

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 13

Bill No. 42 -2023

Introduced by the Chairperson at the request of the County Executive

AN ACT to implement State Law relating to police discipline, including provisions related to an Administrative Charging Committee and Trial Boards; providing for an Administrative Charging Committee under State Law; setting forth the qualifications for members, method of selection, and exclusions from membership; defining certain terms; requiring the advertisement of certain vacancies; providing for budget and staff; requiring a minimum number of meetings; requiring certain training; providing for the terms of Committee members; allowing for certain stipends; setting forth the duties of the Committee; requiring that members submit to certain background investigations; authorizing the adoption of Rules of Procedure; providing for certain legal representation; authorizing the Committee to take certain actions in accordance with State Law; requiring members to maintain confidentiality; requiring civilian members to provide financial disclosure statements; providing for the removal of members; requiring each law enforcement agency to establish a Trial Board process in accordance with State Law; providing for certain legal representation and budget; requiring civilian members of the Trial Board to submit financial disclosure statements; and generally relating to police discipline in Howard County.

Introduced and read first time _____, 2023. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2023.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2023 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2023 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2023

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By adding Section 17.208 “Administrative Charging Committee” to Title 17 “Public Protection
4 Services”

5 By adding Section 17.209 “Trial Board” to Title 17 “Public Protection Services”

6 By amending subsection (c) of Section 22.206. Financial disclosure statements.
7

8 **Title 17. Public Protection Services.**

9 **Subtitle 2. Police.**

10
11 **SECTION 17.208. ADMINISTRATIVE CHARGING COMMITTEE.**

12 (A) *ADMINISTRATIVE CHARGING COMMITTEE.* THERE IS A HOWARD COUNTY ADMINISTRATIVE
13 CHARGING COMMITTEE UNDER TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE OF THE
14 ANNOTATED CODE OF MARYLAND.

15 (B) *DEFINITIONS.* TERMS USED IN THIS SECTION AND SECTION 17.209 HAVE THE MEANINGS
16 INDICATED:

17 (1) *BOARD* SHALL MEAN THE POLICE ACCOUNTABILITY BOARD ESTABLISHED BY SECTION
18 17.207 OF THIS CODE.

19 (2) *COMMITTEE* SHALL MEAN THE HOWARD COUNTY ADMINISTRATIVE CHARGING
20 COMMITTEE.

21 (3) *LAW ENFORCEMENT AGENCY* SHALL HAVE THE MEANING SET FORTH IN SECTION 3-201 OF
22 THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

23 (4) *POLICE OFFICER* SHALL HAVE THE MEANING SET FORTH IN SECTION 3-201 OF THE PUBLIC
24 SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

25 (C) *MEMBERSHIP AND METHOD OF SELECTION.* THE COMMITTEE SHALL CONSIST OF THE
26 FOLLOWING MEMBERS:

27 (1) THE CHAIR OF THE BOARD OR ANOTHER MEMBER OF THE BOARD DESIGNATED BY THE
28 CHAIR;

29 (2) TWO CIVILIAN MEMBERS SELECTED BY THE BOARD; AND

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

31 (D) *ADVERTISING VACANCIES.* AT LEAST 30 DAYS PRIOR TO SELECTING A MEMBER, THE COUNTY

1 SHALL PUBLICLY INVITE INDIVIDUALS TO APPLY TO BECOME A MEMBER OF THE COMMITTEE.

2 (E) *QUALIFICATIONS OF MEMBERS.* MEMBERS OF THE COMMITTEE SHALL:

3 (1) BE AT LEAST 21 YEARS OLD;

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

5 (3) BE A HOWARD COUNTY RESIDENT;

6 (4) TO THE EXTENT PRACTICABLE, REFLECT THE RACIAL, GENDER, GENDER IDENTITY OR
7 EXPRESSION, SEXUAL ORIENTATION, SOCIO-ECONOMIC, AND CULTURAL DIVERSITY OF
8 HOWARD COUNTY;

9 (5) DEMONSTRATE THROUGH PROFESSIONAL OR LIVED EXPERIENCE THE ABILITY TO BALANCE
10 EFFECTIVE OVERSIGHT, PERFORM OBJECTIVE ANALYSIS OF AN INVESTIGATIVE REPORT, AND
11 PRACTICE PROCEDURAL FAIRNESS;

12 (6) BE OF GOOD MORAL CHARACTER; AND

13 (7) BE FREE FROM BIAS THAT MAY NEGATIVELY IMPACT THE INTEGRITY OF THE COMMITTEE.

14 (F) *EXCLUSION FROM MEMBERSHIP.* AN INDIVIDUAL MAY BE EXCLUDED FROM BEING A MEMBER OF
15 THE COMMITTEE FOR ETHICAL AND PUBLIC TRUST-RELATED REASONS CONSISTENT WITH THE
16 COMMITTEE'S BUSINESS NEEDS INCLUDING, WITHOUT LIMITATION, THAT THE INDIVIDUAL:

17 (1) HAS A DEMONSTRATABLE CONFLICT OF INTEREST;

18 (2) IS UNDER CRIMINAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY;

19 (3) IS CHARGED WITH A CRIME PENDING BEFORE A COURT; OR

20 (4) HAS BEEN CONVICTED OR RECEIVED PROBATION BEFORE JUDGMENT FOR A FELONY OR
21 MISDEMEANOR FOR WHICH A SENTENCE FOR ONE OR MORE YEARS COULD HAVE BEEN
22 IMPOSED.

23 (G) *TERMS; VACANCIES.*

24 (1) THE CIVILIAN MEMBERS SHALL SERVE A TERM OF THREE YEARS. A MEMBER MUST NOT
25 SERVE MORE THAN 2 CONSECUTIVE FULL TERMS. A MEMBER SELECTED TO FILL A VACANCY
26 SERVES THE REST OF THE UNEXPIRED TERM. MEMBERS CONTINUE IN OFFICE UNTIL THEIR
27 SUCCESSORS ARE SELECTED AND QUALIFIED.

28 (2) *VACANCIES.* VACANCIES SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
29 SELECTION.

30 (H) *SELECTIONS.* THE BOARD SHALL NOTIFY THE COUNTY OF THE BOARD'S SELECTIONS TO THE

1 COMMITTEE. THE COUNTY SHALL PUBLICLY ANNOUNCE ON THE COUNTY WEBSITE EACH
2 SELECTION TO THE COMMITTEE PRIOR TO THE MEMBER'S INITIAL TERM, SUCCESSIVE TERM, OR
3 EXPIRATION OF TERM.

4 (I) *REMOVAL OR RESIGNATION OF A MEMBER.*

5 (1) ANY MEMBER WHO FAILS TO MAINTAIN THE CONFIDENTIALITY OF ALL COMMITTEE
6 MATTERS SHALL BE REMOVED IMMEDIATELY FROM THE COMMITTEE BY THE COUNTY.

7 (2) IF A MEMBER FAILS TO ATTEND 3 MEETINGS IN A ROW WITHOUT APPROVAL FROM THE
8 COUNTY, THE MEMBER MAY BE REMOVED FROM THE COMMITTEE BY THE COUNTY. THE
9 COUNTY SHALL NOTIFY THE BOARD IF A MEMBER OF THE COMMITTEE IS REMOVED UNDER
10 THIS SUBSECTION.

11 (3) MEMBERS HAVE AN ONGOING AND CONTINUOUS OBLIGATION TO IMMEDIATELY REPORT IN
12 WRITING TO THE CHAIRPERSON OF THE COMMITTEE ANY EVENT THAT MAY HARM THE
13 PUBLIC TRUST OF THE COMMITTEE. THE MEMBER SHALL COPY THE EXECUTIVE SECRETARY
14 OF THE BOARD ON THE LETTER TO THE CHAIRPERSON. SUCH EVENTS INCLUDE, BUT ARE
15 NOT LIMITED TO:

- 16 (I) CONFLICTS OF INTEREST;
- 17 (II) CRIMINAL CHARGES;
- 18 (III) CRIMINAL INVESTIGATIONS; AND
- 19 (IV) CRIMINAL CONVICTIONS.

20 (4) A MEMBER MAY RESIGN FROM THE COMMITTEE AT ANY TIME BY NOTIFYING THE COUNTY
21 AND THE CHAIRPERSON OF THE COMMITTEE IN WRITING.

22 (J) *DUTIES OF THE COMMITTEE.*

23 (1) THE COMMITTEE SHALL:

24 (I) REVIEW THE FINDINGS OF EACH LAW ENFORCEMENT AGENCY'S INVESTIGATION
25 FORWARDED BY THE AGENCY TO THE COMMITTEE;

26 (II) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS SUBJECT TO
27 INVESTIGATION SHALL BE ADMINISTRATIVELY CHARGED OR NOT ADMINISTRATIVELY
28 CHARGED;

29 (III) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN ACCORDANCE WITH
30 THE DISCIPLINARY MATRIX ESTABLISHED IN ACCORDANCE WITH 3-105 OF THE PUBLIC

1 SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

2 (IV) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO THE MATTERS

3 COVERED IN THE COMPLAINT OF POLICE MISCONDUCT;

4 (V) AUTHORIZE A POLICE OFFICER TO BE CALLED TO APPEAR BEFORE THE COMMITTEE TO

5 BE ACCOMPANIED BY A REPRESENTATIVE;

6 (VI) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS FINDINGS, DETERMINATIONS

7 AND RECOMMENDATIONS; AND

8 (VII) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW ENFORCEMENT AGENCY,

9 THE OFFICER AND THE COMPLAINANT.

10 (2) IN EXECUTING ITS DUTIES UNDER PARAGRAPH (J)(1), THE COMMITTEE MAY:

11 (I) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT

12 CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL INVESTIGATION

13 AND THE ISSUANCE OF SUBPOENAS;

14 (II) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED, MAKE A DETERMINATION

15 THAT:

16 A. THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED; OR

17 B. THE POLICE OFFICER IS EXONERATED; AND

18 (III) RECORD, IN WRITING, ANY FAILURE OF SUPERVISION THAT CAUSED OR CONTRIBUTED

19 TO THE POLICE OFFICER'S MISCONDUCT.

20 (3) THE COMMITTEE SHALL DELIBERATE AND MAKE DETERMINATIONS IN THE MANNER

21 REQUIRED BY SECTION 12.04.09.07 OF THE CODE OF MARYLAND REGULATIONS.

22 (K) *BUDGET AND STAFF*. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE

23 COMMITTEE THAT SHALL BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE

24 ADOPTED BY THE COUNTY COUNCIL. THE CHIEF ADMINISTRATIVE OFFICER SHALL PROVIDE STAFF

25 TO THE COMMITTEE AND SHALL MAKE SERVICES AND FACILITIES AVAILABLE TO THE COMMITTEE

26 THAT ARE NECESSARY OR APPROPRIATE FOR THE PERFORMANCE OF THE COMMITTEE'S DUTIES.

27 (L) *MEETINGS*. THE COMMITTEE SHALL MEET AT LEAST ONE TIME PER MONTH OR MORE

28 FREQUENTLY IF NEEDED.

29 (M) *TRAINING*. BEFORE SERVING AS A MEMBER OF THE COMMITTEE, THE MEMBER SHALL

30 COMPLETE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM THE MARYLAND

1 POLICE TRAINING AND STANDARDS COMMISSION.

2 (N) *STIPENDS*. MEMBERS OF THE COMMITTEE MAY RECEIVE A STIPEND FOR PERFORMING THEIR
3 DUTIES UNDER THIS SECTION, UP TO AN AMOUNT INCLUDED IN THE ANNUAL BUDGET AND
4 APPROPRIATION ORDINANCE.

5 (O) *RULES OF PROCEDURE*. THE COMMITTEE MAY ADOPT RULES OF PROCEDURE. IF THE
6 COMMITTEE ADOPTS RULES OF PROCEDURE, THE RULES SHALL BE ADOPTED UNDER ARTICLE II OF
7 SUBTITLE 1 OF TITLE 2 "ADMINISTRATIVE PROCEDURE," OF THE HOWARD COUNTY CODE.

8 (P) *LEGAL ADVISOR*. THE COUNTY SOLICITOR, OR THE SOLICITOR'S DESIGNEE, IS THE LEGAL
9 ADVISOR TO THE COMMITTEE.

10 (Q) *BACKGROUND INVESTIGATIONS; CONFIDENTIALITY; ETHICS AND FINANCIAL DISCLOSURE*.

11 (1) *BACKGROUND INVESTIGATIONS*. AS A CONDITION OF MEMBERSHIP, EACH MEMBER OF THE
12 COMMITTEE SHALL SUBMIT TO A BACKGROUND INVESTIGATION TO DETERMINE THAT THE
13 MEMBER IS OF GOOD MORAL CHARACTER AND IS UNENCUMBERED BY CONFLICTS OF
14 INTEREST. THE BACKGROUND INVESTIGATION INCLUDES, BUT IS NOT LIMITED TO, AN
15 EXAMINATION OF PUBLICLY AVAILABLE RECORDS AND A REVIEW OF AN INDIVIDUAL'S
16 PRESENCE ON SOCIAL MEDIA WEBSITES, APPLICATIONS AND PLATFORMS. THE LAW
17 ENFORCEMENT AGENCY OR FIRM CONDUCTING THE BACKGROUND INVESTIGATION SHALL
18 REPORT THE RESULTS IN WRITING TO THE COUNTY. THE COUNTY SHALL NOTIFY THE
19 BOARD IF THE BACKGROUND INVESTIGATION DISQUALIFIES A MEMBER SELECTED BY THE
20 BOARD FROM SERVING ON THE COMMITTEE.

21 (2) *CONFIDENTIALITY*. EACH MEMBER OF THE COMMITTEE SHALL SIGN AN AGREEMENT TO
22 MAINTAIN THE CONFIDENTIALITY OF MATTERS AND INFORMATION CONSIDERED BY THE
23 COMMITTEE UNTIL FINAL DISPOSITION.

24 (3) *ETHICS AND FINANCIAL DISCLOSURE STATEMENT*. EACH MEMBER OF THE COMMITTEE IS
25 SUBJECT TO THE COUNTY ETHICS LAWS AND SHALL COMPLETE AN ANNUAL FINANCIAL
26 DISCLOSURE STATEMENT.

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28 **SECTION 17.209. TRIAL BOARDS.**

29 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN
30 ACCORDANCE WITH SECTION 3.106 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF

1 MARYLAND AND SECTION 12.04.09.07.C(3)(B) OF THE CODE OF MARYLAND REGULATIONS AS
2 APPLICABLE TO A LAW ENFORCEMENT AGENCY.

3 (B) *BUDGET*. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR TRIAL BOARDS THAT SHALL
4 BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE ADOPTED BY THE
5 COUNTY COUNCIL.

6 (C) *LEGAL ADVISOR*. THE COUNTY SOLICITOR, OR THE SOLICITOR'S DESIGNEE, IS THE LEGAL
7 ADVISOR TO THE TRIAL BOARD.

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Title 22. General Provisions.

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Subtitle 2. Public Ethics Law.

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12 **Section 22.206. Financial disclosure statements.**

13 (c) This section applies to members of the following boards and commissions:

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(1) Board of Appeals;

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(2) Planning Board;

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(3) Recreation and Parks Board;

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(4) Public Works Board;

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(5) Ethics Commission;

19

(6) Housing and Community Development Board;

20

(7) Agricultural Preservation Board;

21

(8) Equal Business Opportunity Commission;

22

(9) Historic Preservation Commission;

23

(10) Board of Library Trustees;

24

(11) Howard County Housing Commission;

25

(12) Economic Development Authority Board;

26

(13) Howard County Pension Oversight Commission;

27

(14) Local Behavioral Health Advisory Board;

28

(15) Howard County Alcoholic Beverage Hearing Board;

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(16) Howard County Revenue Authority Board;

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(17) Design Advisory Panel;

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(18) Animal Matters Hearing Board;

- 1 (19) Advisory Board on Consumer Protection;
- 2 (20) Board of Electrical Examiners;
- 3 (21) Board of Health;
- 4 (22) Human Rights Commission; [[and]]
- 5 (23) Police Accountability Board[[]];
- 6 (24) ADMINISTRATIVE CHARGING COMMITTEE; AND
- 7 (25) CIVILIAN MEMBER OF THE TRIAL BOARD, PROVIDED UNDER SECTION 3-106 OF THE
- 8 PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

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10 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that,

11 *to establish the staggering of terms of the initial civilian members to the Administrative*

12 *Charging Committee, as of the effective date of this Act, 1 member shall have a term of 1 year, 1*

13 *member shall have a term of 2 years, and 2 members shall have a term of 3 years.*

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15 ***Section 3. And Be It Further Enacted*** that provisions of this Act shall apply to the civilian

16 *members of the Administrative Charging Committee selected by the Executive and the Police*

17 *Accountability Board prior to the enactment of this Act.*

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19 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland that

20 *this Act shall become effective 61 days after its enactment.*