

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 946
Judiciary

(Delegate Thiam)

Washington County – Police Administrative Charging Committee

This bill, which applies in Washington County only, requires the head of the law enforcement agency (or designee) that employs a police officer who is the subject of a complaint, to serve as an advisory, nonvoting member of the administrative charging committee for each complaint reviewed by the administrative charging committee. The head of the law enforcement agency or designee (1) must be present for all deliberations of the administrative charging committee relating to the complaint; (2) may answer questions asked by other members of the administrative charging committee; and (3) is prohibited from participating in any vote or decision of the administrative charging committee. **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: None. The bill is procedural in nature; Washington County finances are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 59, 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): Washington County; Department of Public Safety and Correctional Services; Department of Legislative Services

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