

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.

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

Scaled 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.***

Amendment 1 to Council Bill No. 83-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 19
Date: December 6, 2021**

Amendment No. 1

(This amendment changes membership as follows:

- 1. It changes the number of members to be 7;*
- 2. It provides that 5 members shall be reside in each Councilmanic District and 2 members shall be "at-large";*
- 3. It removes the ex-officio members; and*
- 4. It requires that the membership of the board also reflect the gender identity or expression of the County.)*

1 On page 1, in line 23, strike "5" and substitute "7".

2

3 On page 1, in line 24, strike ", AND 2 NON-".

4

5 On page 1, in line 25, strike "VOTING EX-OFFICIO MEMBERS" and, in the same line, after the
6 period, insert "ONE MEMBER SHALL RESIDE IN EACH OF THE COUNTY'S FIVE COUNCILMANIC
7 DISTRICTS AND TWO MEMBERS MAY RESIDE IN ANY COUNCILMANIC DISTRICT.".

8

9 On page 2, in line 6, after "GENDER" insert "IDENTITY OR EXPRESSION".

10

11 On page 2, in line 7, strike "EX-OFFICIO,".

12

13 On page 2, strike lines 8 through 11, in their entirety.

14

15 On page 2, in line 12, strike "(2)" and substitute "(1)".

16

17 On page 2, in line 17, strike "(3)" and substitute "(2)".

Amendment 2 to Council Bill No. 83-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 19
Date: December 6, 2021**

Amendment No. 2

(This amendment clarifies that the process to designate the Board Chairperson is set out in State law. Unlike the process set out in 3.609 of the Howard County Code that allows the Board membership to select officers, State law specifically says that the Chairperson shall be appointed by the governing body.)

- 1 On page 2, in line 22, after "*CHAIRPERSON.*", strike "THE" and substitute "IN ACCORDANCE WITH
- 2 SECTION 3-102(B) OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
- 3 THE".

Amendment 3 to Council Bill No. 83-2021

BY: The Chairperson at the request
of the County Executive

Legislative Day 19
Date: December 6, 2021

Amendment No. 3

(This amendment requires that members are subject to a background check and will be required to sign a Nondisclosure Agreement.

(This amendment also makes a technical correction to clarify that the Chairperson will also be a member of the board.)

1 On page 2, strike line 5, and substitute:

2 “(E) MEMBERSHIP, GENERALLY; CRIMINAL HISTORY AND CHARGES WHILE SERVING.

3 (1) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD”.

4

5 On page 2, after line 6, insert:

6 “(2) ALL MEMBERS SHALL HAVE A CRIMINAL HISTORY BACKGROUND CHECK PERFORMED AS A

7 CONDITION OF APPOINTMENT. MEMBERS WHO ARE CONVICTED OF A FELONY OR A MISDEMEANOR

8 WITH A STATUTORY PENALTY OF MORE THAN 2 YEARS DURING THEIR TERM AS A MEMBER SHALL

9 REPORT THE SAME TO THE COUNTY EXECUTIVE AND MAY BE SUBJECT TO REMOVAL IN

10 ACCORDANCE WITH SECTION 6.302 OF THIS CODE.”.

11

12 On page 2, in line 23, after “INDIVIDUAL” insert “, WHO IS ALSO A MEMBER OF THE BOARD.”.

13

14 On page 3, in line 5, after “ACT.” insert “MEMBERS OF THE BOARD SHALL SIGN THE NECESSARY

15 CONFIDENTIALITY OR NONDISCLOSURE AGREEMENTS.”.

Amendment 4 to Council Bill No. 83-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 19
Date: December 6, 2021**

Amendment No. 4

(This amendment adds a requirement that the Board meet regularly with community youth representatives.)

1 On page 3, in lines 11 and 13, strike "AND".

2

3 On page 3, after line 13, insert:

4 "(5) AT LEAST TWICE A YEAR, MEET WITH COMMUNITY YOUTH REPRESENTATIVES INCLUDING,
5 WITHOUT LIMITATION, THE STUDENT MEMBER OF THE BOARD OF EDUCATION; AND"

6

7 On page 3, in line 14, strike "(5)" and substitute "(6)".

Amendment 5 to Council Bill No. 83-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 19
Date: December 6, 2021**

Amendment No. 5

(This amendment makes a technical correction to insert a cross reference to the electronic reporting requirement of Section 22.1000 of the County Code.)

- 1 On page 3, in line 17, strike "AND".
- 2
- 3 On page 3, in line 19, after "COUNTY", strike the period and substitute ";AND".
- 4
- 5 On page 3, after line 19, insert:
- 6 "(III) COMPLIES WITH SECTION 22.1000 OF THIS CODE."

Amendment 6 to Council Bill No. 83-2021

BY: The Chairperson at the request
of the County Executive

Legislative Day 19
Date: December 6, 2021

Amendment No. 6

(This amendment provides that Board Members may be required to undergo relevant training and that certain staff be appointed.)

1 On page 4, in line 4, insert:

2 “(L) TRAINING. BOARD MEMBERS MAY BE REQUIRED TO ATTEND RELEVANT TRAINING.

3 (M) STAFF; LIAISONS WITH LAW ENFORCEMENT AGENCIES. IN ADDITION TO STAFF REQUIRED BY

4 SECTION 6.311 OF THIS CODE, THE CHIEF OF POLICE AND SHERIFF SHALL EACH DESIGNATE AN

5 INDIVIDUAL TO SERVE AS A LIAISON TO FACILITATE THE PROVISION OF ANY NEEDED DATA,

6 REPORTS, OR WRITTEN DIRECTIVES, OR TO ASSIST WITH UNDERSTANDING RELEVANT POLICIES AND

7 PROCEDURES.”.

Sayers, Margery

From: patf.hoco@gmail.com
Sent: Friday, December 3, 2021 3:56 PM
To: Ball, Calvin; CouncilMail; Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb; Yungmann, David
Cc: 'Jacqueline Akinpelu'; 'bill cozzo'; 'Jim Gormley'; 'Faye Page'; 'Ted Stewart'; 'Hiruy Hadgu'; Arthurs, Maureen; Blum, Matthew
Subject: Proposed HoCo Police Accountability Board (Bill #83-2021)
Attachments: Authority to include PATF-HC Recommendations for PAB.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The Police Accountability Task Force of Howard County (PATF-HoCo) has raised some serious concerns related to the pending legislation (Bill # 83-2021) submitted by the County Executive to create a Police Accountability Board pursuant to the requirements of the Maryland Police Accountability Act of 2021. These concerns are shared by a broad coalition of community organizations active in our County.

In its email dated November 8, 2021, PATF-HoCo communicated its concerns to County Leadership, provided a number of key recommendations, and called for the Administration to engage with PATF-HoCo to review these recommendations and amend the proposed legislation to address our concerns.

We are pleased that Dr. Ball has responded by introducing amendments that incorporate one or two our recommendations. Nevertheless, there are many key recommendations that have still not yet been addressed which would greatly enhance the ability of the PAB to enhance police accountability in our County. **In the circumstances, we continue to call for Bill #83-2021 to be tabled at the County Council legislative session on December 6, 2021.** We seek the opportunity for meaningful engagement with County Leadership to ensure that the HoCo Police Accountability Board is "best in class," meets the needs of our community and enhances police accountability in our County.

In response to numerous questions raised by County Council members at the legislative working session on November 17, 2021, we have prepared a paper which discusses the legislative authority of the County Executive and the County Council to adopt the recommendations provided by PATF-HoCo. PATF-HoCo believes that the County Executive, and/or the County Council have full authority to adopt PATF-HoCo's recommended amendments to Bill # 83-2021 to address our Community's concerns.

Sincerely,
PATF-HoCo
By James Gormley

Police Accountability Task Force of Howard County
Recommendations for Amendment of HoCo Bill 83-2021
Relating to the Establishment of a Police Accountability Board
12/3/21

Introduction

This paper is submitted by the **Police Accountability Task Force of Howard County (PATF-HoCo)** and discusses the legislative authority of the County Executive and the County Council to adopt the recommendations provided by PATF-HoCo relating to the establishment of the HoCo Police Accountability Board (PAB), as mandated by the Maryland Police Accountability Act of 2021 (MPAA).

PATF-HoCo's recommendations were provided in detail in its email of November 8, 2021. A summary of those recommendations is now attached as Exhibit A.

PATF-HoCo believes that the County Executive, and/or the County Council have full authority to adopt PATF-HoCo's recommended amendments to Bill # 83-2021 to address our Community's concerns.

We submit the following for your consideration.

The MPAA provides a clear requirement and authority for each "local governing body" to adopt legislative provisions to establish the PAB membership, budget and staff, and to appoint a PAB Chair with relevant experience

1. The MPAA does this by adding a new Subtitle to the Public Safety Article of the Annotated Code of Maryland entitled Subtitle 1. "Police Accountability and Discipline." 3-102 (B) (1) of that Subtitle provides:

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

- 1. establish the membership of a Police Accountability Board;*
- 2. establish the budget and staff for a police accountability board;*
- 3. appoint a chair of the Police Accountability Board who has relevant experience to the position; and*
- 4. establish the procedures for record keeping by a Police Accountability Board.*

(ii) An active police officer may not be a member of a police accountability board

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2. The MPAA does not otherwise provide any other details or mandatory requirements relating to the above items, except as otherwise noted, thus leaving the “local governing body” to fill in such details.
3. For this purpose, the “local governing body” is clearly delineated by both the Howard County Charter (Article 4, section 404) and the Howard County Code (Title 6, Subtitle 3, Sec. 6.300 (a), which both provide that citizen boards are to be *appointed by the County Executive with confirmation by the County Council*.

The “local governing body” may, in executing the MPAA mandate to establish a PAB, adopt specific provisions as it deems necessary and appropriate relating to PAB constitution, selection process, membership and qualifications, and duties and responsibilities

4. Title 6, Subtitle 3 of the HoCo Code also contains detailed provisions addressing membership, appointment, terms, vacancies, compensation, officers, legal assistance, removal, absences, resignations, suspensions, meetings, rules of procedure and general duties and responsibilities for Boards and Commissions covered by this subtitle.
 - However, it is also clear from the provisions of Title 6, Subtitle 3 that the County may **separately provide** for any or all of the above items. As such, County leadership is clearly authorized to adopt the specific recommendations made by PATF-HoCo relating to the PAB selection process and requirements for Board membership, and to the PAB’s duties and responsibilities. Title 6, Subtitle 3, Sec. 6.306 provides:

*The provisions of this subtitle relating to membership, appointment, terms, vacancies, compensation, officers, legal assistance, removal, absences, resignations, suspensions, meetings, rules of procedure, and general duties and responsibilities of Boards and Commissions shall apply to all Boards and Commissions listed in this subtitle, **unless specific provisions are otherwise listed.** [emphasis added]*

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**The PAB may be granted a right of access to the books and records of
HoCo Law Enforcement Agencies' books and records
for purposes related to the exercise of the PAB's duties**

5. With respect to the PATF-HoCo recommendations relating to the PAB's right to access Agency books and records (including BWC Recordings), such a right of access is inherent in and necessary to the execution of the duties and obligations of the PAB.

- Under Subtitle 1, section 3-102 (A) of the MPAA, duties of the MPAA shall include, amongst other items:

hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;

....

On or before December 31 each year, submit a report to the governing body of the county that:

- 1. identifies any trends in the disciplinary process of police officers in the county; and*
- 2. makes recommendations on changes to policy that would improve police accountability in the county*

6. The Howard County Charter expressly authorizes the grant of such right of access to the PAB. Article IX, section 910 provides:

The Council, the Executive, the Personnel Board, the County Board of Appeals, the County Auditor and such other officers or agencies of the County as may be so empowered by ordinance of the Council or otherwise by law shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

7. It is also clear that the County Executive has authority to grant such access to the PAB. Title 6, Subtitle 3 – Boards and Commissions, Sec. 6.311 provides:

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The County Executive shall provide each Board or Commission with additional services, facilities and staff as are necessary or appropriate for the proper performance of its duties and responsibilities and as provided in the Howard County budget.

PATF-HoCo's recommendation that the PAB Chair should have an "advise and recommend" role relating to potential release of BCW recordings of "Critical Incidents" is expressly contemplated and authorized by the Howard County Charter

8. Section 404 of the Howard County Charter provides that Citizen Boards appointed by the County Executive (with confirmation by the County Council) may "*conduct studies and reviews, **advise and recommend**, and assume other functions as defined by law.*" [emphasis added]

**The PAB may be authorized to retain independent legal counsel
and to receive a budget for this purpose**

9. Section 405 of the Howard County Charter provides:

*(b) ...**Except as otherwise provided in this Charter** [emphasis added], no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Solicitor...*

...

*(d)... Nothing in this Charter shall be construed as preventing the Executive from engaging the services for a temporary period of any attorney or attorneys **for legal work of an extraordinary nature when the work to be done is of such character or magnitude as to require legal services in addition to those provided by the Office of Law.***
[emphasis added]

10. The PAB will inevitably be required on occasion to seek independent legal advice (so that a conflict of interest can be avoided), rather than receive legal advice from the

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County Solicitor while that office simultaneously provides legal advice to the Police Department on the same matter or issue involving oversight by the PAB of that Department.

**It is within the Power of County Leadership
to provide an indemnity from liability for PAB Board members
acting within the scope of their official duties**

11. It is clear that PAB members can (and in the view of the PATF-HoCo should) receive the benefit of an indemnity from liability for acts/omissions within the scope of their responsibilities, pursuant to the *Local Government Tort Claims Act*, and pursuant to *Title 23, section 23.304 Of the Howard County Code*. The PAB legislation should contain an irrevocable legislative approval from the County Executive for such an indemnity, if the situation is otherwise covered by these statutory provisions.

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Attachment A

Summary of PATF-HoCo Recommendations

1. Police Accountability Board Composition

- The PAB Board should be composed of a Chair-person and six (6) voting PAB members, reflecting to the extent practicable the racial, gender, **sexual orientation**, cultural and **social-economic** diversity of the Howard County Community. [emphasis added to highlight PATF-HoCo's changes from the existing proposed language in 83-2021]
- Law enforcement should have no role in appointing PAB Board members, but rather law enforcement should be required to appoint two (2) liaisons **in an advisory capacity only** to the Board (as non-board members).
- PAB Board members should be County residents, at least 25 years of age, and **have a committed interest and demonstrated active involvement in Howard County community service**. [emphasis added to highlight PATF-HoCo's changes from the existing proposed language in 83-2021]
- The PAB Board Chair should also have direct familiarity with the criminal justice system through demonstrated experience gained from non-policing activities advocating for, or protecting civil rights.

2. Process for Selection of PAB Board Members

- In order to fully engage the community, the following selection process should be adopted:
 - The County Executive solicits qualified applicants from the community who want to serve on the Board and/or as the PAB Board Chair; a period of 30 days is established for community members to submit applications.
 - Community organizations may also submit nominations for consideration by the County Executive.
 - The County Executive shall select and submit to the County Council for approval, 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

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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.

- Before the County Council votes on the proposed PAB Board members, there shall be a designated period for the community to submit written testimony about the proposed candidates.
- 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.

3. PAB Board Budget and Staff

- Include PAB budget for independent legal counsel.
- Provide indemnity for PAB Board members in the exercise of their official duties.
- Provide training resources for PAB Board members.

4. PAB/BWC Program-Related Provisions

- In order to fulfill the duties and responsibilities of the PAB and to drive accountability and improvements in policing:
 - 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.
 - 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").
 - For any Critical Incident BWC Recording that is subject to a request for public release under the MPIA, 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 MPIA, 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.

Office of the County Auditor
Auditor's Analysis

Council Bill No. 83-2021

Introduced: November 1, 2021

Auditor: Owen Clark

Fiscal Impact:

This legislation is expected to result in general fund expenditures that the Administration estimates may range from \$160,000 to \$190,000. The planned components of these costs are:

- An Executive Secretary position for the Police Accountability Board,
- Stipends for the Administrative Charging Committee and Trial Board members,
- Expenses for database development, and
- Reimbursement of expenses for board or committee activities.

Please see **Attachment A** for an expanded summary of these cost components.

Purpose:

The purpose of this legislation is to update the County Code with the State mandates created by the Maryland Police Accountability Act of 2021, which was passed via Maryland House Bill 670. This mandate includes establishing, staffing, and budgeting for a Police Accountability Board to meet quarterly with the County's head of law enforcement and County government officials.

- The Police Accountability Board will:
 - Appoint civilian residents to an Administrative Charging Committee and Trial Board.
 - Receive complaints of police misconduct filed by members of the public.
 - Review outcomes of disciplinary matters considered by the Administrative Charging Committee on a quarterly basis.
 - Submit an annual report identifying trends and recommendations to improve police accountability in the County.
- The Administrative Charging Committee will:
 - Review findings of the County law enforcement agencies' investigations of police misconduct.

- Be composed of the Chair of the Police Accountability Board or its designee, two civilian members selected by the Police Accountability Board, and two civilian members selected by the Chief Executive Officer of the County.
- The Trial Board will:
 - Adjudicate matters for which a police officer is subject to discipline.
 - Be composed of:
 - An active service or retired administrative law judge or a retired judge of the District Court or a Circuit Court, appointed by the Chief Executive Officer of the County;
 - A civilian appointed by the Police Accountability Board; and
 - A Police Officer of equal rank to the police officer who is accused of misconduct and appointed by the head of the law enforcement agency.

Other Comments:

NOTE: Per our Office's review of the Fiscal Note for Maryland House Bill 670, the Maryland Police Accountability Act of 2021 is increasing the current liability limits under the Local Government Tort Claims Act. The County's Administration has confirmed this change is likely to increase the cost of the County's excess insurance premiums that are paid out of the Risk Management Fund.

Per County Administration:

- The Administration plans to appoint the five members of the Board to be confirmed by the Council after passage of this legislation but no later than July 1, 2022.
- The Police Accountability Board, once established, will appoint the members of the Administrative Charging Committee.
- The Police Accountability Board will appoint members to the Trial Boards as needed (when an officer challenges the decision of the Administrative Charging Committee).
- The Maryland Police Training and Standards Commission may approve the regulations necessary to implement the Maryland Police Accountability Act in January 2022, along with training resources for the Accountability Board, Administrative Charging Committee, and Trial Board members.
- While not yet finalized, the Administration is considering funding these costs in the County Administration's operating budget to avoid any perceived conflict of interest between the Office of the County Sheriff or Police Department and the proposed boards and committee.

Attachment A

The Administration has provided the following information related to each cost component of implementing this legislation.

Executive Secretary position for the Police Accountability Board

Based on the expectation of an increase in external complaints subject to this legislation and the likelihood that most, if not all, cases will go to a Trial Board, a full-time position is expected to be needed. Based on this position providing support to the Police Accountability Board, Administrative Charging Committee, and Trial Boards and being the primary public contact for fielding all board questions, an Administrative Analyst I classification is under consideration. (Salary and benefits for this Grade I position will range from \$76k to \$126k.)

Stipends for Administrative Charging Committee and Trial Board members

There is no pay requirement in the State or local legislation for members of the Administrative Charging Committee or Trial Board. However, due to the potential time commitment involved, the Administration is considering providing a stipend in addition to reimbursement of expenses.

The Administrative Charging Committee is a standing committee required to meet once a month or as needed. As a result of this time commitment, consideration is being given to provide each of the five members a \$50 stipend per meeting.

For the Trial Board, it may be difficult to find judges to serve without pay. The Administration is reviewing the possibility of providing an hourly pay or a fixed payment per case. A civilian member of a Trial Board is only active for a single case, so their time commitment is short term by nature. To achieve equitable treatment with Administrative Charging Committee members, a \$50 stipend per meeting is being considered. An officer appointed by agency will be on regular pay.

Database development

The Police Department expects a cost of about \$2,000 to create a module in its existing internal affairs compliant software to track the status of complaints.

The Sheriff's Office plans to post a spreadsheet to a website with the required information to be updated as needed. No additional costs are expected from the Sheriff's Office.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Paula Seabright, have been duly authorized by
(name of individual)

Howard Progressive Project to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

CB83
County Council regarding _____ to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Paula Seabright

Signature: 

Date: 11/14/2021

Organization: Howard Progressive Project

5305 Village Center Drive #293 Columbia, MD 21044
Organization Address: _____

Number of Members: 9
Kelly Lee

Name of Chair/President: _____

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.

Good evening Chair Walsh and esteemed members of the council. My name is Paula Seabright and I am here tonight representing the Howard Progressive Project to relay our support of Council Bill 83, which would establish a Police Accountability Board in Howard County.

Since George Floyd's death in late May of 2020, 24 states and the District of Columbia have passed legislation to expand oversight of police agencies. We are happy to see that Howard County has an interest in becoming one of over 160 jurisdictions that have enabled a civilian agency or board.

The National Association for Civilian Oversight of Law Enforcement lists thirteen benefits to civilians, law enforcement officials as well as elected officials that come from having civilian oversight of law enforcement. I will not list them all out, but rather have selected a few.

First and maybe the most obvious, Oversight boards can help hold law enforcement agencies accountable for officer's actions, as well as improve the quality of internal investigations. Second, oversight boards can also be a vehicle for improving community relations by fostering communication between the community and the agencies, and third, oversight boards can assist the community in understanding law enforcement policy and procedures.

The agency states that "All of these potential benefits help to support the goals of community-oriented policing, which seeks to utilize problem solving techniques to work in a cooperative effort with the community to proactively address concerns." We agree.

CB83 calls for five members, with a minimum age of 25. We are hoping that the council will consider amending the minimum age to include a youth member who is between the ages of 16 and 19 and attends a high school in Howard County. We believe it is important to have a youth perspective on boards and commissions and this board should be no different. While many of us have children and believe that we fully understand their concerns and perspective, we are seeing it through our own distorted lens. Only the voice of a youth can relay the actual concerns of the youth in our community.

And as there has been much attention paid to the role of police in schools, we also are hoping the council will consider amending the duties in section J to include a quarterly examination of trends involving SROs and other officers within Howard County Public Schools. We feel it is critical that a regular unbiased review of police interactions occurs, with the goal of protecting our students from overzealous actions of officers, and ensuring that officers are adhering to their sworn duties within the schools and not stepping into roles for which they may not be properly trained.

Thank you for giving me the opportunity to speak, and thank you for considering this important bill. This commitment to accountability and transparency in our law enforcement agencies will make our agencies and their relationships with the residents of Howard County even stronger.

Steven M. Bolen
11101 Resort Rd #237
Ellicott City, MD 21042

Honorable Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

RE: Testimony; CB83-2021 - AN ACT to establish a Police Accountability Board

SUPPORT

Good Evening, Honorable Howard County Council,

My name is Steven Bolen, and I live in Ellicott City, County Council District 5.

I am a member of the Howard County Police Department's Citizens' Advisory Council (CAC), but I present testimony tonight as a private citizen in support of CB83-2021: Legislation Establishing Police Accountability Board for Howard County with consideration of amendments.

The Maryland Police Accountability Act of 2021 mandates the creation of a County-wide Police Accountability Board that will provide for a process to receive certain complaints alleging police misconduct.

I support the establishment of an Accountability Board, as I'm sure most fair-minded citizens of this County would. In our county, we have long held policies of zero tolerance for police misconduct, and I have seen first-hand, as a member of the CAC, that the Department is committed to transparency and adherence to the highest professional standards.

As per Section 17.207(B), the Board would consist of five voting members appointed by the County Executive and affirmed by the County Council. I urge the County Executive and Council to appoint and affirm individuals that represent our County's diversity not just in terms of race, gender, culture, etc., but also geography.

As a resident of Western Howard County, I would like to ensure equal representation on the Board for the district I live in and for the County in its entirety. I further urge that Board members be selected based on their familiarity with our local law enforcement practices and policies and criminal justice system. But, just as importantly, that they demonstrate fair, reasonable, equitable, unbiased, and impartial decision-making.

I support the Bill, but emphasize to this good Council the need for fair representation when seating the Board in the future.

Respectfully Submitted,
Steven M. Bolen

Sayers, Margery

From: Hiruy Hadgu <hadguhiruy@gmail.com>
Sent: Monday, November 15, 2021 8:30 PM
To: CouncilMail
Cc: Sayers, Margery
Subject: CB83-2021 Police Accountability Board

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Members of the County Council,

I urge the county council to table the legislation as requested by the Police Accountability Task Force (PATF) to ensure adequate community input is received.

The community input will help rectify the many deficiencies described, not least of which is the existence of the appearance of conflict of interest due to the make-up of the Police Accountability Board.

I also urge the county council to allow the PAB to have subpoena power, similar to Article 9, Section 910 of the County Code.

https://library.municode.com/md/howard_county/codes/code_of_ordinances?nodeId=HOCOCH_ARTIXGEPR_S910SUP
Q

There are several documented issues, including during recent Zoning Board hearings where witnesses were prevented by the Administration from appearing before the Zoning Board.

Accordingly, unequivocal subpoena power would ensure compliance with the Boards request for evidence and witnesses.

Best Regards,

Hiruy.

November 15, 2021

Members of the Council,

Thank you for this opportunity to testify regarding Council Bill 83-2021 which proposes the formation of a Police Accountability Board. Although I am happy to see the County moving forward to put this board in place, I believe that there are many ways in which the proposed legislation must be improved. Hopefully others will point some of those out in their testimonies. I want to focus tonight on the composition of the board, an area in which I believe the County Executive's legislation is greatly flawed. In particular, I am alarmed by the legislation's proposal that the board include members of the Howard County police and sheriff's office, even in a non-voting capacity. The purpose of the board, to my understanding, is to represent the interests of the community in ensuring that the workings of Howard County law enforcement are transparent to the public and that misconduct by law enforcement is dealt with openly, swiftly and in a way that is proportionate to the offense. To maintain its own credibility, it is critical that the board be free of influence from the police and sheriff's office and avoid any possible conflicts of interest. We are all familiar with the analogy of the fox guarding the hen house. Although I do not want to imply any dishonor on the part of Howard County law enforcement, nevertheless, I believe that it is totally inappropriate for the police and sheriff's office to be represented on this watchdog organization. The board must reflect the ethnic, gender, sexual orientation and social-economic diversity of Howard County, and thus should be composed of at least seven members. However, these members should be free of any current association with the Howard County police and sheriff's office. Any need for the Police Accountability Board to receive input from the police or sheriff's office can be satisfied by appointing liaisons from those offices to serve in an advisory capacity as non-board members. I will even go farther and say that the numbers of board members who are ex-members of the Howard County police or sheriff's office should be strictly limited.

This legislation was created without adequate consultation with or input from the residents of Howard County. County residents are depending on you to reject this legislation as written and demand that the independence of this board be clearly established.

Thank you for your attention and consideration of this important component of this legislation.

Jacqueline Akinpelu
12048 Open Run Road
Ellicott City, MD 21042

November 15, 2021

To: Howard County Council

From: Sue Emerson – Chair, Howard County Police Foundation

Re: Police Accountability Board

On behalf of the Howard County Police Foundation, I would like to express the board's support for the Police Accountability Board and to urge the Council to ensure that individuals with appropriate expertise and unbiased views are appointed.

Established in 1994, the Howard County Police Foundation supports the department by fundraising to support innovative and new programs that are not funded by the county budget. Current programs receiving financial support from the Police Foundation include the Bear Trax youth mentoring program and camp, Collision Avoidance Training for teen drivers, the Community Athletic Program mobile recreation center and National Night Out Against Crime. We are also providing support for health and wellness programs for department personnel that has been mandated by the state legislature, and ongoing community engagement efforts.

We have also provided funding for new equipment such as drones, specialized training, and the purchase of bicycles to allow for additional patrols on pathways and trails. In addition, the Foundation funds scholarships for officers who are pursuing their education and honors outstanding work by police officers and civilian employees at the department's award ceremony each year.

Our support for these programs is done with the full recognition that the police department and the officers who serve are committed to the well being of our community. We are assured by their leadership on a regular basis about ongoing training initiatives that enables officers to respond with appropriate awareness and skill. We strongly support the training and development of a culture that recognizes the balance of law enforcement that keeps our community safe while ensuring that citizens' rights are respected.

The Foundation has been proud to offer its support alongside the department's leadership, and we believe we have been effective partners in recognizing the above principles. Again, while we support citizen oversight, we believe it will be most beneficial if fair and impartial individuals take the time and concern to become familiar with the actual operations with the Howard County Police department and get to know how they have prioritized community engagement and transparent operations.

Thank you for the opportunity to provide this information. My contact information is below; please feel free to contact me at any time for further information.

Sue Emerson
Chair, Howard County Police Foundation
Sue.emerson@comcast.net
410-294-0291



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Ted Stewart, have been duly authorized by
(name of individual)

Police Accountability Task Force of Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding 83-2021 to express the organization's
(bill or resolution number)

support for opposition to request to amend this legislation.
(Please circle one.)

Printed Name: Ted Stewart

Signature: Ted Stewart

Date: November 14, 2021

Organization: Police Accountability Task Force of Howard County

Organization Address: 11820 Homewood Rd, Ellicott City, MD

Number of Members: _____

Name of Chair/President: No President / Ted Stewart on behalf of PATF-HC Steering Committee

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.

Sayers, Margery

From: PATF HoCo <patf.hoco@gmail.com>
Sent: Monday, November 8, 2021 7:05 PM
To: Ball, Calvin; CouncilMail; Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb; Yungmann, David
Cc: Jacqueline Akinpelu; bill cozzo; Jim Gormley; Faye Page; Ted Stewart; Hiruy Hadgu
Subject: Proposed HoCo Police Accountability Board (Bill #83-2021)

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

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 MPIA, 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 MPIA, 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)



OFFICE OF BUDGET

Date: October 21, 2021

To: Lonnie Robbins
Chief Administrative Officer

From: Holly Sun
Budget Administrator

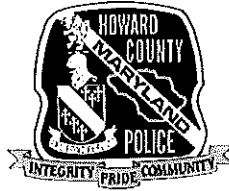
Subject: Fiscal Impact for Establishing Police Accountability Board

The Maryland Police Accountability Act of 2021 mandates the creation of a County-wide Police Accountability Board to meet quarterly with the heads of law enforcement and the county government to improve local policing; appoint civilian residents to charging committees and trial boards; receive complaints; review outcomes of disciplinary matters considered by charging committees; and submit an annual report identifying any trends and offering recommendations to improve police accountability in the county.

Fiscal Impact

The State legislation requires an Administrative Charging Committee and Trial Boards, which may result in the need for a designated position, such as an Executive Secretary. The County will review internal capacity to cover these duties. Additionally, there may be a need to compensate those who participate on the Trial Boards as trials may take several days and require significant time commitment from members. Costs may be incurred for expert testimony in certain cases. Actual cost will depend on cases involved. Although the number of historical external complaints in the County subject to this legislation are low, typically under 20 per year, an increase is likely based on this legislation and the implementation of the Body Worn Camera program.

CALVIN BALL
County Executive



LISA D. MYERS
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE

DATE: October 21, 2021
FROM: Chief Lisa D. Myers *AM*
TO: Lonnie Robbins, Chief Administrative Officer
SUBJECT: Legislation Establishing Police Accountability Board for Howard County CB83-2021

The Maryland Police Accountability Act of 2021 mandates the creation of a County-wide Police Accountability Board to meet quarterly with the heads of law enforcement and the county government to improve local policing; appoint civilian residents to charging committees and trial boards; receive complaints; review outcomes of disciplinary matters considered by charging committees; and submit an annual report identifying any trends and offering recommendations to improve police accountability in the county.

Howard County is fortunate to have a well-trained Police Department and Sheriff's Office that has earned and continues to hold the trust and respect of County residents and receives minimal complaints. Our commitment to quality service, community policing, transparency and social justice remains strong.

The Howard County Police Department will work closely with County Administration and County Council to provide all required information and technical assistance as they appropriately establish the membership of the board; create the budget and staff needed, appoint an impartial chair with relevant experience; and establish needed procedures to promote the community's confidence in this new entity.

We anticipate the Board will reassure the community that they are served by agencies of integrity and equity. We have long-held policies of zero tolerance for misconduct and are committed to operating with transparency. We welcome an independent board to observe first-hand the high standards we hold for every officer and share with us if there are any situations in which they believe we are not living up to those principles. As an organization, we expect no less from every member. Therefore, I offer this written testimony of support for local legislation establishing the Howard County Police Accountability Board, as mandated by House Bill 670.

