

SENATE BILL 939

L2, E4

1lr2539
CF HB 1024

By: **Charles County Senators**

Introduced and read first time: February 12, 2021

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Citizens Complaint Oversight Board**

3 FOR the purpose of establishing the Citizens Complaint Oversight Board of Charles
4 County; specifying the purpose of the Board; providing for the composition, chair,
5 voting, terms, powers, duties, staffing, procedures, jurisdiction, and reporting of the
6 Board; establishing certain requirements for members of the Board; requiring the
7 Board to employ staff; providing for the selection and termination of staff; requiring
8 the Board to employ attorneys; providing certain duties of the attorneys; requiring
9 the Board to employ investigators; providing certain duties of the investigators;
10 requiring the Board members and employees to receive certain training; prohibiting
11 a certain individual employed by the Board from having been employed by a certain
12 law enforcement agency within a certain period of time before becoming employed
13 by the Board; prohibiting an individual employed by the Board from also being
14 employed by a certain unit or agency; establishing certain requirements for a law
15 enforcement unit; requiring and authorizing the Board to engage in certain
16 investigations and take certain actions; providing that the Board has certain
17 investigative authority over certain matters; requiring the Board to conduct a certain
18 investigation and issue a certain report with certain findings within a certain period
19 of time, subject to a certain exception; requiring the Board to provide certain notice
20 to certain persons under certain circumstances; requiring the Board to make certain
21 recommendations regarding discipline or remedial action against a certain police
22 officer; providing for the adjudication of a certain complaint made by the Board;
23 providing for the review of a certain determination; requiring a certain individual to
24 cooperate with certain requests made by the Board under certain circumstances;
25 providing that a certain individual is subject to discipline under certain
26 circumstances; requiring the Board to form a panel to hold a hearing under a certain
27 circumstance; requiring certain individuals to appear at the hearing; providing
28 certain individuals an opportunity to present at the hearing; requiring the panel to
29 make certain findings at the conclusion of the hearing; requiring that a certain
30 complaint be made within a certain period of time; requiring that a certain complaint
31 be made with certain entities; requiring certain entities to provide certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



complaints to the Board and keep certain records; requiring staff of the Board to record certain information and provide certain complaints to certain members of the Board; requiring a certain complaint to contain certain information; authorizing the Board to conduct hearings, administer oaths and affirmations, issue certain process, and require a person to testify and produce evidence; requiring the chief of a certain law enforcement unit to provide a certain response to certain correspondence; providing for the service and enforcement of a certain subpoena; authorizing a certain person to have an attorney present under certain circumstances; requiring the Board to advise a certain person of the right to counsel under certain circumstances; requiring certain oaths to be administered in certain proceedings; requiring that certain testimony be recorded; providing for certain recommendations made by the Board to a law enforcement unit; requiring the chief of a certain law enforcement unit to provide a certain response to certain recommendations made by the Board within a certain period of time; requiring the Board to make certain reports and recommendations publicly available in a certain manner; requiring the Board to redact certain information from certain reports; requiring the Board to develop and implement a certain program to educate the public about certain information concerning the Board; prohibiting a person from retaliating against, punishing, intimidating, discouraging, threatening, or penalizing another under certain circumstances; prohibiting a person from knowingly refusing to comply with a certain subpoena; prohibiting a person from knowingly interfering with or obstructing a certain investigation; prohibiting a person from knowingly making a certain false statement, report, or complaint under certain circumstances; establishing penalties for violations of certain provisions of this Act; prohibiting the Board from making certain information publicly available; requiring the Board to be the custodian of certain information; requiring a certain custodian to provide certain information under certain circumstances; requiring the Board to make certain semiannual and annual reports; providing that this Act may not be construed to abrogate certain rights of certain individuals; providing that this Act may not be construed to abrogate or change certain methods or procedures for certain individuals; providing for the staggering of the terms of the initial members of the Board; defining certain terms; and generally relating to the Citizens Complaint Oversight Board of Charles County.

BY adding to

The Public Local Laws of Charles County

Section 136–1 through 136–14 to be under the new chapter “Chapter 136. Citizens Complaint Oversight Board”

Article 9 – Public Local Laws of Maryland

(2013 Edition and October 2018 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article 9 – Charles County

CHAPTER 136. CITIZENS COMPLAINT OVERSIGHT BOARD

1 136-1.

2 A. IN THIS CHAPTER THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 B. "ABUSIVE LANGUAGE" MEANS THE USE OF REMARKS, WRITTEN OR
5 ORAL, THAT ARE:

6 (1) OVERTLY INSULTING, MOCKING, OR BELITTling; AND

7 (2) DIRECTED AT A PERSON AND MADE BASED ON THE PERSON'S
8 ACTUAL OR PERCEIVED RACE, IMMIGRATION STATUS, COLOR, SEX, GENDER,
9 GENDER IDENTITY, AGE, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL
10 ORIENTATION, DISABILITY, MARITAL STATUS, PARENTAL STATUS, MILITARY
11 DISCHARGE STATUS, OR EMPLOYMENT STATUS.

12 C. "BOARD" MEANS THE CITIZENS COMPLAINT OVERSIGHT BOARD OF
13 CHARLES COUNTY.

14 D. (1) "CHIEF" MEANS THE HEAD OF A LAW ENFORCEMENT UNIT.

15 (2) "CHIEF" INCLUDES AN OFFICER OR EMPLOYEE DESIGNATED BY
16 THE HEAD OF A LAW ENFORCEMENT UNIT.

17 E. "COERCION" MEANS THE USE OF IMPROPER OR UNLAWFUL FORCE OR
18 THREATS, WHETHER EXPRESS OR IMPLIED, FOR THE PURPOSE OF CAUSING A
19 PERSON TO ACT AGAINST THE PERSON'S WILL.

20 F. "EXCESSIVE FORCE" MEANS THE USE OF GREATER PHYSICAL FORCE
21 THAN APPEARS REASONABLY NECESSARY, UNDER ALL CIRCUMSTANCES, TO EFFECT
22 A LAWFUL PURPOSE.

23 G. "FALSE ARREST" MEANS AN ARREST MADE WITHOUT LEGAL
24 JUSTIFICATION.

25 H. "FALSE IMPRISONMENT" MEANS AN INTENTIONAL RESTRICTION, MADE
26 WITHOUT LEGAL JUSTIFICATION, ON THE FREEDOM OF MOVEMENT OF A PERSON
27 WHO IS AWARE OF THE RESTRICTION AND DOES NOT CONSENT TO THE RESTRICTION.

28 I. "FINAL SUMMARY REPORT" MEANS A REPORT BY THE BOARD
29 SUMMARIZING AN INVESTIGATION RELATING TO AN INCIDENT OF ALLEGED
30 MISCONDUCT OF A POLICE OFFICER OR ANY OTHER MATTER SUBJECT TO THE

BOARD'S REVIEW UNDER THIS CHAPTER.

J. "HARASSMENT" MEANS:

(1) REPEATED OR UNWARRANTED CONDUCT THAT IS INTENDED TO BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING; OR

(2) ANY CONDUCT THAT IS INTENDED TO CAUSE UNNECESSARY PHYSICAL DISCOMFORT OR INJURY.

K. (1) "LAW ENFORCEMENT UNIT" MEANS A GOVERNMENTAL POLICE FORCE, SHERIFF'S OFFICE, SECURITY FORCE, OR LAW ENFORCEMENT ORGANIZATION OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION THAT BY STATUTE, ORDINANCE, OR COMMON LAW IS AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE IN CHARLES COUNTY.

(2) "LAW ENFORCEMENT UNIT" INCLUDES:

(I) THE CHARLES COUNTY SHERIFF'S OFFICE; AND

(II) THE LA PLATA POLICE DEPARTMENT.

L. "OFFICER-INVOLVED DEATH" MEANS AN INCIDENT IN WHICH A POLICE OFFICER IS INVOLVED IN THE DEATH OF A PERSON.

M. "POLICE OFFICER" MEANS:

(1) A MEMBER OF A LAW ENFORCEMENT UNIT WHO IS AUTHORIZED TO MAKE ARRESTS; OR

(2) A MEMBER OF A LAW ENFORCEMENT UNIT WHO IS AUTHORIZED TO MAKE ARRESTS IN CHARLES COUNTY, WHILE ON DUTY OR WHILE THE OFFICER IS OFF DUTY BUT PERFORMING ACTIVITIES THAT ARE WITHIN THE SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

136-2.

A. THE CITIZENS COMPLAINT OVERSIGHT BOARD IS ESTABLISHED AS A PERMANENT, STATUTORY AGENCY IN CHARLES COUNTY TO:

(1) CONDUCT INVESTIGATIONS INTO INCIDENTS OF ALLEGED POLICE MISCONDUCT THAT OCCUR IN CHARLES COUNTY IN A FAIR AND TIMELY MANNER;

1 **(2) IDENTIFY AND ADDRESS PATTERNS OF POLICE MISCONDUCT; AND**

2 **(3) MAKE RECOMMENDATIONS FOR IMPROVING THE POLICIES AND**
3 **OPERATIONS OF LAW ENFORCEMENT UNITS TO REDUCE INCIDENTS OF POLICE**
4 **MISCONDUCT.**

5 **B. THE BOARD IS COMPOSED OF:**

6 **(1) ONE CHAIR, APPOINTED BY THE COUNTY COMMISSIONERS;**

7 **(2) TWELVE MEMBERS OF THE PUBLIC, WITH AT LEAST ONE MEMBER**
8 **FROM EACH OF THE FOUR COMMISSIONER DISTRICTS, APPOINTED BY THE COUNTY**
9 **COMMISSIONERS; AND**

10 **(3) TWO POLICE OFFICERS, APPOINTED BY THE SHERIFF OF**
11 **CHARLES COUNTY.**

12 **C. (1) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS.**

13 **(2) A MEMBER APPOINTED UNDER THIS SECTION MAY NOT SERVE ON**
14 **THE BOARD FOR MORE THAN TWO FULL SUCCESSIVE TERMS.**

15 **(3) THE TERMS OF THE MEMBERS OF THE BOARD ARE STAGGERED AS**
16 **REQUIRED BY THE TERMS PROVIDED FOR THE PUBLIC MEMBERS OF THE BOARD ON**
17 **OCTOBER 1, 2021.**

18 **(4) AT THE END OF A TERM, A MEMBER OF THE BOARD SHALL**
19 **CONTINUE TO SERVE ON THE BOARD UNTIL A SUCCESSOR IS APPOINTED AND**
20 **QUALIFIES.**

21 **(5) A MEMBER OF THE BOARD APPOINTED AFTER A TERM HAS BEGUN**
22 **SHALL SERVE ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS**
23 **APPOINTED AND QUALIFIES.**

24 **D. EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF CHARLES**
25 **COUNTY.**

26 **E. (1) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO PERFORM**
27 **ITS FUNCTIONS AND DUTIES, BUT SHALL MEET AT LEAST ONCE EACH MONTH.**

28 **(2) THE BOARD SHALL ATTEMPT TO DIVERSIFY THE LOCATIONS OF**
29 **ITS MEETINGS TO THE EXTENT POSSIBLE.**

1 **F. (1) A MAJORITY OF THE MEMBERS OF THE BOARD SERVING AT ANY**
2 **ONE TIME CONSTITUTES A QUORUM.**

3 **(2) THE BOARD MAY ACT BY MAJORITY VOTE OF THE BOARD'S**
4 **MEMBERS WHO ARE PRESENT AND VOTING AT A MEETING ATTENDED BY A QUORUM.**

5 **G. (1) THE BOARD SHALL EMPLOY STAFF SUFFICIENT TO CARRY OUT**
6 **THE PURPOSES OF THIS CHAPTER.**

7 **(2) STAFF SHALL BE HIRED BY THE BOARD.**

8 **(3) (I) STAFF MAY BE TERMINATED FROM EMPLOYMENT WITH THE**
9 **BOARD ONLY IN THE MANNER PROVIDED IN THIS PARAGRAPH.**

10 **(II) STAFF MAY BE TERMINATED FROM EMPLOYMENT ONLY BY**
11 **THE MEMBERS OF THE BOARD.**

12 **(III) THE BOARD MAY TERMINATE THE EMPLOYMENT OF STAFF**
13 **ONLY FOR CAUSE.**

14 **(IV) AN AFFIRMATIVE VOTE OF AT LEAST TWELVE OF THE**
15 **FIFTEEN MEMBERS OF THE BOARD IS REQUIRED TO TERMINATE THE EMPLOYMENT**
16 **OF STAFF.**

17 **H. THE BOARD HAS THE FOLLOWING GENERAL POWERS:**

18 **(1) TO SUE AND BE SUED IN ITS OWN NAME;**

19 **(2) TO ENTER INTO CONTRACTS GENERALLY AND TO EXECUTE ALL**
20 **INSTRUMENTS NECESSARY OR APPROPRIATE TO CARRY OUT ITS PURPOSES AND**
21 **POWERS;**

22 **(3) TO HIRE AND SET WAGES FOR EMPLOYEES TO STAFF THE BOARD;**

23 **(4) TO ADOPT AND CARRY OUT PROCEDURES FOR THE DISCIPLINE OF**
24 **THE BOARD'S EMPLOYEES; AND**

25 **(5) TO ADOPT REASONABLE AND PROPER REGULATIONS TO CARRY**
26 **OUT ITS PURPOSES AND GOVERN ITS PROCEDURES UNDER THIS CHAPTER.**

27 **I. THE BOARD HAS JURISDICTION OVER ALLEGATIONS OF POLICE**
28 **MISCONDUCT INVOLVING:**

1 (1) ABUSIVE LANGUAGE;

2 (2) FALSE ARREST;

3 (3) FALSE IMPRISONMENT;

4 (4) HARASSMENT;

5 (5) USE OF EXCESSIVE FORCE;

6 (6) COERCION;

7 (7) IMPROPER SEARCH AND SEIZURE;

8 (8) UNLAWFUL DENIAL OF ACCESS TO COUNSEL; AND

9 (9) PATTERNS AND PRACTICES OF ANY TYPE OF MISCONDUCT LISTED
10 IN ITEMS (1) THROUGH (8) OF THIS SUBSECTION.

11 **J. THE BOARD SHALL EMPLOY TWO ATTORNEYS TO:**

12 (1) ADVISE AND REPRESENT THE BOARD IN HEARINGS AND
13 INVESTIGATIONS;

14 (2) ENFORCE AND DEFEND AGAINST SUBPOENAS; AND

15 (3) FORMULATE THE RULES AND PROCEDURES FOR THE
16 ADMINISTRATION OF THE BOARD.

17 **K. THE BOARD SHALL EMPLOY TWO INVESTIGATORS TO CONDUCT**
18 **INVESTIGATIONS OF MATTERS THAT ARE WITHIN THE BOARD'S JURISDICTION.**

19 **L. (1) THE BOARD MEMBERS AND EACH INDIVIDUAL EMPLOYED BY THE**
20 **BOARD SHALL RECEIVE TRAINING FROM THE MARYLAND POLICE TRAINING AND**
21 **STANDARDS COMMISSION ON POLICING PROCEDURES.**

22 (2) AN INDIVIDUAL EMPLOYED BY THE BOARD TO CONDUCT
23 INVESTIGATIONS UNDER THIS CHAPTER MAY NOT HAVE BEEN EMPLOYED BY A
24 MUNICIPAL, COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY WITHIN 2
25 YEARS BEFORE BECOMING EMPLOYED BY THE BOARD.

26 (3) AN INDIVIDUAL EMPLOYED BY THE BOARD MAY NOT
27 SIMULTANEOUSLY BE EMPLOYED BY ANY OTHER GOVERNMENTAL UNIT OR AGENCY.

1 **136-3.**

2 **A LAW ENFORCEMENT UNIT SHALL:**

3 **(1) PLACE AND MAINTAIN POSTERS IN ALL LAW ENFORCEMENT UNIT**
4 **STATIONS AND ELSEWHERE THROUGHOUT THE COUNTY TO EXPLAIN THE**
5 **PROCEDURE FOR FILING A COMPLAINT WITH THE BOARD; AND**

6 **(2) EXPLAIN THE BOARD'S COMPLAINT PROCEDURES TO ALL POLICE**
7 **OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE MANUAL OF RULES AND**
8 **PROCEDURES OF THE LAW ENFORCEMENT UNIT AND INCORPORATED IN THE**
9 **TRAINING PROGRAM FOR NEW POLICE OFFICERS.**

10 **136-4.**

11 **A. THE BOARD SHALL:**

12 **(1) RECEIVE, REGISTER, AND REVIEW ALL COMPLAINTS WITHIN ITS**
13 **JURISDICTION MADE AGAINST POLICE OFFICERS;**

14 **(2) PROVIDE A COPY OF ANY COMPLAINT MADE AGAINST A POLICE**
15 **OFFICER TO THE LAW ENFORCEMENT UNIT THAT EMPLOYS THE POLICE OFFICER;**

16 **(3) PROVIDE MEDIATION BETWEEN THE COMPLAINANT AND THE**
17 **POLICE OFFICER AGAINST WHOM A COMPLAINT IS FILED, IF BOTH PARTIES**
18 **CONSENT, AS AN ALTERNATIVE TO AN INVESTIGATION;**

19 **(4) CONDUCT INVESTIGATIONS RELATING TO ANY INCIDENT WITHIN**
20 **ITS JURISDICTION;**

21 **(5) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW**
22 **ENFORCEMENT UNIT RELATING TO ANY DISCIPLINARY OR OTHER REMEDIAL ACTION**
23 **AGAINST A POLICE OFFICER EMPLOYED BY THE LAW ENFORCEMENT UNIT WHOM**
24 **THE BOARD FINDS TO HAVE COMMITTED MISCONDUCT WITHIN ITS JURISDICTION;**

25 **(6) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW**
26 **ENFORCEMENT UNIT RELATING TO THE LAW ENFORCEMENT UNIT'S POLICIES,**
27 **PRACTICES, PROGRAMS, AND TRAINING TO ELIMINATE MISCONDUCT; AND**

28 **(7) ADDRESS AND ENGAGE WITH THE PERSONNEL OF A LAW**
29 **ENFORCEMENT UNIT AND MEMBERS OF THE COMMUNITY TO PROVIDE**
30 **INFORMATION REGARDING THE BOARD'S MISSION, POLICIES, AND ONGOING**

1 OPERATIONS.

2 B. THE BOARD MAY:

3 (1) SUBJECT TO LIMITATIONS UNDER STATE AND FEDERAL LAW,
4 ACCESS ANY INFORMATION OR DOCUMENTS IN THE POSSESSION OR UNDER THE
5 CONTROL OF A LAW ENFORCEMENT UNIT OR A UNIT OF THE CHARLES COUNTY
6 GOVERNMENT RELATING TO A MATTER WITHIN THE BOARD'S JURISDICTION OR
7 MANDATE, WITHIN 14 DAYS OF NOTICE OF AN INVESTIGATION OR A COMPLAINT BY
8 THE BOARD;

9 (2) CONDUCT AN INVESTIGATION INTO ANY MATTER WITHIN ITS
10 JURISDICTION CONCURRENT TO ANY ACTIVE CRIMINAL INVESTIGATION OR
11 PROCEEDING RELATING TO THE SAME SUBJECT MATTER; AND

12 (3) REFER THE RESULTS OR INFORMATION FROM ANY
13 INVESTIGATION CONDUCTED UNDER THIS CHAPTER TO AN APPROPRIATE LAW
14 ENFORCEMENT OR PROSECUTORIAL AGENCY FOR REVIEW AND PROSECUTION.

15 C. (1) SUBJECT TO § 136-5 OF THIS CHAPTER, WITHIN 30 DAYS AFTER
16 COMPLETING AN INVESTIGATION OF ALLEGED MISCONDUCT OF A POLICE OFFICER,
17 THE BOARD SHALL ISSUE A FINAL SUMMARY REPORT DETERMINING WHETHER THE
18 COMPLAINT MADE AGAINST THE POLICE OFFICER:

19 (I) IS SUSTAINED;

20 (II) IS NOT SUSTAINED; OR

21 (III) IS UNFOUNDED.

22 (2) IF THE BOARD SUSTAINS A COMPLAINT OF MISCONDUCT OF A
23 POLICE OFFICER, THE BOARD SHALL INCLUDE IN THE FINAL SUMMARY REPORT THE
24 FACTUAL BASIS AND REASONS FOR SUSTAINING THE COMPLAINT AND MAKE
25 RECOMMENDATIONS FOR DISCIPLINARY OR REMEDIAL ACTION AGAINST THE
26 POLICE OFFICER, UP TO AND INCLUDING TERMINATION.

27 (3) REGARDLESS OF THE BOARD'S FINDING UNDER THIS
28 SUBSECTION, THE BOARD SHALL SEND A COPY OF THE FINAL SUMMARY REPORT TO:

29 (I) THE PERSON WHO MADE THE COMPLAINT; AND

30 (II) THE CHIEF OF THE LAW ENFORCEMENT UNIT THAT
31 EMPLOYS THE POLICE OFFICER.

1 **D. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A POLICE OFFICER, AN**
2 **EMPLOYEE OF A LAW ENFORCEMENT UNIT, A PUBLIC OFFICIAL, OR A GOVERNMENT**
3 **EMPLOYEE SHALL COOPERATE WITH REQUESTS MADE BY THE BOARD IN RELATION**
4 **TO AN INVESTIGATION CONDUCTED UNDER THIS CHAPTER.**

5 **(2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS**
6 **SUBSECTION IS SUBJECT TO THE DISCIPLINE PROCEDURES OF THE DEPARTMENT,**
7 **AGENCY, OR OTHER BODY RESPONSIBLE FOR IMPOSING DISCIPLINARY ACTION**
8 **AGAINST THE INDIVIDUAL UP TO AND INCLUDING TERMINATION FOR FAILURE TO**
9 **COOPERATE WITH REQUESTS MADE BY THE BOARD IN RELATION TO AN**
10 **INVESTIGATION CONDUCTED UNDER THIS CHAPTER.**

11 **136-5.**

12 **A. AFTER AN INVESTIGATION, IF THE BOARD IS UNABLE TO REACH A**
13 **DECISION SUFFICIENT TO ISSUE A FINAL SUMMARY REPORT UNDER § 136-4 OF THIS**
14 **CHAPTER, THE BOARD SHALL FORM A PANEL COMPOSED OF SEVEN BOARD**
15 **MEMBERS TO HOLD A HEARING.**

16 **B. PANEL MEMBERS SHALL BE CHOSEN BY THE BOARD ON A ROTATING**
17 **SCHEDULE DETERMINED BY THE BOARD.**

18 **C. (1) THE COMPLAINANT AND THE POLICE OFFICER WHO IS THE**
19 **SUBJECT OF THE COMPLAINT SHALL APPEAR AT THE HEARING.**

20 **(2) THE COMPLAINANT AND THE POLICE OFFICER SHALL HAVE AN**
21 **OPPORTUNITY TO OFFER EVIDENCE, CALL WITNESSES, AND MAKE OPENING AND**
22 **CLOSING STATEMENTS AT THE HEARING.**

23 **(3) THE PANEL OF BOARD MEMBERS MAY CALL WITNESSES, ASK**
24 **QUESTIONS, AND SUBPOENA ANY RELEVANT PERSON OR DOCUMENT.**

25 **D. AT THE CONCLUSION OF THE HEARING, THE PANEL SHALL MAKE ALL**
26 **FINDINGS TO BE INCLUDED IN THE FINAL SUMMARY REPORT UNDER § 136-4 OF THIS**
27 **CHAPTER BASED ON A PREPONDERANCE OF THE EVIDENCE.**

28 **136-6.**

29 **A. A COMPLAINT SHALL BE MADE WITHIN 366 DAYS AFTER THE ALLEGED**
30 **MISCONDUCT OF A POLICE OFFICER.**

31 **B. A PERSON MAY FILE A COMPLAINT ALLEGING MISCONDUCT OF A POLICE**

1 OFFICER WITH:

- 2 (1) THE BOARD;
- 3 (2) THE LEGAL AID BUREAU, INC.;
- 4 (3) THE MARYLAND HUMAN RELATIONS COMMISSION;
- 5 (4) ANY OF THE POLICE STATIONS IN CHARLES COUNTY;
- 6 (5) THE OFFICE OF THE ATTORNEY GENERAL;
- 7 (6) THE CHARLES COUNTY STATE'S ATTORNEY'S OFFICE; OR
- 8 (7) THE OFFICE OF THE PUBLIC DEFENDER FOR CHARLES COUNTY.

9 C. AN ENTITY OTHER THAN THE BOARD THAT RECEIVES A COMPLAINT
10 SHALL RETAIN A COPY OF THE COMPLAINT AND FORWARD THE COMPLAINT TO THE
11 BOARD WITHIN 48 HOURS OF RECEIPT.

12 D. STAFF FOR THE BOARD SHALL:

- 13 (1) ASSIGN A CONSECUTIVE NUMBER TO EACH COMPLAINT;
- 14 (2) SEND A COPY OF EACH COMPLAINT TO EACH MEMBER OF THE
15 BOARD WITHIN 48 HOURS; AND
- 16 (3) MAINTAIN A RECORD OF EACH COMPLAINT.

17 E. THE COMPLAINT SHALL INCLUDE:

- 18 (1) THE NAME OF THE COMPLAINANT, UNLESS THE COMPLAINANT
19 REQUESTS TO REMAIN ANONYMOUS;
- 20 (2) IF KNOWN, THE NAME OF THE POLICE OFFICER ALLEGEDLY
21 INVOLVED;
- 22 (3) THE DATE, TIME, AND PLACE OF THE ALLEGED MISCONDUCT; AND
- 23 (4) THE CIRCUMSTANCES OF THE ALLEGED MISCONDUCT.

24 F. THE BOARD SHALL DEVELOP PROCEDURES FOR:

1 **(1) THE FILING OF ANONYMOUS COMPLAINTS; AND**

2 **(2) THE RECEIPT OF COMPLAINTS USING A VARIETY OF**
3 **COMMUNICATION METHODS, INCLUDING IN-PERSON, BY MAIL, BY TELEPHONE, AND**
4 **BY INTERNET.**

5 **136-7.**

6 **A. THE BOARD MAY:**

7 **(1) CONDUCT HEARINGS;**

8 **(2) ADMINISTER OATHS AND AFFIRMATIONS;**

9 **(3) ISSUE PROCESS TO COMPEL THE ATTENDANCE OF WITNESSES**
10 **AND THE PRODUCTION OF EVIDENCE; AND**

11 **(4) REQUIRE A PERSON TO TESTIFY AND PRODUCE EVIDENCE.**

12 **B. THE CHIEF OF A LAW ENFORCEMENT UNIT SHALL RESPOND TO**
13 **CORRESPONDENCE RECEIVED FROM THE BOARD WITHIN 14 DAYS.**

14 **C. (1) A SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE**
15 **ISSUED BY A CIRCUIT COURT.**

16 **(2) A SUBPOENA FROM THE BOARD SHALL BE SIGNED BY AN**
17 **ATTORNEY FOR THE BOARD.**

18 **(3) THE BOARD SHALL ADVISE A PERSON OF THE RIGHT TO COUNSEL**
19 **WHEN A SUBPOENA IS SERVED.**

20 **(4) THE BOARD IMMEDIATELY MAY REPORT THE FAILURE OF A**
21 **PERSON TO OBEY A LAWFULLY SERVED SUBPOENA TO THE CIRCUIT COURT FOR**
22 **CHARLES COUNTY.**

23 **(5) THE BOARD SHALL PROVIDE A COPY OF THE SUBPOENA AND**
24 **PROOF OF SERVICE TO THE CIRCUIT COURT.**

25 **(6) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO**
26 **ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA HAS AN OPPORTUNITY TO BE**
27 **HEARD AND REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE**
28 **RELIEF.**

1 **D. (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY**
2 **CONTACT WITH THE BOARD.**

3 **(2) STAFF FOR THE BOARD SHALL ADMINISTER OATHS IN**
4 **CONNECTION WITH ANY PROCEEDINGS BEFORE THE BOARD.**

5 **(3) ALL WITNESS TESTIMONY SHALL BE RECORDED.**

6 **136-8.**

7 **A. IF THE BOARD ISSUES A RECOMMENDATION TO A LAW ENFORCEMENT**
8 **UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE LAW ENFORCEMENT**
9 **UNIT, THE CHIEF OF THE LAW ENFORCEMENT UNIT SHALL RESPOND TO THE**
10 **BOARD'S RECOMMENDATION WITHIN 45 DAYS AFTER RECEIVING THE**
11 **RECOMMENDATION.**

12 **B. (1) THE RESPONSE ISSUED BY THE CHIEF OF A LAW ENFORCEMENT**
13 **UNIT SHALL INCLUDE A DESCRIPTION OF ANY ACTION THE CHIEF HAS TAKEN OR IS**
14 **PLANNING TO TAKE WITH RESPECT TO THE RECOMMENDATIONS MADE BY THE**
15 **BOARD AND STATE WHETHER THE CHIEF PLANS TO IMPLEMENT THE**
16 **RECOMMENDATIONS.**

17 **(2) IF THE CHIEF STATES THAT THE CHIEF DOES NOT PLAN TO**
18 **IMPLEMENT A RECOMMENDATION FROM THE BOARD, THE CHIEF SHALL EXPLAIN**
19 **THE REASON FOR NOT IMPLEMENTING THE RECOMMENDATION.**

20 **136-9.**

21 **A. (1) THE BOARD SHALL MAKE ALL FINAL SUMMARY REPORTS**
22 **PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE BOARD.**

23 **(2) THE BOARD SHALL REDACT INFORMATION FROM A FINAL**
24 **SUMMARY REPORT TO THE EXTENT REQUIRED BY STATE LAW BEFORE THE REPORT**
25 **IS MADE AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

26 **B. THE BOARD SHALL MAKE ALL RECOMMENDATIONS MADE TO A LAW**
27 **ENFORCEMENT UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE LAW**
28 **ENFORCEMENT UNIT PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE**
29 **BOARD.**

30 **C. THE BOARD SHALL DEVELOP AND IMPLEMENT A PUBLIC EDUCATION**
31 **AND INFORMATION PROGRAM TO INFORM THE PUBLIC ABOUT MATTERS WITHIN THE**
32 **JURISDICTION OF THE BOARD.**

1 **136-10.**

2 **A. A PERSON MAY NOT:**

3 **(1) RETALIATE AGAINST, PUNISH, INTIMIDATE, DISCOURAGE,**
4 **THREATEN, OR PENALIZE ANOTHER FOR:**

5 **(I) MAKING A COMPLAINT TO THE BOARD;**

6 **(II) PROVIDING TESTIMONY, INFORMATION, OR DOCUMENTS TO**
7 **THE BOARD; OR**

8 **(III) COOPERATING WITH OR ASSISTING THE BOARD;**

9 **(2) KNOWINGLY REFUSE TO COMPLY WITH A SUBPOENA ISSUED BY**
10 **THE BOARD;**

11 **(3) KNOWINGLY INTERFERE WITH OR OBSTRUCT AN INVESTIGATION**
12 **CONDUCTED BY THE BOARD; OR**

13 **(4) KNOWINGLY MAKE A FALSE STATEMENT, REPORT, OR COMPLAINT**
14 **TO THE BOARD OR A REPRESENTATIVE OF THE BOARD.**

15 **B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
16 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR**
17 **A FINE NOT EXCEEDING \$500 OR BOTH.**

18 **136-11.**

19 **A. THE BOARD MAY NOT MAKE INVESTIGATIVE RECORDS OR REPORTS**
20 **CONTAINING THE NAMES OR PERSONALLY IDENTIFYING INFORMATION OF**
21 **COMPLAINANTS, INVESTIGATORS, OR WITNESSES PUBLICLY AVAILABLE.**

22 **B. THE BOARD SHALL BE THE CUSTODIAN OF ALL RECORDS OF**
23 **INVESTIGATIONS, INCLUDING NOTES, LETTERS, MEMORANDA, FORMS, AND AUDIO**
24 **AND VIDEO RECORDINGS RESULTING FROM A COMPLAINT AND PROCEEDINGS**
25 **BEFORE THE BOARD.**

26 **C. NOTWITHSTANDING § 4-311(A) OF THE GENERAL PROVISIONS**
27 **ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE BOARD MAY REVIEW ALL**
28 **DISCIPLINARY RECORDS AND COMPLAINTS MADE AGAINST A POLICE OFFICER IF A**
29 **FINAL SUMMARY REPORT OF THE BOARD DETERMINES THAT A COMPLAINT MADE**

1 AGAINST A POLICE OFFICER IS SUSTAINED.

2 136-12.

3 A. THE BOARD SHALL PREPARE AND PUBLISH ON ITS WEBSITE:

4 (1) A SEMI-ANNUAL STATISTICAL REPORT REGARDING THE
5 COMPLAINTS PROCESSED UNDER THIS CHAPTER; AND

6 (2) AN ANNUAL STATISTICAL REPORT REGARDING THE COMPLAINTS
7 PROCESSED UNDER THIS CHAPTER.

8 B. THE BOARD SHALL SUBMIT EACH REPORT DESCRIBED IN SUBSECTION
9 A OF THIS SECTION TO THE COUNTY COMMISSIONERS, THE COUNTY
10 ADMINISTRATOR, AND THE CHIEF OF EACH LAW ENFORCEMENT UNIT.

11 136-13.

12 THE PROCEDURES ESTABLISHED UNDER THIS CHAPTER MAY NOT BE
13 CONSTRUED TO ABROGATE ANY CONSTITUTIONAL, STATUTORY, OR COMMON LAW
14 RIGHT OF:

15 (1) A POLICE OFFICER AGAINST WHOM A COMPLAINT IS FILED; OR

16 (2) THE COMPLAINANTS, INVESTIGATORS, OR WITNESSES WHO
17 PARTICIPATE IN THE COMPLAINT PROCEDURE.

18 136-14.

19 THE PROCEDURES ESTABLISHED UNDER THIS CHAPTER MAY NOT BE
20 CONSTRUED TO AFFECT OR CHANGE THE METHODS OR PROCEDURES FOR
21 SUSPENSION OR DISMISSAL OF POLICE OFFICERS.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
23 members of the Citizens Complaint Oversight Board of Charles County shall expire as
24 follows:

25 (1) five members in 2022;

26 (2) five members in 2023; and

27 (3) five members in 2024.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2021.