

# HOUSE BILL 1372

E4, L2

9lr3206

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By: **Delegate Glenn**

Introduced and read first time: February 20, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Investigation of Homicide Case Involving Law Enforcement**  
3 **Officers**

4 FOR the purpose of requiring the Baltimore City Police Commissioner to establish certain  
5 policies and procedures in the event of a death of a law enforcement officer in the  
6 line of duty or the death of an individual allegedly caused by a law enforcement  
7 officer; authorizing Baltimore City to make a reciprocal agreement to conduct a  
8 certain investigation with a law enforcement agency from outside Baltimore City  
9 under certain circumstances; providing that, in Baltimore City, in a postmortem case  
10 in which the deceased is a law enforcement officer or the death of an individual  
11 allegedly has been caused by a law enforcement officer, only primary investigating  
12 officers may interact with the medical examiner during the course of the examination  
13 by the medical examiner, with certain exceptions; requiring that all meetings  
14 between a primary investigating officer and medical examiner office personnel be  
15 recorded by the medical examiner; and generally relating to the investigation of  
16 certain deaths in Baltimore City.

17 BY adding to

18 The Public Local Laws of Baltimore City

19 Section 16–7(16)

20 Article 4 – Public Local Laws of Maryland

21 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

22 BY repealing and reenacting, with amendments,

23 Article – Criminal Procedure

24 Section 2–105(b)

25 Annotated Code of Maryland

26 (2018 Replacement Volume)

27 BY adding to

28 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–310(f)  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2018 Supplement)

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

6 **Article 4 – Baltimore City**

7 16–7.

8 In directing and supervising the operations and affairs of the Department, the  
9 Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions  
10 of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore  
11 City (1964 Revision) as amended from time to time, be vested with all the powers, rights  
12 and privileges attending the responsibility of management, and may exercise the same,  
13 where appropriate, by rule, regulation, order or other departmental directive which shall  
14 be binding on all members of the Department when duly promulgated. In the event of a  
15 conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article  
16 VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and  
17 Sections 4–14 of Article VII shall control. The authority herein vested in the Police  
18 Commissioner shall specifically include, but not be limited to, the following:

19 **(16) TO ESTABLISH POLICIES AND PROCEDURES TO BE DISSEMINATED**  
20 **THROUGHOUT THE AGENCY, IN THE EVENT OF A DEATH OF A LAW ENFORCEMENT**  
21 **OFFICER IN THE LINE OF DUTY OR THE DEATH OF AN INDIVIDUAL ALLEGEDLY**  
22 **CAUSED BY A LAW ENFORCEMENT OFFICER, THAT SPECIFY:**

23 **(I) OFFICERS ASSIGNED TO THE HOMICIDE UNIT MAY NOT BE**  
24 **THE PRIMARY INVESTIGATING OFFICERS OF THE DEATH;**

25 **(II) THE SCENE OF THE INCIDENT IMMEDIATELY SHALL BE**  
26 **SECURED BY THE FIRST PATROL OFFICER WITH NO OTHER INDIVIDUAL ALLOWED**  
27 **ENTRANCE UNTIL SUPERVISING PERSONNEL ARE PROPERLY NOTIFIED;**

28 **(III) SUPERVISING PERSONNEL SHALL RECORD THE IDENTITY,**  
29 **TIME OF ENTRANCE, AND TIME OF EXIT OF ALL INDIVIDUALS ENTERING THE SCENE**  
30 **OF THE INCIDENT;**

31 **(IV) THE COMMISSIONER OR THE COMMISSIONER’S DESIGNEE**  
32 **SHALL BE NOTIFIED OF THE INCIDENT THROUGH THE CHAIN OF COMMAND; AND**

33 **(V) THE MAYOR OR THE MAYOR’S DESIGNEE SHALL SEEK**  
34 **IMMEDIATE ASSISTANCE OF AN OUTSIDE AGENCY TO ASSUME PRIMARY**  
35 **RESPONSIBILITY FOR INVESTIGATING THE INCIDENT.**

**Article – Criminal Procedure**

2–105.

(b) (1) By action as in the regular routine for legislative enactment, the governing body of a county or municipal corporation may determine the circumstances under which the police officers and other officers, agents, and employees of the county or municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the county or municipal corporation to any place within or outside the State.

(2) IN BALTIMORE CITY, IN THE EVENT OF A DEATH OF A LAW ENFORCEMENT OFFICER IN THE LINE OF DUTY OR THE DEATH OF AN INDIVIDUAL ALLEGEDLY CAUSED BY A LAW ENFORCEMENT OFFICER, BALTIMORE CITY AND A LAW ENFORCEMENT AGENCY FROM OUTSIDE BALTIMORE CITY MAY MAKE A RECIPROCAL AGREEMENT TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE INCIDENT.

**Article – Health – General**

5–310.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN BALTIMORE CITY, IN A POSTMORTEM CASE IN WHICH THE DECEASED IS A LAW ENFORCEMENT OFFICER OR THE DEATH OF THE INDIVIDUAL ALLEGEDLY HAS BEEN CAUSED BY A LAW ENFORCEMENT OFFICER, ONLY THE PRIMARY INVESTIGATING OFFICERS MAY INTERACT WITH THE MEDICAL EXAMINER DURING THE COURSE OF THE EXAMINATION BY THE MEDICAL EXAMINER.

(2) IF ALLOWED BY THE MEDICAL EXAMINER, INTERESTED OBSERVERS, INCLUDING LAW ENFORCEMENT PERSONNEL AND CIVILIANS, MAY OBSERVE THE MEDICAL EXAMINATION.

(3) ALL MEETINGS BETWEEN A PRIMARY INVESTIGATING OFFICER AND MEDICAL EXAMINER OFFICE PERSONNEL SHALL BE RECORDED BY THE MEDICAL EXAMINER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.