

Introduced 11-1-2021
Public Hearing 11-15-2021
Council Action 2-7-2022
Executive Action 2-9-2022
Effective Date 4-11-2022

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 Nov 1, 2021. Ordered posted and hearing scheduled.

By order

Michelle Harrod
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 Nov 15, 2021.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on Feb 7, 2022, 2021 and Passed , Passed with amendments , Failed .

By order

Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9 day of Feb, 2022 at 2 a.m./p.m.

By order

Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive

Feb 9, 2022, 2021

Calvin Ball
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

Tabled 12-6-2021
Extended & Tabled 1/4/2022

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 Services”
5 By amending subsection (c) of Section 22.206. Financial disclosure statements.

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

8 **Subtitle 3. Boards and Commissions.**

9
10 **6.346. POLICE ACCOUNTABILITY BOARD.**

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

13
14 **Title 17. Public Protection Services.**

15 **Subtitle 2. Police.**

16
17 **SECTION 17.207. POLICE ACCOUNTABILITY BOARD.**

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

21 (B) *ESTABLISHMENT; METHOD OF APPOINTMENT.* THERE IS A HOWARD COUNTY POLICE
22 ACCOUNTABILITY BOARD. THE BOARD CONSISTS OF 5 ~~7~~ VOTING MEMBERS, APPOINTED BY THE
23 COUNTY EXECUTIVE AND CONFIRMED BY RESOLUTION OF THE COUNTY COUNCIL, ~~AND 2 NON-~~
24 ~~VOTING EX-OFFICIO MEMBERS.~~ ONE MEMBER SHALL RESIDE IN EACH OF THE COUNTY’S FIVE
25 COUNCILMANIC DISTRICTS AND TWO MEMBERS MAY RESIDE IN ANY COUNCILMANIC DISTRICT.

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
28 PUBLIC 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 ADOPTED
3 BY THE COUNTY COUNCIL AND SHALL ASSIGN STAFF AS NEEDED TO THE BOARD, INCLUDING THE
4 DESIGNATION OF AN EXECUTIVE SECRETARY.

5 ~~(E) *MEMBERSHIP, GENERALLY.* TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD~~

6 (E) *MEMBERSHIP, GENERALLY; CRIMINAL HISTORY AND CHARGES WHILE SERVING.*

7 (1) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE
8 RACIAL, GENDER, IDENTITY OR EXPRESSION, SEXUAL ORIENTATION, SOCIO-ECONOMIC, AND
9 CULTURAL DIVERSITY OF THE COUNTY.

10 (2) ALL MEMBERS SHALL HAVE A CRIMINAL HISTORY BACKGROUND CHECK PERFORMED AS
11 A CONDITION OF APPOINTMENT. MEMBERS WHO ARE CONVICTED OF A FELONY OR A MISDEMEANOR
12 WITH A STATUTORY PENALTY OF MORE THAN 2 YEARS DURING THEIR TERM AS A MEMBER SHALL
13 REPORT THE SAME TO THE COUNTY EXECUTIVE AND MAY BE SUBJECT TO REMOVAL IN
14 ACCORDANCE WITH SECTION 6.302 OF THIS CODE.

15 (F) *MEMBERS; EX-OFFICIO, APPOINTED AND PROHIBITED.*

16 ~~(1) — *EX OFFICIO, NON-VOTING MEMBERS.* EX OFFICIO, NON-VOTING, MEMBERS SHALL~~
17 ~~CONSIST OF THE FOLLOWING:~~

18 ~~I. — A DESIGNEE OF THE CHIEF OF POLICE; AND~~

19 ~~H. — A DESIGNEE OF THE SHERIFF.~~

20 ~~(2) (1) APPOINTED, VOTING MEMBERS SHALL:~~

21 ~~(I) BE COUNTY RESIDENTS;~~

22 ~~(II) BE AT LEAST 25 YEARS OF AGE; AND~~

23 ~~(III) HAVE FAMILIARITY OR EXPERIENCE WITH THE OPERATION OF A~~

24 ~~GOVERNMENT AGENCY, CRIMINAL JUSTICE AGENCY, OR COMMUNITY SERVICE~~

25 ~~ORGANIZATION. HAVE A COMMITTED INTEREST AND DEMONSTRATED ACTIVE~~

26 ~~INVOLVEMENT IN HOWARD COUNTY COMMUNITY SERVICE.~~

27 ~~(3) (2) AN INDIVIDUAL MAY NOT BE A MEMBER OF THE BOARD IF THEY:~~

1 (I) ARE AN ACTIVE POLICE OFFICER, EMPLOYEE OF COUNTY GOVERNMENT, OR
2 EMPLOYEE OF THE SHERIFF'S OFFICE; OR

3 (II) HAVE BEEN CONVICTED OF A FELONY OR A MISDEMEANOR WITH A
4 STATUTORY PENALTY OF MORE THAN 2 YEARS.

5 (G) *BOARD CHAIRPERSON.* ~~THE~~ IN ACCORDANCE WITH SECTION 3-102(B) OF THE PUBLIC
6 SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE COUNTY EXECUTIVE SHALL
7 NOMINATE, AND THE COUNTY COUNCIL SHALL APPROVE BY RESOLUTION, AN INDIVIDUAL , WHO IS
8 ALSO A MEMBER OF THE BOARD, TO SERVE AS THE BOARD CHAIRPERSON WHO SHALL HAVE
9 FAMILIARITY WITH THE CRIMINAL JUSTICE SYSTEM. THE TERM OF THE CHAIRPERSON IS 3 YEARS.

10 (H) *MEETINGS.* THE BOARD SHALL MEET AT LEAST AT LEAST QUARTERLY.

11 (I) *RECORDS.* RECORDS SHALL BE MAINTAINED BY THE EXECUTIVE SECRETARY. THE
12 DEPARTMENT OF COUNTY ADMINISTRATION SHALL ESTABLISH A RECORD RETENTION SCHEDULE
13 FOR THE RECORDS OF THE BOARD IN ACCORDANCE WITH STATE LAW. THE BOARD AND ITS STAFF
14 SHALL KEEP CONFIDENTIAL ANY RECORDS PROHIBITED FROM DISCLOSURE UNDER THE MARYLAND
15 PUBLIC INFORMATION ACT. MEMBERS OF THE BOARD SHALL SIGN THE NECESSARY
16 CONFIDENTIALITY OR NONDISCLOSURE AGREEMENTS TO PROTECT ONLY THE FOLLOWING
17 INFORMATION AS IT PERTAINS TO:

18 (1) A VICTIM'S IDENTITY;

19 (2) THE PERSONAL PRIVACY OF AN INDIVIDUAL;

20 (3) A CHILD WITNESS;

21 (4) MEDICAL RECORDS;

22 (5) THE IDENTITY OF A CONFIDENTIAL SOURCE;

23 (6) AN INVESTIGATIVE TECHNIQUE OR PROCEDURE;

24 (7) THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL; OR

25 (8) INFORMATION NON-DISCLOSABLE UNDER LAW.

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

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

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

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

6 ~~AND~~

7 (4) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED
8 BY CHARGING COMMITTEES AND ACCESS ANY INFORMATION RELATED TO THIS REVIEW AS PERMITTED
9 BY STATE LAW; ~~AND~~

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

12 ~~(5)(6)~~ ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A REPORT TO THE COUNTY
13 EXECUTIVE AND THE COUNTY COUNCIL OF THE COUNTY THAT:

14 (i) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF POLICE OFFICERS IN THE
15 COUNTY; ~~AND~~

16 (ii) MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT WOULD IMPROVE POLICE
17 ACCOUNTABILITY IN THE COUNTY; AND

18 (iii) COMPLIES WITH SECTION 22.1000 OF THIS CODE.

19 (K) *RECEIPT OF COMPLAINTS.*

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

22 (i) THE NAME OF THE POLICE OFFICER ACCUSED OF MISCONDUCT;

23 (ii) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

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

26 (2) A COMPLAINT NEED NOT BE NOTARIZED.

27 (3) A COMPLAINT OF POLICE MISCONDUCT FILED WITH THE BOARD SHALL BE

1 FORWARDED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN 3 BUSINESS DAYS AFTER
2 RECEIPT BY THE BOARD.

3 (L) TRAINING. BOARD MEMBERS MAY BE REQUIRED TO ATTEND SHALL RECEIVE RELEVANT
4 TRAINING.

5 (M) STAFF; LIAISONS WITH LAW ENFORCEMENT AGENCIES. IN ADDITION TO STAFF REQUIRED BY
6 SECTION 6.311 OF THIS CODE, THE CHIEF OF POLICE AND SHERIFF SHALL EACH DESIGNATE AN
7 INDIVIDUAL TO SERVE AS A LIAISON TO FACILITATE THE PROVISION OF ANY NEEDED DATA,
8 REPORTS, OR WRITTEN DIRECTIVES, OR TO ASSIST WITH UNDERSTANDING RELEVANT POLICIES AND
9 PROCEDURES.

10
11 **Title 22. General Provisions.**

12 **Subtitle 2. Public Ethics Law.**

13
14 **Section 22.206. Financial disclosure statements.**

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

- 16 (1) Board of Appeals;
17 (2) Planning Board;
18 (3) Recreation and Parks Board;
19 (4) Public Works Board;
20 (5) Ethics Commission;
21 (6) Housing and Community Development Board;
22 (7) Agricultural Preservation Board;
23 (8) Equal Business Opportunity Commission;
24 (9) Historic Preservation Commission;
25 (10) Board of Library Trustees;
26 (11) Howard County Housing Commission;
27 (12) Economic Development Authority Board;
28 (13) Howard County Pension Oversight Commission;

- 1 (14) Local Behavioral Health Advisory Board;
- 2 (15) Howard County Alcoholic Beverage Hearing Board;
- 3 (16) Howard County Revenue Authority Board;
- 4 (17) Design Advisory Panel;
- 5 (18) Animal Matters Hearing Board;
- 6 (19) Advisory Board on Consumer Protection;
- 7 (20) Board of Electrical Examiners;
- 8 (21) Board of Health; [[and]]
- 9 (22) Human Rights Commission[.]; and
- 10 (23) POLICE ACCOUNTABILITY BOARD.

11

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

17

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

23

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

Feb 9, 2021. 2022
Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council