

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1198
Judiciary

(Delegate Oaks, *et al.*)

Judicial Proceedings

Baltimore City Civilian Review Board

This bill alters provisions applicable to the Baltimore City Civilian Review Board. The bill increases the number of law enforcement units subject to review of the board and expands the definition of the terms “abusive language” and “harassment.” The bill also increases the membership of the board and requires that a minimum of four board meetings annually must be held in locations rotated throughout different police districts in Baltimore City.

Fiscal Summary

State Effect: None.

Local Effect: Although the bill’s requirement that a certain number of board meetings must be held at locations throughout different police districts each year poses some operational and fiscal challenges for Baltimore City, the requirement is not expected to have a significant fiscal impact. Any additional cases for the board arising from expanding the jurisdiction of the board cannot be readily predicted; expenditures increase to the extent the board’s caseload increases significantly.

Small Business Effect: None.

Analysis

Bill Summary:

Jurisdiction of the Board

The term “law enforcement unit” is expanded to include the Baltimore City Watershed Police Force, the police force of the Baltimore City Community College, and the police force of Morgan State University. This expands the jurisdiction of the board.

Board Membership

The membership of the board is expanded to include one representative of the American Civil Liberties Union of Maryland and one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People. Both are voting members, and must be selected by the Mayor, subject to the advice and consent of the city council.

Definitions

The term “abusive language” is expanded to mean 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.

The term “harassment” is expanded to mean:

- repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling that may or may not be sexual in nature; or
- any conduct that is intended to cause unnecessary physical discomfort or injury.

The bill’s definition of harassment does not include conduct that is reasonably necessary to effect a lawful purpose.

Current Law: The Baltimore City Police Civilian Review Board is a permanent, independent agency in Baltimore City that is authorized to process complaints lodged by members of the public who allege abusive language, harassment, or excessive force by members of the Baltimore Police Department. The board may also review police department policies and make recommendations to the Police Commissioner. The following police agencies fall under the jurisdiction of the board: the Baltimore Police Department, the Baltimore City School Police, the Housing Authority Police of Baltimore

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City, and the Baltimore City Sheriff's Department. All of these agencies and the agencies added under the bill are currently included under the definition of a law enforcement officer under the Law Enforcement Officers' Bill of Rights.

The board is composed of nine voting members and three nonvoting members. The voting members consist of one citizen representative of each of the nine Baltimore police districts. The nonvoting members consist of one representative each from the Fraternal Order of Police and the Vanguard Justice Society, as well as the Baltimore City Police Commissioner. A voting member may not be a current employee of a municipal, county, state, or federal law enforcement agency.

The nine voting members are appointed by the Mayor, with the approval of the City Council. Each member's term is three years, and staggered so that the terms of three members expire annually. Members may not serve more than two full successive terms.

The board is required to meet at least once a month and as often as necessary to perform its functions and duties.

The term "abusive language" means harsh, violent, profane, or derogatory language which would demean the dignity of an individual, and includes profanity and racial, ethnic, or sexist slurs.

The term "harassment" means repeated, unwarranted verbal or physical annoyances or unwarranted threats or unwarranted demands.

Background: Although the board was originally created without a budget, city funds are now used to employ two professional investigators to assist the board in gathering information on cases. The staff of the Baltimore City Community Relations Commission provides administrative and clerical support to the board. The office of the City Solicitor provides the board with legal assistance.

In October 2014, Baltimore City's Mayor and Police Commissioner outlined a plan to reduce police brutality which was outlined in a report titled *Preventing Harm*. Among other recent efforts to improve the oversight of alleged misconduct by officers, the plan calls for (1) an increase in staff for the internal affairs division, which handles allegations of misconduct; (2) working with the department's Professional Standards and Accountability Bureau to oversee improvements in training, policies, and internal issues; (3) computerized tracking of lawsuits alleging police brutality; (4) monitoring injuries from arrests, citizen complaints, and use of force reports; and (5) studying the use of body cameras by officers in the field to monitor and record interactions between the police and the public. Additionally, in response to a request by the Baltimore City administration, the

U.S. Department of Justice will conduct a collaborative review of citizen complaints about police conduct.

Additional Information

Prior Introductions: None.

Cross File: SB 882 (Senator Conway, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore City Community College, Baltimore City, Maryland
Department of Transportation, Department of Legislative Services

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