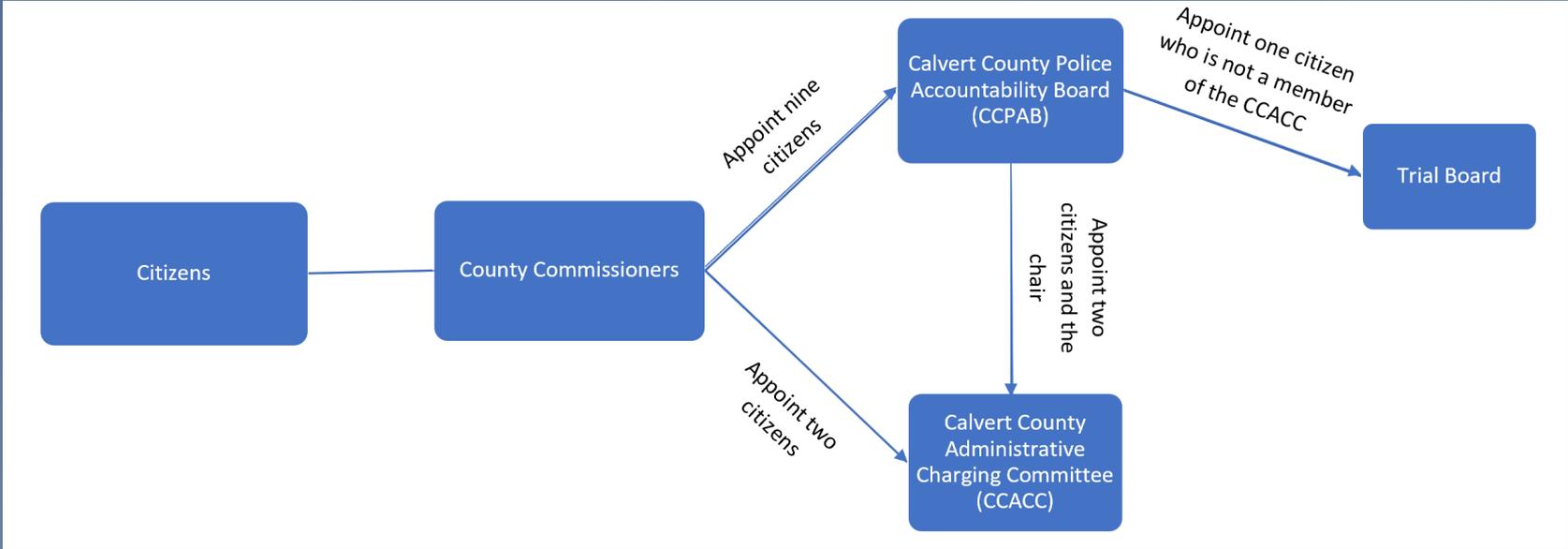


*Local Requirements to Implement the
Maryland Police Accountability Act of
2021 - Police Discipline and Law
Enforcement Programs and
Procedures*

Second Round - The First Revisions





Police Accountability Board

For the Calvert County Police Accountability Board, the Board of County Commissioners must:

- Establish the membership;
- Establish the budget and staff;
- Appoint a chair with relevant experience; and
- Establish the procedures for record keeping.

Police Accountability Board

The Police Accountability Board's role is to:

- 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;
- Appoint members to the Administrative Charging Committee, and any Trial Boards;
- Receive complaints of police misconduct filed by the public;
- Review, quarterly, outcomes of disciplinary matters considered by charging committees; and
- By December 31, submit a report to the County Commissioners and recommend policy changes that would improve police accountability in the county.

Administrative Charging Committee

The Calvert County Administrative Charging Committee is required by the State law to be 5 persons:

- The Chair of the Accountability Board, or that Chair's designee from the Accountability Board, is a member;
- The Accountability Board appoints 2 civilian members of the public; and
- The Board of County Commissioners appoints 2 civilian members of the public.

Administrative Charging Committee

The Calvert County Admin. Charging Committee's role is to:

- Review findings of a law enforcement agency's investigation;
- Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
- Determine whether or not to administratively charge the police officer who is the subject of the investigation;
- If the police officer is charged, recommend discipline in accordance with that officer's agency's disciplinary matrix;
- Issue a written opinion that describes in detail its findings, determinations, and recommendations;
- Forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

Administrative Charging Committee

- The Administrative Charging Committee may also:
 - 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;
 - Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

If charged by the ACC

- Within 15 days after an ACC issues an administrative charge against a police officer, the chief of the law enforcement agency must offer discipline to the officer who has been administratively charged in accordance with the disciplinary matrix.
- The chief may offer the same discipline that was recommended by the administrative charging committee, or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the administrative charging committee.
- The officer may seek review by a Trial Board (The Police Accountability Board appoints one civilian to the Trial Board).

Revisions Since First Draft

Based upon public input, the Commissioners have directed several changes to the draft Resolution before seeking additional input. The highlights of changes include:

- Members of the Accountability Board must, to the extent practicable:
 - Represent reflect the racial, gender, and cultural diversity of Calvert County, including an express provisions that: (1) women be 50% of the membership; and (2) Not less than three members shall be from minority populations within the County;
 - Be composed of not less than two members from each County Commissioner District; and
 - One Member should be a mental health practitioner.

Revisions Since First Draft

- Members of the Accountability Board shall be eligible to sit as a juror, meeting an adaptation of the requirements of Md. Ann. Code, Courts and Judicial Proceedings, § 8-103:
 - Not having been convicted of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year, unless pardoned;
 - Shall not have a charge pending for a crime punishable by imprisonment exceeding 1 year; and
 - Must be able to comprehend spoken and written English, and speak and write English proficiently enough to complete a standard form application for appointment.

Revisions Since First Draft

- To be eligible for appointment, a retired law enforcement officer must have been separated from law enforcement for a minimum of three years.
- The length of term of appointment has been reduced to three (3) years, and no member may serve more than three terms.
- The Chair of the Accountability Board no longer need be retired law enforcement officer, but the requirement of State law that the Chair have “relevant experience”, is carried forward.

Revisions Since First Draft

- It is no longer required that the Chair of the Accountability Board serve as the Chair of the Charging Committee.
- The Charging Committee will elect its Chair from among its members annually at its first meeting on or after July 1.
- The Chair of the Charging Committee shall serve no more than two (2) consecutive terms as the Chairperson.