

HARFORD COUNTY BILL NO. 22-018

Brief Title (Police Accountability Board and Charging Committee)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mykia A. Dixon
Council Administrator

Date 6/21/22

ENROLLED

John A. Vincent
Council President

Date 6/21/22

BY THE COUNCIL

Read the third time.

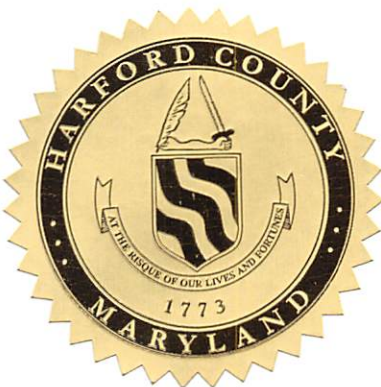
Passed: LSD 22-020

Failed of Passage: _____

By Order

Mykia A. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 22nd day of June, 2022 at 3:00 p.m.



Mykia A. Dixon
Council Administrator

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 6/23/2022

BY THE COUNCIL

This Bill No. 22-018 having been approved by the Executive and returned to the Council, becomes law on June 23, 2022.

EFFECTIVE: June 23, 2022

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 22-018

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 22-018 Date May 10, 2022

AN EMERGENCY ACT to add new Article XXII, Harford County Police Accountability Board, and new Article XXIIA, Harford County Administrative Charging Committee, to Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended; to establish the Harford County Police Accountability Board; to establish the membership and duties of the Board; to establish a citizen complaint process regarding police misconduct; to establish the Harford County Administrative Charging Committee; to define certain terms; to establish the membership and duties of the Committee; and generally relating to police accountability.

By the Council, May 10, 2022

Introduced, read first time, ordered posted and public hearing scheduled

on: June 14, 2022

at: 6:00 PM

By Order: *Mylin A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 14, 2022, and concluded on June 14, 2022

Mylin A. Dixon, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

WHEREAS, Chapter 59 Laws of Maryland 2021, known as Maryland Police Accountability Act of 2021 (the “Act”), changed the process for reviewing of law enforcement activities and altering the review of law enforcement officers conduct, including the repeal of the Law Enforcement Officers Bill of Rights; and

WHEREAS, the Act requires each county to establish two boards, a police accountability board and an administrative charging committee; and

WHEREAS, the Maryland Police Training and Standards Commission adopted regulations, codified under COMAR, to implement provisions adopted under the Act.

NOW, THEREFORE,

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new Article XXII, Harford County Police Accountability Board, and new Article XXIIA, Harford County Administrative Charging Committee, be, and they are hereby, added to Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended, all to read as follows:

Chapter 9. Boards, Commissions, Councils and Agencies

Part 3. Authoritative Boards and Commissions

ARTICLE XXII. HARFORD COUNTY POLICE ACCOUNTABILITY BOARD

§ 9-136. ESTABLISHMENT; MEMBERSHIP.

A. THERE IS ESTABLISHED A HARFORD COUNTY POLICE ACCOUNTABILITY BOARD AS REQUIRED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

B. THE BOARD SHALL CONSIST OF 5 MEMBERS.

C. MEMBERS SHALL BE APPOINTED BY THE COUNTY EXECUTIVE FOR TERMS

COTERMINOUS WITH THE EXECUTIVE AND SHALL BE CONFIRMED BY THE
COUNTY COUNCIL.

D. AN INDIVIDUAL MAY NOT BE A MEMBER OF THE BOARD IF THE INDIVIDUAL:

(1) IS AN ACTIVE POLICE OFFICER AS THAT TERM IS DEFINED IN § 9-139 OF
THE HARFORD COUNTY CODE, AS AMENDED, AN EMPLOYEE OF THE
SHERIFF'S OFFICE OR AN EMPLOYEE OF A LOCAL MUNICIPAL POLICE
AGENCY; OR

(2) HAS BEEN CONVICTED OF, OR RECEIVED PROBATION BEFORE
JUDGMENT FOR, A FELONY OR MISDEMEANOR FOR WHICH A
SENTENCE OF IMPRISONMENT FOR 1 YEAR OR MORE COULD HAVE
BEEN IMPOSED.

E. THE COUNTY EXECUTIVE SHALL NOMINATE, SUBJECT TO CONFIRMATION
BY THE COUNTY COUNCIL, THE MEMBER TO SERVE AS THE CHAIR OF THE
BOARD; AND THIS MEMBER SHALL HAVE RELEVANT EXPERIENCE WITH THE
OPERATION OF A LAW ENFORCEMENT AGENCY.

F. TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
REFLECT THE RACIAL, GENDER AND CULTURAL DIVERSITY OF THE COUNTY.

G. MEMBERS SHALL BE COUNTY RESIDENTS AGED 21 YEARS OR OLDER.

H. MEMBERS SHALL BE A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES.

I. THE COUNTY EXECUTIVE MAY CONSULT WITH THE HARFORD COUNTY
POLICE COMMISSION, COMMUNITY GROUPS, BUSINESS ASSOCIATIONS OR
ANY OTHER ORGANIZATION WITHIN HARFORD COUNTY TO ASSIST IN THE
RECRUITMENT OF INDIVIDUALS TO SERVE AS MEMBERS.

J. TO THE EXTENT PRACTICABLE, MEMBERS SHALL HAVE EXPERIENCE IN:

(1) CIVIL RIGHTS;

(2) LAW ENFORCEMENT;

(3) CRIMINAL LAW;

(4) COMMUNITY POLICING;

(5) POLICING STANDARDS;

(6) CRIMINOLOGY;

(7) PERSONNEL MANAGEMENT AND DISCIPLINE;

(8) JUVENILE SERVICE ADMINISTRATION; AND

(9) OTHER LIFE EXPERIENCE THAT MAY BE VALUABLE TO THE BOARD.

11 K. PROSPECTIVE MEMBERS OF THE BOARD SHALL SUBMIT TO A CRIMINAL

12 BACKGROUND CHECK.

13 L. EACH MEMBER SHALL SIGN AN AGREEMENT TO MAINTAIN THE

14 CONFIDENTIALITY OF ALL MATTERS RELATED TO INDIVIDUAL COMPLAINTS

15 UNTIL FINAL DISPOSITION AND ALL APPEALS HAVE BEEN EXHAUSTED.

16 § 9-137. MEETINGS, BUDGET AND RECORDS.

17 A. THREE MEMBERS CONSTITUTES A QUORUM FOR THE PURPOSE OF

18 CONDUCTING BUSINESS.

19 B. THE BOARD SHALL MEET QUARTERLY EACH YEAR BUT MAY HOLD SPECIAL

20 MEETINGS AT ANY TIME AT THE CALL OF THE CHAIR.

21 C. ANY MEMBER MISSING 3 CONSECUTIVE MEETINGS IN ANY 1 CALENDAR

22 YEAR MAY BE ASKED TO RESIGN.

23 D. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE BOARD AND

1 ASSIGN STAFF, AS NEEDED, FOR THE BOARD. AS NEEDED, THE COUNTY
2 ATTORNEY SHALL RETAIN SPECIAL LEGAL COUNSEL TO SERVE AS COUNSEL
3 TO THE BOARD.

4 E. THE BOARD SHALL KEEP ACCURATE AND COMPLETE RECORDS OF ITS
5 BUSINESS, AND THE HARFORD COUNTY LAW DEPARTMENT SHALL SERVE AS
6 THE CUSTODIAN OF THE RECORDS. THE BOARD SHALL KEEP RECORDS OF
7 ALL BUSINESS OF THE BOARD FOR 5 YEARS FROM THE DATE OF THE
8 GENERATION OR COLLECTION OF THE RECORD.

9 F. THE MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR NECESSARY
10 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

11 **§ 9-138. DUTIES.**

12 A. THE BOARD SHALL HAVE THE FOLLOWING RESPONSIBILITIES AND DUTIES:

13 (1) HOLD QUARTERLY MEETINGS WITH THE HEADS OF LAW
14 ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH LAW
15 ENFORCEMENT AGENCIES AND COUNTY GOVERNMENT TO IMPROVE
16 MATTERS OF POLICING.

17 (2) APPOINT CIVILIAN MEMBERS TO ADMINISTRATIVE CHARGING
18 COMMITTEES AND TRIAL BOARDS.

19 (3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY MEMBERS
20 OF THE PUBLIC WHICH SHALL BE FORWARDED TO THE APPROPRIATE
21 LAW ENFORCEMENT AGENCY WITHIN 3 DAYS OF RECEIPT BY THE
22 BOARD. TO BE ACCEPTED, COMPLAINTS SHALL BE FILED BY THE
23 PUBLIC AND SHALL INCLUDE THE NAME OF THE OFFICER ACCUSED OF

MISCONDUCT, A DESCRIPTION OF THE FACTS UPON WHICH THE COMPLAINT IS BASED AND THE LEGAL NAME AND CONTACT INFORMATION OF THE COMPLAINANT OR THE PERSON FILING ON BEHALF OF THE COMPLAINANT.

(4) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED BY ADMINISTRATIVE CHARGING COMMITTEES.

(5) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A WRITTEN REPORT TO THE GOVERNING BODY OF THE COUNTY THAT:

(A) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF LAW ENFORCEMENT OFFICERS IN THE COUNTY; AND

(B) MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT WOULD IMPROVE POLICE ACCOUNTABILITY IN THE COUNTY.

ARTICLE XXIIA. HARFORD COUNTY ADMINISTRATIVE CHARGING COMMITTEE

§ 9-139. DEFINITIONS.

AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

ADMINISTRATIVELY CHARGED -- A POLICE OFFICER HAS BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.

CONFLICT OF INTEREST -- A REAL OR SEEMING INCOMPATIBILITY BETWEEN ONE'S PRIVATE INTEREST AND ONE'S OFFICIAL RESPONSIBILITIES IN A POSITION OF TRUST.

DISCIPLINARY MATRIX -- A WRITTEN, CONSISTENT, PROGRESSIVE AND

1 TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF DISCIPLINARY
2 ACTIONS FOR DIFFERENT TYPES OF CONDUCT.

3 GOOD MORAL CHARACTER -- THE POSSESSION OF HONESTY AND TRUTHFULNESS,
4 TRUSTWORTHINESS AND RELIABILITY AND A PROFESSIONAL COMMITMENT
5 TO THE LEGAL PROCESS AND THE ADMINISTRATION OF JUSTICE, AS WELL
6 AS THE CONDITION OF BEING REGARDED AS POSSESSING SUCH QUALITIES.

7 LAW ENFORCEMENT AGENCY – HAS THE MEANING STATED IN § 3-201 OF THE
8 PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

9 NOT ADMINISTRATIVELY CHARGED -- A DETERMINATION HAS BEEN MADE NOT TO
10 ADMINISTRATIVELY CHARGE A POLICE OFFICER IN CONNECTION WITH
11 ALLEGED MISCONDUCT.

12 POLICE MISCONDUCT -- A PATTERN, A PRACTICE OR CONDUCT BY A POLICE
13 OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

- 14 (1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE CONSTITUTION
15 OR LAWS OF THE STATE OF MARYLAND OR THE UNITED STATES;
16 (2) A VIOLATION OF A CRIMINAL STATUTE; AND
17 (3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND
18 POLICIES.

19 POLICE OFFICER -- HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY
20 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

21 **§ 9-140. ESTABLISHMENT; MEMBERSHIP.**

22 A. THERE IS ESTABLISHED A HARFORD COUNTY ADMINISTRATIVE CHARGING
23 COMMITTEE AS REQUIRED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE

1 OF THE ANNOTATED CODE OF MARYLAND.

2 B. AT LEAST 30 CALENDAR DAYS IN ADVANCE OF APPOINTMENT, THE COUNTY
3 EXECUTIVE SHALL POST A PUBLIC NOTICE TO INVITE PERSONS TO APPLY TO
4 SERVE ON THE COMMITTEE. PUBLIC NOTICE SHALL BE POSTED PRIOR TO
5 INITIAL APPOINTMENTS AND ANY SUCCESSIVE TERM OR VACANCY OF A
6 MEMBER.

7 C. THE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

8 (1) THE CHAIR OF THE HARFORD COUNTY POLICE ACCOUNTABILITY
9 BOARD OR ANOTHER MEMBER OF THE ACCOUNTABILITY BOARD
10 DESIGNATED BY THE CHAIR OF THE ACCOUNTABILITY BOARD.

11 (2) TWO CIVILIAN MEMBERS SELECTED BY THE POLICE
12 ACCOUNTABILITY BOARD.

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

14 D. TO BE ELIGIBLE TO SERVE ON THE COMMITTEE AN INDIVIDUAL SHALL:

15 (1) BE 21 YEARS OF AGE OR OLDER;

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

17 (3) BE OF GOOD MORAL CHARACTER AND FREE FROM BIAS THAT WOULD
18 NEGATIVELY IMPACT THE INTEGRITY OF THE COMMITTEE;

19 (4) BE A RESIDENT OF THE COUNTY;

20 (5) SUCCESSFULLY COMPLETE THE MARYLAND POLICE TRAINING AND
21 STANDARDS COMMISSION REQUIRED TRAINING BEFORE SERVING ON
22 THE COMMITTEE; AND

23 (6) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMITTEE

1 SHALL REFLECT THE RACIAL, GENDER AND CULTURAL DIVERSITY OF
2 THE COUNTY.

3 E. THE FOLLOWING INDIVIDUALS SHALL NOT BE ELIGIBLE TO SERVE ON THE
4 COMMITTEE:

5 (1) AN INDIVIDUAL WHO HAS AN ACTUAL CONFLICT OF INTEREST, AS
6 DETERMINED BY THE COUNTY EXECUTIVE.

7 (2) AN INDIVIDUAL UNDER CRIMINAL INVESTIGATION BY ANY LAW
8 ENFORCEMENT AGENCY.

9 (3) AN INDIVIDUAL CURRENTLY CHARGED WITH A CRIME THAT IS
10 PENDING BEFORE ANY COURT.

11 (4) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF, OR RECEIVED
12 PROBATION BEFORE JUDGEMENT FOR, A FELONY OR MISDEMEANOR
13 FOR WHICH A SENTENCE OF IMPRISONMENT FOR 1 YEAR OR MORE
14 COULD HAVE BEEN IMPOSED.

15 F. PROSPECTIVE MEMBERS OF THE COMMITTEE MUST SUBMIT TO A
16 BACKGROUND INVESTIGATION WHICH SHALL INCLUDE, BUT NOT BE
17 LIMITED TO, A REVIEW OF THE APPLICANT'S SOCIAL MEDIA PRESENCE.

18 G. MEMBERS HAVE AN ONGOING AND CONTINUOUS OBLIGATION TO
19 IMMEDIATELY REPORT IN WRITING TO THE CHAIR OF THE ADMINISTRATIVE
20 CHARGING COMMITTEE ANY EVENT THAT MAY HARM THE PUBLIC TRUST
21 OF THE ADMINISTRATIVE CHARGING COMMITTEE. SUCH EVENTS INCLUDE,
22 BUT ARE NOT LIMITED TO:

23 (1) CONFLICTS OF INTEREST;

(2) CRIMINAL CHARGES;

(3) CRIMINAL INVESTIGATIONS; AND

(4) CRIMINAL CONVICTIONS.

H. SUBJECT TO SUBSECTION I BELOW, THE TERM FOR MEMBERS OF THE COMMITTEE SHALL BE 2 YEARS.

I. INITIAL TERM OF 1 MEMBER SELECTED BY THE HARFORD COUNTY POLICE ACCOUNTABILITY BOARD AND 1 MEMBER SELECTED BY THE COUNTY EXECUTIVE SHALL SERVE FOR 1 YEAR AND THE 3 REMAINING MEMBERS SHALL SERVE 2-YEAR TERMS.

J. MEMBERS MAY SERVE FOR NO MORE THAN 3 CONSECUTIVE TERMS.

K. IF THE COUNTY EXECUTIVE REMOVES A MEMBER PRIOR TO THE END OF THE MEMBER'S TERM, THE COUNTY EXECUTIVE SHALL NOTIFY THE MEMBER AND THE CHAIR OF THE COMMITTEE IN WRITING.

L. ANY MEMBER WHO FAILS TO MAINTAIN THE CONFIDENTIALITY OF ALL COMMITTEE MATTERS SHALL BE REMOVED IMMEDIATELY FROM THE COMMITTEE BY THE COUNTY EXECUTIVE. A MEMBER OF THE COMMITTEE WHO ALSO SERVES AS A MEMBER OF THE HARFORD COUNTY POLICE ACCOUNTABILITY BOARD SHALL NOT DISCLOSE ANY INFORMATION RECEIVED AS A MEMBER OF THE COMMITTEE TO THE MEMBERS OF THE POLICE ACCOUNTABILITY BOARD.

M. A MEMBER MAY RESIGN FROM THE COMMITTEE AT ANY TIME BY NOTIFYING THE COUNTY EXECUTIVE AND CHAIR IN WRITING.

N. THE MEMBERS OF THE COMMITTEE SHALL SELECT THE CHAIR WHO SHALL

FOLLOW ROBERT'S RULES OF ORDER AND SHALL:

- (1) ESTABLISH THE MEETING SCHEDULE, WITH A MINIMUM OF 1 MEETING PER MONTH;
- (2) ESTABLISH A WRITTEN AGENDA FOR EACH MEETING AND SEND IT TO EACH MEMBER IN ADVANCE OF EACH MEETING;
- (3) CALL EACH MEETING TO ORDER;
- (4) COORDINATE THE MEETING IN ACCORD WITH THE AGENDA;
- (5) INVITE DISCUSSION AMONG MEMBERS BEFORE VOTING;
- (6) INVITE MOTIONS, SECONDS AND VOTES FROM MEMBERS;
- (7) ENSURE THAT A RECORD IS KEPT OF ALL BUSINESS OF THE COMMITTEE;
- (8) PROMPTLY REPORT TO THE COUNTY EXECUTIVE IN WRITING ANY CONCERN OR EVENT INVOLVING A MEMBER THAT MAY HARM THE PUBLIC TRUST OF THE COMMITTEE. SUCH EVENTS INCLUDE, BUT ARE NOT LIMITED TO:
 - (A) CONFLICT OF INTEREST;
 - (B) CRIMINAL CHARGES;
 - (C) CRIMINAL INVESTIGATIONS; AND
 - (D) CRIMINAL CONVICTIONS.

§ 9-141. MEETINGS; BUSINESS.

- A. THE OPEN MEETINGS ACT DOES NOT APPLY TO MEETINGS OF THE COMMITTEE, AND MEETINGS ARE NOT OPEN TO THE PUBLIC.
- B. THE COMMITTEE SHALL MEET ONCE PER MONTH, OR AS NEEDED.

1 C. SUBJECT TO SUBSECTION D BELOW, THE COMMITTEE SHALL ESTABLISH A
2 SCHEDULE THAT PROVIDES FOR A DETERMINATION FOR ALL MATTERS
3 PENDING BEFORE THE COMMITTEE TO BE DETERMINED WITHIN 30
4 CALENDAR DAYS AFTER THE APPROPRIATE LAW ENFORCEMENT AGENCY
5 COMPLETES ITS INVESTIGATION.

6 D. THE COMMITTEE SHALL ISSUE A FINAL DETERMINATION AND DISPOSITION
7 OF EVERY MATTER WITHIN 1 YEAR AND 1 DAY AFTER THE INITIAL FILING OF
8 A COMPLAINT BY A CITIZEN.

9 E. TO MAINTAIN CONFIDENTIALITY THE COUNTY SHALL ENSURE THAT THE
10 COMMITTEE UTILIZES SECURE METHODS TO ELECTRONICALLY TRANSMIT
11 DOCUMENTS, FILES, NOTES AND ANY OTHER COMMUNICATIONS
12 PERTAINING TO AN INVESTIGATION.

13 F. THREE MEMBERS CONSTITUTES A QUORUM FOR THE CONDUCT OF
14 BUSINESS.

15 G. MEETINGS MAY BE CONDUCTED EITHER IN PERSON OR REMOTELY VIA
16 SECURE VIDEO CONNECTION.

17 H. AS NEEDED, THE COUNTY ATTORNEY SHALL RETAIN SPECIAL LEGAL
18 COUNSEL TO SERVE AS COUNSEL TO THE COMMITTEE.

19 I. THE MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED FOR NECESSARY
20 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 **§ 9-142. DELIBERATIONS AND RECOMMENDATIONS.**

22 A. THE COMMITTEE SHALL REVIEW THE INVESTIGATIVE FILES SUBMITTED BY
23 THE APPROPRIATE LAW ENFORCEMENT AGENCY AND MAKE A

1 DETERMINATION REGARDING ADMINISTRATIVE CHARGING IN
2 ACCORDANCE WITH THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED
3 CODE OF MARYLAND.

4 B. IF THE LAW ENFORCEMENT AGENCY INCLUDED A WRITTEN
5 RECOMMENDATION WITH THE INVESTIGATION FILE, THE COMMITTEE
6 SHALL CONSIDER THE RECOMMENDATION BEFORE MAKING A FINAL
7 DECISION.

8 C. THE COMMITTEE SHALL NOTE THEIR CONSIDERATION OF THE LAW
9 ENFORCEMENT AGENCY'S RECOMMENDATION IN THE COMMITTEE'S
10 WRITTEN DECISION.

11 D. DECISIONS OF THE COMMITTEE SHALL BE MADE BY A MAJORITY VOTE OF
12 THE MEMBERS IN ATTENDANCE.

13 E. EACH MEMBER SHALL CAST 1 VOTE AND SHALL NOT ABSTAIN UNLESS THE
14 MEMBER HAS A CONFLICT OF INTEREST.

15 F. A MEMBER WITH A POTENTIAL CONFLICT OF INTEREST MUST ANNOUNCE
16 AND PROVIDE WRITTEN NOTICE OF THE EXISTENCE OF A POTENTIAL
17 CONFLICT OF INTEREST PRIOR TO ANY DISCUSSION OF THE PENDING
18 MATTER.

19 G. IF A MEMBER ANNOUNCES A POTENTIAL CONFLICT OF INTEREST, THE
20 REMAINING MEMBERS SHALL DISCUSS THE DETAILS OF THE POTENTIAL
21 CONFLICT OF INTEREST AND IF A MAJORITY DETERMINE THAT A CONFLICT
22 EXISTS, THE MEMBER WITH THE CONFLICT SHALL BE EXCUSED FROM THE
23 MEETING PRIOR TO ANY CONSIDERATION OF THE MATTER THAT IS THE

1 SUBJECT OF THE CONFLICT. THE EXCUSED MEMBER MAY RETURN TO THE
2 MEETING AFTER CONSIDERATION OF THE MATTER IS COMPLETED.

3 H. THE COMMITTEE SHALL REVIEW ANY BODY CAMERA FOOTAGE RELEVANT
4 TO THE MATTER COVERED IN THE COMPLAINT.

5 I. ON COMPLETION OF THE INVESTIGATION BY THE APPROPRIATE LAW
6 ENFORCEMENT AGENCY, THE COMMITTEE SHALL REVIEW THE
7 INVESTIGATION AND DETERMINE WHETHER THE OFFICER SHALL BE
8 ADMINISTRATIVELY CHARGED OR NOT ADMINISTRATIVELY CHARGED.

9 J. IF THE COMMITTEE DETERMINES THAT ADMINISTRATIVE CHARGES SHALL
10 BE FILED, THE COMMITTEE SHALL MAKE A DISCIPLINARY
11 RECOMMENDATION IN ACCORDANCE WITH THE UNIFORM STATE
12 DISCIPLINARY MATRIX DEVELOPED BY THE MARYLAND POLICE TRAINING
13 AND STANDARDS COMMISSION.

14 K. THE COMMITTEE SHALL AUTHORIZE A POLICE OFFICER CALLED TO APPEAR
15 BEFORE THE COMMITTEE TO BE ACCOMPANIED BY A REPRESENTATIVE.

16 L. IN EXECUTING ITS DUTIES, THE COMMITTEE MAY:

17 (1) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT
18 AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING
19 REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF
20 SUBPOENAS;

21 (2) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED, MAKE
22 A DETERMINATION THAT:

23 (A) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE

1 UNFOUNDED; OR

2 (B) THE POLICE OFFICER IS EXONERATED; AND

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

5 M. THE COMMITTEE SHALL NOT ADMINISTRATIVELY CHARGE A POLICE
6 OFFICER FOR CONDUCT ARISING FROM AN INCIDENT FOR WHICH THE
7 OFFICER HAS BEEN PREVIOUSLY DISCIPLINED OR SANCTIONED.

8 N. THE COMMITTEE SHALL ISSUE A WRITTEN DECISION THAT DESCRIBES IN
9 DETAIL ITS FINDINGS, DETERMINATION AND RECOMMENDATIONS.

10 O. THE COMMITTEE SHALL FORWARD A COPY OF THE WRITTEN OPINION TO
11 THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE POLICE
12 OFFICER AND THE COMPLAINANT WITHIN 5 DAYS OF RENDERING ITS
13 DECISION.

14 P. IF THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY OFFERS
15 THE SAME DISCIPLINE RECOMMENDED BY THE COMMITTEE OR A DEGREE
16 OF DISCIPLINE HIGHER THAN THAT RECOMMENDED BY THE COMMITTEE
17 AND THE OFFICER ACCEPTS THE DISCIPLINE OFFERED, THE MATTER IS
18 DEEMED SETTLED AND FINAL AND NO FURTHER ACTION BY THE
19 COMMITTEE IS REQUIRED.

20 Q. IF THE HEAD OF THE APPROPRIATE LAW ENFORCEMENT AGENCY REACHES
21 A TENTATIVE SETTLEMENT AGREEMENT WITH THE POLICE OFFICER AS
22 PERMITTED UNDER COMAR, THE HEAD OF THE LAW ENFORCEMENT AGENCY
23 SHALL FORWARD THE SETTLEMENT AGREEMENT TO THE COMMITTEE

1 WITHIN 5 DAYS OF REACHING THE AGREEMENT. ONCE THE COMMITTEE
2 RECEIVES A SETTLEMENT AGREEMENT, THE COMMITTEE SHALL:

3 (1) ENDORSE THE PROPOSED SETTLEMENT AGREEMENT AND AUTHORIZE
4 THE HEAD OF THE LAW ENFORCEMENT AGENCY TO IMPOSE THE
5 AGREED UPON DISCIPLINE; OR

6 (2) REJECT THE PROPOSED SETTLEMENT AGREEMENT AND INFORM THE
7 HEAD OF THE LAW ENFORCEMENT AGENCY THAT THE COMMITTEE'S
8 ORIGINAL DISCIPLINE DETERMINATION STANDS.

9 R. IF THE COMMITTEE ENDORSES THE SETTLEMENT AGREEMENT, THE HEAD OF
10 THE LAW ENFORCEMENT AGENCY SHALL IMPOSE THE AGREED UPON
11 DISCIPLINE.

12 S. SETTLEMENT NEGOTIATIONS DO NOT EXTEND OR OTHERWISE ALTER THE
13 TIME FRAMES STATED UNDER § 9-141D.

14 Section 2. And Be It Further Enacted that the term for the initial members appointed to the
15 Harford County Police Accountability Board shall be 2 years. After that initial term, members shall
16 serve as specified in § 9-136C.

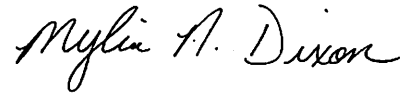
17 Section 3. And Be It Further Enacted that, if any provision of this Act or the application thereof
18 to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the
19 invalidity does not affect other provisions or any other application of this Act that can be given effect
20 without the invalid provision or application, and for this purpose the provisions of this Act are
21 declared severable.

22 Section 4. And Be It Further Enacted that this Act is declared to be an emergency act necessary
23 to establish a board and committee to comply with the State-mandated timeframe that will provide

- 1 for citizen review and investigation into law enforcement activity to ensure the public safety and
- 2 welfare and shall take effect on the date it becomes law.

EFFECTIVE: June 23, 2022

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.

A handwritten signature in cursive script that reads "Mylin A. Dixon".

Council Administrator