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**BILL NO.:**            **SB 608**

**TITLE:**                Public Safety - Police Accountability - Time Limit for Filing  
Administrative Charges

**SPONSOR:**            Senator Folden

**COMMITTEE:**        Judiciary

**POSITION:**           **SUPPORT**

**DATE:**                March 27, 2024

Baltimore County **SUPPORTS SB 608 – Public Safety - Police Accountability - Time Limit for Filing Administrative Charges** as amended by the Maryland State Senate.

The Maryland Police Accountability Act of 2021 introduced necessary changes to the police disciplinary process. Among the most significant was the requirement that each Maryland county (and Baltimore City) create an Administrative Charging Committee (ACC) composed of trained members of the public. Each ACC is responsible for reviewing every incident involving a member of the public and a police officer from their jurisdiction and determining whether to administratively charge said officer. The ACC is also responsible for recommending disciplinary action for the police officer, which sets a baseline that the chief of the law enforcement agency may not go below. The Baltimore County ACC began reviewing cases in the summer of 2023, and has already issued over 30 opinions.

The ACC is required to issue an opinion within one year and a day after the filing of a complaint by a member of the public. A police officer may not be administratively charged and disciplined after the one year and a day statute of limitations has expired. While this timeframe is appropriate for the majority of complaints and provides a reasonable degree of certainty for the accused officer, the complainant, and the law enforcement agency, it is highly problematic for complaints that are tied to a criminal investigation of the police officer.

In cases where a police officer is simultaneously criminally charged and under investigation for an administrative complaint, there is a strong probability that the criminal case will not be completed before the one year and a day deadline has expired. This is because police officers have the right to be free from compulsory self-incrimination under the 5<sup>th</sup> Amendment of the United States Constitution as articulated by the United States Supreme Court in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

This means that if an officer is under both a criminal and administrative investigation, the internal affairs division of the investigating law enforcement agency must wait to obtain a statement from the accused officer for the purposes of the administrative investigation until after the criminal matter has concluded. It is also unlikely that other relevant documents or evidence would be presented to the ACC prior to the conclusion of the criminal matter. This increases the likelihood that the ACC would not administratively charge an officer under investigation, or charged with, a criminal offense. If that same officer is later acquitted in the criminal matter, State law would prevent any discipline of the accused officer, even if their actions violated departmental policy.

Under the Law Enforcement Officers Bill of Rights, the statute of limitations for officers simultaneously under administrative and criminal investigation was tolled until the criminal matter was completed. This policy ensured that the investigating body had access to the full slate of evidence in making their decision. Senate Bill 608 includes this language and is endorsed by the Maryland Chiefs of Police and Sheriffs' Association as well as the Office of State Prosecutor, which will help ensure that every ACC can review all relevant information in reaching their decisions.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 608 from the House Judiciary Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at [jaiosa@baltimorecountymd.gov](mailto:jaiosa@baltimorecountymd.gov).