

recommendations of the C.E.B. forward to the Board a statement of his disposition in each case. Concurrent with this, the Police Commissioner will also forward a copy of the Board's recommendation and the Police Commissioner's statement of disposition to the complainant and respondent police personnel.]

~~[16 43.] 16 44.~~

(a) Jurisdiction of the POLICE REVIEW Board shall extend only to complaints against police personnel with respect to ~~[discourtesy]~~ ABUSIVE LANGUAGE, HARASSMENT, and use of excessive force as defined IN § 16 41 AND by [Police] Department rules and regulations.

(b) Upon review of ~~[the investigative report of each case]~~ EACH COMPLAINT, the POLICE REVIEW Board shall make ~~[forthwith]~~ any one of the following four ~~[recommendations to the Police Commissioner]~~ DETERMINATIONS:

(1) Sustain the complaint and ~~[approve, disapprove or modify the proposed Internal Investigation Division's]~~ DECIDE THE APPROPRIATE DISCIPLINARY action against the police personnel~~[.];~~

(2) Dismiss the complaint because of lack or insufficiency of evidence~~[.];~~

(3) Exonerate the police personnel because of the complainant's failure to prove ~~[his]~~ THE case by clear and convincing evidence~~[.];~~ OR

(4) Remand the case for further investigation to the Internal Investigation Division or to the Maryland State Police.

(c) (1) The POLICE REVIEW Board:

(I) ~~[may]~~ MAY request the complainant, witnesses, and the police department personnel involved in a particular complaint to submit voluntarily to a polygraph test or to appear voluntarily before the POLICE REVIEW Board; AND

(II) MAY ISSUE A SUBPOENA TO COMPEL THE ATTENDANCE AND TESTIMONY OF A WITNESS OR THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER DOCUMENT.

(2) THE CHAIRMAN OR THE SECRETARY OF THE POLICE REVIEW BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING OF THE BOARD.

~~[16 44.] 16 45.~~

The Police ~~[Commissioner]~~ REVIEW BOARD has final decision making responsibility for the appropriate disciplinary action in each case, but no final action may be taken until the recommendation of the Board has been reviewed.

~~[16 45.] 16 46.~~

Nothing contained in this article may abrogate any constitutional, statutory or common law right of police personnel against whom a complaint is filed, nor of the complainants, investigators or witnesses who participate in the complaint procedure.