

Police Department.

May 17, 1976.

Honorable John Hanson Briscoe
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 1220.

This bill requires that any member of the Baltimore City Police Department who has been suspended from duty without pay shall be provided with an official administrative hearing within 30 days of the suspension. The evident purpose of the bill is to ensure a rapid conclusion to departmental charges in those instances in which the member is without an income during the suspension.

The Police Commissioner of Baltimore City has advised me that the signing of House Bill 1220 will cripple not only the efforts of his Department, but also those of Federal and State prosecutors, to bring certain cases involving both departmental suspension and criminal charges to a just conclusion. A brief review of the procedures involved will illustrate that particular situation.

If serious charges are placed against an officer, he may be suspended from duty pending the administrative hearing. Only in exceptional cases would an officer be suspended without pay, according to departmental policy. In all cases, a Suspension Hearing is held within 24 hours in order to determine if the charges warrant continued suspension, and, if so, whether the suspension should be with or without pay. In only the most serious cases will the suspension be continued without pay.

It is these rare cases, involving suspension without pay after the Suspension Hearing, which present the problems addressed by the Commissioner. The mandate of House Bill 1220 applies only to suspensions without pay, yet it is often these most serious cases which involve not only departmental charges, but criminal charges as well. While the requirement of an administrative hearing within 30 days could physically be complied with in most cases by the Department, if criminal charges have also been lodged, the prosecutor (either the United State's Attorney or the State's Attorney) will strongly urge the Department to delay its hearing until any criminal proceeding is concluded.