

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 864

(Senator McCray)(By Request - Baltimore City
Administration)

Judicial Proceedings

Public Safety - Police Officers - Emergency Termination

This bill authorizes the chief of a law enforcement agency, or the chief's designee, to terminate the employment of a police officer at any time prior to the police officer being administratively charged by an administrative charging committee if (1) the police officer has been accused of specified acts or crimes; (2) there is video or audio evidence of the police officer committing the act; and (3) terminating the employment of the police officer would be in the best interest of the public and the law enforcement agency. A terminated police officer may appeal the termination, as specified, and a police officer who files an appeal is entitled to relief if (1) the police officer has not been charged with a criminal offense arising from the facts and circumstances that resulted in termination or (2) all criminal charges arising from the facts and circumstances that resulted in termination resulted in a finding of not guilty, an acquittal, a dismissal, or a *nolle prosequi*. **The bill takes effect on the taking effect of Chapter 59 of 2021; that Act takes effect July 1, 2022.**

Fiscal Summary

State Effect: State finances are not materially affected.

Local Effect: Local government finances are not materially affected.

Small Business Effect: None.

Analysis

Bill Summary: If the termination is from a local law enforcement agency, the terminated police officer may appeal the termination in the circuit court of the county in which the law enforcement agency is located. If the termination is from a statewide or bi-county law enforcement agency, the terminated police officer may appeal the termination in the circuit court for Anne Arundel County.

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.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Charles, and Frederick counties; Maryland Association of Counties; City of Havre de Grace; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Baltimore City Community College; Morgan State University; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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