

(ii) A law enforcement officer, upon written request, may have any record of a formal complaint made against him expunged from any file if:

1. The law enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were unsustainable or unfounded; and

2. 3 years have passed since the findings by the law enforcement agency.

(13) (i) If the chief is the law-enforcement officer under investigation, the chief of another law-enforcement agency in this State shall function as the law-enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law-enforcement agency is under investigation, the Governor shall appoint the chief of another law-enforcement agency as the law-enforcement officer of the same rank on the hearing board.

(iii) If the chief of a county or municipal law-enforcement agency is under investigation, the official who may appoint the chief's successor shall appoint the chief of another law-enforcement agency as the officer of the same rank on the hearing board.

(iv) If the chief of a State law-enforcement agency or the chief of a county or municipal law-enforcement agency is under investigation, the official who may appoint the chief's successor, or that official's designee, shall function as chief for the purposes of this subtitle.

(14) The law-enforcement officer's representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner, if the questions to be asked are reviewed with the law-enforcement officer or his representative prior to the administration of the examination, the representative is allowed to observe the administration of the polygraph examination, and if a copy of the final report of the examination by the certified polygraph operator is made available to the law-enforcement officer or his representative within a reasonable time, not to exceed ten days, after the completion of the examination.

(c) This subtitle does not limit the authority of the chief to regulate the competent and efficient operation and management of a law-enforcement agency by any reasonable means including but not limited to, transfer and reassignment where that action is not punitive in nature and where the chief determines that action to be in the best interests of the internal management of the law-enforcement agency.