

(III) RECOMMENDATIONS AS TO CHARGES, DISPOSITION, OR PUNISHMENT.

(O) ADVERSE MATERIAL.

(1) THE LAW ENFORCEMENT AGENCY MAY NOT INSERT ADVERSE MATERIAL INTO A FILE OF THE LAW ENFORCEMENT OFFICER, EXCEPT THE FILE OF THE INTERNAL INVESTIGATION OR THE INTELLIGENCE DIVISION, UNLESS THE LAW ENFORCEMENT OFFICER HAS AN OPPORTUNITY TO REVIEW, SIGN, RECEIVE A COPY OF, AND COMMENT IN WRITING ON THE ADVERSE MATERIAL.

(2) THE LAW ENFORCEMENT OFFICER MAY WAIVE THE RIGHT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 727(h) and 728(b)(1) through (10), (12)(i), and (14).

In subsection (a) of this section, the former reference to conducting an investigation or interrogation under "the following conditions" is deleted as implicit in the reference to the investigation or interrogation being conducted in accordance with this section.

Subsection (b) of this section is revised to incorporate the substance of the former definitions of "interrogating officer" and "investigating officer". The former defined terms appeared only in former Art. 27, § 728(b)(2) and (3), which are revised in subsections (d)(1) and (g) of this section. The former defined terms listed the qualifications of an individual who may conduct an interrogation or investigation and are revised as a substantive provision for purposes of this section. Consequently, the former phrase "all other forms of those terms" is deleted as unnecessary.

In subsections (c)(1)(i), (ii), and (iii) and (d)(1)(iii) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only an individual, and not the other entities included in the defined term "person", may be aggrieved by an alleged incident, swear to complaints, and be present during an interrogation. See § 1-101 of this article for the definition of "person".

In subsection (c)(1)(iv) of this section, the phrase "if the alleged incident involves" a minor child is substituted for the former phrase "in the case of" a minor child for clarity.

In subsection (f) of this section, the former phrase "at a time" is deleted as redundant of the word "when".

In subsection (h)(1) of this section, the reference to an "interrogating officer" is substituted for the former reference to an "interrogator" for consistency with terminology used in subsection (b) of this section.

In subsection (k)(1) of this section, the reference to the "entire" interrogation is substituted for the former reference to the "complete"