

*Local Requirements to Implement the  
Maryland Police Accountability Act of  
2021 - Police Discipline and Law  
Enforcement Programs and  
Procedures*



# Background

Introduced as HB670, the Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures takes effect July 1, 2022.

# Background

The Act makes various changes that generally relate to law enforcement including:

- Altering requirements for police officers during traffic stops;
- Establishing higher education financial assistance programs for police officers;

# Background

- Increasing civil liability limits applicable to police misconduct lawsuits; and
- Repealing the Law Enforcement Officer's Bill of Rights.

# Background

In conjunction with repealing the Law Enforcement Officer's Bill of Rights, the Act establishes provisions that relate to a statewide accountability and discipline process for police officers.

# Background

Part of the statewide accountability and discipline process revisions includes a requirement that each county shall have a police accountability board.

# Background

Each police accountability board is required to:

1. 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;

# Background

2. Appoint civilian members to charging committees and trial boards;
3. Receive complaints of police misconduct filed by the public;
4. Review, quarterly, outcomes of disciplinary matters considered by charging committees; and



# Background

5. By December 31 each year, submit a report to the Board of County Commissioners that identifies trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

# “Police Officers”

- We all know that Calvert County does not have a police force, instead utilizing the Sheriff and his Deputies and Troopers assigned to the Maryland State Police Barrack for law enforcement .
- That does not make Calvert County exempt from the Act.

# “Police Officers”

- The Act defines “Police Officers” broadly by referencing the definition at Md. Ann. Code, Public Safety Art., §3-201, which includes an individual who is authorized to enforce the general criminal laws of the State and is a member of a Sheriff’s Office. The Sheriff is not a “Police Officer”.

# PAB Requirements

- The Act requires that the Board of County Commissioners:
  - Establish the membership of a police accountability board;
  - Establish the budget and staff for a police accountability board;

# PAB Requirements

- Appoint a chair of the police accountability board who has relevant experience to the position; and
- Establish the procedures for record keeping by a police accountability board.

# ACC Requirements

The Act requires that the Board of County Commissioners have an administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.

# ACC Requirements

The Act requires that, before serving as a member of an administrative charging committee, an individual must receive training on matters relating to police procedures from the Maryland Police Training Standards Commission.

# ACC Requirements

- The administrative charging committee may:
  - Request information or action from the law enforcement agency;
  - Find that the allegations against a police officer are unfounded, or exonerate the police officer, if the officer isn't administratively charged; and



# ACC Requirements

- Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

# Calvert County PAB Draft

The Calvert County Police Accountability Board shall meet no less than quarterly with heads of Law Enforcement Agencies operating in Calvert County to:

1. Discuss improvements that can be made to policing;
2. Appoint civilian members to charging committees and trial boards;
3. Receive complaints of police misconduct from the public; and
4. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.



# Calvert County PAB Draft

Not later than December 31 each year, the CCAB shall submit a report to the Board of County Commissioners that identifies any trends in the disciplinary process of police officers and deputies in the County and makes recommendations on changes to policy that would improve police accountability in the County.

# Calvert County PAB Draft

1. To accomplish this mission, the Board has asked that staff seek public input on the creation of a 9-member CCPAB with citizens of the County having the following characteristics:
  - a) To the extent practicable, the membership of the CCPAB shall reflect the racial, gender, and cultural diversity of Calvert County.
  - b) No active police officer may be a member of the CCPAB.
  - c) Terms will be staggered.



# Calvert County PAB Draft

d)The Chairperson should have:

- i. Have top-level leadership experience in law enforcement for a career spanning at least 20-years, having retired in good standing;
- ii. Have a degree from an accredited college or university, preferably with a major in pre-law, police administration, or criminal justice; or
- iii. Have completed the FBI National Academy, or the FBI National Executive Institute.

# Calvert County PAB Draft

- e) Three members should have:
  - i. Command or supervisory experience in law enforcement, having retired in good standing;
  - ii. Have a degree from an accredited college or university, preferably with a major in pre-law, police administration, or criminal justice; or
  - iii. Have completed the FBI National Academy, or the FBI National Executive Institute; and
  - iv. At least one of these three shall have experience as a member or representative of a minority organization within a law enforcement agency.

# Calvert County PAB Draft

- f) In addition to the minority representation in the retired law enforcement positions, 3 members shall be represent each of the minority populations within Calvert County:
  - i. One additional member shall be of African American, Afro-Caribbean, or Afro-Latino descent;
  - ii. One shall be of Latin American descent; and
  - iii. One shall be of Far East, Southeast Asia, Pacific Island, or the Indian subcontinent decent.

# Calvert County PAB Draft

- g) The remaining two members shall be from the following vocational fields:
  - i. One member shall be a practitioner in the field of mental health; and
  - ii. One member shall be from the Clergy and preferably who has served as military or public service Chaplin.
- h) All members will be subject to Ethics Commission requirements and criminal history background checks.



# Calvert County PAB Draft

- i) Applicant or members that are or become convicted of a felony or a crime of moral turpitude prior to, or during their term as a member of the CCPAB, shall be deemed ineligible for appointment or removed, as appropriate.
- j) The CCPAB shall comply with the Maryland Open Meetings Act, Md. Ann. Code, General Provisions Art., §3-101, et seq., as amended hereafter from time to time.

# Calvert County ACC Draft

The role of the Calvert County Administrative Charging Committee, shall be to review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with State law;

The CCACC, shall make a determination that the police officer who is subject to investigation shall be either:

1. Administratively charged; or
2. Not administratively charged.

# Calvert County ACC Draft

If the police officer is charged, recommend discipline in accordance with the agency's disciplinary matrix established in accordance with Md. Ann. Code, Public Safety Art., § 3-105 & 3-106.

The CCACC, shall review any body camera footage that may be relevant to the matters covered in the complaint of misconduct.

The CCACC, shall authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative.

# Calvert County ACC Draft

The CCACC, shall issue a written opinion that describes in detail its findings, determinations, and recommendations.

The CCACC, shall forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

The CCACC, shall forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

# Calvert County ACC Draft

In executing its duties, the CCACC may request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas.

If the police officer is not administratively charged, The CCACC shall make a determination that:

1. The allegations against the police officer are unfounded; or
2. The police officer is exonerated.

# Calvert County ACC Draft

The CCACC shall record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

To accomplish its mission, the Board has asked staff to seek public input on the creation of a 5-member CCACC as follows:

- a) The Chairperson of the CCPAB, or a member of the CCPAB designated by the Chairperson of the CCPAB, shall serve as the Chairperson of the CCACC.
- b) The Board of County Commissioners of Calvert County shall appoint two citizens as members of the CCACC.



# Calvert County ACC Draft

- c) The CCPAB shall appoint two civilians to the CCAC by majority vote.
- d) Before serving as the CCACC, every individual shall receive training on matters relating to Police procedures from the Maryland Police Training and Standards Commission.
- e) All members will be subject to Ethics Commission requirements and criminal history background checks.

# Calvert County ACC Draft

- f) Applicant or members that are or become convicted of a felony or a crime of moral turpitude prior to, or during their term as a member of the CCACC, shall be deemed ineligible for appointment or removed, as appropriate.
- g) The CCACC shall comply with the Maryland Open Meetings Act, Md. Ann. Code, General Provisions Art., §3-101, et seq., as amended hereafter from time to time.



# Calvert County Draft- Budget

The Board of County Commissioners shall approve a budget for the CCPAB that shall include:

1. In addition to allocation of staff resources, the Board may make an annual appropriation for studies and contracted services relevant to the mission of the CCPAB - grant assistance will be sought from GOCCP and any other available sources.
2. A stipend for members @ \$500.00/member/quarterly meeting.

# Calvert County Draft- Budget

The Board of County Commissioners shall approve a budget for the CCACC that shall include:

1. In addition to allocation of staff resources, the Board may make an annual appropriation for studies and contracted services relevant to the mission of the CCPAB - grant assistance will be sought from GOCCP and any other available sources.
2. A stipend for members per meeting with a per annum maximum amount per member.

# *Next Steps as Directed by the Board*



# *Questions and Comments*

