

**PRINCE GEORGE'S COUNTY COUNCIL**  
**AGENDA ITEM SUMMARY**

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**Meeting Date:** 11/6/2001

**Reference No.:** CB-59-2001

**Proposer:** Estepp, Bailey, Russell

**Draft No.:** 4

**Sponsors:** Estepp, Bailey, Russell

**Item Title:** An Act amending the responsibilities of the Chief of Police and the Citizens Complaint Oversight Panel in the investigation of complaints against County law enforcement officers

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**Drafter:** Ralph Grutzmacher  
Legislative Officer

**Resource** John Timms  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 7/10/2001

**Executive Action:** 11/26/2001 s

**Committee Referral:** 7/10/2001 PSFM

**Effective Date:** 1/11/2002

**Committee Action:** 10/4/2001 FAV(A)

**Date Introduced:** 10/16/2001

**Public Hearing:** 11/6/2001 1:30 P.M.

**Council Action:** 11/6/2001 ENACTED

**Council Votes:** RVR:A, DB:A, JE:A, IG:A, TH:A, AS:A, PS:-, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**11/6/2001:** Amended on the floor (DR-4 ) enacted

**10/16/2001:** CB-59-2001 (DR-2) amended on the floor; (DR-3) introduced

**PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT** Date: 10/4/01

Committee Vote: Favorable as amended, 5-0, (In favor: Councilmembers Bailey, Scott, Estepp, Maloney and Shapiro).

This bill will amend the responsibilities of the Human Relations Commission, Chief of Police and the Citizens' Complaint Oversight Panel (CCOP) pertaining to the investigation of complaints against County law enforcement officers. The CCOP will have the authority to conduct its own independent investigation and subpoena witnesses to testify under oath before the

Panel. The conclusions of the Panel will be given equal weight in determining the action to be taken by the Police Department.

The Office of Law stated that certain provisions of CB-59-2001 violate State law, specifically the Law Enforcement Officers' Bill of Rights (LEOBR). Prince George's County, as well as other counties and municipal corporations, are expressly preempted from legislating in a manner that conflicts with the provisions of LEOBR and any local legislation is preempted by the subject and material of LEOBR. The key provisions of CB-59-2001 have the effect of triggering the applicability of LEOBR thereby violating State law.

The legislation was held in Committee on 7/19/01 to allow the sponsor time to meet with various organizations and citizens in order to obtain additional information. A meeting was held on August 27, 2001.

Draft 2 of CB-59-2001 was presented at the Public Safety and Fiscal Management Committee meeting on 10/4/01. The Draft 2 addresses issues of police accountability in a more comprehensive manner and is consistent with many of the recommendations of the Police Accountability Task Force.

Some highlights of the Draft 2 legislation:

1. Expand the scope of the CCOP authority.
  - A. The only civilian organization to review complaints against a member of the County's Police Department.
  - B. Apply a more broadly defined law enforcement officer's use of force to include any action taken by an officer to strike or control another person.
  - C. Conduct its own investigation.
  - D. Expand findings under current law.
2. Duties of the CCOP.
  - A. Prepare an annual report containing a summary of case findings, a statistical analysis of cases by type and disposition, and other information that the Panel deems appropriate.
  - B. Inform complainant of the time and location of any hearing board and final disposition of the complaint in a timely manner.
3. Duties of the Chief of Police.
  - A. Notify the Panel within twenty-four (24) hours after a law enforcement officer discharged a firearm in an attempt to strike or control another person regardless of whether injury occurs.

- B. Transmit documents to the Panel and law enforcement officer.
- C. Authorized to petition the County Executive or designee for a temporary exemption regarding disclosure of information.

The American Civil Liberties Union (ACLU) expressed their concerns with the proposed Draft 2. It is their feeling that an effective civilian complaint agency will strengthen the public's trust in its Police Department, which is essential to successful policing.

There may be negative fiscal impact on the County as a result of enacting CB-59-2001, however, the amount cannot be determined at this time.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

The existing law does not provide independent investigative powers to the Citizens Complaint Oversight Panel. The Panel reviews the investigations of others and its recommendations to the Chief of Police are advisory in nature and are not accorded equal weight in the Chief's decision-making processes. The proposed legislation will amend the authority and responsibilities of the to provide for an independent investigation of complaints that have not been adequately investigated by the Internal Affairs Division of the Police Department or the Human Relations Commission. In addition, the Chief of Police will be required to collect data and report on deaths that occur during police custody.

### **CODE INDEX TOPICS:**