



# Police Accountability Board Implementation



The purpose of this video is to:

- Provide an overview of the Police Accountability Board Legislation
- Discuss the structure and duties of the PAB and other adjudication bodies
- Explain the county's process and timeline
- Share opportunities for engagement

# Objectives

# What Did The State Require?

During the 2021 General Assembly session, the legislature passed a package of police reform bills that included:

Bill	Definition
HB 670	<ul style="list-style-type: none"><li>• Implements system and policy changes necessary for new data collection related to use of force and SWAT deployments, traffic stop procedures, and many other requirements including Police Accountability and Discipline rules</li><li>• <b>Mandates that counties establish Police Accountability Boards</b></li><li>• <b>The Police Accountability Board will in turn appoint 2 members to the Administrative Charging Committee and one to the Trial Board to review and adjudicate complaints of police misconduct submitted by members of the public</b></li><li>• Has strict rules and provides limited flexibility for counties</li></ul>

# Police Accountability Board

(PAB)

HB 670 requires each county to create one Police Accountability Board (PAB) to:

- Provide policy advice through meetings with heads of law enforcement agencies, review of disciplinary matters stemming from public complaints, and annual reporting.
- Work with law enforcement agencies and the county government to improve matters of policing and police accountability in the county.
- Appoint civilian members to the Administrative Charging Committee and trial boards.
- Receive complaints of police misconduct filed by members of the public.

In Anne Arundel County, the PAB will be responsible for working with the Anne Arundel County Police Department, City of Annapolis, Office of the Sheriff, Anne Arundel County Community College, and Crofton law enforcement agencies.

# Planning and Implementation Process

To ensure the smooth roll out of the new process, the County operates in phases:

## Phase 1

### Planning

- MD Association of Counties briefed the County Council on state mandate
- Formed internal work groups to draft timeline
- Developed outreach and engagement plan
- Created outreach materials

## Phase 2

### Stakeholder Engagement

- Hosted 6 community meetings engaging with over 70 members of key stakeholder groups
- Noted concerns and collected feedback related to the bill

## Phase 3

### Introduction

- Drafted Bill
- Introduced Bill 16-22
- Conduct public hearing on bill
- Educate and seek feedback from public
- Release interest application

## Phase 4

### Implementation

- Hire and train staff
- Develop processes
- State mandated law goes into effect July 1, 2022

# **Bill 16-22**

## **AN ORDINANCE concerning: Police Accountability Board**

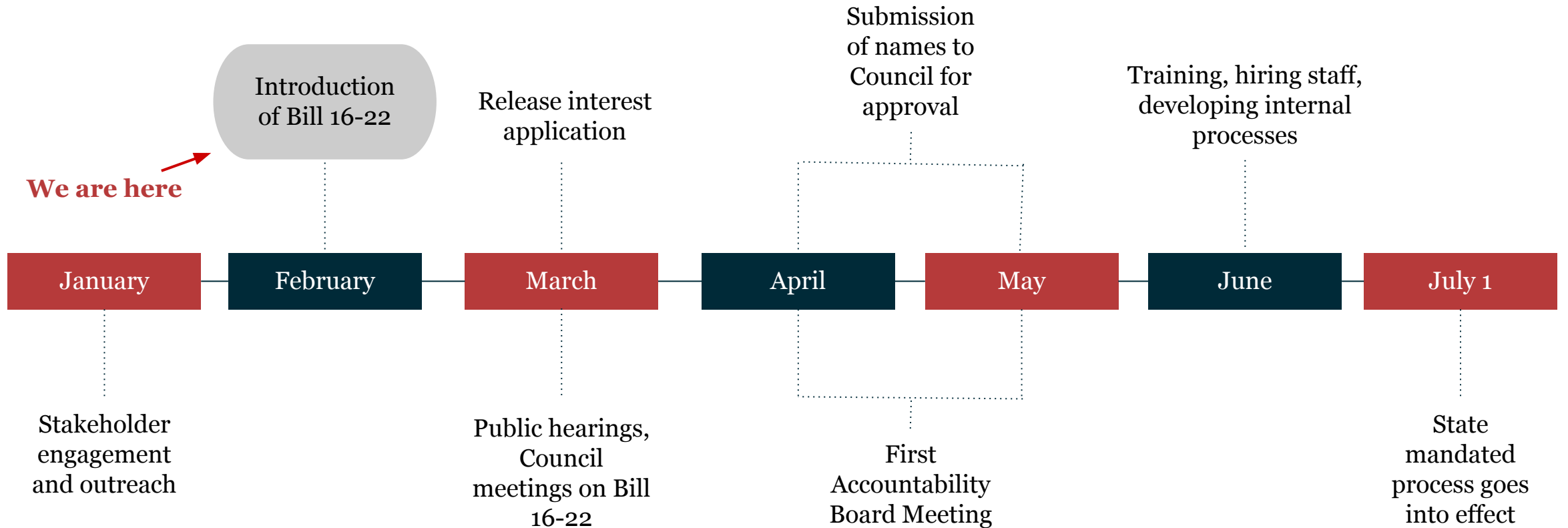
**Introduced on 2/7**

Introduced by Ms. Rodvien, Chair (by request of the County Executive)

FOR the purpose of establishing a Police Accountability Board; defining certain terms; providing for the composition and terms and removal of members of the Police Accountability Board; providing for a chair of the Police Accountability Board; providing for the meeting standards, training, budget and staff, compensation of members, and recordkeeping standards of the Police Accountability Board; establishing the duties of the Police Accountability Board; requiring annual reports by the Police Accountability Board; providing for the compensation, staffing, and appointment of members of Administrative Charging Committees and Trial Boards; requiring voting members of Police Accountability Board to file financial disclosure statements; and generally relating to boards, commissions, and similar bodies and public ethics.

**Hearing: 3/7/2022**

# Timeline



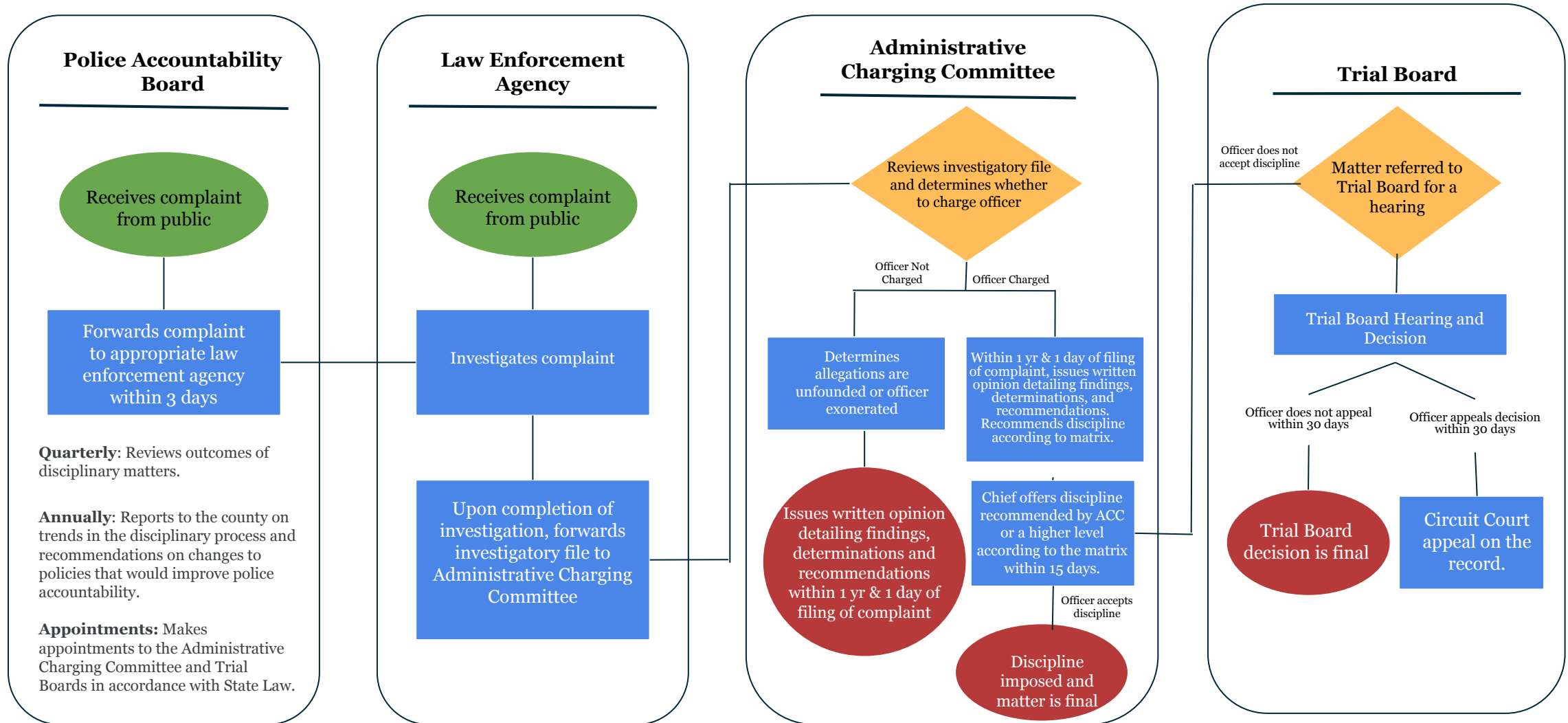


SECTION # 2

**Police Accountability Board,  
Administrative Charging Committee, and  
Trial Board Structure**



# How does a complaint move through the process?



# Administrative Charging Committee and Trial Board Structure

The state law requires:

Category	Administrative Charging Committee	Trial Board
Membership	<ul style="list-style-type: none"><li>• <b>One per county</b></li><li>• 5 members including:<ul style="list-style-type: none"><li>○ The chair of the Police Accountability Board or their PAB designee</li><li>○ Two civilian members selected by the Police Accountability Board</li><li>○ Two civilian members selected by the chief executive officer of the county</li></ul></li></ul>	<ul style="list-style-type: none"><li>• <b>Multiple in the county, convened for each incident</b></li><li>• 3 members including:<ul style="list-style-type: none"><li>○ An active or retired administrative law judge, or a retired district or circuit court judge, appointed by the County Executive</li><li>• A civilian who is not a member of an administrative charging committee, appointed by the Police Accountability Board</li><li>• A police officer of equal rank to the accused officer, appointed by the Chief of Police that employs the officer subject to the complaint</li></ul></li></ul>
Requirements	<ul style="list-style-type: none"><li>• 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.</li></ul>	<ul style="list-style-type: none"><li>• Adjudicates matters when a police officer is subject to discipline and the officer does not accept the discipline offered by the Chief of Police at the end of the Administrative Charging Committee process</li></ul>

# Police Accountability Board Membership



## Prohibitions

State Law Requires

Required Approach:

- An active police officer may not be a member of a police accountability board



## Diversity

State Law Requires

Required Approach:

- The membership of the board reflect the racial, gender, and cultural diversity of the county



## Number of Members

State Law Requires local establishment

- 9 voting members
- 1 of the 9 members is the chair
- 1 of the 9 members must be an Annapolis resident appointed upon recommendation by the Mayor and Annapolis City Council
- All members must be County residents for 3 years

# Membership

State law requires local establishment...



## Appointment Process, proposed approach

- Appointed by the County Executive, confirmed by Council
- Prior to the initial or successive term of any member, the county shall make a public announcement at least 30 days in advance of making any selection or appointment to invite persons to apply for membership on the Board.
- Subject to background check

## Chair Appointment, proposed approach

- Appointed by the County Executive, confirmed by Council

## Member Terms, proposed approach

- Members serve terms of 3 years, or until a successor is appointed
- Initial appointments staggered
- Chair serves term of 3 years
- Ineligible for immediate appointment after serving 3 terms

# Membership

State law is silent...

## Ex officio Membership, possible approach:

- Include as non-voting ex officio members several individuals with expertise and knowledge that will be valuable to the board. Such as: the County EDI Director and Human Relations Officer designee; AACo Chief of Police designee; Sheriff Designee, City of Annapolis Police Chief designee.

## Vacancies and Removal, possible approach:

- Vacancies filled in the same manner as the original appointment for the unexpired term
- The County Executive may remove a member for cause, including improper use or disclosure of information, being charged with a crime, immoral conduct, or absence from 25% or more of the scheduled meetings during any 12-month period.

# Membership

State law requires local establishment...

## Experience/Background, proposed approach:

Have the code articulate diverse skills and backgrounds that should be represented on the PAB, such as:

- Active in community organization;
- Active in civil rights organization;
- Retired law enforcement;
- Expertise and experience in the practice of criminal law;
- Expertise in behavioral health;
- Clergy or faith leadership experience;
- Expertise and experience in community policing;
- Training in sociology, education, social work, or criminology;
- Expertise and experience in management of a law enforcement agency, managing personnel discipline matters;
- Expertise and experience in policing standards;
- Juvenile Services; and
- Other life experience that may be valuable to the board



SECTION # 3

# Administrative Matters

# Budget, Staff & Procedures

State law requires local establishment...

## Budget and Staff

### Proposed Approach:

- The PAB shall have an Executive Director and Executive Secretary.
- The County Executive shall propose a budget for the Board that shall be included in the annual budget and appropriation ordinance adopted by the County Council, and shall assign staff as needed to the Board.
- Require Financial Disclosure, Conflict of Interest and Ethics forms.

## Record Keeping

### Proposed Approach:

- The Executive Secretary shall keep records.
- County Administration shall establish a retention schedule in accordance with State law.
- Records shielded by State law from MPIA are kept confidential.



# Open Meetings Act (OMA) Requirement

Bill 16-22 requires the Police Accountability Board to comply with the OMA

The Open Meetings Act sets as the policy of the State that, except in certain “special and appropriate circumstances,” the public “be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.”

The Open Meetings Act requires:

- reasonable advance notice of meetings
- an agenda be made available as soon as practicable (at least 24 hours before meeting)
- arrangements be made for the public to attend
- minutes, archived video, or an audio recording will be made available following the meetings

If any part of the meeting might be closed to the public, the topic to be discussed must fall entirely within one or more of the 15 exceptions that allow the closed session.



SECTION # 4

**Police Accountability Board,  
Administrative Charging Committee, and  
Trial Board Duties**

# Police Accountability Board Duties

State law requires...

## Meetings

- 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.

## Complaints

- The Board can receive complaints of police misconduct filed by members of the public and must forward to the appropriate law enforcement agency within 3 days of receipt
- Complaints shall include the name of the police officer accused, a description of the facts, and the contact information of the complainant or person filing the complaint for investigative follow-up
- A complaint need not be notarized

## Appointments

- The Board shall appoint 2 civilian members to the Administrative Charging Committee.
- The Board shall appoint 1 civilian member, who is not a member of an Administrative Charging Committee, to a trial board.

## Outcomes and Reporting

- Quarterly, review outcomes of disciplinary matters considered by the charging committee
- Annually submit, by December 31, a report to the governing body that identifies trends in the disciplinary process of police officers and makes recommendations to improve police accountability in the county

# Administrative Charging Committee and Trial Board Duties

State law requires...

## Administrative Charging Committee

- Reviews the findings of the law enforcement agency
  - may request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas
  - review body camera footage
  - may call a police officer to appear with a representative
- Makes a determination to charge or not charge the police officer subject to the complaint
  - if the determination is to *charge* recommend discipline prescribed by the MPTSC disciplinary matrix in a written report
  - if the determination is to *not charge* the written report must include a determination that the allegations are unfounded or the officer is exonerated

## Trial Board

- Each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate matters for which a police officer is subject to discipline.

# Questions/ Feedback

## Contact Us

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