



Legislation Details (With Text)

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File created: 4/7/2021 **In control:** Housing and Human Welfare Committee

On agenda: 4/26/2021 **Final action:** 10/11/2021

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; providing procedures for effectuating certain warrants; extending the probationary period of certain police officers; requiring certain persons engaged in the business of selling or exchanging firearms, cartridges or other ammunition to maintain records; 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.

Sponsors: Rob Savidge, Ross Arnett, Brooks Schandelmeier

Indexes: Economic Matters Committee, Housing and Human Welfare Committee, Human Relations Commission, Public Safety Committee, Rules and City Government Committee

Code sections:

Attachments: 1. O-12-21 First Reader, 2. O-12-21 Staff Report, 3. O-12-21 Fiscal Impact Note, 4. O-12-21 First Reader - Redlined Savidge Amendments 9-23-21

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council	withdrawn without objection	Pass
10/5/2021	1	Rules & City Government Committee		
10/4/2021	1	Public Safety Committee	no action taken	Pass
9/28/2021	1	Economic Matters Committee	return without recommendation	
9/28/2021	1	Economic Matters Committee	Recommend Favorably-Amendment	Pass
5/10/2021	1	City Council	declare the public hearing closed	
4/26/2021	1	City Council	declare the public hearing left open	
4/12/2021	1	City Council	refer	
4/12/2021	1	City Council	refer	
4/12/2021	1	City Council	refer	
4/12/2021	1	City Council	refer	
4/12/2021	1	City Council	presented	
4/12/2021	1	City Council	adopt on first reader	Pass

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; providing procedures for effectuating certain warrants; extending the probationary period of certain police officers; requiring certain persons engaged in the business of selling or exchanging firearms, cartridges or other ammunition to maintain records; 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.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 12-21

Introduced by: Alderman Savidge

Co-sponsored by: Alderman Arnett, Alderman Schandelmeier

Referred to

Human Relations Commission

Economic Matters Committee

Public Safety Committee

Rules and City Government Committee

Housing and Human Welfare 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; providing procedures for effectuating certain warrants; extending the probationary period of certain police officers; requiring certain persons engaged in the business of selling or exchanging firearms, cartridges or other ammunition to maintain records; 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
3.16.070
3.32.040
11.44.030

BY repealing and reenacting without amendments the following portions of the Code of the City of Annapolis, 2021 Edition
7.36.070

BY adding the following portions to the Code of the City of Annapolis, 2021 Edition
2.36.090
2.36.100
2.36.110
2.36.120
2.36.130
2.36.140
2.36.150
2.36.160
2.36.170
7.36.075

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

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

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

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

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

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

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

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

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

and effective policing, and

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

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

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

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

Title 2 - ADMINISTRATION

Chapter 2.36 - POLICE DEPARTMENT

SECTION 2.36.090 -DATA COLLECTION, PUBLICATION, ANALYSIS, AND REPORTING.

A. NO-KNOCK WARRANT - REPORTING REQUIREMENTS. NO LATER THAN JUNE 30TH OF EACH YEAR, THE CHIEF OF POLICE SHALL PUBLISH ON THE DEPARTMENT'S WEBSITE, AND SEND TO THE PUBLIC SAFETY COMMITTEE, A REPORT INDICATING THE NUMBER OF NO-KNOCK SEARCH WARRANTS ISSUED ON BEHALF OF:

1. THE ANNAPOLIS POLICE DEPARTMENT, AND
2. ANY ANOTHER AGENCY AT A LOCATION WITHIN ANNAPOLIS.

B. COMMUNITY POLICING - REPORTING REQUIREMENTS. NO LATER THAN JUNE 30TH OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT TO THE CITY COUNCIL A COMMUNITY POLICING STRATEGIC PLAN THAT CONTAINS A MISSION STATEMENT, GOALS AND OBJECTIVES, BENCHMARKS, AND RECOMMENDATIONS, LEGISLATIVE OR OTHERWISE, ON IMPROVING COMMUNITY POLICING.

C. REPORTING. THE ANNAPOLIS POLICE DEPARTMENT SHALL SUBMIT WRITTEN REPORTS EVERY 6 MONTHS, ALONG WITH A CORRESPONDING ORAL PRESENTATION TO THE PUBLIC SAFETY COMMITTEE, AND AN ANNUAL REPORT ALONG WITH A CORRESPONDING ORAL PRESENTATION AT A CITY COUNCIL WORK SESSION, AND THE ANNUAL REPORT SHALL BE PROVIDED TO THE HUMAN RELATIONS COMMISSION, PROVIDING THE FOLLOWING INFORMATION:

1. NUMBER OF SWORN POLICE OFFICERS CATEGORIZED BY RACE, ETHNICITY AND GENDER;

2. NUMBER OF SWORN POLICE OFFICERS THAT RESIDE IN THE CITY;
3. AVERAGE NUMBER OF SWORN OFFICERS ON EACH SHIFT PER MONTH;
4. NUMBER OF POLICE OFFICER RECRUITING EVENTS SPONSORED BY THE CITY;
5. NUMBER OF INSTANCES INVOLVING USE OF FORCE THAT RESULTED IN THE TRANSPORTATION OF A CIVILIAN TO A HOSPITAL IN AN EMERGENCY VEHICLE WHEN THE INJURY OCCURRED AS A DIRECT RESULT OF AN OFFICER'S ACTIONS;
6. NUMBER OF INSTANCES OFFICERS HAVE DRAWN THEIR GUNS;
7. NUMBER OF CIVILIAN COMPLAINTS OF USE OF FORCE BY AN OFFICER;
8. NUMBER OF CIVILIAN COMPLAINTS OF DISCRIMINATION AND HARASSMENT BY AN OFFICER;
9. NUMBER OF "STOP AND FRISK" ACTIONS TAKEN
10. NUMBER OF OFFICERS THAT HAD SUSPENDED POLICE POWERS WITH PAY;
12. PERCENTAGE OF OFFICERS WHO WERE ASSIGNED TO NEIGHBORHOOD PATROLS;
13. NUMBER OF INDIVIDUALS UNDER 18 YEARS OF AGE REFERRED TO INTERVENTION PROGRAMS BY THE DEPARTMENT;
14. NUMBER OF CALLS FOR SERVICE RELATED TO SUBSTANCE ABUSE;
15. NUMBER OF CALLS FOR SERVICE RELATED TO MENTAL HEALTH ISSUES;
16. NUMBER OF CALLS FOR SERVICE RELATED TO DOMESTIC ABUSE;
17. NUMBER OF INDIVIDUALS ARRESTED BY THE DEPARTMENT CATEGORIZED BY:
 - (I) RACE;
 - (II) ETHNICITY;
 - (III) GENDER; AND
 - (IV) ANY OTHER DEMOGRAPHIC INFORMATION VOLUNTARILY PROVIDED BY THE ARRESTEE.
18. A DESCRIPTION OF THE DEPARTMENT'S TRAINING STANDARDS AND PRACTICES, INCLUDING TRAINING AND PRACTICES RELATED TO DE-ESCALATION; AND
19. A DESCRIPTION OF THE DEPARTMENT'S COMMUNITY POLICING EFFORTS, INCLUDING COMMUNITY POLICING PROGRAMS, PARTICIPATION IN TOWN HALL MEETINGS, AND EFFORTS TO ENGAGE WITH SCHOOLS, RECREATION CENTERS, COMMUNITY CENTERS, AND SENIOR CENTERS.

D. GUN VIOLENCE PREVENTION - DATA GATHERING REQUIREMENTS. THE POLICE DEPARTMENT SHALL COLLECT THE FOLLOWING DATA AND COMPILE A REPORT THAT SHALL BE SUBMITTED TO THE CITY MANAGER AND PUBLISHED ON THE DEPARTMENT'S WEBSITE EVERY 6 MONTHS:

1. NUMBER OF TOTAL FIREARM-RELATED INCIDENTS;
2. NUMBER OF GUNSHOT REPORTINGS;
3. NUMBER OF DEATHS AND INJURIES CAUSED BY FIREARMS;
4. RESULTS OF FIREARM CONTACT TRACING EFFORTS; AND
5. NUMBER OF FIREARMS LEGALLY REGISTERED IN THE CITY OF ANNAPOLIS.

SUCH REPORTING SHALL INCLUDE RECOMMENDATIONS FROM THE DEPARTMENT AS TO HOW THE CITY CAN PROACTIVELY STEM THE ILLEGAL USE OF FIREARMS.

E. CITY-OWNED ARMORED VEHICLES - REPORTING REQUIREMENTS. THE POLICE DEPARTMENT SHALL SUBMIT A REPORT TO THE CITY MANAGER AND PUBLISH IT ON THE DEPARTMENT'S WEBSITE FOR EACH OCCURRENCE OF WHEN THE ARMORED VEHICLE IS DEPLOYED.

F. **GUN AND PAWN SHOP - REPORTING REQUIREMENTS.** THE SALE OF FIREARMS AND AMMUNITION WITHIN THE CITY OF ANNAPOLIS IS SUBJECT TO THE DOCUMENTING AND REPORTING REQUIREMENTS SET FORTH IN CHAPTERS 7.36 AND 11.44 OF THE CITY CODE.

SECTION 2.36.100 - COMMUNITY POLICING.

A. **PURPOSE.** THE PURPOSE OF THIS SECTION IS TO PROMOTE AND STRENGTHEN RELATIONSHIPS OF MUTUAL TRUST BETWEEN THE ANNAPOLIS POLICE DEPARTMENT AND THE COMMUNITIES THEY SERVE.

B. **COMMUNITY POLICING GUIDELINES.** TO FURTHER COMMUNITY POLICING OBJECTIVES, THE ANNAPOLIS POLICE DEPARTMENT SHALL:

1. ENCOURAGE OFFICERS TO REGULARLY INITIATE AND ENGAGE IN POSITIVE NONENFORCEMENT ACTIVITIES WITH THE COMMUNITIES IN WHICH THEY WORK;
2. ENSURE CULTURAL COMPETENCY THROUGHOUT THE DEPARTMENT AND INCREASE OFFICER KNOWLEDGE OF THE CITY'S DIVERSE POPULATION;
3. PRIORITIZE THE RECRUITMENT OF CANDIDATES WITH TIES TO THE CITY;
4. INCREASE COMMUNITY OUTREACH INITIATIVES THROUGH OFFICER ATTENDANCE AT COMMUNITY EVENTS ON BEHALF OF THE DEPARTMENT;
5. INCORPORATE MENTAL HEALTH AND POSITIVE YOUTH DEVELOPMENT INITIATIVES IN PARTNERSHIP WITH CITY DEPARTMENTS, AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS.

SECTION 2.36.110 - TRAINING - REQUIREMENTS.

- A. ALL POLICE OFFICERS SHALL BE TRAINED ON PROHIBITED PRACTICES SUCH AS BIAS-BASED PROFILING AND DISCRIMINATORY POLICING.
- B. ALL POLICE OFFICERS SHALL UNDERGO IMPLICIT BIAS AND DE-ESCALATION TRAINING NO LESS THAN ONCE A YEAR.
- C. ALL POLICE COMMUNICATIONS OPERATORS SHALL BE TRAINED TO IDENTIFY CALLS FOR SERVICE INVOLVING PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS SO THAT SUCH CALLS CAN BE IMMEDIATELY ASSIGNED TO CRISIS INTERVENTION TRAINED OFFICERS.
- D. ALL CRISIS INTERVENTION OFFICERS SHALL BE TRAINED TO USE DE-ESCALATION TECHNIQUES WHEN RESPONDING TO CALLS FOR SERVICE INVOLVING PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS. THE POLICE DEPARTMENT SHALL PROVIDE DETAILS TO ITS OFFICERS OF THE AVAILABLE MENTAL HEALTH FACILITIES AND SERVICES IN THE ANNAPOLIS AREA THAT OFFICERS MAY CONTACT TO RECEIVE MENTAL HEALTH ASSISTANCE.
- E. THE POLICE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE CITY COUNCIL DETAILING THE TRAINING COURSES PROVIDED TO ITS OFFICERS AS PART OF THE ANNUAL OPERATING BUDGET.

SECTION 2.36.120 - CONSENT SEARCHES

A. **RESTRICTIONS.** IN INSTANCES WHEN A SEARCH IS BASED SOLELY ON A SUBJECT'S CONSENT TO THAT SEARCH, AND NOT EXECUTED PURSUANT TO A WARRANT OR CONDUCTED PURSUANT TO AN APPLICABLE EXCEPTION TO THE WARRANT

REQUIREMENT, SWORN MEMBERS OF THE ANNAPOLIS POLICE DEPARTMENT SHALL, PRIOR TO THE SEARCH OF A PERSON, VEHICLE, PREMISES, OR PERSONAL PROPERTY:

2. ADVISE THE SUBJECT THAT A SEARCH WILL NOT BE CONDUCTED IF THE SUBJECT REFUSES TO PROVIDE CONSENT TO THE SEARCH;
3. ADVISE THE SUBJECT OF HIS OR HER LEGAL RIGHT TO DECLINE TO CONSENT TO THE SEARCH;
4. OBTAIN CONSENT TO SEARCH WITHOUT THREATS OR PROMISES OF ANY KIND BEING MADE TO THE SUBJECT;
5. CONFIRM THAT THE SUBJECT UNDERSTANDS THE INFORMATION COMMUNICATED BY THE OFFICER; AND
6. WHEN NECESSARY, USE INTERPRETATION SERVICES IN SEEKING CONSENT TO CONDUCT A SEARCH OF A PERSON WHO IS:
 - (A) UNABLE TO ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN OR WRITTEN ENGLISH; OR
 - (B) DEAF OR INCAPABLE OF COMMUNICATING FOR ANY OTHER REASON.

IF THE RESTRICTIONS IN SUBPARAGRAPH "A" ARE NOT SATISFIED, THE POLICE OFFICER CANNOT CONDUCT THE SEARCH BASED SOLELY ON THE SUBJECT'S CONSENT TO THAT SEARCH.

B. SCOPE OF DIRECTIVE. THE DIRECTIVES ESTABLISHED UNDER THIS SECTION:

1. SHALL NOT BE CONSTRUED TO ALTER STANDARDS OF CIVIL OR CRIMINAL LIABILITY;
2. SHALL NOT BE CONSTRUED TO CREATE PRIVATE RIGHTS ENFORCEABLE BY ANY PERSON OR INDIVIDUAL; AND
3. SHALL NOT BE CONSTRUED TO ALTER STATE OR FEDERAL RULES OF EVIDENCE.

SECTION 2.36.130 - USE OF FORCE

A. IN GENERAL. IT IS THE EXPRESS POLICY OF THE ANNAPOLIS POLICE DEPARTMENT THAT POLICE OFFICERS USE ONLY THE AMOUNT OF FORCE THAT IS REASONABLE TO OVERCOME RESISTANCE AND TO ACCOMPLISH LAWFUL OBJECTIVES. A REASONABLE AMOUNT OF FORCE IS NOT PREDICATED ON A STRICT HIERARCHICAL SEQUENCE, NOR IS AN OFFICER OBLIGATED TO USE THE MINIMUM USE OF FORCE. AN OFFICER SHALL EVALUATE THE IMMEDIATE CIRCUMSTANCES AND USE THE APPROPRIATE LEVEL OF FORCE THAT IS REASONABLE UNDER THOSE PARTICULAR CIRCUMSTANCES. THE LEVEL OF CRIMINAL ACTIVITY IS NOT THE DETERMINING FACTOR IN THE USE OF FORCE. THE POLICE OFFICER SHALL USE THE AMOUNT OF FORCE NECESSARY TO PROTECT AND PREVENT SERIOUS BODILY HARM. WHEN TIME AND CIRCUMSTANCES PERMIT, A POLICE OFFICER SHOULD FIRST ATTEMPT TO DE-ESCALATE ANY PERCEIVED OR POTENTIAL THREAT WITHOUT THE USE OF PHYSICAL FORCE.

B. EQUIPMENT AND CROWD CONTROL - RESTRICTIONS.

1. DEFINITIONS.

- (A) "PEACEFUL PROTESTS" AND "PEACEFUL PROTESTORS" HAVE THE SAME MEANING: A GATHERING OF PEOPLE, WHETHER PERMITTED OR NOT PERMITTED, THAT ARE EXERCISING THEIR FIRST AMENDMENT RIGHT TO ASSEMBLE, AND THAT

ARE TAKING NO VIOLENT ACTION AGAINST ANY PERSON OR PROPERTY.

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

- (A) BAYONETS;
- (B) FIREARM MUFFLERS OR SUPPRESSORS;
- (C) FIREARMS OF .50 CALIBER OR HIGHER;
- (D) FIREARMS, FIREARM ACCESSORIES, OR OTHER OBJECTS DESIGNED OR CAPABLE OF LAUNCHING EXPLOSIVES OR PYROTECHNICS, INCLUDING GRENADE LAUNCHERS; AND
- (E) REMOTELY PILOTED, POWERED AIRCRAFT WITHOUT A CREW ABOARD; AND
- (F) LETHAL MEASURES, TEAR GAS, PEPPER BALLS, OTHER CHEMICAL IRRITANTS, STING BALL GRENADES, WOODEN BULLETS OR OTHER KINETIC IMPACT PROJECTILES, RUBBER BULLETS, ACOUSTIC WEAPONS, DIRECTED ENERGY WEAPONS, WATER CANNONS, DISORIENTATION DEVICES, ULTRASONIC CANNONS, ANY DEVICE DESIGNED TO CAUSE PAIN OR DISCOMFORT, OR OTHER CROWD-CONTROL MEASURES, SHALL NOT BE USED ON PEACEFUL PROTESTERS.

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

- (A) GUIDANCE AND RESTRICTIONS ON THE VEHICLE'S USE, INCLUDING THE FOLLOWING:
 - (1) PROHIBITING THE VEHICLE'S USE AGAINST PEACEFUL PROTESTORS; AND
 - (2) KEEPING THE VEHICLE OUT OF SIGHT OF PERMITTED AND PEACEFUL PROTESTS.
- (B) REQUIRED METRICS AND REPORTING IF THE VEHICLE IS DEPLOYED.

4. THE REQUIREMENTS OF THIS SECTION APPLIES TO ANY LAW ENFORCEMENT AGENCY OPERATING IN ANNAPOLIS UNDER MUTUAL AID AGREEMENTS WITH THE ANNAPOLIS POLICE DEPARTMENT.

C. **FIREARMS.** A POLICE OFFICER SHALL NOT:

- 1. DISCHARGE A FIREARM FROM A MOVING VEHICLE OR WHENEVER IT APPEARS LIKELY THAT AN INNOCENT PERSON MAY BE INJURED.
- 2. DISCHARGE A FIREARM AT A PERSON WHO IS FLEEING TO AVOID ARREST ON A MISDEMEANOR CHARGE.

D. **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 OLEORESINCAPSICUM SPRAY.

3. OLEORESIN CAPSICUM, COUNTER-ASSAULT PEPPER MACE, OR OTHER SIMILAR SUBSTANCE SHALL NOT BE USED DURING FIRST AMENDMENT, PERMITTED RALLIES OR PROTESTS UNLESS EXPRESSLY AUTHORIZED BY THE CHIEF OF POLICE.

E. NECK RESTRAINTS.

1. DEFINITIONS.

(A) "NECK RESTRAINT" IS A TECHNIQUE THAT IS INTENDED TO RESTRICT THE FLOW OF BLOOD OR OXYGEN TO THE BRAIN.

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

2. UNDER NO CIRCUMSTANCES SHALL A POLICE OFFICER:

(A) APPLY A NECK RESTRAINT; OR

(B) STRIKE A RESTRAINED INDIVIDUAL.

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

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

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

F. DUTY TO INTERVENE.

1. AN OFFICER SHALL STOP, ATTEMPT TO STOP, AND REPORT TO A SUPERVISOR, ANY OFFICER WHO IS USING EXCESSIVE FORCE, VIOLATES ANY PROVISION OF THIS SECTION, THE USE OF FORCE POLICY, OR IS COMMITTING A CRIME.

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

G. SCOPE OF DIRECTIVE. THE DIRECTIVES ESTABLISHED UNDER THIS SECTION:

1. SHALL NOT BE CONSTRUED TO ALTER STANDARDS OF CIVIL OR CRIMINAL LIABILITY;

2. SHALL NOT BE CONSTRUED TO CREATE PRIVATE RIGHTS ENFORCEABLE BY ANY PERSON OR INDIVIDUAL; AND
3. SHALL NOT BE CONSTRUED TO ALTER STATE OR FEDERAL RULES OF EVIDENCE.

SECTION 2.36.140 - FIRST AMENDMENT ASSEMBLIES.

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

SECTION 2.36.150 - PROFILING - DISCRIMINATORY POLICING PRACTICES - PROHIBITED.

- A. IT IS PROHIBITED FOR ANY MEMBER OF THE ANNAPOLIS POLICE DEPARTMENT, INCLUDING AFFILIATED LAW ENFORCEMENT OFFICERS, CIVILIAN EMPLOYEES, AND INDIVIDUALS UNDER CONTRACT, TO ENGAGE IN BIAS-BASED PROFILING AND DISCRIMINATORY PRACTICES AS DEFINED BY GENERAL ORDERS. IN ADDITION, NO MEMBER OF THE DEPARTMENT SHALL POST POTENTIALLY DISCRIMINATORY SOCIAL MEDIA POSTS IN EITHER AN OFFICIAL OR PRIVATE CAPACITY. COMPLAINTS CONCERNING SUCH POSTS SHALL BE REFERRED TO THE HUMAN RELATIONS COMMISSION.
- B. IT IS PROHIBITED FOR A POLICE OFFICER TO CONDUCT A “STOP AND FRISK” SEARCH FOR WEAPONS, AS DEFINED BY GENERAL ORDER, BASED SOLELY ON THE RACE, GENDER, SEXUAL ORIENTATION, OR OTHER DISCRIMINATORY PROFILING PRACTICE THAT IS UNRELATED TO THE DESCRIPTION PROVIDED TO THAT OFFICER OF THE SUSPECT.

SECTION 2.36.160 - NO-KNOCK WARRANTS

- A. ONLY AN OFFICER ASSIGNED TO THE ANNAPOLIS POLICE DEPARTMENT’S ANNAPOLIS SPECIAL EMERGENCY TEAM (“ASET”) MAY PARTICIPATE IN THE EXECUTION OF A NO-KNOCK WARRANT.
- B. AN OFFICER MAY NOT ENTER PRIVATE PREMISES WITHOUT FIRST KNOCKING AND ANNOUNCING THE OFFICER’S PRESENCE UNLESS:
1. OTHER METHODS OF SERVING THE WARRANT, INCLUDING METHODS THAT WOULD MITIGATE RISK, HAVE BEEN CONSIDERED AND HAVE BEEN DETERMINED TO:
 - (A) POSE A RISK TO THE LIFE AND SAFETY OF THE EXECUTING OFFICERS OR ANOTHER PERSON; OR
 - (B) BE FUTILE;
 2. THE CRIME BEING INVESTIGATED IS:
 - (A) A CRIME OF VIOLENCE AS DEFINED IN SECTION 14-101(A) OF THE CRIMINAL LAW ARTICLE OF THE MARYLAND ANNOTATED CODE, AS MAY BE AMENDED;
 - (B) RELATED TO FIREARMS POSSESSION;
 - (C) RELATED TO A WARRANT OBTAINED PURSUANT TO SECTION 5-607 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND ANNOTATED CODE, AS MAY BE AMENDED;

- (D) RELATED TO CHILD ABUSE;
- (E) RELATED TO CHILD PORNOGRAPHY;
- (F) RELATED TO DOMESTIC VIOLENCE; OR
- (G) RELATED TO TERRORISM; AND

3. AT LEAST ONE OF THE FOLLOWING FACTORS IS PRESENT:

- (A) REASONABLE SUSPICION THAT A PERSON IS PRESENT AT THE LOCATION WHO HAS DEMONSTRATED A PROPENSITY FOR VIOLENCE; OR
- (B) REASONABLE SUSPICION THAT ENTRY INTO THE LOCATION HAS BEEN FORTIFIED, IS “BOOBY TRAPPED”, OR HAS UNIQUE CHARACTERISTICS THAT WOULD PRECLUDE THE OFFICER FROM FIRST KNOCKING AND ANNOUNCING DUE TO INHERENT SAFETY REASONS.

C. A POLICE OFFICER IS PROHIBITED FROM ENTERING PRIVATE PREMISES WITHOUT FIRST KNOCKING AND ANNOUNCING THE OFICER’S PRESENCE IF THE SOLE PURPOSE OF ENTERING THE PREMISES IS TO PREVENT THE DESTRUCTION OF EVIDENCE.

D. **SCOPE OF DIRECTIVE.** THE DIRECTIVES ESTABLISHED UNDER THIS SECTION:

- 1. SHALL NOT BE CONSTRUED TO ALTER STANDARDS OF CIVIL OR CRIMINAL LIABILITY;
- 2. SHALL NOT BE CONSTRUED TO CREATE PRIVATE RIGHTS ENFORCEABLE BY ANY PERSON OR INDIVIDUAL; AND
- 3. SHALL NOT BE CONSTRUED TO ALTER STATE OR FEDERAL RULES OF EVIDENCE.

SECTION 2.36.170 - DOMESTIC ABUSE PROCEDURES.

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

- 1. THE DEPARTMENT SHALL COMPILE A COMPLETE REPORT FOLLOWING ANY ALLEGATION OF DOMESTIC VIOLENCE.
- 2. SUCH ALLEGATIONS SHALL BE INVESTIGATED TO DETERMINE WHETHER OR NOT THERE IS PROBABLE CAUSE TO ARREST THE ALLEGED ABUSER. THE RESPONDING OFFICER IS RESPONSIBLE FOR ENSURING A VICTIM IS SAFE BY ARRESTING AN ALLEGED ABUSER ON THE SCENE, OR APPLYING FOR A WARRANT OF ARREST, IF THE OFFICER OR VICTIM IS WORRIED ABOUT SERIOUS BODILY HARM OR LIFE-THREATENING ABUSE.
- 3. THE OFFICER WHO RESPONDS TO SUCH A CALL SHALL SUBMIT THE REPORT TO A SUPERVISOR WHO WILL PROVIDE ANY DEDICATED DOMESTIC VIOLENCE INVESTIGATOR WITH A COPY OF THE REPORT TO ENSURE FOLLOW-UP WITH THE VICTIM. THE DEPARTMENT SHALL OFFER SAFETY-PLANNING ADVICE AND MAKE REFERRALS TO SERVICES NEEDED BY THE VICTIM AND CHILDREN.

B. INTERNAL POLICIES SHALL ALSO BE CREATED THAT GOVERN INTERNAL ALLEGATIONS OF DOMESTIC ABUSE, AND SHALL CONTAIN, AT MINIMUM, THE REQUIREMENT THAT AN OFFICER’S WEAPONS SHALL BE TEMPORARILY CONFISCATED DURING AN INVESTIGATION OF ANY SUCH ABUSE.

Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES

Article V - Human Relations Commission

Section 2.48.160 - Powers - DUTIES.

The Commission is authorized to:

- A. Accept complaints relating to discrimination and refer the complaints to appropriate authorities;
- B. Arrange for public hearings and survey current practices and conditions relating to the treatment of citizens in areas of public accommodations, employment, housing, recreation, education and other human relations areas;
- C. Make recommendations to appropriate authorities and propose legislation with regard to human relations practices and conditions;
- D. Conduct program for the purpose of informing the general public regarding matters of human relations and of bettering human relations within the community;
- E. Act as a mediator to resolve disagreements in matters of human relations;
- F. Coordinate activities with and utilize the resources of other public and private human relations bodies;
AND
- G. Perform other duties and functions as may be specified by the City Council from time to time.

THE COMMISSION SHALL PERFORM THE FOLLOWING DUTIES:

- A. CONDUCT AT LEAST ONE PUBLIC FORUM EACH CALENDAR YEAR FOR THE PURPOSE OF RECEIVING COMMUNITY INPUT ON POLICING MATTERS;
- B. ACCEPT AND REVIEW CORRESPONDENCE AND COMMENTS FROM MEMBERS OF THE GENERAL PUBLIC;
- C. ESTABLISH PROCEDURES FOR THE PROCESSING OF COMPLAINTS RELATED TO PROFILING OR DISCRIMINATORY POLICING PRACTICES;
- D. COORDINATE WITH THE MAYOR'S OFFICE TO PROVIDE FORMS OR ESTABLISH ELECTRONIC MEANS FOR SUBMITTING COMPLAINTS RELATED TO PROFILING OR DISCRIMINATORY POLICING PRACTICES;
- E. SUBMIT AN ANNUAL REPORT ON ALL COMPLAINTS RECEIVED RELATED TO PROFILING OR DISCRIMINATORY POLICING PRACTICES.

Title 3 - HUMAN RESOURCES

Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION

Section 3.16.070 - Probationary status.

- A. Except as set forth in an applicable collective bargaining agreement, employees appointed from appointment lists or by promotion shall be subject to a twelve-month minimum probationary period. Under no circumstances shall an employee serve in a probationary status beyond eighteen months except as provided in the rules and regulations of the personnel system.
- B. NOTWITHSTANDING THE EXCEPTION IN PARAGRAPH A, COMMENCING JULY 1, 2022, NEWLY HIRED AND LATERAL TRANSFER POLICE OFFICERS SHALL BE SUBJECT TO AN EIGHTEEN-MONTH PROBATIONARY PERIOD.

- C. If the work of a probationary employee is found to be below standards satisfactory to the appointing authority, the appointing authority may dismiss, demote or transfer the probationary employee at any time during the probationary period. These actions by the appointing authority shall not be subject to review or appeal.
- €D. Upon promotion, a promoted employee who previously held permanent civil service status shall retain all permanent status rights and privileges during the probationary period.

Chapter 3.32 - Employee-Management Relations
Section 3.32.040 - Employer rights.

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

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

1. SHALL NOT BE CONSTRUED TO BE MANDATORY SUBJECTS OF COLLECTIVE BARGAINING UNDER SECTION 3.32.060; AND
2. SHALL BE CONSIDERED EMPLOYER RIGHTS NOT SUBJECT TO COLLECTIVE BARGAINING UNDER SECTION 3.32.040.

Title 7 - BUSINESS LICENSES, TAXES, AND REGULATIONS
Chapter 7.36 - PAWNBROKERS

Section 7.36.070 - Control and disposal of property.

- A. List of Property. Each licensed pawnbroker shall keep, written in a legible and accurate manner on forms specified by the Chief of Police, a list of all articles of personal property received on pledge and all other personal property purchased, and shall forward a copy of the list to the Police Department daily. In the alternative and with the approval of the Chief of Police, the list may be kept and forwarded electronically.
- B. Disposal. A pawnbroker may not transfer or dispose of property for a period of thirty days after the date upon which the transaction was reported to the Police Department, except that the property may be redeemed or repurchased with the original pawn ticket by the person who pawned the property or by that person's authorized agent.
- C. Stolen Items. If an item located in a pawnshop has been reported to a law enforcement agency as having been stolen, the pawnbroker shall release the item without payment or reimbursement to the Police Department on written demand signed by the Chief of Police or the designee of the Chief of Police. The item shall be returned to the pawnbroker if the identification is proven erroneous.

SECTION 7.36.075 - FIREARMS AND AMMUNITION-REGISTER OF PURCHASERS.

A PAWNBROKER SHALL KEEP A REGISTER OF THE NAME AND ADDRESS OF THE PERSON PURCHASING ANY FIREARMS, CARTRIDGES OR OTHER AMMUNITION, NOTING THE MAKE, CALIBER AND DATE OF PURCHASE. THE REGISTER SHALL BE OPEN TO THE INSPECTION OF THE POLICE AT ALL TIMES.

Title 11 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 11.44 - WEAPONS

Section 11.44.030 - Firearms and ammunition-Register of purchasers.

Each person engaged in the business of selling or exchanging any firearms, except ~~shotguns and~~ air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. The register shall be open to the inspection of the police at all times.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.