

..Title

Police Enhancement and Community Engagement - For the purpose of establishing procedures for the collection and reporting of certain law enforcement data; providing for publication of certain data; promoting community policing; developing use of force guidelines; establishing procedures for consent searches; establishing police officer training requirements; providing crowd control restrictions; prohibiting certain police practices; establishing minimum standards for investigating and responding to allegations of domestic violence; prohibiting use of certain property by the City, restricting the use of City-owned armored vehicles; expanding the scope of duties of the Human Relations Commission; providing for exemptions from negotiation of employee-management relations; providing an effective date; providing definitions; and generally related to police enhancement and community engagement.

..Body

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 12-21

Introduced by: Alderman Savidge

**Co-sponsored by: Alderman Arnett, Alderwoman Tierney, Alderman Gay,
Alderman Schadelmeier**

Referred to

Human Relations Commission

Economic Matters Committee

Public Safety Committee

Rules and City Government Committee

90 day Rule: _____

AN ORDINANCE concerning

Police Enhancement and Community Engagement

FOR the purpose of establishing procedures for the collection and reporting of certain law enforcement data; providing for publication of certain data; promoting community policing; developing use of force guidelines; establishing procedures for consent searches; establishing police officer training requirements; providing crowd control restrictions; prohibiting certain police practices; establishing minimum standards for investigating and responding to allegations of domestic violence; prohibiting use of certain property by the City, restricting the use of City-owned armored vehicles; expanding the scope of duties of the Human Relations Commission; providing for exemptions from negotiation of employee-management relations; providing an effective date; providing definitions; and generally related to police enhancement and community engagement.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition

2.48.160

1 3.16.070
2 3.32.040
3 11.44.030
4

5 **BY** repealing and reenacting without amendments the following portions of the Code of the
6 City of Annapolis, 2021 Edition
7 7.36.070
8

9 **BY** adding the following portions to the Code of the City of Annapolis, 2021 Edition
10 2.36.090
11 2.36.100
12 2.36.110
13 2.36.120
14 2.36.130
15 2.36.140
16 2.36.150
17 2.36.160
18 2.36.170
19 7.36.075
20

21 **WHEREAS**, in the past few months, hundreds of thousands of people in cities across the country,
22 including Annapolis, and around the world, have taken to the streets to protest
23 injustice, racism, and police brutality against Black Americans and other
24 minorities; and
25

26 **WHEREAS**, these First Amendment assemblies have given voice to deep anger and trauma
27 engendered by acts of violence by the police against Black Americans and have
28 energized a national movement around racism in policing, the use of force, lack of
29 police accountability and transparency, and systemic racial injustice and inequity;
30 and
31

32 **WHEREAS**, the deaths of George Floyd and Breonna Taylor – and of so many other Black
33 Americans at the hands of the police – are interwoven with the legacy and evolution
34 of slavery and generations of racial terror in this nation; and
35

36 **WHEREAS**, enduring systems of institutional racism continue in the over-policing, over-
37 charging, and over-incarceration of Black Americans; and
38

39 **WHEREAS**, we have seen some police forces utilize force when de-escalation or civil mental
40 health interventions may have been more effective; and
41

42 **WHEREAS**, while the Annapolis Police Department includes some of the best officers in the
43 world , who are committed to the Department, City, and Community, the City
44 Council cannot assume tragedies will not continue to occur within our communities
45 and must take action to prevent them,
46

1 **WHEREAS**, The Annapolis Police Department is rated with the Commission on Accreditation
2 for Law Enforcement Agencies, and

3
4 **WHEREAS**, this legislation in some instances creates new standards and minimums for the
5 officers to follow, it also in some instances codifies what is already in the
6 Department's general orders and what the officers already adhere to,

7
8 **WHEREAS**, The United States Department of Justice advises that strong relationships of mutual
9 trust between police agencies and the communities they serve are critical to
10 maintaining public safety and effective policing, and

11
12 **WHEREAS**, The United States Department of Justice advises that police officials rely on the
13 cooperation of community members to provide information about crime in their
14 neighborhoods, and to work with the police to devise solutions to crime and
15 disorder problems, and

16
17 **WHEREAS**, The United States Department of Justice advises community members' willingness
18 to trust the police depends on whether they believe that police actions reflect
19 community values and incorporate the principles of procedural justice and
20 legitimacy, and

21
22 **WHEREAS**, The Police Executive Research Forum hosted a national meeting of police and
23 community leaders that identified the following key issues and recommendations
24 that were deemed useful to help police departments and their communities to
25 develop collaborative strategies for moving forward: (a) acknowledge and discuss
26 with communities the challenges local police departments face; (b) be transparent
27 and accountable; (c) take steps to reduce bias and improve cultural competency;
28 and (d) maintain focus on the importance of collaboration and be visible in the
29 community, AND

30
31 **WHEREAS**, THIS LEGISLATION SEEKS TO CLOSE SOME OF THE GAPS IN THE
32 LEGISLATION THE MARYLAND GENERAL ASSEMBLY PASSED IN
33 THEIR LAST SESSION.

34
35 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY
36 COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

37
38 **Title 2 – ADMINISTRATION**

39 **Chapter 2.36 – POLICE DEPARTMENT**

40
41 **SECTION 2.36.090 –DATA COLLECTION, PUBLICATION, ANALYSIS, AND
42 REPORTING.**

43
44 **A. NO-KNOCK WARRANT - REPORTING REQUIREMENTS.** NO LATER THAN
45 JUNE 30TH OF EACH YEAR, THE CHIEF OF POLICE SHALL PUBLISH ON THE
46 DEPARTMENT'S WEBSITE, AND SEND TO THE PUBLIC SAFETY COMMITTEE, A

1 REPORT INDICATING THE FOLLOWING (THIS REPORT CAN BE THE ANNUAL
2 REPORT FILED TO THE STATE IF IT CONTAINS THE FOLLOWING INFORMATION)

3 :

4 1. THE NUMBER OF SERVED AND UNSERVED NO-KNOCK SEARCH
5 WARRANTS BY THE ANNAPOLIS POLICE DEPARTMENT, AND

6 2. THE NUMBER OF SERVED NO-KNOCK SEARCH WARRANTS BY
7 ANOTHER AGENCY AT A LOCATION WITHIN ANNAPOLIS.

8 3. THE NAME OF THE MUNICIPAL CORPORATION AND THE ZIP CODE OF THE
9 LOCATION WHERE EACH NO-KNOCK SEARCH WARRANT WAS EXECUTED;

10 4. FOR EACH SEARCH WARRANT EXECUTED, THE NUMBER OF DAYS FROM
11 THE ISSUANCE UNTIL THE EXECUTION OF THE SEARCH WARRANT,
12 DISAGGREGATED BY WHETHER THE SEARCH WARRANT WAS A NO-KNOCK
13 SEARCH WARRANT;

14 5. THE LEGAL BASIS FOR EACH NO-KNOCK SEARCH WARRANT ISSUED;

15 6. THE NUMBER OF TIMES A SEARCH WARRANT WAS EXECUTED UNDER
16 CIRCUMSTANCES IN WHICH A POLICE OFFICER MADE FORCIBLE ENTRY INTO THE
17 BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED SPECIFIED
18 IN THE WARRANT;

19 7. THE NUMBER OF TIMES AN ASSET TEAM WAS DEPLOYED TO EXECUTE A
20 SEARCH WARRANT;

21 8. THE NUMBER OF ARRESTS MADE, IF ANY, DURING THE EXECUTION OF A
22 SEARCH WARRANT;

23 9. THE NUMBER OF TIMES PROPERTY WAS SEIZED DURING THE EXECUTION
24 OF A SEARCH WARRANT;

25 10. THE NUMBER OF TIMES A WEAPON WAS DISCHARGED BY A POLICE
26 OFFICER DURING THE EXECUTION OF A SEARCH WARRANT; AND

27 11. THE NUMBER OF TIMES A PERSON OR DOMESTIC ANIMAL WAS INJURED
28 OR KILLED DURING THE EXECUTION OF A SEARCH WARRANT, DISAGGREGATED
29 BY WHETHER THE PERSON OR ANIMAL WAS INJURED OR KILLED BY A POLICE
30 OFFICER.

31
32
33 B. **COMMUNITY POLICING - REPORTING REQUIREMENTS.** EVERY THREE
34 YEARS THE DEPARTMENT SHALL SUBMIT TO THE CITY COUNCIL A
35 COMMUNITY POLICING STRATEGIC PLAN THAT CONTAINS A MISSION
36 STATEMENT, GOALS AND OBJECTIVES, BENCHMARKS, AND
37 RECOMMENDATIONS, LEGISLATIVE OR OTHERWISE, ON IMPROVING
38 COMMUNITY POLICING.

39
40 C. **REPORTING.** THE ANNAPOLIS POLICE DEPARTMENT SHALL SUBMIT WRITTEN
41 REPORTS AND A CORRESPONDING ORAL PRESENTATION TO THE CITY
42 COUNCIL AT A WORK SESSION, NO LATER THAN JUNE 30TH OF EVERY YEAR,
43 AND THE ANNUAL REPORT SHALL BE PROVIDED TO THE HUMAN RELATIONS
44 COMMISSION AND PUBLIC SAFETY COMMITTEE, PROVIDING THE FOLLOWING
45 INFORMATION:

46

- 1 1. NUMBER OF SWORN POLICE OFFICERS CATEGORIZED BY RACE,
2 ETHNICITY AND GENDER;
- 3 2. NUMBER OF SWORN POLICE OFFICERS THAT RESIDE IN THE CITY;
- 4 3. AVERAGE NUMBER OF SWORN OFFICERS ON EACH SHIFT PER MONTH;
- 5 4. NUMBER OF POLICE OFFICER RECRUITING EVENTS SPONSORED BY THE
6 CITY;
- 7 5. NUMBER OF INSTANCES INVOLVING USE OF FORCE THAT RESULTED IN
8 THE TRANSPORTATION OF A CIVILIAN TO A HOSPITAL IN AN EMERGENCY
9 VEHICLE WHEN THE INJURY OCCURRED AS A DIRECT RESULT OF AN
10 OFFICER'S ACTIONS;
- 11 6. NUMBER OF INSTANCES WHEN USE OF FORCE WAS UTILIZED BY
12 OFFICERS, DISAGGREGATED BY THE RACE, AGE, AND SEX OF THE OFFICER
13 AND SUBJECT OF FORCE INVOLVED IN THE USE OF FORCE INCIDENT,
14 INCLUDING:
 - 15 a. EACH TYPE OF FORCE THAT THE OFFICER USED;
 - 16 b. THE REASON FOR THE OFFICER'S USE OF FORCE;
 - 17 c. WHETHER THE AGENCY DETERMINED THE USE OF FORCE WAS
18 JUSTIFIED;
 - 19 d. WHETHER THE PERSON AGAINST WHOM FORCE WAS USED WAS
20 ARRESTED, AND IF SO, CHARGES FOR THE PERSON ARRESTED; AND
 - 21 e. WHETHER THE OFFICER OR PERSON AGAINST WHOM FORCE WAS
22 USED WAS INJURED OR HOSPITALIZED;
- 23 7. NUMBER OF CIVILIAN COMPLAINTS OF USE OF FORCE BY AN OFFICER;
- 24 8. NUMBER OF CIVILIAN COMPLAINTS OF DISCRIMINATION AND
25 HARASSMENT BY AN OFFICER;
- 26 9. NUMBER OF "STOP AND FRISK" ACTIONS TAKEN, DISAGGREGATED BY
27 RACE, GENDER, AGE, LOCATION, REASON FOR STOP, AND OUTCOME;
- 28 10. NUMBER OF OFFICERS THAT HAD SUSPENDED POLICE POWERS WITH PAY;
- 29 12. PERCENTAGE OF OFFICERS WHO WERE ASSIGNED TO NEIGHBORHOOD
30 PATROLS;
- 31 13. NUMBER OF INDIVIDUALS UNDER 18 YEARS OF AGE REFERRED TO
32 INTERVENTION PROGRAMS BY THE DEPARTMENT;
- 33 14. NUMBER OF CALLS FOR SERVICE RELATED TO SUBSTANCE ABUSE;
- 34 15. NUMBER OF CALLS THAT ARE CODED OUT AS SUBSTANCE ABUSE AND/OR
35 MENTAL HEALTH CALLS;
- 36 16. NUMBER OF CALLS FOR SERVICE RELATED TO DOMESTIC ABUSE;
- 37 17. NUMBER OF INDIVIDUALS ARRESTED BY THE DEPARTMENT
38 CATEGORIZED BY:
 - 39 (I) RACE;
 - 40 (II) ETHNICITY;
 - 41 (III) GENDER; AND
 - 42 (IV) ANY OTHER DEMOGRAPHIC INFORMATION VOLUNTARILY PROVIDED
43 BY THE ARRESTEE.

- 1 18. A DESCRIPTION OF THE DEPARTMENT'S TRAINING STANDARDS AND
- 2 PRACTICES, INCLUDING TRAINING AND PRACTICES RELATED TO DE-
- 3 ESCALATION; AND
- 4 19. A DESCRIPTION OF THE DEPARTMENT'S COMMUNITY POLICING EFFORTS,
- 5 INCLUDING COMMUNITY POLICING PROGRAMS, PARTICIPATION IN TOWN
- 6 HALL MEETINGS, AND EFFORTS TO ENGAGE WITH SCHOOLS, RECREATION
- 7 CENTERS, COMMUNITY CENTERS, AND SENIOR CENTERS.

8

9 **D. GUN VIOLENCE PREVENTION - DATA GATHERING REQUIREMENTS.** THE

10 POLICE DEPARTMENT SHALL COLLECT THE FOLLOWING DATA AND COMPILE

11 A REPORT THAT SHALL BE SUBMITTED TO THE CITY MANAGER AND CITY

12 COUNCIL AND PUBLISHED ON THE DEPARTMENT'S WEBSITE NO LATER THAN

13 JUNE 30TH OF EACH YEAR :

- 14 1. NUMBER OF TOTAL FIREARM-RELATED INCIDENTS;
- 15 2. NUMBER OF CONFIRMED INCIDENTS OF GUNSHOTS FIRED;
- 16 3. NUMBER OF DEATHS AND INJURIES CAUSED BY FIREARMS;
- 17 4. RESULTS OF FIREARM CONTACT TRACING EFFORTS; AND
- 18 5. IF AVAILABLE, THE NUMBER OF FIREARMS LEGALLY REGISTERED IN THE
- 19 CITY OF ANNAPOLIS.

20

21 SUCH REPORTING SHALL INCLUDE RECOMMENDATIONS FROM THE

22 DEPARTMENT AS TO HOW THE CITY CAN PROACTIVELY STEM THE ILLEGAL

23 USE OF FIREARMS AND REDUCE THE NUMBER OF GUNS IN THE CITY.

24

25 **E. CITY-OWNED ARMORED VEHICLES – REPORTING REQUIREMENTS.** NO

26 LATER THAN JUNE 30TH OF EACH YEAR, THE POLICE DEPARTMENT SHALL

27 SUBMIT A REPORT TO THE CITY MANAGER AND PUBLISH IT ON THE

28 DEPARTMENT'S WEBSITE DOCUMENTING THE ACQUISITION OF AN ARMORED

29 VEHICLE, AND WHEN AN ARMORED VEHICLE IS DEPLOYED, NOT INCLUDING

30 UTILIZATION IN RECRUITMENT EVENTS OR OTHER PUBLIC OUTREACH

31 ACTIVITIES.

32

33

34 **SECTION 2.36.100 – COMMUNITY POLICING.**

35

36 **A. PURPOSE.** THE PURPOSE OF THIS SECTION IS TO PROMOTE AND STRENGTHEN

37 RELATIONSHIPS OF MUTUAL TRUST BETWEEN THE ANNAPOLIS POLICE

38 DEPARTMENT AND THE COMMUNITIES THEY SERVE.

39

40 **B. COMMUNITY POLICING GUIDELINES.** TO FURTHER COMMUNITY POLICING

41 OBJECTIVES, THE ANNAPOLIS POLICE DEPARTMENT SHALL:

- 42 1. ENCOURAGE OFFICERS TO REGULARLY INITIATE AND ENGAGE IN
- 43 POSITIVE NONENFORCEMENT ACTIVITIES WITH THE COMMUNITIES IN
- 44 WHICH THEY WORK;

- 1 2. ENSURE CULTURAL COMPETENCY (THE ABILITY TO INTERACT
- 2 EFFECTIVELY WITH PEOPLE OF DIFFERENT CULTURES AND SOCIO-
- 3 ECONOMIC BACKGROUNDS) THROUGHOUT THE DEPARTMENT AND
- 4 INCREASE OFFICER KNOWLEDGE OF THE CITY'S DIVERSE POPULATION;
- 5 3. PRIORITIZE THE RECRUITMENT OF CANDIDATES WITH TIES TO THE CITY;
- 6 4. INCREASE COMMUNITY OUTREACH INITIATIVES THROUGH OFFICER
- 7 ATTENDANCE AT COMMUNITY EVENTS ON BEHALF OF THE DEPARTMENT;
- 8 5. INCORPORATE MENTAL HEALTH AND POSITIVE YOUTH DEVELOPMENT
- 9 INITIATIVES IN PARTNERSHIP WITH CITY DEPARTMENTS, AGENCIES, AND
- 10 COMMUNITY-BASED ORGANIZATIONS.

11

12 **SECTION 2.36.110 – TRAINING – REQUIREMENTS.**

13

- 14 A. ALL POLICE OFFICERS SHALL BE TRAINED ON PROHIBITED PRACTICES SUCH
- 15 AS BIAS-BASED PROFILING AND DISCRIMINATORY POLICING.
- 16 B. ALL POLICE OFFICERS SHALL UNDERGO IMPLICIT BIAS AND DE-ESCALATION
- 17 TRAINING NO LESS THAN ONCE A YEAR.
- 18 C. ALL POLICE OFFICERS SHALL UNDERGO TRAINING ON USING THE LEAST
- 19 AMOUNT OF FORCE POSSIBLE WHEN INTERACTING WITH PREGNANT
- 20 PERSONS; CHILDREN AND YOUTH UNDER THE AGE OF 26 YEARS; ELDERLY
- 21 PERSONS; PERSONS WITH MENTAL, BEHAVIORAL, DEVELOPMENTAL,
- 22 INTELLECTUAL, OR PHYSICAL DISABILITIES OR IMPAIRMENTS; PERSONS
- 23 EXPERIENCING PERCEPTUAL OR COGNITIVE IMPAIRMENTS DUE TO USE OF
- 24 ALCOHOL, NARCOTICS, HALLUCINOGENS, OR OTHER DRUGS; PERSONS
- 25 SUFFERING FROM A SERIOUS MEDICAL CONDITION; PERSONS OF COLOR;
- 26 PERSONS WITH LIMITED ENGLISH PROFICIENCY; AND PERSONS WHO MAY BE
- 27 ARMED WITH KNIVES OR EDGED OR BLUNT WEAPONS.
- 28 D. ALL POLICE COMMUNICATIONS OPERATORS SHALL BE TRAINED TO IDENTIFY
- 29 CALLS FOR SERVICE INVOLVING PERSONS AFFECTED BY MENTAL ILLNESS OR
- 30 IN CRISIS SO THAT SUCH CALLS CAN BE IMMEDIATELY ASSIGNED TO CRISIS
- 31 INTERVENTION TRAINED OFFICERS.
- 32 E. ALL CRISIS INTERVENTION OFFICERS SHALL BE TRAINED TO USE DE-
- 33 ESCALATION TECHNIQUES WHEN RESPONDING TO CALLS FOR SERVICE
- 34 INVOLVING PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS. THE
- 35 POLICE DEPARTMENT SHALL PROVIDE DETAILS TO ITS OFFICERS OF THE
- 36 AVAILABLE MENTAL HEALTH FACILITIES AND SERVICES IN THE ANNAPOLIS
- 37 AREA THAT OFFICERS MAY CONTACT TO RECEIVE MENTAL HEALTH
- 38 ASSISTANCE.
- 39 F. BY JUNE 30TH OF EACH YEAR, THE POLICE DEPARTMENT SHALL SUBMIT A
- 40 REPORT TO THE CITY COUNCIL DETAILING THE TRAINING COURSES
- 41 PROVIDED TO ITS OFFICERS.

42

43 **SECTION 2.36.120 - REGULATIONS**

44

- 45 A. SCOPE OF DIRECTIVE. THE DIRECTIVES ESTABLISHED UNDER THIS
- SECTION:

- 1 1. SHALL NOT BE CONSTRUED TO ALTER STANDARDS OF CIVIL OR
- 2 CRIMINAL LIABILITY;
- 3 2. SHALL NOT BE CONSTRUED TO CREATE PRIVATE RIGHTS ENFORCEABLE
- 4 BY ANY PERSON OR INDIVIDUAL; AND
- 5 3. SHALL NOT BE CONSTRUED TO ALTER STATE OR FEDERAL RULES OF
- 6 EVIDENCE.
- 7 4. ENFORCEMENT OF ANY POLICIES ADOPTED PURSUANT OF THIS CHAPTER
- 8 SHALL BE DONE THROUGH THE EXISTING PERSONNEL ENFORCEMENT
- 9 PROCEDURES AND NOT BE CONSIDERED A MISDEMEANOR CODE VIOLATION.

10

11 **B. GENERAL RULES OF CONDUCT AND PERFORMANCE**

12

13 1. FAMILIARITY WITH RULES AND REGULATIONS. IT SHALL BE THE DUTY OF

14 EVERY EMPLOYEE OF THE POLICE TO BECOME THOROUGHLY FAMILIAR

15 WITH THE GENERAL ORDERS PROMULGATED BY THE POLICE CHIEF.

16 **C. CONSENT SEARCHES – MINIMUM STANDARDS**

17

18 1. **RESTRICTIONS.** IN INSTANCES WHEN A SEARCH IS BASED SOLELY ON A

19 SUBJECT'S CONSENT TO THAT SEARCH, AND NOT EXECUTED PURSUANT TO A

20 WARRANT OR CONDUCTED PURSUANT TO AN APPLICABLE EXCEPTION TO

21 THE WARRANT REQUIREMENT, SWORN MEMBERS OF THE ANNAPOLIS POLICE

22 DEPARTMENT SHALL, PRIOR TO THE SEARCH OF A PERSON, VEHICLE,

23 PREMISES, OR PERSONAL PROPERTY:

24 (1) ADVISE THE SUBJECT THAT A SEARCH WILL NOT BE CONDUCTED IF THE

25 SUBJECT REFUSES TO PROVIDE CONSENT TO THE SEARCH;

26 (2) ADVISE THE SUBJECT OF HIS OR HER LEGAL RIGHT TO DECLINE TO

27 CONSENT TO THE SEARCH;

28 (3) OBTAIN CONSENT TO SEARCH WITHOUT THREATS OR PROMISES OF ANY

29 KIND BEING MADE TO THE SUBJECT;

30 (4) CONFIRM THAT THE SUBJECT UNDERSTANDS THE INFORMATION

31 COMMUNICATED BY THE OFFICER; AND

32 (5) WHEN NECESSARY, USE INTERPRETATION SERVICES (INCLUDING A

33 LANGUAGE LINE) IN SEEKING CONSENT TO CONDUCT A SEARCH OF A

34 PERSON WHO IS:

35 (A) UNABLE TO ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN

36 SPOKEN OR WRITTEN ENGLISH; OR

37 (B) DEAF OR INCAPABLE OF COMMUNICATING FOR ANY OTHER REASON.

38

39 IF THE RESTRICTIONS IN SUBPARAGRAPH "1" ARE NOT SATISFIED, THE POLICE

40 OFFICER CANNOT CONDUCT THE SEARCH BASED SOLELY ON THE SUBJECT'S

41 CONSENT TO THAT SEARCH.

42

43

44 1.

45

46 **D. USE OF FORCE – MINIMUM STANDARDS**

1
2 1. **IN GENERAL.** IT IS THE EXPRESS POLICY OF THE ANNAPOLIS POLICE
3 DEPARTMENT THAT POLICE OFFICERS MAY NOT USE FORCE AGAINST A
4 PERSON UNLESS, UNDER THE TOTALITY OF THE CIRCUMSTANCES, THE
5 FORCE IS NECESSARY AND PROPORTIONAL TO:

6 (A). PREVENT ANY IMMINENT THREAT OF PHYSICAL INJURY TO A PERSON; OR
7 (B). EFFECTUATE A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

8 2. A POLICE OFFICER SHALL IMMEDIATELY MODULATE FORCE AS THE THREAT
9 DIMINISHES, AND CEASE THE USE OF FORCE AS SOON AS:

10 (A) THE PERSON WHOM THE FORCE IS USED IS UNDER THE POLICE OFFICER'S
11 CONTROL; OR NO LONGER POSES AN IMMINENT THREAT OF PHYSICAL INJURY OR
12 DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR

13 (B) THE POLICE OFFICER DETERMINES THAT FORCE WILL NO LONGER
14 ACCOMPLISH A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

15 3. A POLICE OFFICER SHALL:

16 (A) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE STEPS TO GAIN
17 COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING PHYSICAL FORCE;

18 (B) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE BY ANOTHER
19 POLICE OFFICER BEYOND WHAT IS AUTHORIZED UNDER SUBSECTION 1. OF THIS
20 SECTION;

21 (C) RENDER BASIC FIRST AID TO A PERSON INJURED AS A RESULT OF POLICE
22 ACTION AND PROMPTLY REQUEST APPROPRIATE MEDICAL ASSISTANCE; AND

23 (D) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE OFFICER
24 OBSERVED OR WAS INVOLVED IN.

25 4. A POLICE SUPERVISOR SHALL:

26 (A) RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH A POLICE
27 OFFICER USED PHYSICAL FORCE AND CAUSED SERIOUS PHYSICAL INJURY; AND

28 (B) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A USE OF
29 FORCE INCIDENT.

30 5. THE DEPARTMENT SHALL:

31 (A) HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND

32 (B) ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND COMMAND-
33 LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.

34 6. A POLICE OFFICER SHALL:

35 (A) UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR MAY NOT
36 DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT
37 OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL
38 INJURY, INCLUDING SCENARIO-BASED TRAINING, DE-ESCALATION TACTICS AND
39 TECHNIQUES, AND REASONABLE ALTERNATIVES TO DECREASE PHYSICAL
40 INJURY; AND

41 (B) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT THE OFFICER
42 UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF FORCE
43 STATUTE.

44
45 2. **EQUIPMENT AND CROWD CONTROL - RESTRICTIONS.**

1
2 1. DEFINTIONS.

3
4 (A) "PEACEFUL PROTESTS" AND "PEACEFUL PROTESTORS" HAVE THE
5 SAME MEANING: A GATHERING OF PEOPLE OR AN INDIVIDUAL,
6 WHETHER PERMITTED OR NOT PERMITTED, THAT ARE EXERCISING
7 THEIR FIRST AMENDMENT RIGHT TO ASSEMBLE, AND THAT ARE
8 TAKING NO VIOLENT ACTION AGAINST ANY PERSON OR PROPERTY.
9
10 (B) "VIOLENT ACTION" OR "VIOLENT PROTESTS" ARE DEFINED AS ACTIONS
11 AND PROTESTS THAT
12 1. CONSTITUTE A CLEAR AND PRESENT DANGER AND THAT INVOLVE
13 PHYSICAL ATTACKS AGAINST PERSONS, ANIMALS, OR SIGNIFICANT AND
14 LASTING DESTRUCTIVE ACTIONS TAKEN AGAINST PROPERTIES OR
15 2. WHERE THE PURPOSE OF THE ASSEMBLY IS TO INSTIGATE A RIOT.

16 2. THE ANNAPOLIS POLICE DEPARTMENT SHALL NOT ALLOW USE OF THE
17 FOLLOWING WEAPONS IN THE EXERCISING OF THEIR DUTIES:

18
19 (A) BAYONETS;
20 (B) FIREARM MUFFLERS OR SUPPRESSORS;
21 (C) FIREARMS OF .50 CALIBER OR HIGHER;
22 (D) FIREARMS, FIREARM ACCESSORIES, OR OTHER OBJECTS DESIGNED OR
23 CAPABLE OF LAUNCHING EXPLOSIVES, WITH THE EXCEPTION OF
24 DEVICES MEANT TO LAUNCH TEAR GAS CANISTERS,; AND

25 3. CROWD CONTROL RESTRICTIONS

26 (A) LETHAL MEASURES, TEAR GAS, PEPPER BALLS, OTHER CHEMICAL
27 IRRITANTS, STING BALL GRENADES, WOODEN BULLETS OR OTHER KINETIC
28 IMPACT PROJECTILES, RUBBER BULLETS, ACOUSTIC WEAPONS, TASERS,
29 DIRECTED ENERGY WEAPONS, WATER CANNONS, DISORIENTATION DEVICES,
30 ULTRASONIC CANNONS, ANY DEVICE DESIGNED TO CAUSE PAIN OR DISCOMFORT,
31 OR OTHER OFFENSIVE CROWD-CONTROL MEASURES, SHALL NOT BE USED ON
32 PEACEFUL PROTESTERS. IF SUCH MEASURES ARE USED ON PROTESTERS THAT
33 ARE NOT PEACEFUL, IN ACCORDANCE WITH THIS SECTION AND WITH THE USE OF
34 FORCE POLICY, THAN STEPS SHOULD BE TAKEN TO AVOID IMPACTING THE
35 PEACEFUL PROTESTERS.

36 (B) PROTESTERS/MARCHERS WITH PERMITTED ACTIVITIES THAT INCLUDE
37 A MARCH ROUTE SHALL NOT BE HINDERED FROM REACHING THEIR PERMITTED
38 DESTINATION, BEYOND WHAT IS REASONABLY EXPECTED FOR TEMPORARY
39 TRAFFIC CONTROL.

40
41 3. **ARMORED VEHICLES.** ARMORED VEHICLES IN THE POSSESSION OF THE
42 POLICE DEPARTMENT SHALL BE REGULATED BY GENERAL ORDER THAT
43 INCLUDES:

44
45 (A) GUIDANCE AND RESTRICTIONS ON THE VEHICLE'S USE, INCLUDING
46 THE FOLLOWING:

- (1) RESTRICTING THE VEHICLE'S USE FOR ONLY PROTECTIVE PURPOSES; AND
- (2) KEEPING THE VEHICLE OUT OF SIGHT OF PERMITTED AND PEACEFUL PROTESTS.

(B) THE VEHICLE MAY BE USED FOR RECRUITMENT EVENTS OR OTHER PUBLIC OUTREACH AS ALLOWED IN THE GENERAL ORDERS.

3. FIREARMS.

A POLICE OFFICER SHALL NOT DISCHARGE A FIREARM FROM OR AT A MOVING VEHICLE.

OR DISCHARGE A FIREARM AT A PERSON WHO IS FLEEING TO AVOID ARREST, OR DISCHARGE A FIREARM IN GENERAL, UNLESS SUCH FORCE IS NECESSARY, AS A LAST RESORT, TO PREVENT IMMINENT AND SERIOUS BODILY INJURY OR DEATH TO THE OFFICER OR ANOTHER PERSON; AND THE USE OF SUCH FORCE CREATES NO SUBSTANTIAL RISK OF INJURY TO A THIRD PERSON; AND

REASONABLE ALTERNATIVES TO THE USE OF SUCH FORCE HAVE BEEN EXHAUSTED.

4. **OLEORESIN CAPSICUM OR COUNTER-ASSAULT PEPPER-MACE.**

1. THE USE OF OLEORESIN CAPSICUM OR COUNTER-ASSAULT PEPPER MACE IS LIMITED TO:

(A) DEFENDING OFFICERS AND CITIZENS AGAINST PHYSICAL ATTACK.

(B) EFFECTUATING AN ARREST WHEN VIOLENT OR AGGRESSIVE BEHAVIOR IS ENCOUNTERED AND ALL OTHER REASONABLE ATTEMPTS TO RESTRAIN AN INDIVIDUAL HAVE FAILED.

(C) CONTROLLING AN ARRESTEE WHO IS PHYSICALLY VIOLENT OR AGGRESSIVE WHEN ALL OTHER REASONABLE ATTEMPTS TO RESTRAIN THE INDIVIDUAL HAVE FAILED.

(D) CONTROL ANIMALS THAT ARE DISPLAYING HOSTILE OR AGGRESSIVE BEHAVIOR

2. WHENEVER PRACTICAL, A POLICE OFFICER SHOULD WARN THE SUSPECT AND ANY SURROUNDING OFFICERS OF AN INTENT TO USE OCIORESINCAPSICUM SPRAY.

1. OLEORESIN CAPSICUM, COUNTER-ASSAULT PEPPER MACE, OR OTHER SIMILAR SUBSTANCE SHALL NOT BE USED DURING PEACEFUL FIRST

1 AMENDMENT RALLIES OR PROTESTS, UNLESS IT IS USED IN A TARGETED
2 MANNER PREDOMINANTLY ON PROTESTERS THAT HAVE BECOME
3 VIOLENT OR DESTRUCTIVE AS DEFINED IN THIS SECTION, AND COMPLIES
4 WITH THE USE OF FORCE POLICY..

5

6 **5. NECK RESTRAINTS.**

7

8 **2. DEFINITIONS.**

9

10 (A) "NECK RESTRAINT" IS ANY TECHNIQUE, INCLUDING POSITIONAL OR
11 COMPRESSION ASPHYXIATION THAT IS INTENDED TO OR HAS THE
12 RESULT OF RESTRICTING THE FLOW OF BLOOD OR OXYGEN TO THE
13 BRAIN AND IS CONSIDERED DEADLY FORCE.

14 (B) "REstrained INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS UNDER
15 CONTROL, IS NOT RESISTING ARREST, AND NO LONGER POSES A
16 THREAT TO THE OFFICER OR OTHERS IN THE IMMEDIATE AREA.

17

18 **3. UNDER NO CIRCUMSTANCES SHALL A POLICE OFFICER:**

19

20 (A) APPLY A NECK RESTRAINT, UNLESS SUCH FORCE IS NECESSARY,
21 AS A LAST RESORT, TO PREVENT IMMINENT AND SERIOUS BODILY INJURY
22 OR DEATH TO THE OFFICER OR ANOTHER PERSON; AND
23 THE USE OF SUCH FORCE CREATES NO SUBSTANTIAL RISK OF INJURY TO
24 A THIRD PERSON; AND
25 REASONABLE ALTERNATIVES TO THE USE OF SUCH FORCE HAVE BEEN
26 EXHAUSTED.; OR

27 (B) STRIKE A RESTRAINED INDIVIDUAL.

28

29 **3. ANY OFFICER WHO APPLIES A NECK RESTRAINT AND ANY OFFICER WHO**
30 **OBSERVES ANOTHER OFFICER'S APPLICATION OF A NECK RESTRAINT**
31 **SHALL:**

32

33 (A) IMMEDIATELY RENDER, OR CAUSE TO BE RENDERED, FIRST AID ON
34 THE PERSON ON WHOM THE NECK RESTRAINT WAS APPLIED; OR

35 (B) IMMEDIATELY REQUEST EMERGENCY MEDICAL SERVICES FOR THE
36 PERSON ON WHOM THE NECK RESTRAINT WAS APPLIED.

37

38 **6. DUTY TO INTERVENE.**

39

40 1. AN OFFICER SHALL INTERVENE TO PREVENT, STOP, OR ATTEMPT TO STOP,
41 ANY OFFICER WHO IS USING EXCESSIVE FORCE, VIOLATES ANY
42 PROVISION OF THIS SECTION, THE USE OF FORCE POLICY, OR IS
43 COMMITTING A CRIME, AND PROMPTLY REPORT THE OFFICER TO A
44 SUPERVISOR.

45

46 2. ANY INTERVENING OFFICER TAKING ACTION TO STOP SUCH BEHAVIOR BY
47 ANOTHER OFFICER SHALL BE FREE FROM RETALIATION OR DISCIPLINE. IF

1 AN OFFICER OBSERVES SUCH BEHAVIOR AND DOES NOT INTERVENE,
2 THEY MAY BE SUBJECT TO DISCIPLINARY ACTIONS.

3

4

5 **E. FIRST AMENDMENT ASSEMBLIES – MINIMUM STANDARDS.**

6

7 A. DURING A FIRST AMENDMENT ASSEMBLY, ALL UNIFORMED ANNAPOLIS
8 POLICE OFFICERS SHALL PROMINENTLY DISPLAY THEIR BADGE OR
9 OTHERWISE IDENTIFY THEIR AFFILIATION WITH LOCAL LAW ENFORCEMENT.

10

11 **F. – PROFILING - DISCRIMINATORY POLICING PRACTICES – MINIMUM
12 STANDARDS.**

13

14 A. IT IS PROHIBITED FOR ANY MEMBER OF THE ANNAPOLIS POLICE
15 DEPARTMENT, INCLUDING AFFILIATED LAW ENFORCEMENT OFFICERS,
16 CIVILIAN EMPLOYEES, AND INDIVIDUALS UNDER CONTRACT, TO ENGAGE IN
17 BIAS-BASED PROFILING AND DISCRIMINATORY PRACTICES AS DEFINED BY
18 GENERAL ORDERS. IN ADDITION, NO MEMBER OF THE DEPARTMENT SHALL
19 POST POTENTIALLY DISCRIMINATORY SOCIAL MEDIA POSTS IN EITHER AN
20 OFFICIAL OR PRIVATE CAPACITY. COMPLAINTS CONCERNING SUCH POSTS
21 SHALL BE REFERRED TO THE HUMAN RELATIONS COMMISSION.

22

23 B. IT IS PROHIBITED FOR A POLICE OFFICER TO CONDUCT A “STOP AND FRISK”
24 SEARCH, AS DEFINED BY GENERAL ORDER, BASED SOLELY ON THE RACE,
25 GENDER, SEXUAL ORIENTATION, OR OTHER DISCRIMINATORY PROFILING
26 PRACTICE THAT IS UNRELATED TO THE DESCRIPTION PROVIDED TO THAT
27 OFFICER OF A SUSPECT.

29

30 **G. - DOMESTIC ABUSE – MINIMUM STANDARDS.**

31

32 A. THE DEPARTMENT SHALL DRAFT GENERAL ORDERS RELATED SPECIFICALLY
33 TO ALLEGATIONS AND INVESTIGATIONS INTO CRIMES OF DOMESTIC
34 VIOLENCE. AT A MINIMUM, SUCH STANDARDS SHALL INCLUDETHE
35 FOLLOWING:

36

37 1. REPORTING ON ALLEGATIONS OF DOMESTIC VIOLENCE, HOW THE
38 SAFETY OF VICTIMS WILL BE ENSURED, AND THAT ADEQUATE
39 FOLLOW UP WILL BE DONE WITH THE VICTIMS.

40 B. INTERNAL POLICIES SHALL ALSO BE CREATED THAT GOVERN INTERNAL
41 ALLEGATIONS OF DOMESTIC ABUSE, AND SHALL CONTAIN, AT MINIMUM,
42 THAT THE CHIEF MAY TEMPORARILY CONFISCATE AN OFFICER’S WEAPONS
43 DURING AN INVESTIGATION OF ANY SUCH ABUSE.

44 C. NEW OFFICER CANDIDATES SHALL BE SCREENED FOR ANY CURRENT OR PAST
45 DOMESTIC VIOLENCE INCIDENTS.

46 H. SECTION 2.36.120 – BODY CAMERA FOOTAGE

1 A. ALL BODY CAMERA FOOTAGE FROM AN INCIDENT WHERE A POLICE
2 OFFICER WAS INVOLVED IN A SHOOTING, SHALL BE MADE AVAILABLE TO
3 THE PUBLIC, IF REQUESTED, WITHIN 7 BUSINESS DAYS.

4

5

6 **SECTION 2.36.130 – GENERAL ORDERS**

7 A. ANY CHANGES TO THE GENERAL ORDERS SHALL BE REPORTED TO THE PUBLIC SAFETY
8 COMMITTEE ON A MONTHLY BASIS AND SHALL BE SUMMARIZED TO THE COUNCIL IN THE
9 ANNUAL REPORTING REQUIREMENT AS DETAILED IN 2.36.90.

10 B. ALL OF THE GENERAL ORDERS SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE,
11 UNLESS DEEMED SENSITIVE OR CONFIDENTIAL BY THE CHIEF, CITY MANAGER, AND PUBLIC
12 SAFETY COMMITTEE.

13

14 **Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES**

15 **Article V - Human Relations Commission**

16

17 **Section 2.48.160 – Powers - DUTIES.**

18

19 The Commission is authorized to:

20

21 A. Accept complaints relating to discrimination and refer the complaints to appropriate
22 authorities;

23 B. Arrange for public hearings and survey current practices and conditions relating to the
24 treatment of citizens in areas of public accommodations, employment, housing,
25 recreation, education and other human relations areas;

26 C. Make recommendations to appropriate authorities and propose legislation with regard to
27 human relations practices and conditions;

28 D. Conduct program for the purpose of informing the general public regarding matters of
29 human relations and of bettering human relations within the community;

30 E. Act as a mediator to resolve disagreements in matters of human relations;

31 F. Coordinate activities with and utilize the resources of other public and private human
32 relations bodies; AND

33 G. Perform other duties and functions as may be specified by the City Council from time to
34 time.

35

36 THE COMMISSION SHALL PERFORM THE FOLLOWING DUTIES:

37

38 A. CONDUCT AT LEAST ONE PUBLIC FORUM EACH CALENDAR YEAR FOR THE
39 PURPOSE OF RECEIVING COMMUNITY INPUT ON POLICING MATTERS;

40 B. ACCEPT AND REVIEW CORRESPONDENCE AND COMMENTS FROM
41 MEMBERS OF THE GENERAL PUBLIC AND INCLUDE THEM IN THEIR
42 ANNUAL REPORT TO THE COUNCIL

43

44 **Title 3 – HUMAN RESOURCES**

45 **Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION**

46

47 **Section 3.16.070 - Probationary status.**

1

2 A. Except as set forth in an applicable collective bargaining agreement, employees appointed
3 from appointment lists or by promotion shall be subject to a twelve-month minimum
4 probationary period. Under no circumstances shall an employee serve in a probationary status
5 beyond eighteen months except as provided in the rules and regulations of the personnel
6 system.

7 C. If the work of a probationary employee is found to be below standards satisfactory to the
8 appointing authority, the appointing authority may dismiss, demote or transfer the
9 probationary employee at any time during the probationary period. These actions by the
10 appointing authority shall not be subject to review or appeal.

11 E. Upon promotion, a promoted employee who previously held permanent civil service status
12 shall retain all permanent status rights and privileges during the probationary period.

13

14

15 **Chapter 3.32 – Employee-Management Relations**

16 **Section 3.32.040 - Employer rights.**

17

18 A. Notwithstanding any other provision contained in this chapter, it is the exclusive right of the
19 employer to determine the mission of each of its constituent agencies, set standards of services
20 to be offered to the public and exercise control and direction over its organization and
21 operations. It is also the right of the employer to direct its employees, to hire, promote,
22 transfer, assign or retain employees in positions within an agency and, in that regard, to
23 establish reasonable work rules. It also retains the right to suspend, demote, discharge or take
24 any other appropriate disciplinary action against its employees for just cause, and in
25 accordance within the provisions relating to the civil service code and other applicable laws
26 or to relieve its employees from duty in the event of lack of work or funds or for other
27 legitimate reasons. The provisions of this section are a part of every memorandum of
28 understanding reached between the employer and an employee organization; provided, that
29 nothing contained in this section denies the right of any employee to submit a grievance as
30 defined in Section 3.32.020.

31

32 B. **THE MINIMUM STANDARDS OF THE POLICIES UNDER CITY CODE CHAPTER**
33 **2.36:**

34

35 1. **SHALL NOT BE CONSTRUED TO BE MANDATORY SUBJECTS OF**
36 **COLLECTIVE BARGAINING UNDER SECTION 3.32.060; AND**

37 2. **SHALL BE CONSIDERED EMPLOYER RIGHTS NOT SUBJECT TO**
38 **COLLECTIVE BARGAINING UNDER SECTION 3.32.040.**

1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
2 **ANNAPOLEIS CITY COUNCIL** that the Police Chief must issue the regulations required under
3 this Ordinance within 6 months after the effective date.

4 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
5 **ANNAPOLEIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

6

7

8 **Explanation:**

9 UPPERCASE indicates matter added to existing law.

10 ~~Strikethrough~~ indicates matter stricken from existing law.

11 Underlining indicates amendments.