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Sent: Monday, November 8, 2021 7:05 PM
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Subject: Proposed HoCo Police Accountability Board (Bill #83-2021)

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The Police Accountability Task Force of Howard County (PATF-HC) is a group of community activists who are all long-term residents of the county. We organized during the summer of 2020 to take action within Howard County to address issues and concerns around racial inequality/disparities in community policing. We are also excited to be working with significant community organizations in Howard County who share our objectives.

According to the Maryland Police Accountability Act (MPAA) of 2021, the Police Accountability Board has a statutory responsibility to drive accountability and improvements in policing and, as part of this, to review records of complaints, investigations and discipline related to police misconduct.

Considering the intended purpose of this new act, the PATF-HC Steering Committee reviewed the proposed legislation that was submitted by the County Executive for the creation of a Police Accountability Board (PAB) in Howard County (Bill # 83-2021). While we are very pleased that Howard County is moving forward to implement a PAB that will focus on public safety and reinforce public trust, we believe there are fundamental and necessary changes required in this legislation to ensure that it is aligned with the intended purpose of MPAA 2021. **Respectfully therefore, PATF-HC recommends that Bill Number 83-2021 be withdrawn by the County Executive and resubmitted to reflect the following input from the community.**

Specifically, we have categorized our recommended changes under five (5) headings with ten (10) recommendations:

1. Budget and Staff

- a) **Recommendation 1:** From time to time in order to fulfill its duties and responsibilities, the PAB may require input from legal counsel. In preparing the proposed Budget for the PAB, we recommend that the County Executive include appropriate funding for independent legal counsel.
- b) **Recommendation 2:** We recommend that the proposed budget provides funding to ensure that Board members be indemnified by the County for any liability arising from the exercise of the PAB's duties and responsibilities under MPAA 2021.
- c) **Recommendation 3:** For the PAB to be effective, members must be fully knowledgeable of their duties and have a familiarity with the workings of Howard County's criminal justice system. We recommend that the proposed legislation include funding and training resources to ensure that PAB members are provided with the necessary training and tools to be able to effectively perform their duties.

2. Police Accountability Board Structure

- a) **Recommendation 4:** In regards to guidelines for general membership on the Board, we recommend that Section 17.207(E) language be amended to read as follows: *"To the extent practicable, the*

membership of the Board shall reflect the racial, gender, sexual orientation, cultural and social-economic diversity of the Howard County Community.

b) **Recommendation 5:** The current legislative proposal recommends a Board of seven (7) members: two (2) appointed by law enforcement and five (5) appointed by the County Executive. We believe there is value for the Board to have liaisons with Howard County's law enforcement agencies to assist with understanding police policy, procedures, etc. However, we strongly believe that the Board should be fully independent. In order to remove all appearances of conflicts-of-interest, we strongly recommend that law enforcement not have an official seat on the Board. To this end we recommend that law enforcement appoint two (2) liaisons **in an advisory capacity** to the Board (as non-board members).

c) **Recommendation 6:** We believe a seven (7) member Board "with voting rights" is an appropriate size to ensure that the Board reflects the diversity of the community as described above in Recommendation 4. Our recommended composition for the Board is a Board Chairperson and six (6) PAB members with all members having a vote of equal value. The qualifications, duties and responsibilities of the Board Chairperson and PAB members will differ (as outlined below)

3. Qualifications

Regarding Appointed Board Members... Section 17.207(F)(2) – We are in agreement that Board members should be County residents and at least age 25 (i and ii). However, we believe the language in iii is too restrictive and it creates unnecessary firewalls that unfairly limit the community's access to participation on the Board. The language as written would cause the undesired "over weighting" of the Board with ex-law enforcement and ex-Howard County Government employees.

a) **Recommendation 7:** We recommend that Section 17.207(F)(iii) language be modified to read as follows: *"Have a committed interest and have demonstrated active involvement in Howard County community service."*

b) **Recommendation 8:** Because the Board Chairperson will have different duties and responsibilities we believe the Board Chairperson qualifications require a higher degree of familiarity with the criminal justice system. We recommend that Section 17.207(F) be amended as follows to include additional criteria for the Board Chairperson: *Section 17.207(F)(iv) – "In addition to the qualification criteria specified for Police Accountability Board members, candidates applying for Board Chairperson should have direct familiarity with the criminal justice system through demonstrated experience gained from non-policing activities advocating for, or protecting civil rights."*

4. Process for Selection

a) **Recommendation 9:** In submitting the legislation to create this Board, the County Executive said in a statement... *"This Board is an important tool to engage our residents in matters of policing and adds another layer of accountability."* We support this philosophy and we believe **the community should be engaged in the process by helping to select Board members.** The legislation that was submitted has no community engagement built into the selection process. In order to fully engage the community, we recommend that the legislation be amended to accommodate the following proposed selection process:

1. The County Executive announces the establishment of the PAB along with information regarding the qualifications required to be a Board member and Board Chairperson.
2. The County Executive solicits qualified applicants from the community who want to serve on the Board; a period of 30 days is established for community members to submit applications.

3. In addition, community organizations may submit nominations for consideration by the County Executive.
4. The County Executive selects six (6) qualified applicants to serve on the Board as a PAB member and one (1) qualified applicant to serve as Board Chairperson. The initial appointments, as determined by the County Executive, shall have staggered terms as follows: 2 appointees shall have a term of 1 year; 2 appointees shall have a term of 2 years; and 3 appointees, one of which shall be the Board Chairperson, shall have a term of 3 years.
5. The County Executive will communicate the proposed PAB members to the community for comment and to the County Council for final approval. Before the County Council votes on the proposed PAB members, they will announce a designated period for the community to submit written testimony about the proposed candidates.
6. The same process should be followed in subsequent years for filling newly vacated seats on the board. Newly appointed Board members will serve either... (1) for the remainder of the term if they are replacing an existing member before the end of his/her term; or (2) for three years if they are replacing an existing member at the end of his/her term.

5. Duties

We are generally in agreement with the duties as specified in the proposed legislation. However, with the implementation of a new Body-Worn Camera (BWC) program for Howard County law enforcement agencies, we believe certain supplemental duties should be included to align with the intended purpose and philosophy of the BWC program, i.e., the promotion of transparency and accountability in policing.

a) **Recommendation 10:** In order to fulfill the duties and responsibilities of the PAB and to drive accountability and improvements in policing:

1. Any member of the PAB shall have the right to access, review and copy each law enforcement agency's books and records which relate to complaints, investigations and discipline concerning officer misconduct.
2. Any member of the PAB shall have the right to inspect any BWC recording that is (i) relevant to any officer-involved shooting or other use of force incident, or (ii) relevant to any encounter resulting in a civilian complaint (a "Critical Incident BWC Recording").
3. For any Critical Incident BWC Recording that is subject to a request for public release under the MPIO, the Head of the relevant Law Enforcement Agency must, prior to making any claim of an applicable exception to release of the BWC Recording under the MPIO, receive written advice and consultation in writing from the Chairperson of the PAB concerning the nature and extent of the public interest relating to the question of release of the BWC Recording. Such written advice and consultation shall be provided by the Chairperson within five (5) working days of receipt of the request.

At your convenience, we are available to meet with you and the County Council to discuss our recommendations. Please let us know if you have any questions.

Respectfully, Ted Stewart

On behalf of the Police Accountability Task Force – Howard County (Steering Committee)