

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 409
(Senator Watson)
Judicial Proceedings

**Police Accountability Boards and Administrative Charging Committees -
Municipal Corporations**

This bill authorizes a municipality in the State to (1) have a police accountability board and (2) establish an administrative charging committee to serve law enforcement agencies in the municipality. The bill establishes provisions governing the membership and duties of such entities. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Potential significant increase in local government expenditures for municipalities that choose to have a police accountability board and/or establish an administrative charging committee. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary:

Police Accountability Boards: The bill requires the governing body of a municipality that establishes a police accountability board to (1) establish the membership of and budget, staff, and recordkeeping procedures for the board and (2) appoint the chair of the board who has experience relevant to the position. To the extent practicable, the membership of a police accountability board must reflect the racial, gender, and cultural diversity of the municipality; however, an active police officer may not be a member.

A municipality may have a police accountability board to (1) hold quarterly meetings with specified representatives to improve policing in the municipal corporation; (2) appoint civilian members to the administrative charging committee and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) as specified, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a specified report to the governing body of the municipality.

Administrative Charging Committee: The bill establishes provisions governing the composition of an administrative charging committee established by a municipality pursuant to the bill. A county administrative charging committee does not have jurisdiction over (1) disciplinary matters initiated by a law enforcement agency served by an administrative charging committee established by a municipality under the bill's provisions or (2) the composition of an administrative charging committee established by a municipality pursuant to the bill.

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.

Administrative Charging Committees: Pursuant to Chapter 59, each county must have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies in the county, and there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. An administrative charging committee must (1) review the findings of a law

enforcement agency's investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix, as specified; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant. An administrative charging committee is authorized to request specified information and make specified determinations.

Local Expenditures: The bill is enabling in nature; it does not mandate that each municipality establish a police accountability board and/or an administrative charging committee, and it is not known which municipalities might choose to do so. However, to the extent that a municipality chooses to establish a police accountability board and/or an administrative charging committee, costs increase, potentially significantly, to create, operate, and staff any such entity. The City of Annapolis, for example, advises that expenditures likely increase by at least \$910,777 in fiscal 2024, with costs increasing to \$916,097 by fiscal 2028, if the city chooses to establish such entities.

The Maryland Association of Counties advises that the bill has the potential to lessen the administrative burden on county police accountability boards and administrative charging committees as municipalities are able to handle civilian complaints regarding police misconduct in their own law enforcement agencies.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1184 of 2022.

Designated Cross File: HB 518 (Delegate Lopez, *et al.*) - Judiciary.

Information Source(s): Caroline and Prince George's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2023
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