



Policy 307

Subject	
CIVILIAN REVIEW BOARD COMPLAINT PROCEDURES	
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3 March 2015	1 of 7

By Order of the Police Commissioner

POLICY

The Civilian Review Board was established by the Code of Public Local Laws of Baltimore City to have certain jurisdiction over allegations of abusive language, harassment, or excessive force complaints filed against police officers. The Department is required by law to publish an explanation of the Board's complaint procedures to all members in a policy and to include this subject in training programs. Posters outlining procedures for lodging Civilian Review Board complaints are to be placed in all station houses and other public places.

DEFINITIONS

Abusive Language — Harsh, violent, profane, or derogatory language, which would demean the dignity of an individual, including profanity and racial, ethnic, or sexist slurs.

Excessive Force — The use of physical force greater than reasonably necessary to repel an attacker or terminate resistance. Excessive force does not include force that is reasonably necessary to affect a lawful purpose.

Harassment — Repeated, unwarranted verbal or physical annoyance, or unwarranted threats or unwarranted demands.

False Arrest — An arrest made without legal justification.

False Imprisonment — The intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

Police Officer — Any sworn member of the Department.

REQUIRED ACTION

1. An individual who claims to have been subjected to, or witnessed, an act of abusive language, harassment or excessive force, or sustained an injury allegedly resulting from excessive force caused by a police officer, is to be informed that they may file a complaint at the Internal Affairs Division, the Maryland Legal Aid Bureau, the Maryland Commission on Civil Rights, the Office of Civil Rights and Wage Enforcement, or any police district station. (See Annex A for Address/Telephone Directory). The Chief, Internal Affairs Division will be responsible to ensure that the directory is maintained.
2. A complaint of excessive force that is investigated by the Civilian Review Board must be made within 90 days of the alleged act. Complaints of abusive language or harassment must be made within one year of the action giving rise to the complaint.

NOTE: Any person who knowingly makes a false statement, report, or complaint, in the course of an investigation to the Internal Affairs Division or the Civilian Review Board, may be charged with a misdemeanor under Maryland Annotated Code, Criminal Law Article § 9-501 and upon conviction, is subject to a fine not to exceed \$500.00 or imprisonment not exceeding 6 months, or both.

3. The complaint must be written on a form authorized by the Board, signed by the complainant and witnessed by a Notary Public. (See Annex B, Civilian Review Board Complaint Form). Additionally, complaints of excessive force must be sworn to by the complainant. If a Notary Public is not available, the form shall be filled out and forwarded to the Internal Affairs Division immediately. The Internal Affairs Division shall be responsible for re-contacting the complainant to ensure that the complaint is sworn to.

NOTE: If a member the BPD takes the complaint, it is preferred that the complainant write out the circumstances of the complaint in his/her own words. A statement may be tape recorded with the permission of the complainant.

4. The completed Civilian Review Board Complaint Form shall be distributed as follows:
 - 4.1. One copy shall be retained by the person taking the complaint.
 - 4.2. One copy shall be given to the complainant.
 - 4.3. One copy shall be forwarded to the Internal Affairs Division and the Civilian Review Board within forty-eight hours.
5. The Chief, Internal Affairs Division shall submit a report on the findings of the investigation to the Board within ninety days from the date of the complaint. The Board may extend the time allowed to complete the investigation.
6. The Board may simultaneously investigate any complaint it deems appropriate and report the findings to the Internal Affairs Division.
7. The Board will review the investigation conducted by the Internal Affairs Division and the Board's investigative report, if any, and recommend to the Police Commissioner any of the following findings:
 - 7.1. Sustained.
 - 7.2. Not sustained.
 - 7.3. Exonerated.
 - 7.4. Request further investigation by the Internal Affairs Division.
8. Findings and recommendations of the Board will be submitted to the Police Commissioner within thirty days of receipt of the investigative report(s).

NOTE: This process will not affect or change methods and procedures for administrative suspensions or dismissals.

9. Not sustained findings and cases deemed exonerated will be forwarded to the Chief, Internal Affairs Division, who shall notify the accused member in writing of the findings.

10. When the Board has rendered a Sustained finding, and the Internal Affairs Division has rendered a Not Sustained finding in the same case, the Board shall inform the Chief of the Internal Affairs Division of the contradictory findings. The IAD Chief will meet with the Board in an attempt to come to a consistent finding. If neither can agree on the finding, the Police Commissioner or his/her designee will review both findings and make a final decision.
11. The Police Commissioner has final decision-making responsibility for the appropriate disciplinary action in each case. No final action will be taken until the Police Commissioner has reviewed the recommendation of the Board.

NOTE: Except for the Internal Affairs Division report, the Board will be the custodian of all records of the complaint. Records containing the names and/or identification of the accused officer, complainants, investigators, and witnesses, may not be disclosed or released to the public.

12. The Internal Affairs Division shall retain sole custody of the Internal Affairs report.

Director, Professional Development and Training Academy

Include Civilian Review Board Procedures in entrance level and in-service curriculums.

ANNEXES

- A, Address/Telephone Directory
- B, Civilian Review Board Complaint Form (3 pages)

RESCISSION

Remove destroy/recycle Policy 307, Civilian Review Complaint Procedures, dated 8 April 2004.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

ANNEX A**Address/Telephone Directory**

Central District
500 East Baltimore Street
Baltimore, Maryland 21202
(410) 396-2411

Eastern District
1620 Edison Highway
Baltimore, Maryland 21213
(410) 396-2433

Northern District
2201 West Coldspring Lane
Baltimore, Maryland 21215
(410) 396-2455

Northeastern District
1900 Argonne Drive
Baltimore, Maryland 21218
(410) 396-2444

Northwestern District
5271 Reisterstown Road
Baltimore, Maryland 21215
(410) 396-2466

Southeast District
5710 Eastern Avenue
Baltimore, Maryland 21224
(410) 396-2422

Southern District
10 Cherry Hill Road
Baltimore, Maryland 21225
(410) 396-2499

Southwest District
424 Font Hill Avenue
Baltimore, Maryland 21223
(410) 396-2488

Western District
1034 North Mount Street
Baltimore, Maryland 21217
(410) 396-2477

Internal Affairs Division
2525 Kirk Avenue
Baltimore, Maryland 21218
(410) 396-2300

Maryland Legal Aid Bureau
500 E. Lexington Street
Baltimore, Maryland 21202
1-866-635-2948

Maryland Commission on Civil Rights
6 Saint Paul Street
Baltimore, Maryland 21202
(410) 767-8600

Office of Civil Rights and Wage
Enforcement
231 E. Baltimore Street
8th Floor
Baltimore, Maryland 21202
(410) 396-3141

ANNEX B

Civilian Review Board Complaint Form (Page 1)

Baltimore Civilian Review Board Baltimore, Maryland											
Complaint Statement										IAD Number _____	
										CRB Number _____	
										CC Number _____	
Complaint Filed At <i>NOTE: This Form is "Only" To Be Utilized For Excessive Force, Abusive Language and Harassment allegations.</i>											
<input type="checkbox"/> Internal Affairs Division				<input type="checkbox"/> Legal Aid Bureau				<input type="checkbox"/> Maryland Commission on Human Relations			
<input type="checkbox"/> Baltimore City Community Relations Commission								<input type="checkbox"/> District Station House (Name) _____			
Name of Person Taking Complaint: _____						Date Complaint Received: _____					
Type of Complaint											
<input type="checkbox"/> Excessive Force				<input type="checkbox"/> Abusive Language				<input type="checkbox"/> Harassment			
Complainant's Information/Incident Information											
Complainant's Name (Last, First, MI) _____				Address _____		City _____		State _____		Zip _____	
Age _____	Race _____	Male <input type="checkbox"/>	Date of Birth _____	Occupation _____	Social Security Number _____			Home Phone _____		Work Phone _____	
Female <input type="checkbox"/>											
Name of Alleged Victim (if other than Complainant) _____				Address with Zip _____		Social Security Number _____		Home Phone _____		Work Phone _____	
Date Incident Occurred _____	Time Incident Occurred _____	AM <input type="checkbox"/>	Location of Incident _____								
PM <input type="checkbox"/>											
Witness Name (Last, First, MI) List Additional Witnesses in Narrative _____				Address with Zip _____		Social Security Number _____		Home Phone _____		Work Phone _____	
Name of Member Accused of Wrongdoing <small>Member(s) Name (Last, First, MI) List Additional Members in Narrative</small>											
Sex <input type="checkbox"/>	Race _____	Rank _____	Badge # _____	Age _____	Height _____	Weight _____	Eyes _____	District _____	Unit No. _____	Assignment _____	Other Details _____
Male <input type="checkbox"/>			Seq. # _____	(Approx)							
Female <input type="checkbox"/>											
Write everything that happened exactly as it happened and do not leave anything out of your statement.											
I understand that this statement of complaint will be submitted to the Baltimore Police Department/Civilian Review Board and will be the basis for an investigation. Further, I sincerely and truly declare and affirm, under penalties of perjury, that the facts contained in my Complaint Statement are true to the best of my knowledge and belief. In addition, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.											
										Complainant's Signature _____	
Sworn to before me this _____ day of _____, 20____						(Signature) _____					
Witness _____						(Printed Name) _____					
						Notary Public					
(Seal)						My Commission Expires: _____					
Page 1 of _____											

ANNEX B (Cont'd)

Civilian Review Board Complaint Form (Page 2)

**Baltimore Civilian Review Board
Baltimore, Maryland**

IAD Number _____
CRB Number _____
CC Number _____

Complaint Statement

If you were investigating this complaint, how would you do it?

What four things do you think contributed most to this situation?

What do you think should be done to anyone who makes a false statement in this investigation?

Signature of Complainant:

