of terms of the initial Committee members of the Administrative Charging Committee, 1 Committee member shall have a term of 1 year, 2 Committee members shall have a term of 2 years, and 2 Committee members shall have a term of 3 years.

Section 4. And be it further ordained, That, in accordance with House Bill No. 670, enacted as Chapter 59 of the Laws of Maryland by the Maryland General Assembly during its 2021 Session, the Baltimore City Police Accountability Board may not engage in any of the activities listed in § 3-102 of the Public Safety Article of the Annotated Code of Maryland until July 1, 2022.

Section 5. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.