

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 22-018

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 22-018 Date May 10, 2022

AN EMERGENCY ACT to add new Article XXII, Harford County Police Accountability Board, and new Article XXIIA, Harford County Administrative Charging Committee, to Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended; to establish the Harford County Police Accountability Board; to establish the membership and duties of the Board; to establish a citizen complaint process regarding police misconduct; to establish the Harford County Administrative Charging Committee; to define certain terms; to establish the membership and duties of the Committee; and generally relating to police accountability.

By the Council, May 10, 2022

Introduced, read first time, ordered posted and public hearing scheduled
on: June 14, 2022
at: 6:00 PM

By Order: *Mylia A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, Chapter 59 Laws of Maryland 2021, known as Maryland Police
2 Accountability Act of 2021 (the “Act”), changed the process for reviewing of law enforcement
3 activities and altering the review of law enforcement officers conduct, including the repeal of the
4 Law Enforcement Officers Bill of Rights; and

5 WHEREAS, the Act requires each county to establish two boards, a police accountability
6 board and an administrative charging committee; and

7 WHEREAS, the Maryland Police Training and Standards Commission adopted
8 regulations, codified under COMAR, to implement provisions adopted under the Act.

9 NOW, THEREFORE,

10 Section 1. Be It Enacted By The County Council of Harford County, Maryland that new Article
11 XXII, Harford County Police Accountability Board, and new Article XXIIA, Harford County
12 Administrative Charging Committee, be, and they are hereby, added to Part 3, Authoritative
13 Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the
14 Harford County Code, as amended, all to read as follows:

15 **Chapter 9. Boards, Commissions, Councils and Agencies**

16 **Part 3. Authoritative Boards and Commissions**

17 **ARTICLE XXII. HARFORD COUNTY POLICE ACCOUNTABILITY BOARD**

18 **§ 9-136. ESTABLISHMENT; MEMBERSHIP.**

19 A. THERE IS ESTABLISHED A HARFORD COUNTY POLICE ACCOUNTABILITY
20 BOARD AS REQUIRED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OF
21 THE ANNOTATED CODE OF MARYLAND.

22 B. THE BOARD SHALL CONSIST OF 5 MEMBERS.

23 C. MEMBERS SHALL BE APPOINTED BY THE COUNTY EXECUTIVE FOR TERMS

1 COTERMINOUS WITH THE EXECUTIVE AND SHALL BE CONFIRMED BY THE
2 COUNTY COUNCIL.

3 D. AN INDIVIDUAL MAY NOT BE A MEMBER OF THE BOARD IF THE INDIVIDUAL:

4 (1) IS AN ACTIVE POLICE OFFICER AS THAT TERM IS DEFINED IN § 9-139 OF
5 THE HARFORD COUNTY CODE, AS AMENDED, AN EMPLOYEE OF THE
6 SHERIFF'S OFFICE OR AN EMPLOYEE OF A LOCAL MUNICIPAL POLICE
7 AGENCY; OR

8 (2) HAS BEEN CONVICTED OF, OR RECEIVED PROBATION BEFORE
9 JUDGMENT FOR, A FELONY OR MISDEMEANOR FOR WHICH A
10 SENTENCE OF IMPRISONMENT FOR 1 YEAR OR MORE COULD HAVE
11 BEEN IMPOSED.

12 E. THE COUNTY EXECUTIVE SHALL NOMINATE, SUBJECT TO CONFIRMATION
13 BY THE COUNTY COUNCIL, THE MEMBER TO SERVE AS THE CHAIR OF THE
14 BOARD; AND THIS MEMBER SHALL HAVE RELEVANT EXPERIENCE WITH THE
15 OPERATION OF A LAW ENFORCEMENT AGENCY.

16 F. TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
17 REFLECT THE RACIAL, GENDER AND CULTURAL DIVERSITY OF THE COUNTY.

18 G. MEMBERS SHALL BE COUNTY RESIDENTS AGED 21 YEARS OR OLDER.

19 H. MEMBERS SHALL BE A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES.

20 I. THE COUNTY EXECUTIVE MAY CONSULT WITH THE HARFORD COUNTY
21 POLICE COMMISSION, COMMUNITY GROUPS, BUSINESS ASSOCIATIONS OR
22 ANY OTHER ORGANIZATION WITHIN HARFORD COUNTY TO ASSIST IN THE
23 RECRUITMENT OF INDIVIDUALS TO SERVE AS MEMBERS.

1 J. TO THE EXTENT PRACTICABLE, MEMBERS SHALL HAVE EXPERIENCE IN:

2 (1) CIVIL RIGHTS;

3 (2) LAW ENFORCEMENT;

4 (3) CRIMINAL LAW;

5 (4) COMMUNITY POLICING;

6 (5) POLICING STANDARDS;

7 (6) CRIMINOLOGY;

8 (7) PERSONNEL MANAGEMENT AND DISCIPLINE;

9 (8) JUVENILE SERVICE ADMINISTRATION; AND

10 (9) OTHER LIFE EXPERIENCE THAT MAY BE VALUABLE TO THE BOARD.

11 K. PROSPECTIVE MEMBERS OF THE BOARD SHALL SUBMIT TO A CRIMINAL
12 BACKGROUND CHECK.

13 L. EACH MEMBER SHALL SIGN AN AGREEMENT TO MAINTAIN THE
14 CONFIDENTIALITY OF ALL MATTERS RELATED TO INDIVIDUAL COMPLAINTS
15 UNTIL FINAL DISPOSITION AND ALL APPEALS HAVE BEEN EXHAUSTED.

16 **§ 9-137. MEETINGS, BUDGET AND RECORDS.**

17 A. THREE MEMBERS CONSTITUTES A QUORUM FOR THE PURPOSE OF
18 CONDUCTING BUSINESS.

19 B. THE BOARD SHALL MEET QUARTERLY EACH YEAR BUT MAY HOLD SPECIAL
20 MEETINGS AT ANY TIME AT THE CALL OF THE CHAIR.

21 C. ANY MEMBER MISSING 3 CONSECUTIVE MEETINGS IN ANY 1 CALENDAR
22 YEAR MAY BE ASKED TO RESIGN.

23 D. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE BOARD AND

1 ASSIGN STAFF, AS NEEDED, FOR THE BOARD. AS NEEDED, THE COUNTY
2 ATTORNEY SHALL RETAIN SPECIAL LEGAL COUNSEL TO SERVE AS COUNSEL
3 TO THE BOARD.

4 E. THE BOARD SHALL KEEP ACCURATE AND COMPLETE RECORDS OF ITS
5 BUSINESS, AND THE HARFORD COUNTY LAW DEPARTMENT SHALL SERVE AS
6 THE CUSTODIAN OF THE RECORDS. THE BOARD SHALL KEEP RECORDS OF
7 ALL BUSINESS OF THE BOARD FOR 5 YEARS FROM THE DATE OF THE
8 GENERATION OR COLLECTION OF THE RECORD.

9 F. THE MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR NECESSARY
10 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

11 **§ 9-138. DUTIES.**

12 A. THE BOARD SHALL HAVE THE FOLLOWING RESPONSIBILITIES AND DUTIES:

13 (1) HOLD QUARTERLY MEETINGS WITH THE HEADS OF LAW
14 ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH LAW
15 ENFORCEMENT AGENCIES AND COUNTY GOVERNMENT TO IMPROVE
16 MATTERS OF POLICING.

17 (2) APPOINT CIVILIAN MEMBERS TO ADMINISTRATIVE CHARGING
18 COMMITTEES AND TRIAL BOARDS.

19 (3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY MEMBERS
20 OF THE PUBLIC WHICH SHALL BE FORWARDED TO THE APPROPRIATE
21 LAW ENFORCEMENT AGENCY WITHIN 3 DAYS OF RECEIPT BY THE
22 BOARD. TO BE ACCEPTED, COMPLAINTS SHALL BE FILED BY THE
23 PUBLIC AND SHALL INCLUDE THE NAME OF THE OFFICER ACCUSED OF

1 MISCONDUCT, A DESCRIPTION OF THE FACTS UPON WHICH THE
2 COMPLAINT IS BASED AND THE LEGAL NAME AND CONTACT
3 INFORMATION OF THE COMPLAINANT OR THE PERSON FILING ON
4 BEHALF OF THE COMPLAINANT.

5 (4) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY
6 MATTERS CONSIDERED BY ADMINISTRATIVE CHARGING
7 COMMITTEES.

8 (5) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A WRITTEN
9 REPORT TO THE GOVERNING BODY OF THE COUNTY THAT:

10 (A) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF
11 LAW ENFORCEMENT OFFICERS IN THE COUNTY; AND

12 (B) MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT
13 WOULD IMPROVE POLICE ACCOUNTABILITY IN THE COUNTY.

14 **ARTICLE XXIIA. HARFORD COUNTY ADMINISTRATIVE CHARGING COMMITTEE**

15 **§ 9-139. DEFINITIONS.**

16 AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS
17 INDICATED:

18 ADMINISTRATIVELY CHARGED -- A POLICE OFFICER HAS BEEN FORMALLY
19 ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.

20 CONFLICT OF INTEREST -- A REAL OR SEEMING INCOMPATIBILITY BETWEEN ONE'S
21 PRIVATE INTEREST AND ONE'S OFFICIAL RESPONSIBILITIES IN A POSITION
22 OF TRUST.

23 DISCIPLINARY MATRIX -- A WRITTEN, CONSISTENT, PROGRESSIVE AND

1 TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF DISCIPLINARY
2 ACTIONS FOR DIFFERENT TYPES OF CONDUCT.

3 GOOD MORAL CHARACTER -- THE POSSESSION OF HONESTY AND TRUTHFULNESS,
4 TRUSTWORTHINESS AND RELIABILITY AND A PROFESSIONAL COMMITMENT
5 TO THE LEGAL PROCESS AND THE ADMINISTRATION OF JUSTICE, AS WELL
6 AS THE CONDITION OF BEING REGARDED AS POSSESSING SUCH QUALITIES.

7 LAW ENFORCEMENT AGENCY – HAS THE MEANING STATED IN § 3-201 OF THE
8 PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

9 NOT ADMINISTRATIVELY CHARGED -- A DETERMINATION HAS BEEN MADE NOT TO
10 ADMINISTRATIVELY CHARGE A POLICE OFFICER IN CONNECTION WITH
11 ALLEGED MISCONDUCT.

12 POLICE MISCONDUCT -- A PATTERN, A PRACTICE OR CONDUCT BY A POLICE
13 OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

- 14 (1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE CONSTITUTION
15 OR LAWS OF THE STATE OF MARYLAND OR THE UNITED STATES;
16 (2) A VIOLATION OF A CRIMINAL STATUTE; AND
17 (3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND
18 POLICIES.

19 POLICE OFFICER -- HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY
20 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

21 **§ 9-140. ESTABLISHMENT; MEMBERSHIP.**

22 A. THERE IS ESTABLISHED A HARFORD COUNTY ADMINISTRATIVE CHARGING
23 COMMITTEE AS REQUIRED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE

1 OF THE ANNOTATED CODE OF MARYLAND.

2 B. AT LEAST 30 CALENDAR DAYS IN ADVANCE OF APPOINTMENT, THE COUNTY
3 EXECUTIVE SHALL POST A PUBLIC NOTICE TO INVITE PERSONS TO APPLY TO
4 SERVE ON THE COMMITTEE. PUBLIC NOTICE SHALL BE POSTED PRIOR TO
5 INITIAL APPOINTMENTS AND ANY SUCCESSIVE TERM OR VACANCY OF A
6 MEMBER.

7 C. THE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

8 (1) THE CHAIR OF THE HARFORD COUNTY POLICE ACCOUNTABILITY
9 BOARD OR ANOTHER MEMBER OF THE ACCOUNTABILITY BOARD
10 DESIGNATED BY THE CHAIR OF THE ACCOUNTABILITY BOARD.

11 (2) TWO CIVILIAN MEMBERS SELECTED BY THE POLICE
12 ACCOUNTABILITY BOARD.

13 (3) TWO CIVILIAN MEMBERS SELECTED BY THE COUNTY EXECUTIVE.

14 D. TO BE ELIGIBLE TO SERVE ON THE COMMITTEE AN INDIVIDUAL SHALL:

15 (1) BE 21 YEARS OF AGE OR OLDER;

16 (2) BE A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES;

17 (3) BE OF GOOD MORAL CHARACTER AND FREE FROM BIAS THAT WOULD
18 NEGATIVELY IMPACT THE INTEGRITY OF THE COMMITTEE;

19 (4) BE A RESIDENT OF THE COUNTY;

20 (5) SUCCESSFULLY COMPLETE THE MARYLAND POLICE TRAINING AND
21 STANDARDS COMMISSION REQUIRED TRAINING BEFORE SERVING ON
22 THE COMMITTEE; AND

23 (6) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMITTEE

1 SHALL REFLECT THE RACIAL, GENDER AND CULTURAL DIVERSITY OF
2 THE COUNTY.

3 E. THE FOLLOWING INDIVIDUALS SHALL NOT BE ELIGIBLE TO SERVE ON THE
4 COMMITTEE:

5 (1) AN INDIVIDUAL WHO HAS AN ACTUAL CONFLICT OF INTEREST, AS
6 DETERMINED BY THE COUNTY EXECUTIVE.

7 (2) AN INDIVIDUAL UNDER CRIMINAL INVESTIGATION BY ANY LAW
8 ENFORCEMENT AGENCY.

9 (3) AN INDIVIDUAL CURRENTLY CHARGED WITH A CRIME THAT IS
10 PENDING BEFORE ANY COURT.

11 (4) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF, OR RECEIVED
12 PROBATION BEFORE JUDGEMENT FOR, A FELONY OR MISDEMEANOR
13 FOR WHICH A SENTENCE OF IMPRISONMENT FOR 1 YEAR OR MORE
14 COULD HAVE BEEN IMPOSED.

15 F. PROSPECTIVE MEMBERS OF THE COMMITTEE MUST SUBMIT TO A
16 BACKGROUND INVESTIGATION WHICH SHALL INCLUDE, BUT NOT BE
17 LIMITED TO, A REVIEW OF THE APPLICANT’S SOCIAL MEDIA PRESENCE.

18 G. MEMBERS HAVE AN ONGOING AND CONTINUOUS OBLIGATION TO
19 IMMEDIATELY REPORT IN WRITING TO THE CHAIR OF THE ADMINISTRATIVE
20 CHARGING COMMITTEE ANY EVENT THAT MAY HARM THE PUBLIC TRUST
21 OF THE ADMINISTRATIVE CHARGING COMMITTEE. SUCH EVENTS INCLUDE,
22 BUT ARE NOT LIMITED TO:

23 (1) CONFLICTS OF INTEREST;

1 (2) CRIMINAL CHARGES;

2 (3) CRIMINAL INVESTIGATIONS; AND

3 (4) CRIMINAL CONVICTIONS.

4 H. SUBJECT TO SUBSECTION I BELOW, THE TERM FOR MEMBERS OF THE
5 COMMITTEE SHALL BE 2 YEARS.

6 I. INITIAL TERM OF 1 MEMBER SELECTED BY THE HARFORD COUNTY POLICE
7 ACCOUNTABILITY BOARD AND 1 MEMBER SELECTED BY THE COUNTY
8 EXECUTIVE SHALL SERVE FOR 1 YEAR AND THE 3 REMAINING MEMBERS
9 SHALL SERVE 2-YEAR TERMS.

10 J. MEMBERS MAY SERVE FOR NO MORE THAN 3 CONSECUTIVE TERMS.

11 K. IF THE COUNTY EXECUTIVE REMOVES A MEMBER PRIOR TO THE END OF THE
12 MEMBER'S TERM, THE COUNTY EXECUTIVE SHALL NOTIFY THE MEMBER
13 AND THE CHAIR OF THE COMMITTEE IN WRITING.

14 L. ANY MEMBER WHO FAILS TO MAINTAIN THE CONFIDENTIALITY OF ALL
15 COMMITTEE MATTERS SHALL BE REMOVED IMMEDIATELY FROM THE
16 COMMITTEE BY THE COUNTY EXECUTIVE. A MEMBER OF THE COMMITTEE
17 WHO ALSO SERVES AS A MEMBER OF THE HARFORD COUNTY POLICE
18 ACCOUNTABILITY BOARD SHALL NOT DISCLOSE ANY INFORMATION
19 RECEIVED AS A MEMBER OF THE COMMITTEE TO THE MEMBERS OF THE
20 POLICE ACCOUNTABILITY BOARD.

21 M. A MEMBER MAY RESIGN FROM THE COMMITTEE AT ANY TIME BY
22 NOTIFYING THE COUNTY EXECUTIVE AND CHAIR IN WRITING.

23 N. THE MEMBERS OF THE COMMITTEE SHALL SELECT THE CHAIR WHO SHALL

1 FOLLOW ROBERT’S RULES OF ORDER AND SHALL:

2 (1) ESTABLISH THE MEETING SCHEDULE, WITH A MINIMUM OF 1 MEETING
3 PER MONTH;

4 (2) ESTABLISH A WRITTEN AGENDA FOR EACH MEETING AND SEND IT TO
5 EACH MEMBER IN ADVANCE OF EACH MEETING;

6 (3) CALL EACH MEETING TO ORDER;

7 (4) COORDINATE THE MEETING IN ACCORD WITH THE AGENDA;

8 (5) INVITE DISCUSSION AMONG MEMBERS BEFORE VOTING;

9 (6) INVITE MOTIONS, SECONDS AND VOTES FROM MEMBERS;

10 (7) ENSURE THAT A RECORD IS KEPT OF ALL BUSINESS OF THE
11 COMMITTEE;

12 (8) PROMPTLY REPORT TO THE COUNTY EXECUTIVE IN WRITING ANY
13 CONCERN OR EVENT INVOLVING A MEMBER THAT MAY HARM THE
14 PUBLIC TRUST OF THE COMMITTEE. SUCH EVENTS INCLUDE, BUT ARE
15 NOT LIMITED TO:

16 (A) CONFLICT OF INTEREST;

17 (B) CRIMINAL CHARGES;

18 (C) CRIMINAL INVESTIGATIONS; AND

19 (D) CRIMINAL CONVICTIONS.

20 **§ 9-141. MEETINGS; BUSINESS.**

21 A. THE OPEN MEETINGS ACT DOES NOT APPLY TO MEETINGS OF THE
22 COMMITTEE, AND MEETINGS ARE NOT OPEN TO THE PUBLIC.

23 B. THE COMMITTEE SHALL MEET ONCE PER MONTH, OR AS NEEDED.

1 C. SUBJECT TO SUBSECTION D BELOW, THE COMMITTEE SHALL ESTABLISH A
2 SCHEDULE THAT PROVIDES FOR A DETERMINATION FOR ALL MATTERS
3 PENDING BEFORE THE COMMITTEE TO BE DETERMINED WITHIN 30
4 CALENDAR DAYS AFTER THE APPROPRIATE LAW ENFORCEMENT AGENCY
5 COMPLETES ITS INVESTIGATION.

6 D. THE COMMITTEE SHALL ISSUE A FINAL DETERMINATION AND DISPOSITION
7 OF EVERY MATTER WITHIN 1 YEAR AND 1 DAY AFTER THE INITIAL FILING OF
8 A COMPLAINT BY A CITIZEN.

9 E. TO MAINTAIN CONFIDENTIALITY THE COUNTY SHALL ENSURE THAT THE
10 COMMITTEE UTILIZES SECURE METHODS TO ELECTRONICALLY TRANSMIT
11 DOCUMENTS, FILES, NOTES AND ANY OTHER COMMUNICATIONS
12 PERTAINING TO AN INVESTIGATION.

13 F. THREE MEMBERS CONSTITUTES A QUORUM FOR THE CONDUCT OF
14 BUSINESS.

15 G. MEETINGS MAY BE CONDUCTED EITHER IN PERSON OR REMOTELY VIA
16 SECURE VIDEO CONNECTION.

17 H. AS NEEDED, THE COUNTY ATTORNEY SHALL RETAIN SPECIAL LEGAL
18 COUNSEL TO SERVE AS COUNSEL TO THE COMMITTEE.

19 I. THE MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED FOR NECESSARY
20 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 **§ 9-142. DELIBERATIONS AND RECOMMENDATIONS.**

22 A. THE COMMITTEE SHALL REVIEW THE INVESTIGATIVE FILES SUBMITTED BY
23 THE APPROPRIATE LAW ENFORCEMENT AGENCY AND MAKE A

1 DETERMINATION REGARDING ADMINISTRATIVE CHARGING IN
2 ACCORDANCE WITH THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED
3 CODE OF MARYLAND.

4 B. IF THE LAW ENFORCEMENT AGENCY INCLUDED A WRITTEN
5 RECOMMENDATION WITH THE INVESTIGATION FILE, THE COMMITTEE
6 SHALL CONSIDER THE RECOMMENDATION BEFORE MAKING A FINAL
7 DECISION.

8 C. THE COMMITTEE SHALL NOTE THEIR CONSIDERATION OF THE LAW
9 ENFORCEMENT AGENCY'S RECOMMENDATION IN THE COMMITTEE'S
10 WRITTEN DECISION.

11 D. DECISIONS OF THE COMMITTEE SHALL BE MADE BY A MAJORITY VOTE OF
12 THE MEMBERS IN ATTENDANCE.

13 E. EACH MEMBER SHALL CAST 1 VOTE AND SHALL NOT ABSTAIN UNLESS THE
14 MEMBER HAS A CONFLICT OF INTEREST.

15 F. A MEMBER WITH A POTENTIAL CONFLICT OF INTEREST MUST ANNOUNCE
16 AND PROVIDE WRITTEN NOTICE OF THE EXISTENCE OF A POTENTIAL
17 CONFLICT OF INTEREST PRIOR TO ANY DISCUSSION OF THE PENDING
18 MATTER.

19 G. IF A MEMBER ANNOUNCES A POTENTIAL CONFLICT OF INTEREST, THE
20 REMAINING MEMBERS SHALL DISCUSS THE DETAILS OF THE POTENTIAL
21 CONFLICT OF INTEREST AND IF A MAJORITY DETERMINE THAT A CONFLICT
22 EXISTS, THE MEMBER WITH THE CONFLICT SHALL BE EXCUSED FROM THE
23 MEETING PRIOR TO ANY CONSIDERATION OF THE MATTER THAT IS THE

1 SUBJECT OF THE CONFLICT. THE EXCUSED MEMBER MAY RETURN TO THE
2 MEETING AFTER CONSIDERATION OF THE MATTER IS COMPLETED.

3 H. THE COMMITTEE SHALL REVIEW ANY BODY CAMERA FOOTAGE RELEVANT
4 TO THE MATTER COVERED IN THE COMPLAINT.

5 I. ON COMPLETION OF THE INVESTIGATION BY THE APPROPRIATE LAW
6 ENFORCEMENT AGENCY, THE COMMITTEE SHALL REVIEW THE
7 INVESTIGATION AND DETERMINE WHETHER THE OFFICER SHALL BE
8 ADMINISTRATIVELY CHARGED OR NOT ADMINISTRATIVELY CHARGED.

9 J. IF THE COMMITTEE DETERMINES THAT ADMINISTRATIVE CHARGES SHALL
10 BE FILED, THE COMMITTEE SHALL MAKE A DISCIPLINARY
11 RECOMMENDATION IN ACCORDANCE WITH THE UNIFORM STATE
12 DISCIPLINARY MATRIX DEVELOPED BY THE MARYLAND POLICE TRAINING
13 AND STANDARDS COMMISSION.

14 K. THE COMMITTEE SHALL AUTHORIZE A POLICE OFFICER CALLED TO APPEAR
15 BEFORE THE COMMITTEE TO BE ACCOMPANIED BY A REPRESENTATIVE.

16 L. IN EXECUTING ITS DUTIES, THE COMMITTEE MAY:

17 (1) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT
18 AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING
19 REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF
20 SUBPOENAS;

21 (2) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED, MAKE
22 A DETERMINATION THAT:

23 (A) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE

- 1 UNFOUNDED; OR
- 2 (B) THE POLICE OFFICER IS EXONERATED; AND
- 3 (3) RECORD, IN WRITING, ANY FAILURE OF SUPERVISION THAT CAUSED
- 4 OR CONTRIBUTED TO THE POLICE OFFICER'S MISCONDUCT.
- 5 M. THE COMMITTEE SHALL NOT ADMINISTRATIVELY CHARGE A POLICE
- 6 OFFICER FOR CONDUCT ARISING FROM AN INCIDENT FOR WHICH THE
- 7 OFFICER HAS BEEN PREVIOUSLY DISCIPLINED OR SANCTIONED.
- 8 N. THE COMMITTEE SHALL ISSUE A WRITTEN DECISION THAT DESCRIBES IN
- 9 DETAIL ITS FINDINGS, DETERMINATION AND RECOMMENDATIONS.
- 10 O. THE COMMITTEE SHALL FORWARD A COPY OF THE WRITTEN OPINION TO
- 11 THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE POLICE
- 12 OFFICER AND THE COMPLAINANT WITHIN 5 DAYS OF RENDERING ITS
- 13 DECISION.
- 14 P. IF THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY OFFERS
- 15 THE SAME DISCIPLINE RECOMMENDED BY THE COMMITTEE OR A DEGREE
- 16 OF DISCIPLINE HIGHER THAN THAT RECOMMENDED BY THE COMMITTEE
- 17 AND THE OFFICER ACCEPTS THE DISCIPLINE OFFERED, THE MATTER IS
- 18 DEEMED SETTLED AND FINAL AND NO FURTHER ACTION BY THE
- 19 COMMITTEE IS REQUIRED.
- 20 Q. IF THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY REACHES
- 21 A TENTATIVE SETTLEMENT AGREEMENT WITH THE POLICE OFFICER AS
- 22 PERMITTED UNDER COMAR, THE HEAD OF THE LAW ENFORCEMENT AGENCY
- 23 SHALL FORWARD THE SETTLEMENT AGREEMENT TO THE COMMITTEE

1 WITHIN 5 DAYS OF REACHING THE AGREEMENT. ONCE THE COMMITTEE
2 RECEIVES A SETTLEMENT AGREEMENT, THE COMMITTEE SHALL:

3 (1) ENDORSE THE PROPOSED SETTLEMENT AGREEMENT AND AUTHORIZE
4 THE HEAD OF THE LAW ENFORCEMENT AGENCY TO IMPOSE THE
5 AGREED UPON DISCIPLINE; OR

6 (2) REJECT THE PROPOSED SETTLEMENT AGREEMENT AND INFORM THE
7 HEAD OF THE LAW ENFORCEMENT AGENCY THAT THE COMMITTEE'S
8 ORIGINAL DISCIPLINE DETERMINATION STANDS.

9 R. IF THE COMMITTEE ENDORSES THE SETTLEMENT AGREEMENT, THE HEAD OF
10 THE LAW ENFORCEMENT AGENCY SHALL IMPOSE THE AGREED UPON
11 DISCIPLINE.

12 S. SETTLEMENT NEGOTIATIONS DO NOT EXTEND OR OTHERWISE ALTER THE
13 TIME FRAMES STATED UNDER § 9-141D.

14 Section 2. And Be It Further Enacted that the term for the initial members appointed to the
15 Harford County Police Accountability Board shall be 2 years. After that initial term, members shall
16 serve as specified in § 9-136C.

17 Section 3. And Be It Further Enacted that, if any provision of this Act or the application thereof
18 to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the
19 invalidity does not affect other provisions or any other application of this Act that can be given effect
20 without the invalid provision or application, and for this purpose the provisions of this Act are
21 declared severable.

22 Section 4. And Be It Further Enacted that this Act is declared to be an emergency act necessary
23 to establish a board and committee to comply with the State-mandated timeframe that will provide

- 1 for citizen review and investigation into law enforcement activity to ensure the public safety and
- 2 welfare and shall take effect on the date it becomes law.

EFFECTIVE:

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.

Mylia A. Dixon

Council Administrator

AS INTRODUCED