

# CIVILIAN REVIEW BOARD

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**Proposed by: Southern Marylanders for Racial Equality**

**Proposed to : Charles County Commissioners, Maryland General Assembly Representatives**

**Date: 11/03/2021**

Objective: It is clear that the trust between community and police departments has broken down. We believe this is partially attributable to a lack of oversight and access to review by civilians for instances of police misconduct. Southern Marylanders for Racial Equality seeks to create Civilian Review Boards that are 1) effective 2) fair and 3) empowered to create oversight of police when instances of misconduct or complaints occur. We suggest a board comprised of 9 civilian members for terms of 3 years with a maximum of one term. The details below have been carefully researched with these goals in mind.

- The sheriffs, police, law enforcement unions, or any other affiliated organizations should NOT have any participation in the selection of the PAB.
- PAB should investigate complaints including but not limited to use of excessive force, abusive language, harassment, false arrest, and false imprisonment, preventable death, neglect as a first responder to medical/mental health needs.
- Citizens largely have expressed the desire to not only have a review board that is transparent, but has actual influence over the outcomes for policing.
- The PAB should be created using the investigator-focused model<sup>1</sup>, and receive training from the MPSTC<sup>2</sup>.
- The PAB should have subpoena powers and full investigative powers, including the ability to call witnesses and review evidence, including bodycam footage.
- The PAB should have a staff of at least two attorneys and two investigators, also unaffiliated with law enforcement agencies.

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<sup>1</sup>

<https://scholars.org/brief/how-civilian-review-boards-can-further-police-accountability-and-improve-community-relations>

<sup>2</sup> <https://mdle.net/standards.htm>

- The PAB should have access to all historical and current complaints and internal investigations against officers who are currently active in the departments.
- A mechanism for direct information sharing from internal investigators to PAB within a timely fashion. (which isn't happening in existing PAB's such as Baltimore)<sup>3</sup>
- The contracts between departments, officers and law enforcement executives should be reviewed by PAB as well.<sup>4</sup>
- The police should be equipped with cameras and the PAB should have access to review this footage
- The PAB should have the authority to make public disciplinary recommendations, including retraining, demotion, demerits and termination of officers.
- These disciplinary recommendations should be made public, and should only be contradicted if the department's internal investigations find some egregious error in the decision.
- Any disciplinary recommendation that is not accepted by the department should be justified with a written statement by that agency to the public with their rationale. (public trust is a factor)
- The process for citizen complaints should be formalized and publicized immediately, offering many different ways for citizens to register complaints, online in writing and in person.<sup>5</sup>
- There should be a determination of a "pattern of behavior" for individual LEO's brought before the PAB and found to be in violation, a number of instances beyond which they will automatically be terminated. (3 strikes)
- Police misconduct payouts to victims should be deducted from the police budget.

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<sup>3</sup><https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0315-baltimore-civilian-police-board-oversight-20200313-qkmsqmsuqbbrdb66goepzs6p5a-story.html>

<sup>4</sup> <https://www.ccsso.us/about/#fop>

<sup>5</sup> [https://mdle.net/pdf/Citizen\\_Complaint\\_Process.pdf](https://mdle.net/pdf/Citizen_Complaint_Process.pdf)