PERTAINING TO THE CREATION OF THE CALVERT COUNTY POLICE ACCOUNTABILITY BOARD & CALVERT COUNTY ADMINISTRATIVE CHARGING COMMITTEE

WHEREAS, Chapter 59 Laws of Maryland 2021, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures, (the "Act"), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, and repealing the Law Enforcement Officer's Bill of Rights ("LEOBR") and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) 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; (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;

WHEREAS, the Act further requires that the Board of County Commissioners of Calvert County, Maryland (hereinafter, the "Board of County Commissioners") must: (1) establish the membership of a police accountability board, establish the budget and staff for a police accountability board, appoint a chair of the police accountability board who has relevant experience to the position; and (2) establish the procedures for record keeping by a police accountability board;

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board;

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

WHEREAS, the Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee, an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that 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; (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

rec'd by email 4/8/22

the written opinion to the chief of the law enforcement agency, the police officer, and the complainant;

WHEREAS, the Act establishes that, in executing its duties, an administrative charging committee may: (1) request information or action from the law enforcement agency; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded, or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct; and

WHEREAS, the Board of County Commissioners desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that there shall be a Calvert County Police Accountability Board ("CCPAB") and a Calvert County Administrative Charging Committee ("CCACC") in accordance with the following:

I. Definitions.

A. Federal Law Enforcement Agency: A federal law enforcement agency is an organizational unit, or subunit, of the federal government with the principle functions of prevention, detection, and investigation of crime and the apprehension of alleged offenders. Examples of federal law enforcement agencies include: the U.S. Customs and Border Protection; Federal Bureau of Investigation ("FBI"); the Secret Service; and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

B. Law Enforcement Agency ("LEA"): A Law Enforcement Agency ("LEA") is a Federal Law Enforcement Agency or a Maryland Law Enforcement Agency.

C. Maryland Law Enforcement Agency: A Maryland law enforcement agency is an organizational unit, or subunit, of the State government, or its counties or municipalities, with the principle functions of prevention, detection, and investigation of crime, and the apprehension of alleged offenders. Examples of Maryland law enforcement agencies include: Maryland State Police; Maryland Department of Public Safety and Correctional Services; Maryland Police and Correctional Training Commissions; Maryland Transportation Authority Police; Maryland Department of General Services Police; Maryland Department of Natural Resources Police; Maryland State Fire Marshal; Maryland Transit Administration Police; Maryland Office of the Comptroller, Field Enforcement Unit; city or county police force; a County Sheriff, or deputy, regardless whether merit or contract, with the principle functions of training/certification, prevention.

D. Police Officer: Police officer shall have the same meaning as defined at Md. Ann. Code, *Public Safety Art.*, §3-201, as amended hereafter from time to time.

II. Police Accountability Board.

A. There shall be a Calvert County Police Accountability Board ("CCPAB") to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.

B. The CCPAB shall:

1. Hold quarterly meetings, not less than quarterly, 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;
5. Work with LEAs and the Board of County Commissioners to:
   a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
   b. By December 31 each year, or such other time as the Board of County Commissioners designates, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in Calvert County and makes recommendations on changes to policy that would improve police accountability in Calvert County.

III. Administrative Charging Committee.

A. There shall be a Calvert County Administrative Charging Committee ("CCACC") to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.

B. The CCACC shall:
   a. Meet not less than once per month, and additionally as needed;
   b. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the CCACC may deem necessary and appropriate;
   1 c. Review the findings of a LEA's investigation conducted and forwarded to the CCACC in accordance with State law;
   d. Make a determination that the police officer who is subject to investigation shall be:
      1) Administratively charged; or
      2) Not administratively charged;
   e. If the police officer is charged, recommend discipline in accordance with the LEA's disciplinary matrix established in accordance with Md. Ann. Code. *Public Safety Art.*, § 3–106 and § 3–105;
   2 f. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
   3 g. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
   h. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
   i. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.

C. In executing its duties, the CCACC may:
   a. Request information or action from the LEA that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
   b. If the police officer is not administratively charged, make a determination that:
      4 1) The allegations against the police officer are unfounded; or
      2) The police officer is exonerated; and
   c. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

Summary of Comments on Barnes.Recommendations_PoliceAccountabilityBoard.Resolution.PHDraft.Redline.pdf

Page: 3

Number: 1 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:41:31 PM
Review the finding and forward to CCACC? CCACC forward findings to themselves?

Number: 2 Author: MKB Subject: Sticky Note Date: 1/18/2022 11:04:38 PM
Should minor's information pertaining to body camera footage redacted?

Number: 3 Author: MKB Subject: Sticky Note Date: 1/18/2022 11:03:48 PM
Authorize a police officer the right to a speedy hearing without unnecessary delays the right to refuse to answer questions in order to avoid incriminating oneself; and

The right to know who your accusers are and the nature of the charges and evidence against you; charges and information to be provided thirty days from the scheduled appearance and

The right to subpoena witnesses including the complainant;

Number: 4 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:26:03 PM
2) The police officer is exonerated; and
3) Reimburse the police officer for any fees associated with being served a subpoena to appear before the CCACC. To include reasonable attorney, specialist or other witness fees; and

IV. Membership.

A. To the extent practicable, the membership of the CCPAB and CCACC shall reflect the racial, gender, and cultural diversity of Calvert County.

1 B. No active police officer, nor any person that fully retired from law enforcement less than ~~three~~ five (~~3~~5) years prior to the date of appointment, may be a member of the CCPAB or CCACC.

C. Member(s) shall hold their position until their successor(s) are selected and qualified.

D. All members of the CCPAB and CCACC are subject to the applicable provisions of the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended hereafter from time to time.

2 E. All members of the CCPAB and CCACC shall be adults not having been or be convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year, unless pardoned.

F. No Member of the CCPAB and CCACC shall have a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding 1 year.

G. All members of the CCPAB AND CCACC must be able to comprehend spoken English and speak English, comprehend written English, read English, and write English proficiently enough to complete a standard form application for appointment satisfactorily.[1]

H. Members of the CCPAB and CCACC shall maintain confidentiality relating to all matters before the respective Board and Committee.

I. Members of the CCPAB and CCACC shall comply with the Maryland Open Meetings Act, Md. Ann. Code. *General Provisions Art.*, §3-101, *et seq.*, as amended hereafter from time to time.

J. With regard to the CCPAB:

3 1. The CCPAB shall be composed of nine (9) members selected by the Board of County Commissioners of Calvert County, including a Chairperson appointed by the Board of County Commissioners;
2. Except as initially staggered, Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of ~~nine~~ six (~~9~~6) years of service on the CCPAB.
3. Initial terms of members shall be staggered as follows:
   a. Three (3) members shall serve an initial term of three (3) years;
   b. Three (3) members shall serve an initial term of two (2) years; and
   c. The remaining three (3) members shall serve an initial term of one (1) year.
4. The Chairperson of the CCPAB shall have experience relevant to the position.
5. To the extent practicable, Members of the CCPAB shall ~~represent~~ reflect the racial, gender, and cultural diversity of Calvert County and include, with not less than two (2) members from each County Commissioner District:
   a. Two (2) members shall be retired, sworn law enforcement officers who retired in good standing at least ~~three~~ five (~~3~~5) years prior to appointment on the CCPAB, with ~~at least twenty (20) years of~~sufficient time and responsibility of

[1] Reasonable accommodation shall be made for qualifying applicants in accordance with the requirements of the Americans with Disability Act, 42 U.S.C. § 12101, *et seq.*, as amended, and its implementing regulations.

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Number: 1 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:02:33 PM

Recommend reducing to 1 year.

Number: 2 Author: MKB Subject: Sticky Note Date: 1/18/2022 11:04:49 PM

[Add] All members of the CCPAB and CCACC shall be a citizen of the United States; and Reside in Calvert County as of the day appointed membership to the CCPAB and CCACC.

Number: 3 Author: MKB Subject: Sticky Note Date: 1/18/2022 11:05:13 PM

Recommend reducing the number of members from 9 to 5 or 7. OR expanding the years of services. 8 years total.

service in a Maryland Law Enforcement Agency or Federal Law Enforcement Agency to adequately represent a law enforcement perspective;

b. Not less than three (3) members shall be from minority populations within Calvert County; and

c. One Member should be a mental health practitioner.

K. With regard to the CCACC:

1. The CCACC shall be composed of five (5) members.
2. The Chairperson of the CCPAB, or a member of the CCPAB designated by the Chairperson of the CCPAB, shall serve as a Member of the CCACC.
3. The Board of County Commissioners of Calvert County shall appoint two (2) Calvert County civilians as members of the CCACC.
4. The CCPAB shall appoint two (2) Calvert County civilians to the CCACC by majority vote.
5. The Members of the CCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
6. The Chairperson of the CCACC shall serve no more than two (2) consecutive terms as the Chairperson.
7. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of ~~nine~~ six (~~9~~6) years of service on the CCACC.
8. Before serving as the CCACC, every ~~individual~~ member shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

V. Resignation and Removal.

A. Any member of the CCPAB or CCACC may resign at any time by providing written notice to the Board of County Commissioners.

B. In addition to the grounds set forth above, a member of the CCPAB or CCACC may be removed in accordance with the following provisions:

1. The Board of County Commissioners retains the authority to remove any member on its own initiative or based on recommendation of a majority vote of the CCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
2. The Chairperson shall notify the Board of County Commissioners if a member of the CCPAB or of the CCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Board of County Commissioners shall remove and replace such member.

VI. Meetings and Reporting.

A. The CCPAB shall meet no less than quarterly with heads of LEAs operating in Calvert County to:

a. Discuss improvements that can be made to policing;
b. Appoint civilian members to charging committees and trial boards;
c. Receive complaints of police misconduct from the public; and
d. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.

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Number: 1 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:42:48 PM

Strike One Member should be a mental health practitioner. Every 3-6 years someone will need to be reappointed and live within Calvert County. The level of applicants will grow smaller. Perhaps expand to health care industry, social workers, etc.

B. Each complaint of misconduct received by the CCPAB shall be forwarded within three (3) days of receipt by the CCPAB to the appropriate LEA. If no meeting of the CCPAB is scheduled within that timeframe, the Chairperson of the CCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the CCPAB at its next meeting.

C. The CCPAB and the CCACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.

D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.

E. Adequate notice of all Special Meetings will be provided to all Board or Commission members.

F. Notice of all meetings of the CCPAB and the CCACC shall be in accordance with the Maryland Open Meetings Act.

G. All meetings are open to the public, except that the CCPAB and the CCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code. *General Provisions Article*, § 3-305, as amended hereafter from time to time.

H. Any meeting of the CCPAB may be conducted by telephone or video conference call provided that CCPAB members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

VII. Budget

A. The Board of County Commissioners shall approve a budget for the CCPAB that shall include:

   a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCPAB supported by grant assistance from GOCCP; and

   b. A Quarterly stipend for members in such amount as the Board of County Commissioners may deem appropriate.

B. The Board of County Commissioners shall approve a budget for the CCACC that shall include:

   a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCACC supported by grant assistance from GOCCP; and

   b. A stipend for members per meeting with a per annum maximum amount per member as the Board of County Commissioners may deem appropriate.

VIII. Ethics, Rules, Record Keeping, and Support

A. Ethics.

   1. CCPAB members shall abide by and fully comply with the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended from time to time.

   2. No member of the CCPAB or CCACC shall cast a vote on any matter where a conflict of interest exists.

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Number: 1 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:30:37 PM
Specify time frame.

Number: 2 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:28:55 PM
Strike three-day notice. Minimum seven days.

Number: 3 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:43:46 PM
Add GOCCP to the definitions.

3. In any instance where the determination of a conflict of interest is uncertain, the Board or Commission may request a determination of conflict of interest from the Calvert County Ethics Commission, which shall not be unreasonably delayed.

B. Rules.
1. A quorum shall consist of a majority of the voting members.
2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the CCACC, all meetings shall be conducted in accordance with *Roberts Rules of Order Newly Revised*, unless they are inconsistent with the approved Rules or this Resolution.
3. There shall be one vote per member of each of the CCPAB and the CCACC; any members serving both the Board and the Commission shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the Calvert County Code of Ethics.
4. A tie vote for and against a motion means that a motion fails.

B. Record Keeping.
1. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCPAB shall be the Chairperson of the CCPAB, with:
   a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
   b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.
2. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCACC shall be the Chairperson of the CCACC, with:
   a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
   b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.

C. Support.
1. The Calvert County Department of Human Resources shall provide support personnel as may be required by the CCPAB and CCACC.
2. Operational Tasking by the CCPAB
3. The Office of the County Attorney shall provide legal support to the CCPAB.
4. The Board of County Commissioners shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the CCPAB and CCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.

DONE, this _____ day of _____, 2021 by the Board of County Commissioners of Calvert County, Maryland.

Aye: _____
Nay: _____
Absent/Abstain: _____

ATTEST:

_____
Rachel M. Distel, Clerk

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

_____
Earl F. Hance, President

_____
Steven R. Weems, Vice-President

_____
Christopher J. Gadway

_____
Mike Hart

_____
Kelly D. McConkey

Approved for form and legal sufficiency:

_____
John B. Norris, III, County Attorney

Page: 8

Number: 1 Author: MKB Subject: Sticky Note Date: 1/18/2022 10:36:17 PM
2022

Comments on 3rd Draft of Police Accountability Board 1/16/2022

Change Paragraph IV to include:

- The Board of County Commissioners will ensure transparency in the selection of members of the Police Accountability Board and the Administrative Charging Committee including making public, prior to selection, the names of all applicants for both boards, and the system used for selection.

- *(Based on the estimated female population of Calvert County as of July 2021 at 50.4%).* The Police Accountability Board should have at least 4 female members, and the Administrative Charging Committee should have at least 2 female members.

- *(Due to the interaction by police with private citizens from Calvert County and surrounding Counties, the Non-White population is much higher than Calvert County alone).* The Police Accountability Board should have at least 3 members who identify as Black, and 1 member who identifies as other than White or Black. The Administrative Charging Committee should have at least 1 member who identifies as Black and 1 member who identifies as other than White or Black.

- No more than Two (2) members, including the Chair, shall be retired, sworn law enforcement officers who retired in good standing at least five (5) years prior to appointment on the CCPAB, with sufficient time and responsibility of service in a Maryland Law Calvert County Police Accountability Board to adequately represent a law enforcement Agency or Federal Law Enforcement Agency to adequately represent a law enforcement perspective.

- County Commissioners, civilian employees of the Calvert County Sheriff's office or the State Police who have served in those capacities within the last 5 years shall not be eligible to serve on either the Police Accountability Board or the Administrative Charging Committee. Spouses, of law enforcement officers who are not eligible to serve, shall likewise not be eligible to serve.

- Members of the CCPAB and CCACC shall sign a confidentiality agreement and maintain confidentiality relating to all matters before the respective Board and Committee during and after their membership on the Board or Committee.

Change Paragrah V to include:

1. The Board of County Commissioners retains the authority to remove any member on its own initiative or based on recommendation of a majority vote of the CCPAB, when, ~~in its discretion, the best interest of the community or Commission would not be served by continued membership.~~ the member has become disqualified from membership for any of the reasons set forth in Paragraphs IV.D, E, F, or H. No member shall be subject to removal based solely upon the expression of their individual opinions during board meetings.

'endesk ticket # 71748

4755 Camp Roosevelt Drive
Chesapeake Beach, MD. 20732
January 23, 2022

John Norris
Calvert County Attorney
175 Main Street
Prince Frederick, MD 20678

Dear Mr. Norris:

Thank you for the opportunity to comment on the January 25 draft entitled "Pertaining to the Creation of the Calvert County Police Accountability Board &Calvert County Administrative Charging Committee." I believe that the changes are prudent and helpful, but I believe a several additional changes would be prudent.

II.B.1. I suggest rewording this as "Hold meetings not less than quarterly with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;"

II.B.4. I suggest rewording as "Not less than quarterly, review outcomes of disciplinary matters considered by charging committees;"

These suggestions are intended to remove superfluous language.

IV.C. I suggest this be reworded to read "Member(s) shall hold their position until their successor(s) are selected and qualified. However, under no circumstances will a member be held over for a period longer than three calendar months.

This is to incentivize the BOCC to fill positions promptly.

IV.G. The term "to complete a standard form application for appointment satisfactorily" lacks precision and should be rephrased.

IV.J. Reword section on minority membership to read "At least two members of the CCPAB, and one member of the CCACC, shall identify as a racial or ethnic minority group member, as defined by the United States Office of Management and Budget Statistical Policy Directive No. 15.

This is to provide clarity of definition.

IV.J. Add a requirement "Not less than 40% of the membership of the CCAB or CCACC shall identify as female, and not less than 40% shall identify as male.

Gender balance on these committees is an important policy issue.

IV.K. Add a statement that members of the BOCC may not serve concurrently on the CCACC or CCPAB, nor may members of their immediate families, nor, with the exception of law

Landesk ticket #71929

enforcement personnel, employees of any organization in which one or more members of the BOCC serves as an officer or director, including Calvert County government.

IV. Add language to the effect that persons resident in the household of a law enforcement officer or an employee of a law enforcement agency may not be appointed as a civilian member, of the CCACC or CCPAB, nor may the spouse, parent, child (by blood or adoption).
These suggestions are to unambiguously avoid perception of conflict of interest.

IV.K.6. Delete the word "consecutive"

We should avoid having a chair who can serve in that role for almost all of his/her term on the board.

V.A.1. Reword as "The Board of County Commissioners retains the authority to remove any member for just cause."

This is to eliminate any possibility of arbitrary behavior, or second-guessing of committee actions by the BOCC.

V.E. Should define what constitutes "adequate notice."

VIII.A.2. Should be reworded as "No member of the CCPAB or CCACC shall cast a vote on any matter where a conflict of interest, or the appearance of a conflict of interest, exists.

The appearance of conflict of interest is as important to the public as is true conflict of interest, and standards of conduct for most governmental entities require avoiding the appearance of conflict.

Thank you for your kind consideration of these suggestions.

Sincerely yours,

Timothy J. O'Leary

Timothy J. O'Leary

LWV LEAGUE OF WOMEN VOTERS® OF CALVERT COUNTY

January 20, 2022

Dear Attorney Norris:
The League of Women Voters would like to commend you and your staff for your diligence in shepherding the creation of a County Police Accountability Board and Administrative Charging Committee through a complicated process.

We have reviewed the current draft with updates approved by the Board of County Commissioners and have attached a copy of the resolution with our discussion areas highlighted. Our observations are summarized as follows:

IV. Membership.
A. Add that 50% of the members should be female for both PAB and ACC.
B. We appreciate that you have extended the length of separation for eligibility of law enforcement to five years. **While we still feel that any law enforcement presence on both the PAB and ACC consist of non-voting members**, if that is not possible, we recommend that law enforcement on the PAB be limited to **no more than two individuals, including the Chair, for the PAB, and one for the ACC.**
C. Members ought not to be held on the committee if their term has expired; an aggressive search for candidates to replace members ought to be launched at least six months before the expiration of terms.
E. We continue to recommend that criminal charges resulting in more than a year **of imprisonment shall not automatically disqualify a candidate**, but rather the criminal record be considered in the context of time since release and conduct since imprisonment.
G. We understand the expense of providing translators and wonder if a candidate guaranteed their own translation services would that permit them to serve?
H. Will members take or sign an oath of confidentiality?
J. 4. We wonder **if PAB members, including the Chair, will receive the same training that ACC members will receive from the Maryland Police Training and Standards Commission.**
5. a. Again, we recommend a cap on the presence of law enforcement to 2 on the PAB and 1 on the ACC.

Zendesk ticket #71956

V. Resignation and Removal.
B.1. Amend to replace "when, in its discretion...not be served by continued membership" with "when a member has been disqualified. The member shall not be subject to removal based solely on their opinions expressed in meetings."

VII. Budget.
A. b. **The public needs to know the amount of compensation in advance** as it could influence who volunteers for the PAB and ACC. Since the County budget for this year is still in process, the cost for the PAB and ACC should be included.

VIII. Ethics, Rules, Record Keeping, and Support.
B. Rules.
4. We were puzzled by the item on tie votes and would like more information to clarify. If the Chair did not ordinarily vote, they could then break a tie...
C. 3. With all due respect, we continue to feel that the PAB and ACC ought to have independent legal support. Is there any potential for conflict of interest for a County Attorney to represent the Board and Committee? Will the County Attorney actually represent the PAB and ACC, or function solely as a legal consultant?

OTHER COMMENTS:
There has been no mention of **correction officers** and how the PAB/ACC will address issues that arise in the detention center, etc.

It is important that the BOCC exhibit **transparency in the selection of members and the system for selection**. The names of candidates ought to be made public.

It may be important to appoint **alternate members** should something unexpectedly happen among the regular members.

We thank you for this opportunity to express our concerns and interests.

Sincerely,
Sandra Raviv, Chair
LWVCC Task Force on Police Accountability and Social Justice

PUBLIC HEARING DRAFT
(January 28, 2022)

Resolution No. _____
RE: Calvert County Police Accountability Board

PERTAINING TO THE CREATION OF THE CALVERT COUNTY POLICE ACCOUNTABILITY BOARD & CALVERT COUNTY ADMINISTRATIVE CHARGING COMMITTEE

WHEREAS, Chapter 59 Laws of Maryland 2021, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures, (the "Act"), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, and repealing the Law Enforcement Officer's Bill of Rights ("LEOBR") and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) 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; (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;

WHEREAS, the Act further requires that the Board of County Commissioners of Calvert County, Maryland (hereinafter, the "Board of County Commissioners") must: (1) establish the membership of a police accountability board, establish the budget and staff for a police accountability board, appoint a chair of the police accountability board who has relevant experience to the position; and (2) establish the procedures for record keeping by a police accountability board;

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board;

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

WHEREAS, the Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee, an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that 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; (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

Md. Code, Pub. Safety § 3-102

Section 3-102. - [Effective 7/1/2022]Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(I) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(II) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

(i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience to the position; and

4. establish the procedures for record keeping by A police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(I) the name of the police officer accused of misconduct;

(II) a description of the facts on which the complaint is based; and

(III) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

Md. Code, PS § 3-102

Added by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

<< MD PUBLIC SAFETY § 3–104 >>

3–104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability board; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the officer.

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the written opinion to the chief of the law enforcement agency, the police officer, and the complainant;

WHEREAS, the Act establishes that, in executing its duties, an administrative charging committee may: (1) request information or action from the law enforcement agency; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded, or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct; and

WHEREAS, the Board of County Commissioners desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that there shall be a Calvert County Police Accountability Board ("CCPAB") and a Calvert County Administrative Charging Committee ("CCACC") in accordance with the following:

I. Definitions.

A. Federal Law Enforcement Agency: A federal law enforcement agency is an organizational unit, or subunit, of the federal government with the principle functions of prevention, detection, and investigation of crime and the apprehension of alleged offenders. Examples of federal law enforcement agencies include: the U.S. Customs and Border Protection; Federal Bureau of Investigation ("FBI"); the Secret Service; and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

B. Law Enforcement Agency ("LEA"): A Law Enforcement Agency ("LEA") is a Federal Law Enforcement Agency or a Maryland Law Enforcement Agency.

C. Maryland Law Enforcement Agency: A Maryland law enforcement agency is an organizational unit, or subunit, of the State government, or its counties or municipalities, with the principle functions of prevention, detection, and investigation of crime, and the apprehension of alleged offenders. Examples of Maryland law enforcement agencies include: Maryland State Police; Maryland Department of Public Safety and Correctional Services; Maryland Police and Correctional Training Commissions; Maryland Transportation Authority Police; Maryland Department of General Services Police; Maryland Department of Natural Resources Police; Maryland State Fire Marshal; Maryland Transit Administration Police; Maryland Office of the Comptroller, Field Enforcement Unit; city or county police force; a County Sheriff, or deputy, regardless whether merit or contract, with the principle functions of training/certification, prevention.

D. Police Officer: Police officer shall have the same meaning as defined at Md. Ann. Code, *Public Safety Art.*, §3-201, as amended hereafter from time to time.

II. Police Accountability Board.

A. There shall be a Calvert County Police Accountability Board ("CCPAB") to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.

B. The CCPAB shall:

1. Hold quarterly meetings, not less than quarterly, 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;

Md. Code, Pub. Safety § 3-102

Section 3-102 - [Effective 7/1/2022]Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

(i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience to the position; and

4. establish the procedures for record keeping by A police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

Md. Code, PS § 3-102

Added by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

<< MD PUBLIC SAFETY § 3-104 >>

3-104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability boards; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

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;
5. Work with LEAs and the Board of County Commissioners to:
   a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
   b. By December 31 each year, or such other time as the Board of County Commissioners designates, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in Calvert County and makes recommendations on changes to policy that would improve police accountability in Calvert County.

II. **Administrative Charging Committee.**

A. There shall be a Calvert County Administrative Charging Committee ("CCACC") to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.

B. The CCACC shall:
   a. Meet not less than once per month, and additionally as needed;
   b. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the CCACC may deem necessary and appropriate;
   c. Review the findings of a LEA's investigation conducted and forwarded to the CCACC in accordance with State law;
   d. Make a determination that the police officer who is subject to investigation shall be:
      1) Administratively charged; or
      2) Not administratively charged;
   e. If the police officer is charged, recommend discipline in accordance with the LEA's disciplinary matrix established in accordance with Md. Ann. Code, *Public Safety Art.*, § 3–106 and § 3–105;
   f. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
   g. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
   h. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
   i. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.

C. In executing its duties, the CCACC may:
   a. Request information or action from the LEA that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
   b. If the police officer is not administratively charged, make a determination that:
      1) The allegations against the police officer are unfounded; or
      2) The police officer is exonerated; and
   c. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

Md. Code, Pub. Safety § 3-102

Section 3-102 - [Effective 07/1/2022] Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

(i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience to the position; and

4. establish the procedures for record keeping by A police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

Md. Code, PS § 3-102

Added by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

TY § 3–104 >>

3–104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability board; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

PUBLIC HEARING DRAFT
(January 28, 2022)

IV. **Membership.**

A. To the extent practicable, the membership of the CCPAB and CCACC shall reflect the racial, gender, and cultural diversity of Calvert County.

B. No active police officer, nor any person that fully retired from law enforcement less than five (5) years prior to the date of appointment, may be a member of the CCPAB or CCACC.

C. Member(s) shall hold their position until their successor(s) are selected and qualified.

D. All members of the CCPAB and CCACC are subject to the applicable provisions of the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended hereafter from time to time.

E. All members of the CCPAB and CCACC shall be adults not having been or be convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year, unless pardoned.

F. No Member of the CCPAB and CCACC shall have a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding 1 year.

G. All members of the CCPAB AND CCACC must be able to comprehend spoken English and speak English, comprehend written English, read English, and write English proficiently enough to complete a standard form application for appointment satisfactorily.[1]

H. Members of the CCPAB and CCACC shall maintain confidentiality relatin[illegible] matters before the respective Board and Committee.

I. Members of the CCPAB and CCACC shall comply with the Maryl[illegible] Meetings Act, Md. Ann. Code, *General Provisions Art.*, §3-101, *et se*[illegible] amended hereafter from time to time.

J. With regard to the CCPAB:

1. The CCPAB shall be composed of nine (9) members selected by the Board of County Commissioners of Calvert County, including a Chairperson appointed by the Board of County Commissioners;
2. Except as initially staggered, Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of six (6) years of service on the CCPAB.
3. Initial terms of members shall be staggered as follows:
   a. Three (3) members shall serve an initial term of three (3) years;
   b. Three (3) members shall serve an initial term of two (2) years; and
   c. The remaining three (3) members shall serve an initial term of one (1) year.
4. The Chairperson of the CCPAB shall have experience relevant to the position.
5. To the extent practicable, Members of the CCPAB shall reflect the racial, gender, and cultural diversity of Calvert County and include, with not less than two (2) members from each County Commissioner District:
   a. Two (2) members shall be retired, sworn law enforcement officers who retired in good standing at least five (5) years prior to appointment on the CCPAB, with sufficient time and responsibility of service in a Maryland Law

[1] Reasonable accommodation shall be made for qualifying applicants in accordance with the requirements of the Americans with Disability Act, 42 U.S.C. § 12101, *et seq.*, as amended, and its implementing regulations.

Md. Code, Pub. Safety § 3-102

Section 3-102 - [illegible] Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging co[illegible]

(3) receive complaints of police misconduct [illegible]

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(4)

(i) on a quarterly basis [illegible]

(ii) on or before December 31 each year, [illegible] county that:

1. identifies any trends in the disciplinar[illegible]

2. makes recommendations on changes t[illegible] accountability in the county.

[illegible] accountability board shall be [illegible] in 3 days after receipt by the [illegible]

(b)

(1)

(i) [illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

(ii) [illegible]

[illegible] and, gender, and cultural diversity of the county.

(c)

[illegible] and [illegible] ted

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

If you intend to hold police accountable you can not have any police on the board, retired or otherwise. Especially ex Calvert County police or law enforcement. Board members should seek expert opinion from officers to support their vote but police should not be voting, especially ex Calvert law enforcement. Revise to read: No active or retired Calvert police officers or law enforcement shall have voting rights however, they may serve as expert opinion for board members decisions or determinations.

The presiding officer/chair is required to remain impartiality. Therefore, they should not even be required to vote, and should not need to if the voting membership is maintained as an odd number such 9 voting members +plus one chair.
Revise to read: The CCPAB shall be composed of nine (9) voting members and one (1) chair.

To address point 1 and 5 - Since there is interest to ensure each district is represented, change this language to read, "composed of minimum of 3 members from each district" plus one chair person . For example if its 3 districts, a minimum total of 10 members. This way you have 9 votes, which eliminates the possibility of a tie, because the chair does not need to vote. Also, depending upon the growth of the county you may need to create more districts so you don't want to say a flat number of 9, which may not be enough staff to cover, if we go from 3 districts to 5. Lastly, Chairs should be appointed by the CCPAB, not the Commissioners.

The PA Act specifically states An active police officer may not be a member of the PAB. For obvious reasons. A retired police officer is still a police officer in the eyes of the the complainant. Placing these individuals on the board will destroy any fair and impartial out come because retired police still have access to officers, and relevant police information. If the commissioners feel strongly about having law enforcement on the board, then it should be explicitly stated, no Calvert County police active or retired No Calvert County law enforcement. There are residents that live in Calvert who are not Calvert law enforcement, to consider as a member.

Enforcement Agency or Federal Law Enforcement Agency to adequately represent a law enforcement perspective;

b. Not less than three (3) members shall be from minority populations within Calvert County; and

c. One Member should be a mental health practitioner.

K. With regard to the CCACC:

1. The CCACC shall be composed of five (5) members.
2. The Chairperson of the CCPAB, or a member of the CCPAB designated by the Chairperson of the CCPAB, shall serve as a Member of the CCACC.
3. The Board of County Commissioners of Calvert County shall appoint [illegible] Calvert County civilians as members of the CCACC.
4. The CCPAB shall appoint two (2) Calvert County civilians to the CCACC by majority vote.
5. The Members of the CCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
6. The Chairperson of the CCACC shall serve no more than two (2) consecutive terms as the Chairperson.
7. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of six (6) years of service on the CCACC.
8. Before serving as the CCACC, every member shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

V. **Resignation and Removal.**

A. Any member of the CCPAB or CCACC may resign at any time by providing written notice to the Board of County Commissioners.

B. In addition to the grounds set forth above, a member of the CCPAB or CCACC may be removed in accordance with the following provisions:

1. The Board of County Commissioners retains the authority to remove any member on its own initiative or based on recommendation of a majority vote of the CCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
2. The Chairperson shall notify the Board of County Commissioners if a member of the CCPAB or of the CCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Board of County Commissioners shall remove and replace such member.

VI. **Meetings and Reporting.**

A. The CCPAB shall meet no less than quarterly with heads of LEAs operating in Calvert County to:

a. Discuss improvements that can be made to policing;
b. Appoint civilian members to charging committees and trial boards;
c. Receive complaints of police misconduct from the public; and
d. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.

Md. Code, Pub. Safety § 3-102

Section 3-102 - [illegible] police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

[illegible]

(2) To [illegible]

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

Md. Code, PS § 3-102

Added by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

The presiding officer/chair is required to remain impartiality. Therefore, they should not even be required to vote, and should not need to if the voting membership is maintained as an odd number such 5 voting members +plus one chair.
Revise to read: The CCACC shall be composed of five (5) voting members and one (1) chair.

<< MD PUBLIC SAFETY § 3–104 >>

3–104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability board; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter

B. Each complaint of misconduct received by the CCPAB shall be forwarded within three (3) days of receipt by the CCPAB to the appropriate LEA. If no meeting of the CCPAB is scheduled within that timeframe, the Chairperson of the CCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the CCPAB at its next meeting.

C. The CCPAB and the CCACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.

D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.

E. Adequate notice of all Special Meetings will be provided to all Board or Commission members.

F. Notice of all meetings of the CCPAB and the CCACC shall be in accordance with the Maryland Open Meetings Act.

G. All meetings are open to the public, except that the CCPAB and the CCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, *General Provisions Article*, § 3-305, as amended hereafter from time to time.

H. Any meeting of the CCPAB may be conducted by telephone or video conference call provided that CCPAB members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

VII. Budget

A. The Board of County Commissioners shall approve a budget for the CCPAB that shall include:
   a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCPAB supported by grant assistance from GOCCP; and
   b. A Quarterly stipend for members in such amount as the Board of County Commissioners may deem appropriate.

B. The Board of County Commissioners shall approve a budget for the CCACC that shall include:
   a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCACC supported by grant assistance from GOCCP; and
   b. A stipend for members per meeting with a per annum maximum amount per member as the Board of County Commissioners may deem appropriate.

VIII. Ethics, Rules, Record Keeping, and Support

A. Ethics.
   1. CCPAB members shall abide by and fully comply with the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended from time to time.
   2. No member of the CCPAB or CCACC shall cast a vote on any matter where a conflict of interest exists.

Md. Code, Pub. Safety § 3-102

Section 3-102 - [Section 3-102(a)] Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

(i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience to the position; and

4. establish the procedures for record keeping by A police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

A complaint need not
notarized.

A complaint of police misconduct filed with a police accountability board shall be
arded to the appropriate law enforcement agency within 3 days after receipt by the
d.

Md. Code, PS § 3-102

ed by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

<< MD PUBLIC SAFETY § 3-104 >>

3-104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability board; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

PUBLIC HEARING DRAFT
(January 25, 2022)

3. In any instance where the determination of a conflict of interest is uncertain, the Board or Commission may request a determination of conflict of interest from the Calvert County Ethics Commission, which shall not be unreasonably delayed.

B. Rules.
1. A quorum shall consist of a majority of the voting members.
2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the CCACC, all meetings shall be conducted in accordance with *Roberts Rules of Order Newly Revised*, unless they are inconsistent with the approved Rules or this Resolution.
3. There shall be one vote per member of each of the CCPAB and the CCACC; any members serving both the Board and the Commission shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the Calvert County Code of Ethics.
4. A tie vote for and against a motion means that a motion fails.

B. Record Keeping.
1. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCPAB shall be the Chairperson of the CCPAB, with:
   a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
   b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.
2. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCACC shall be the Chairperson of the CCACC, with:
   a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
   b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.

C. Support.
1. The Calvert County Department of Human Resources shall provide support personnel as may be required by the CCPAB and CCACC.
2. Operational Tasking by the CCPAB
3. The Office of the County Attorney shall provide legal support to the CCPAB.
4. The Board of County Commissioners shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the CCPAB and CCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.

Md. Code, Pub. Safety § 3-102

Section 3-102 - [Effective 7/1/2022]Police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(I) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(II) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

This should state, the chair is entitled to a **ballot** vote, when deemed necessary. The ballot vote ensures impartiality vs. a regular voice vote. The presiding officer/chair is required to remain impartiality. Therefore, they should not be required to vote, unless necessary but likely should not need to if the voting membership is maintained as an odd number such as 9 voting members +plus one chair or 5 voting members +plus one chair.

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

A complaint must not
utorized.

complaint of police misconduct filed with a police accountability board shall be
rded to the appropriate law enforcement agency within 3 days after receipt by the
.

d. Code, PS § 3-102

d by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

<< MD PUBLIC SAFETY § 3–104 >>

3–104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(I) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(II) two civilian members selected by the county's police accountability board; and

(III) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(I) three civilian members appointed by the Governor;

(II) one civilian member appointed by the President of the Senate; and

(III) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

PUBLIC HEARING DRAFT
(January 28, 2022)

DONE, this _____ day of _____, 2021 by the Board of County Commissioners of Calvert County, Maryland.

Aye: _____
Nay: _____
Absent/Abstain: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

_____
Rachel M. Distel, Clerk

_____
Earl F. Hance, President

_____
Steven R. Weems, Vice-President

_____
Christopher J. Gadway

_____
Mike Hart

_____
Kelly D. McConkey

Approved for form and legal sufficiency:

_____
John B. Norris, III, County Attorney

Md. Code, Pub. Safety § 3-102

Section 3-102 - [illegible] police accountability board

(a) Each county shall have a police accountability board to:

(1) 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;

(2) appoint civilian members to charging committees and trial boards;

(3) receive complaints of police misconduct filed by members of the public; and

(4)

(i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

(i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience in the position; and

4. establish the procedures for record keeping by A police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

(1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up .

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

Md. Code, PS § 3-102

Added by 2021 Md. Laws, Ch. 59,Sec. 3, eff. 7/1/2022.

<< MD PUBLIC SAFETY § 3–104 >>

3–104.

(a)(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

(i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;

(ii) two civilian members selected by the county's police accountability board; and

(iii) two civilian members selected by the chief executive officer of the county.

(b)(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

(i) three civilian members appointed by the Governor;

(ii) one civilian member appointed by the President of the Senate; and

(iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

All Comments
IV. Membership
Page 4.

If you intend to hold police accountable you can not have any police on the board, retired or otherwise. Especially ex Calvert County police or law enforcement. Board members should seek expert opinion from officers to support their vote but police should not be voting, especially ex Calvert law enforcement. Revise to read: No active or retired Calvert police officers or law enforcement shall have voting rights however, they may serve as expert opinion for board members decisions or determinations.

The presiding officer/chair is required to remain impartiality. Therefore, they should not even be required to vote, and should not need to if the voting membership is maintained as an odd number such 9 voting members +plus one chair.
Revise to read: The CCPAB shall be composed of nine (9) voting members and one (1) chair.

To address point 1 and 5 - Since there is interest to ensure each district is represented, change this language to read, "composed of minimum of 3 members from each district" plus one chair person . For example if its 3 districts, a minimum total of 10 members. This way you have 9 votes, which eliminates the possibility of a tie, because the chair does not need to vote. Also, depending upon the growth of the county you may need to create more districts so you don't want to say a flat number of 9, which may not be enough staff to cover, if we go from 3 districts to 5. Lastly, Chairs should be appointed by the CCPAB, not the Commissioners.

The PA Act specifically states An active police officer may not be a member of the PAB. For obvious reasons. A retired police officer is still a police officer in the eyes of the the complainant. Placing these individuals on the board will destroy any fair and impartial out come because retired police still have access to officers, and relevant police information. If the commissioners feel strongly about having law enforcement on the board, then it should be explicitly stated, no Calvert County police active or retired No Calvert County law enforcement. There are residents that live in Calvert who are not Calvert law enforcement, to consider as a member.

Page 5.
K. With regard to the CCAC 1.
The presiding officer/chair is required to remain impartiality. Therefore, they should not even be required to vote, and should not need to if the voting membership is maintained as an odd number such 5 voting members +plus one chair.
Revise to read: The CCACC shall be composed of five (5) voting members and one (1) chair.

Page 7.
B. Rules 3.
This should state, the chair is entitled to a ballot vote, when deemed necessary. The ballot vote ensures impartiality vs. a regular voice vote. The presiding officer/chair is required to remain impartiality. Therefore, they should not be required to vote, unless necessary but likely should not need to if the voting membership is maintained as an odd number such as 9 voting members +plus one chair or 5 voting members +plus one chair.