

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1184
Judiciary

(Delegate Thiam, *et al.*)

Police Accountability Boards and Administrative Charging Committees -
Municipal Corporations

This bill authorizes each municipal corporation in the State to (1) establish an administrative charging committee to serve law enforcement agencies in the municipal corporation and (2) have a police accountability board to hold quarterly meetings with specified representatives to improve policing in the municipal corporation, appoint civilian members to the administrative charging committee, and receive complaints of police misconduct filed by members of the public. The bill establishes the required composition of the administrative charging committee and requires a municipal corporation to determine the composition and select the members of a police accountability board established pursuant to the bill. **The bill takes effect on the taking effect of Chapter 59 of 2021; that Act takes effect July 1, 2022.**

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: Chapter 59 of 2021, which takes effect July 1, 2022, repeals the Law Enforcement Officers' Bill of Rights and establishes provisions relating to a statewide accountability and discipline process for police officers.

Police Accountability Boards: Pursuant to Chapter 59, each county must have a police accountability board to (1) hold meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

The local governing body must (1) establish the membership of and the budget and staff for a police accountability board; (2) appoint a chair for a police accountability board, as specified; and (3) establish the procedures for recordkeeping by a police accountability board. An active police officer may not be a member, and to the extent practicable, the membership must reflect the racial, gender, and cultural diversity of the county.

Administrative Charging Committees: Pursuant to Chapter 59, each county must have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies in the county, and there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. An administrative charging committee must (1) review the findings of a law enforcement agency's investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix, as specified; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant. An administrative charging committee is authorized to request specified information and make specified determinations.

Local Fiscal Effect: The bill is enabling in nature; it does not mandate that each municipal corporation establish a police accountability board and/or an administrative charging committee, and it is not known which jurisdictions might choose to do so. However, to the extent that a municipal corporation chooses to establish a police accountability board and/or an administrative charging committee, costs increase, potentially significantly, to create, operate, and staff each such entity. Talbot County, for example, advises that expenditures for municipalities in that county likely increase by a total of at least \$250,000

in fiscal 2023, with costs increasing to \$325,000 by fiscal 2027, if all municipalities in the county choose to establish such entities.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford and Talbot counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Office of Administrative Hearings; Department of Legislative Services

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