

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 285

(Senator Carter)

Judicial Proceedings

**County Police Accountability Boards - Investigation of Complaints of Police
Misconduct**

This bill authorizes a local governing body of a county, including Baltimore City, by local law, to authorize its police accountability board to exercise investigatory and subpoena powers. A police accountability board may conduct an investigation of a complaint of police misconduct concurrently with a law enforcement agency investigating the complaint.

Fiscal Summary

State Effect: Minimal operational impact for the Maryland Police Training and Standards Commission to adopt any necessary regulations; however, State finances are not materially affected.

Local Effect: None. Authorizing a local governing body of a county to adopt a local law to authorize the use of investigatory and subpoena powers does not directly affect local finances. However, to the extent a local governing body chooses to adopt such a local law and the authority is used by a police accountability board, local expenditures may increase significantly to issue subpoenas and conduct investigations.

Small Business Effect: None.

Analysis

Current Law: Chapter 59 of 2021 repealed the Law Enforcement Officers' Bill of Rights and established provisions relating to a statewide accountability and discipline process for police officers.

Police Accountability Boards: Pursuant to Chapter 59, each county must have a police accountability board to (1) hold meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any 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.

The local governing body must (1) establish the membership of and the budget and staff for a police accountability board; (2) appoint a chair for a police accountability board, as specified; and (3) establish the procedures for recordkeeping by a police accountability board. An active police officer may not be a member, and to the extent practicable, the membership must reflect the racial, gender, and cultural diversity of the county.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Talbot and Wicomico counties; Maryland Association of Counties; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2023
km/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510