



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 7, 2022

Subject: Bill No.: 16-22 – Police Accountability Board

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 16-22 related to the creation of the County’s Police Accountability Board.

Background. In 2021, over the Governor’s veto, the Maryland General Assembly passed House Bill 670, which is effective July 1, 2022, and requires each county to have a Police Accountability Board (“PAB”) to: hold meetings and work with local law enforcement agencies and county government officials to improve matters of policing; receive complaints of police misconduct; review outcomes of disciplinary matters; and report to the County Executive and the County Council identifying any trends in the police disciplinary process and making recommendations on changes in policy to improve accountability in the County. House Bill 670 requires each county to establish the membership of its PAB, establish the budget and staff of its PAB, appoint a Chair of its PAB, and establish procedures for recordkeeping by a PAB. The State law does prohibit an active police officer from being a member of a PAB, and states that, to the extent practicable, the membership of a PAB should reflect the racial, gender, and cultural diversity of the county.

Under the State law, complaints of police misconduct must be in writing and may be filed with the PAB or with the law enforcement agency. If filed with the PAB, the complaint is forwarded to the law enforcement agency, and, under either scenario, the law enforcement agency is required to investigate the complaint.

Each county is also required to have an Administrative Charging Committee (“ACC”) that serves countywide law enforcement and local law enforcement agencies. In Anne Arundel

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

County, this will include the Annapolis City Police Department, the Crofton Police Department, and the Anne Arundel Community College Police. The ACC reviews the investigation of each complaint, determines if the police officer should be administratively charged, and recommends any discipline (based on a model uniform disciplinary matrix being created by the Maryland Police Training Standards Commission) to the law enforcement agency. The composition and duties of the ACC are established by the State law.

If an officer is administratively charged, the charge is adjudicated by a Trial Board. Each law enforcement agency is required to establish its own trial board process, however, a small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement. The composition and duties of trial boards are set forth in the State law.

Purpose. The purpose of this Bill is to establish the County's PAB and to require members of the PAB to file the Ethics Commission's financial disclosure form.

The Bill. **SECTION 1** of the Bill is uncodified and renumbers § 7-6-101(a), the provision of the Public Ethics Article that lists the persons required to file the Ethics Commission's financial disclosure form.

SECTION 2 adds provisions related to the PAB as Title 7A to Article 3 of the County Code. **Section 3-7A-101** defines certain terms consistent with House Bill 670. **Section 3-7A-102** establishes the PAB. **Section 3-7A-103** sets forth the membership of the PAB, including 9 voting members and 5 non-voting ex officio members. The section also details the qualifications of the members; the appointment process for the members; and the requirement that members be subject to a criminal background investigation and may not serve if they have been convicted of certain crimes.

Section 3-7A-104 provides that the County Executive shall designate a chair of the PAB every three years.

Section 3-7A-105 provides that the terms of voting members shall generally be 3 years, but that initial terms shall be staggered, with 4 members serving three-year terms, and 5 members serving two-year terms. Members will be limited to serving two full consecutive terms. Members may be removed for cause, including improper use of information, being charged with a crime, immoral conduct, or unexcused absences from 25% or more of the scheduled meetings during any 12-month period.

Section 3-7A-106 provides that 5 voting members of the PAB constitutes a quorum, that a majority of the members present when there is a quorum is sufficient for any action of the board, and that the PAB shall meet at least quarterly.

Section 3-7A-107 states that members of the PAB will complete specified training, including ethics training, implicit bias training, and the Citizens Police Academy, as soon as practicable after appointment and at specified intervals thereafter.

Section 3-7A-108 provides that the PAB shall have the budget provided for it in the annual budget ordinance. It also states that there will be an Executive Director to the Board, as well as an Administrative Secretary to the Executive Director. Both positions will be in the County's exempt service. Other County staff and contractual services may be made available consistent with the annual budget.

Section 3-7A-109 states that PAB, ACC, and Trial Board members may be compensated as provided for in the annual budget. PAB members may be reimbursed for expenses at the discretion of the County Executive and subject to appropriation in the annual budget. ACCs and Trial Boards may be provided with other County staff and contractual serves as provided in the annual budget.

Section 3-7A-110 sets forth the duties of the PAB as stated in and required by State law: holding at least quarterly meetings and working with local law enforcement agencies and county government officials to improve matters of policing; appointing members of ACCs and Trial Boards; receiving complaints of police misconduct and forwarding them to the appropriate law enforcement agency for investigation; reviewing outcomes of disciplinary matters; and reporting to the County Executive and the County Council identifying any trends in the police disciplinary process and making recommendations on changes in policy to improve accountability in the County. This section also sets forth the requirements for a complaint of police misconduct that are set forth in the State law, including that the complaint be in writing, name the officer that is the subject of the complaint, and describe the alleged misconduct.

Section 3-7A-111 provides for the maintenance and retention of PAB records.

Section 7-6-101 is modified to require voting members of the PAB to file the Ethics Commission's annual financial disclosure form.

The Office of Law is available to answer any additional questions regarding this bill.

cc: Honorable Steuart Pittman, County Executive
Dr. Kai Boggess-de Bruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Director of Government Relations
Chris Trumbauer, Budget Officer