

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

### Bill No. 83-2021

Introduced by the Chairperson at the request of the County Executive

AN ACT to establish a Police Accountability Board; setting forth the qualifications for members and method of appointment; setting forth the process for selection of the board chairperson; providing for a process to receive certain complaints alleging police misconduct; setting forth the duties of the Board; defining certain terms; providing for the requirement to submit financial disclosure statements; providing for the staggering of initial appointments to the Board; providing for the application of this Act; and generally relating to police accountability in Howard County.

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Introduced and read first time \_\_\_\_\_, 2021. 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 \_\_\_\_\_, 2021.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2021 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 \_\_\_\_\_, 2021 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2021

\_\_\_\_\_  
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 6.346 to Title 6 “County Executive and the Executive Branch”*

4 *By adding Section 17.207 “Police Accountability Board” to Title 17 “Public Protection*  
5 *Services”*

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

7

8 **Title 6. County Executive and the Executive Branch.**

9 **Subtitle 3. Boards and Commissions.**

10

11 **6.346. POLICE ACCOUNTABILITY BOARD.**

12 THERE IS A POLICE ACCOUNTABILITY BOARD. ITS MEMBERSHIP, DUTIES, AND RESPONSIBILITIES  
13 ARE SET FORTH IN SECTION 17.207 OF THIS CODE.

14

15 **Title 17. Public Protection Services.**

16 **Subtitle 2. Police.**

17

18 **SECTION 17.207. POLICE ACCOUNTABILITY BOARD.**

19 (A) *GENERAL PROVISIONS.* GENERAL PROVISIONS APPLICABLE TO THE POLICE ACCOUNTABILITY  
20 BOARD ARE SET FORTH IN SUBTITLE 3, "BOARDS AND COMMISSIONS," OF TITLE 6 “COUNTY  
21 EXECUTIVE AND THE EXECUTIVE BRANCH” OF THIS CODE.

22 (B) *ESTABLISHMENT; METHOD OF APPOINTMENT.* THERE IS A HOWARD COUNTY POLICE  
23 ACCOUNTABILITY BOARD. THE BOARD CONSISTS OF 5 VOTING MEMBERS, APPOINTED BY THE  
24 COUNTY EXECUTIVE AND CONFIRMED BY RESOLUTION OF THE COUNTY COUNCIL, AND 2 NON-  
25 VOTING EX-OFFICIO MEMBERS.

26 (C) *DEFINITIONS.* TERMS USED IN THIS SECTION SHALL HAVE THE FOLLOWING MEANINGS:

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

- 1 (D) *BUDGET AND STAFF*. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE BOARD  
2 THAT SHALL BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE  
3 ADOPTED BY THE COUNTY COUNCIL AND SHALL ASSIGN STAFF AS NEEDED TO THE BOARD,  
4 INCLUDING THE DESIGNATION OF AN EXECUTIVE SECRETARY.
- 5 (E) *MEMBERSHIP, GENERALLY*. TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD  
6 SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL DIVERSITY OF THE COUNTY.
- 7 (F) *MEMBERS; EX-OFFICIO, APPOINTED AND PROHIBITED*.
- 8 (1) *EX OFFICIO, NON-VOTING MEMBERS*. EX OFFICIO, NON-VOTING, MEMBERS SHALL CONSIST OF  
9 THE FOLLOWING:
- 10 I. A DESIGNEE OF THE CHIEF OF POLICE; AND  
11 II. A DESIGNEE OF THE SHERIFF.
- 12 (2) *APPOINTED, VOTING MEMBERS*. APPOINTED, VOTING MEMBERS SHALL:
- 13 I. BE COUNTY RESIDENTS;  
14 II. BE AT LEAST 25 YEARS OF AGE; AND  
15 III. HAVE FAMILIARITY OR EXPERIENCE WITH THE OPERATION OF A GOVERNMENT AGENCY,  
16 CRIMINAL JUSTICE AGENCY, OR COMMUNITY SERVICE ORGANIZATION.
- 17 (3) *PROHIBITED MEMBERS*. AN INDIVIDUAL MAY NOT BE A MEMBER OF THE BOARD IF THEY:
- 18 I. ARE AN ACTIVE POLICE OFFICER, EMPLOYEE OF COUNTY GOVERNMENT, OR EMPLOYEE  
19 OF THE SHERIFF'S OFFICE; OR  
20 II. HAVE BEEN CONVICTED OF A FELONY OR A MISDEMEANOR WITH A STATUTORY  
21 PENALTY OF MORE THAN 2 YEARS.
- 22 (G) *BOARD CHAIRPERSON*. THE COUNTY EXECUTIVE SHALL NOMINATE, AND THE COUNTY COUNCIL  
23 SHALL APPROVE BY RESOLUTION, AN INDIVIDUAL TO SERVE AS THE BOARD CHAIRPERSON WHO  
24 SHALL HAVE FAMILIARITY WITH THE CRIMINAL JUSTICE SYSTEM. THE TERM OF THE  
25 CHAIRPERSON IS 3 YEARS.
- 26 (H) *MEETINGS*. THE BOARD SHALL MEET AT LEAST AT LEAST QUARTERLY.

1 (I) RECORDS. RECORDS SHALL BE MAINTAINED BY THE EXECUTIVE SECRETARY. THE  
2 DEPARTMENT OF COUNTY ADMINISTRATION SHALL ESTABLISH A RECORD RETENTION SCHEDULE  
3 FOR THE RECORDS OF THE BOARD IN ACCORDANCE WITH STATE LAW. THE BOARD AND ITS STAFF  
4 SHALL KEEP CONFIDENTIAL ANY RECORDS PROHIBITED FROM DISCLOSURE UNDER THE MARYLAND  
5 PUBLIC INFORMATION ACT.

6 (J) *DUTIES*. THE BOARD SHALL:

7 (1) HOLD QUARTERLY MEETINGS WITH HEADS OF LAW ENFORCEMENT AGENCIES AND  
8 OTHERWISE WORK WITH LAW ENFORCEMENT AGENCIES WITH JURISDICTION IN THE COUNTY  
9 AND COUNTY GOVERNMENT TO IMPROVE MATTERS OF POLICING;

10 (2) APPOINT CIVILIAN MEMBERS TO CHARGING COMMITTEES AND TRIAL BOARDS;

11 (3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY MEMBERS OF THE PUBLIC; AND

12 (4) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED BY  
13 CHARGING COMMITTEES; AND

14 (5) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A REPORT TO THE COUNTY EXECUTIVE  
15 AND THE COUNTY COUNCIL OF THE COUNTY THAT:

16 (I) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF POLICE OFFICERS IN THE  
17 COUNTY; AND

18 (II) MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT WOULD IMPROVE POLICE  
19 ACCOUNTABILITY IN THE COUNTY.

20 (K) *RECEIPT OF COMPLAINTS*.

21 (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH THE BOARD OR LAW ENFORCEMENT  
22 AGENCY SHALL INCLUDE:

23 (I) THE NAME OF THE POLICE OFFICER ACCUSED OF MISCONDUCT;

24 (II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

25 (III) CONTACT INFORMATION OF THE COMPLAINANT OR A PERSON FILING ON BEHALF OF THE  
26 COMPLAINANT FOR INVESTIGATIVE FOLLOW-UP.

27 (2) A COMPLAINT NEED NOT BE NOTARIZED.

1 (3) A COMPLAINT OF POLICE MISCONDUCT FILED WITH THE BOARD SHALL BE FORWARDED TO  
2 THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN 3 BUSINESS DAYS AFTER RECEIPT  
3 BY THE BOARD.  
4

5 **Title 22. General Provisions.**  
6 **Subtitle 2. Public Ethics Law.**  
7

8 **Section 22.206. Financial disclosure statements.**

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

- 10 (1) Board of Appeals;
- 11 (2) Planning Board;
- 12 (3) Recreation and Parks Board;
- 13 (4) Public Works Board;
- 14 (5) Ethics Commission;
- 15 (6) Housing and Community Development Board;
- 16 (7) Agricultural Preservation Board;
- 17 (8) Equal Business Opportunity Commission;
- 18 (9) Historic Preservation Commission;
- 19 (10) Board of Library Trustees;
- 20 (11) Howard County Housing Commission;
- 21 (12) Economic Development Authority Board;
- 22 (13) Howard County Pension Oversight Commission;
- 23 (14) Local Behavioral Health Advisory Board;
- 24 (15) Howard County Alcoholic Beverage Hearing Board;
- 25 (16) Howard County Revenue Authority Board;
- 26 (17) Design Advisory Panel;
- 27 (18) Animal Matters Hearing Board;
- 28 (19) Advisory Board on Consumer Protection;

- 1 (20) Board of Electrical Examiners;
- 2 (21) Board of Health; [[and]]
- 3 (22) Human Rights Commission[. ]; and
- 4 (23) POLICE ACCOUNTABILITY BOARD.

5

6 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that,  
7 *to establish the staggering of terms of the initial appointees to the Board, 1 appointee shall have*  
8 *a term of 1 year, 2 appointees shall have a term of 2 years, and 2 appointees, one of which shall*  
9 *be the chairperson, shall have a term of 3 years, as provided in the Resolutions that confirm the*  
10 *appointments, which shall become effective July 1, 2022.*

11

12 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland  
13 *that, in accordance with House Bill No. 670 enacted as Chapter 59 of the Laws of Maryland by*  
14 *the Maryland General Assembly during its 2021 Session, the Board may not engage in any of the*  
15 *activities listed in Section 3-102 of the Public Safety Article of the Annotated Code of Maryland*  
16 *until July 1, 2022.*

17

18 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
19 *this Act shall become effective 61 days after its enactment.*