

Introduced 11.06.2023
Public Hearing 11.20.2023
Council Action 12.4.2023
Executive Action 12.8.2023
Effective Date 2.7.2024

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 13

Bill No. 42 -2023

Introduced by the Chairperson at the request of the County Executive

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

Introduced and read first time Nov 6, 2023. 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 20, 2023.
By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on Dec 4, 2023 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 6 day of Dec, 2023 at 12⁰⁰ a.m./p.m.
By order Michelle Harrod
Michelle Harrod, Administrator

Approved/ Vetoed by the County Executive Dec 8, 2023
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

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

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

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

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

7
8 **Title 17. Public Protection Services.**

9 **Subtitle 2. Police.**

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

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

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

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

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

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

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

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

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

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

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

1 (D) *ADVERTISING VACANCIES.* AT LEAST 30 DAYS PRIOR TO SELECTING A MEMBER, THE COUNTY
2 SHALL PUBLICLY INVITE INDIVIDUALS TO APPLY TO BECOME A MEMBER OF THE COMMITTEE.

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

4 (1) BE AT LEAST 21 YEARS OLD;

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

6 (3) BE A HOWARD COUNTY RESIDENT;

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

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

13 (6) BE OF GOOD MORAL CHARACTER; AND

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

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

18 (1) HAS A DEMONSTRATABLE CONFLICT OF INTEREST;

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

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

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

24 (G) *TERMS; VACANCIES.*

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26 SERVE MORE THAN 2 CONSECUTIVE FULL TERMS. A MEMBER SELECTED TO FILL A VACANCY
27 SERVES THE REST OF THE UNEXPIRED TERM. MEMBERS CONTINUE IN OFFICE UNTIL THEIR
28 SUCCESSORS ARE SELECTED AND QUALIFIED.

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

1 (H) *SELECTIONS*. THE BOARD SHALL NOTIFY THE COUNTY EXECUTIVE OF THE BOARD'S
2 SELECTIONS TO THE COMMITTEE. THE COUNTY SHALL PUBLICLY ANNOUNCE ON THE COUNTY
3 WEBSITE EACH SELECTION TO THE COMMITTEE PRIOR TO THE MEMBER'S INITIAL TERM,
4 SUCCESSIVE TERM, OR EXPIRATION OF TERM.

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

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

9 (2) IF A MEMBER FAILS TO ATTEND 3 MEETINGS IN A ROW WITHOUT APPROVAL FROM THE
10 COUNTY CHAIRPERSON OF THE COMMITTEE, THE MEMBER MAY BE REMOVED FROM THE
11 COMMITTEE BY THE COUNTY APPOINTING AUTHORITY. THE COUNTY EXECUTIVE SHALL
12 NOTIFY THE BOARD IF A MEMBER OF THE COMMITTEE IS REMOVED UNDER THIS
13 SUBSECTION.

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

- 19 (i) CONFLICTS OF INTEREST;
- 20 (ii) CRIMINAL CHARGES;
- 21 (iii) CRIMINAL INVESTIGATIONS; AND
- 22 (iv) CRIMINAL CONVICTIONS.

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

25 (J) *DUTIES OF THE COMMITTEE*.

26 (1) THE COMMITTEE SHALL:

27 (i) REVIEW THE FINDINGS OF EACH LAW ENFORCEMENT AGENCY'S INVESTIGATION
28 FORWARDED BY THE AGENCY TO THE COMMITTEE;

29 (ii) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS SUBJECT TO

30 INVESTIGATION SHALL BE ADMINISTRATIVELY CHARGED OR NOT ADMINISTRATIVELY

- 1 CHARGED;
- 2 (III) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN ACCORDANCE WITH
3 THE DISCIPLINARY MATRIX ESTABLISHED IN ACCORDANCE WITH 3-105 OF THE PUBLIC
4 SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND;
- 5 (IV) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO THE MATTERS
6 COVERED IN THE COMPLAINT OF POLICE MISCONDUCT;
- 7 (V) AUTHORIZE A POLICE OFFICER TO BE CALLED TO APPEAR BEFORE THE COMMITTEE TO
8 BE ACCOMPANIED BY A REPRESENTATIVE;
- 9 (VI) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS FINDINGS, DETERMINATIONS
10 AND RECOMMENDATIONS; AND
- 11 (VII) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW ENFORCEMENT AGENCY,
12 THE OFFICER AND THE COMPLAINANT.
- 13 (2) IN EXECUTING ITS DUTIES UNDER PARAGRAPH (J)(1), THE COMMITTEE MAY:
- 14 (I) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT
15 CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL INVESTIGATION
16 AND THE ISSUANCE OF SUBPOENAS;
- 17 (II) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED, MAKE A DETERMINATION
18 THAT:
- 19 A. THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED; OR
20 B. THE POLICE OFFICER IS EXONERATED; AND
- 21 (III) RECORD, IN WRITING, ANY FAILURE OF SUPERVISION THAT CAUSED OR CONTRIBUTED
22 TO THE POLICE OFFICER'S MISCONDUCT.
- 23 (3) THE COMMITTEE SHALL DELIBERATE AND MAKE DETERMINATIONS IN THE MANNER
24 REQUIRED BY SECTION 12.04.09.07 OF THE CODE OF MARYLAND REGULATIONS.
- 25 (K) *BUDGET AND STAFF.* THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE
26 COMMITTEE THAT SHALL BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE
27 ADOPTED BY THE COUNTY COUNCIL. THE CHIEF ADMINISTRATIVE OFFICER SHALL PROVIDE STAFF
28 TO THE COMMITTEE AND SHALL MAKE SERVICES AND FACILITIES AVAILABLE TO THE COMMITTEE
29 THAT ARE NECESSARY OR APPROPRIATE FOR THE PERFORMANCE OF THE COMMITTEE'S DUTIES.
- 30 (L) *MEETINGS.* THE COMMITTEE SHALL MEET AT LEAST ONE TIME PER MONTH OR MORE

1 FREQUENTLY IF NEEDED.

2 (M) *TRAINING*. BEFORE SERVING AS A MEMBER OF THE COMMITTEE, THE MEMBER SHALL
3 COMPLETE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM THE MARYLAND
4 POLICE TRAINING AND STANDARDS COMMISSION.

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

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

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

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

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

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

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

30

1 **SECTION 17.209. TRIAL BOARDS.**

2 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN
3 ACCORDANCE WITH SECTION ~~3-106~~ 3-106 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED
4 CODE OF MARYLAND AND SECTION 12.04.09.07.C(3)(B) OF THE CODE OF MARYLAND
5 REGULATIONS AS APPLICABLE TO A LAW ENFORCEMENT AGENCY.

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

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

11
12 **Title 22. General Provisions.**

13 **Subtitle 2. Public Ethics Law.**

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

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

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

- 1 (15) Howard County Alcoholic Beverage Hearing Board;
2 (16) Howard County Revenue Authority Board;
3 (17) Design Advisory Panel;
4 (18) Animal Matters Hearing Board;
5 (19) Advisory Board on Consumer Protection;
6 (20) Board of Electrical Examiners;
7 (21) Board of Health;
8 (22) Human Rights Commission; [[and]]
9 (23) Police Accountability Board[.];
10 (24) ADMINISTRATIVE CHARGING COMMITTEE; AND
11 (25) CIVILIAN MEMBER OF THE TRIAL BOARD, PROVIDED UNDER SECTION 3-106 OF THE
12 PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

13
14 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that,
15 *to establish the staggering of terms of the initial civilian members to the Administrative*
16 *Charging Committee, as of the effective date of this Act, 1 member shall have a term of 1 year, 1*
17 *member shall have a term of 2 years, and 2 members shall have a term of 3 years.*

18
19 ***Section 3. And Be It Further Enacted*** that provisions of this Act shall apply to the civilian
20 *members of the Administrative Charging Committee selected by the Executive and the Police*
21 *Accountability Board prior to the enactment of this Act.*

22
23 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
24 *this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 42 -2023

BY: The Chairperson at the Request
of the County Executive

Legislative Day 15
Date: December 4, 2023

Amendment No. 1

(This Amendment clarifies what is meant by "County" in certain instances and corrects a section reference.)

1 After "COUNTY", insert "EXECUTIVE" in the following instances:

- 2 • Page 3, line 1;
3 • Page 3, line 10;
4 • Page 3, line 21; and
5 • Page 5, line 19.

6

7 On page 3, in line 7, strike "COUNTY" and substitute "APPOINTING AUTHORITY".

8

9 On page 3, in line 9:

- 10 • Strike the first "COUNTY" and substitute "CHAIRPERSON OF THE COMMITTEE"; and
11 • Strike the second "COUNTY" and substitute "APPOINTING AUTHORITY".

12

13 On page 6, in line 1, strike "3.106" and substitute "3-106".

I certify this is a true copy of
Am 1 CB42-2023
passed on Dec 4, 2023
Michelle Hazzey
Council Administrator




Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement – Administrative Charging Committee and Trial Board

To: Brandee Ganz
Chief Administrative Officer

From: Patrick Pope 
Assistant Chief Administrative Officer

Date: October 26, 2023

The Department of County Administration has been designated coordinator for preparation of testimony in support of Council Bill ___ -2023 that codifies Administrative Charging Committee (“ACC”) and Trial Board provisions in accordance with Title 3, Subtitle 1 of the Public Safety Article of the Annotated Code of Maryland.

The Administrative Charging Committee and a Trial Board are established by Title 3, Subtitle 1 of the Public Safety Article of the Annotated Code of Maryland to, respectively, perform administrative charging functions and adjudicate all matters for which a police officer is subject to discipline.

In accordance with State law, the Bill sets out various membership-related provisions for the ACC and the method of selection. The PAB Chair (or a designee) is automatically a member of the ACC, who shall serve a term concurrent with their PAB term. The ACC will also consist of two civilian members selected by the PAB and two civilian members selected by the County Executive. The Bill includes the qualifications to serve on the ACC as well as the reasons an individual may be excluded from possible membership in accordance with COMAR 12.04.09. Civilian members shall serve 3-year terms. The Bill codifies the duties of the ACC in accordance with Section 3-104(b) of the Public Safety Article of the Annotated Code of Maryland.

The Bill also establishes authority to pay a stipend to members of the ACC for the administration of their duties. Members of the ACC will be subject to the County’s Ethics Laws and Financial Disclosure process. The County Executive shall include a budget for the ACC in the annual budget ordinance and staff shall be provided.

As to the Trial Board, the Bill provides that the law enforcement agency shall establish a trial board process that is in accordance with Section 3-106 of the Public Safety Article of the Annotated Code of Maryland. A civilian member of the Trial Board shall be subject to the County’s Ethics Laws and Financial Disclosure process.

Fiscal Impact

Due to the potential for significant time commitment, the administration intends to provide ACC members a \$3,000 annual stipend. The administration also plans to contract with the Maryland Office of Administrative Hearings to supply administrative law judges as the trial board chair. Any current year expenses will be covered with the Fiscal 2024 budget. Additional ongoing expenses will be included in the Fiscal 2025 Executive proposed operating budget.

Office of the County Auditor
Auditor's Analysis

REVISED - Council Bill No. 42-2023

Introduced: November 6, 2023

Auditor: Diane Zagorski

Fiscal Impact:

In Fiscal Year 2024, \$98,500 was appropriated for stipends and other costs for the Police Accountability Board (the Board), the Administrative Charging Committee (ACC), and the Trial Board. According to one of the Administration's Assistant Chief Administrative Officers (the Administration), each of the five ACC members will be provided a \$3,000 annual stipend for a total of \$15,000. The remaining \$83,500 of budgeted appropriation was intended as a placeholder for additional costs since the overall program needs were not yet determined.

Per the Administration, expenditures for the Trial Board will be funded through the County's General Fund. These costs will be dependent upon the number of cases and the contract between the County and the Maryland Office of Administrative Hearings to secure the services of an administrative law judge. The Administration has advised that additional costs for the Trial Board will be determined once a contract with the Maryland Office of Administrative Hearings has been executed.

Purpose:

The purpose of this legislation is to codify the membership criteria and duties of the Administrative Charging Committee (ACC) and to establish a Trial Board in accordance with the Public Safety Article of the Annotated Code of Maryland. The proposed legislation states that stipends may be provided to the members of the ACC and requires all members to complete annual financial disclosure statements.

Other Comments:

The ACC is comprised of five members who serve three-year terms. Members were selected in September and October of 2022. The members consist of the Chair of the Board or their designee, two civilian members selected by the Board, and two civilian members selected by the County Executive.

The Trial Board is composed of a judge, appointed by the County Executive; a civilian appointed by the Board; and a police officer of equal rank to the police officer accused of misconduct.

Cases presented after July 1, 2023 are eligible to be heard by a Trial Board. To date, the Administration advised that the County has not had any cases that require adjudication by a Trial Board.

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 13

Bill No. 42-2023

Introduced by the Chairperson at the request of the County Executive

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

Introduced and read first time Nov 6, 2023. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

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

By order _____
Michelle Harrod, Administrator

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

By order _____
Michelle Harrod, Administrator

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

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2023

Calvin Ball, County Executive

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

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

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

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

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6 (3) BE A HOWARD COUNTY RESIDENT;

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

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

13 (6) BE OF GOOD MORAL CHARACTER; AND

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

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

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22 MISDEMEANOR FOR WHICH A SENTENCE FOR ONE OR MORE YEARS COULD HAVE BEEN
23 IMPOSED.

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27 SERVES THE REST OF THE UNEXPIRED TERM. MEMBERS CONTINUE IN OFFICE UNTIL THEIR
28 SUCCESSORS ARE SELECTED AND QUALIFIED.

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

1 (H) *SELECTIONS.* THE BOARD SHALL NOTIFY THE COUNTY OF THE BOARD'S SELECTIONS TO THE
2 COMMITTEE. THE COUNTY SHALL PUBLICLY ANNOUNCE ON THE COUNTY WEBSITE EACH
3 SELECTION TO THE COMMITTEE PRIOR TO THE MEMBER'S INITIAL TERM, SUCCESSIVE TERM, OR
4 EXPIRATION OF TERM.

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

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

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

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

17 (I) CONFLICTS OF INTEREST;

18 (II) CRIMINAL CHARGES;

19 (III) CRIMINAL INVESTIGATIONS; AND

20 (IV) CRIMINAL CONVICTIONS.

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

23 (J) *DUTIES OF THE COMMITTEE.*

24 (1) THE COMMITTEE SHALL:

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

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

30 (III) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN ACCORDANCE WITH

1 THE DISCIPLINARY MATRIX ESTABLISHED IN ACCORDANCE WITH 3-105 OF THE PUBLIC
2 SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

3 (IV) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO THE MATTERS
4 COVERED IN THE COMPLAINT OF POLICE MISCONDUCT;

5 (V) AUTHORIZE A POLICE OFFICER TO BE CALLED TO APPEAR BEFORE THE COMMITTEE TO
6 BE ACCOMPANIED BY A REPRESENTATIVE;

7 (VI) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS FINDINGS, DETERMINATIONS
8 AND RECOMMENDATIONS; AND

9 (VII) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW ENFORCEMENT AGENCY,
10 THE OFFICER AND THE COMPLAINANT.

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

12 (I) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT
13 CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL INVESTIGATION
14 AND THE ISSUANCE OF SUBPOENAS;

15 (II) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED, MAKE A DETERMINATION
16 THAT:

- 17 A. THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED; OR
- 18 B. THE POLICE OFFICER IS EXONERATED; AND

19 (III) RECORD, IN WRITING, ANY FAILURE OF SUPERVISION THAT CAUSED OR CONTRIBUTED
20 TO THE POLICE OFFICER'S MISCONDUCT.

21 (3) THE COMMITTEE SHALL DELIBERATE AND MAKE DETERMINATIONS IN THE MANNER
22 REQUIRED BY SECTION 12.04 09.07 OF THE CODE OF MARYLAND REGULATIONS.

23 (K) *BUDGET AND STAFF.* THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE
24 COMMITTEE THAT SHALL BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE
25 ADOPTED BY THE COUNTY COUNCIL. THE CHIEF ADMINISTRATIVE OFFICER SHALL PROVIDE STAFF
26 TO THE COMMITTEE AND SHALL MAKE SERVICES AND FACILITIES AVAILABLE TO THE COMMITTEE
27 THAT ARE NECESSARY OR APPROPRIATE FOR THE PERFORMANCE OF THE COMMITTEE'S DUTIES.

28 (L) *MEETINGS.* THE COMMITTEE SHALL MEET AT LEAST ONE TIME PER MONTH OR MORE
29 FREQUENTLY IF NEEDED.

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

1 COMPLETE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM THE MARYLAND
2 POLICE TRAINING AND STANDARDS COMMISSION.

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

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

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

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

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

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

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

28
29 **SECTION 17.209. TRIAL BOARDS.**

30 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN

1 ACCORDANCE WITH SECTION 3.106 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF
2 MARYLAND AND SECTION 12.04.09.07.C(3)(B) OF THE CODE OF MARYLAND REGULATIONS AS
3 APPLICABLE TO A LAW ENFORCEMENT AGENCY.

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

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

9
10 **Title 22. General Provisions.**

11 **Subtitle 2. Public Ethics Law.**

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

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

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

- 1 (17) Design Advisory Panel;
2 (18) Animal Matters Hearing Board;
3 (19) Advisory Board on Consumer Protection;
4 (20) Board of Electrical Examiners;
5 (21) Board of Health;
6 (22) Human Rights Commission; [[and]]
7 (23) Police Accountability Board[.];
8 (24) ADMINISTRATIVE CHARGING COMMITTEE; AND
9 (25) CIVILIAN MEMBER OF THE TRIAL BOARD, PROVIDED UNDER SECTION 3-106 OF THE
10 PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
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 civilian members to the Administrative*
14 *Charging Committee, as of the effective date of this Act, 1 member shall have a term of 1 year, 1*
15 *member shall have a term of 2 years, and 2 members shall have a term of 3 years.*
16

17 ***Section 3. And Be It Further Enacted*** that provisions of this Act shall apply to the civilian
18 *members of the Administrative Charging Committee selected by the Executive and the Police*
19 *Accountability Board prior to the enactment of this Act.*
20

21 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
22 *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 December 8, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

Michelle Harrod, Administrator to the County Council

