

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2022-13**

BILL NO. 2022-08

Title of Bill: Request for Expedition - Establishment - Police Accountability Board

Synopsis: To establish a Cecil County Police Accountability Board, including an Administrative Charging Committee, pursuant to the Maryland Police Accountability Act of 2021, in order to receive police misconduct complaints from the public and follow specified procedures to improve police accountability in Cecil County. This legislation is requested to be expedited under Council's policy #15-19 because of State requirements.

Introduced by: Council President on behalf of the County Executive

Introduced and order posted on: June 7, 2022

Public hearing scheduled on: July 5, 2022 at 7:00 p.m.

Consideration scheduled on: July 19, 2022

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

Request for Expedition – Establishment – Police Accountability Board

1 **WHEREAS**, the Maryland Police Accountability Act of 2021 requires each county to have a
 2 police accountability board to: (1) hold quarterly meetings with heads of law enforcement agencies
 3 and otherwise work with law enforcement agencies and the county government to improve
 4 matters of policing; (2) appoint civilian members to charging committees; (3) receive complaints of
 5 police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of
 6 disciplinary matters considered by charging committees; and (5) by December 31st of each year,
 7 submit a report to the governing body of the county that identifies any trends in the disciplinary
 8 process of police officers in the county and makes recommendations on changes to policy that
 9 would improve police accountability in the county; and

10 **WHEREAS**, the Act further requires that the governing body of Cecil County,
 11 Maryland shall: (1) establish the membership of a police accountability board; (2) establish the
 12 budget and staff for a police accountability board; (3) appoint a chair of the police accountability
 13 board who has relevant experience to the position; and (4) establish the procedures for record
 14 keeping by a police accountability board; and

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

17 **WHEREAS**, pursuant to the Act, to the extent practicable, the membership of a
 18 police accountability board shall reflect the racial, gender, and cultural diversity of the county; and

19 **WHEREAS**, the Act also establishes: (1) the requirements for the contents of a
 20 complaint of police misconduct filed with a police accountability board; and (2) the process after
 21 the complaint is filed; and

22 **WHEREAS**, the Act requires each county to have one administrative charging
 23 committee to serve countywide law enforcement agencies and local law enforcement agencies
 24 within the county; and

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

29 **WHEREAS**, the Act requires that an administrative charging committee shall: (1)
 30 review the findings of a law enforcement agency's investigation; (2) make a determination as to

Request for Expedition – Establishment – Police Accountability Board

31 whether or not to administratively charge the police officer who is the subject of the investigation;
 32 (3) if the police officer is charged, recommend discipline in accordance with the law enforcement
 33 agency's disciplinary matrix; (4) review any body camera footage that may be relevant to the
 34 matters covered in the complaint of misconduct; (5) authorize a police officer called to appear
 35 before an administrative charging committee to be accompanied by a representative; (6) issue a
 36 written opinion that describes in detail its findings, determinations, and recommendations; and (7)
 37 forward the written opinion to the chief of the law enforcement agency, the police officer, and the
 38 complainant; and

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

44 **WHEREAS**, the Cecil County Council desires to conform to the
 45 requirements of the Act, which becomes effective July 1, 2022.

46 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CECIL**
 47 **COUNTY, MARYLAND**, that there shall be a new Chapter 82 to be titled "Cecil County Police
 48 Accountability Board ("CCPAB") in the Code of Cecil County, applicable to Countywide law
 49 enforcement agencies and local law enforcement agencies within the County in accordance with
 50 the following:

51 **"Chapter 82. Police Accountability Board**

52 **82.1 Definitions.**

- 53 A. Law Enforcement Agency ("LEA"): Law Enforcement Agency shall have the same
 54 meaning as defined at Md. Ann. Code, Public Safety Art., §3-201, as amended
 55 hereafter from time to time.
- 56 B. Police Officer: Police officer shall have the same meaning as defined at Md. Ann. Code,
 57 Public Safety Art., §3-201, as amended hereafter from time to time.

58 **82.2 Police Accountability Board**

- 59 A. There shall be a Cecil County Police Accountability Board ("CCPAB") to serve
 60 the citizens of Cecil County, Countywide law enforcement agencies, and local

Request for Expedition – Establishment – Police Accountability Board

61 law enforcement agencies within Cecil County.

62 B. The CCPAB shall:

- 63 1. Hold quarterly meetings with heads of law enforcement agencies
- 64 and, otherwise, work with law enforcement agencies and the
- 65 County government to improve matters of policing;
- 66 2. Appoint civilian members to charging committees;
- 67 3. Receive complaints of police misconduct filed by members of the public;
- 68 4. On a quarterly basis, review outcomes of disciplinary matters
- 69 considered by the Administrative Charging Committee; and
- 70 5. Work with LEAs and the County Executive to:
 - 71 a. Improve matters of policing by receiving complaints of police
 - 72 misconduct filed by the public; and
 - 73 b. Submit a report to the Cecil County Executive and the Cecil County Council, by
 - 74 December 31st of each year, or such other time as the County Executive
 - 75 Designates, which identifies any trends in the disciplinary process of
 - 76 police officers in Cecil County and make recommendations on changes to
 - 77 policy that would improve police accountability in Cecil County.

78 **82.3 Administrative Charging Committee.**

79 A. There shall be a single Cecil County Administrative Charging Committee
 80 ("CCACC") to serve Countywide law enforcement agencies and local law
 81 enforcement agencies within Cecil County.

82 B. The CCACC shall:

- 83 1. Meet whenever there is a need to oversee, manage or adjudicate an
- 84 active complaint, but not less than once per fiscal year;
- 85 2. Adopt rules of procedure and conduct for hearings that provide
- 86 procedural and substantive due process, which may be amended from
- 87 time to time as a majority of the CCACC may deem necessary and
- 88 appropriate;
- 89 3. Review the findings of a LEA's complaint investigation;
- 90 4. Make a determination that the police officer who is subject to investigation

Request for Expedition – Establishment – Police Accountability Board

- 91 shall be:
- 92 a. Administratively charged; or
- 93 b. Not administratively charged;
- 94 5. If the police officer is charged, recommend discipline in accordance with the LEA's
- 95 disciplinary matrix established in accordance with Md. Ann. Code, Public Safety
- 96 Art., § 3-106 and § 3-105;
- 97 6. Review any body camera footage that may be relevant to the matters covered in
- 98 the complaint of misconduct;
- 99 7. Authorize a police officer called to appear before an administrative
- 100 charging committee to be accompanied by a representative;
- 101 8. Issue a written opinion that describes in detail its findings,
- 102 determinations, and recommendations; and
- 103 9. Forward a written opinion to the chief of the LEA, the police officer, and the
- 104 complainant.
- 105 C. In executing its duties, the CCACC may:
- 106 1. Request information or action from the LEA that conducted the investigation,
- 107 including requiring additional investigation and the issuance of subpoenas;
- 108 2. If the police officer is not administratively charged, make a
- 109 determination that:
- 110 a) The allegations against the police officer are unfounded; or
- 111 b) The police officer is exonerated; and
- 112 3. Record, in writing, any failure of supervision that caused or
- 113 contributed to a police officer's misconduct.

114 **82.4 Membership.**

- 115 A. To the extent practicable, the membership of the CCPAB shall reflect the racial,
- 116 gender, and cultural diversity of Cecil County.
- 117 B. No active police officer, nor their immediate family member, nor any person
- 118 that, themselves or immediate family member, fully retired from law
- 119 enforcement less than two (2) years prior to the date of appointment, may be
- 120 a member of the CCPAB or CCACC.

Request for Expedition – Establishment – Police Accountability Board

- 121 C. CCPAB and CCACC Member(s) may hold their position until their successor(s)
 122 are appointed and approved.
- 123 D. All members of the CCPAB and CCACC are subject to the applicable provisions
 124 of the Cecil County Code of Ethics, Chapter 39 of the Code of Cecil County,
 125 Maryland, as amended hereafter from time to time.
- 126 E. All members of the CCPAB and CCACC shall be adults not having been or be convicted,
 127 in a federal or State court of record, of a crime punishable by imprisonment exceeding 1
 128 year and received a sentence of imprisonment for more than 1 year, unless pardoned.
- 129 F. No Member of the CCPAB and CCACC shall have a charge pending, in a federal or State
 130 court of record, for a crime punishable by imprisonment exceeding 1 year.
- 131 G. All members of the CCPAB and CCACC must be able to comprehend spoken
 132 English and speak English, comprehend written English, read English, and
 133 write English proficiently enough to complete a standard form application for
 134 appointment satisfactorily. Reasonable accommodation shall be made for
 135 qualifying applicants in accordance with the requirements of the Americans
 136 with Disability Act, 42 U.S.C. § 12101, *et seq.*, as amended, and its
 137 implementing regulations.
- 138 H. Members of the CCPAB and CCACC shall sign Non-Disclosure Agreements and maintain
 139 confidentiality relating to all matters before the respective Board and Committee.
- 140 I. Members of the CCPAB and CCACC shall comply with the Maryland Open
 141 Meetings Act, Md. Ann. Code, General Provisions Art., §3-101, *et seq.*, as
 142 amended hereafter from time to time.
- 143 J. With regard to the CCPAB:
- 144 1. The CCPAB shall be composed of at least five (5) and no more than
 145 seven (7) members selected by the County Executive, including a Chairperson
 146 appointed by the County Executive.
 - 147 2. A CCPAB appointment becomes operative when either the County
 148 Council votes by resolution to confirm the appointment by a three (3)
 149 vote majority, or by operation of law if the Council fails to act within
 150 30 calendar days from the date of appointment.

Request for Expedition – Establishment – Police Accountability Board

- 151 3. If the Council votes to reject an appointment, by a three (3) vote majority,
152 within the above thirty (30) calendar day time frame, then the appointment
153 fails;
- 154 4. Except as initially staggered, Members shall serve a term of three (3) years and
155 shall not be eligible for reappointment after a total of six (6) years of service on
156 the CCPAB.
- 157 5. Initial terms of members shall be staggered as follows:
- 158 a. Two (2) members shall serve an initial term of three (3) years;
- 159 b. Two (2) members shall serve an initial term of two (2) years; and
- 160 c. The remaining members shall serve an initial term of one (1) year.
- 161 6. The Chairperson of the CCPAB shall have experience relevant to the
162 position.
- 163 7. Two (2) members shall be retired, sworn law enforcement officers
164 who retired in good standing at least years (2) years prior to
165 appointment on the CCPAB, with sufficient time and responsibility of
166 service in a Maryland Law Enforcement Agency or Federal Law
167 Enforcement Agency to adequately represent a law enforcement
168 Perspective;
- 169 K. With regard to the CCACC:
- 170 1. The CCACC shall be composed of five (5) members.
- 171 2. The Chairperson of the CCPAB, or a member of the CCPAB designated
172 by the Chairperson of the CCPAB, shall serve as a Member of the
173 CCACC.
- 174 3. The Cecil County Executive shall appoint two (2) Cecil County civilians
175 as members of the CCACC. The appointment becomes operative
176 when either the County Council votes to confirm the appointment by
177 a three (3) vote majority, or by operation of law if the Council fails to
178 act within thirty (30) calendar days from the date of appointment. If
179 the Council votes, by a three (3) vote majority, to reject an
180 appointment within the above thirty (30) calendar day time frame,

Request for Expedition – Establishment – Police Accountability Board

- 181 then the appointment fails.
- 182 4. The CCPAB shall appoint two (2) Cecil County civilians to the CCACC
- 183 by majority vote.
- 184 5. The Members of the CCACC shall elect a Chairperson annually from
- 185 among its members by majority vote at each first meeting occurring
- 186 on or after each July 1.
- 187 6. The Chairperson of the CCACC shall serve no more than two (2)
- 188 consecutive terms as the Chairperson.
- 189 7. Members shall serve a term of three (3) years and shall not be eligible
- 190 for reappointment after a total of six (6) years of service on the
- 191 CCACC.
- 192 8. Before serving on the CCACC, every member shall receive training on
- 193 matters relating to police procedures from the Maryland Police
- 194 Training and Standards Commission.

195 **82.5 Resignation and Removal.**

- 196 A. Any member of the CCPAB or CCACC may resign at any time by providing
- 197 written notice to the Cecil County Executive.
- 198 B. In addition to the grounds set forth above, a member of the CCPAB or CCACC
- 199 appointed by the Cecil County Executive may be removed in accordance with
- 200 the following provisions:
- 201 1. The Cecil County Executive retains the authority to remove any member at any
- 202 time when the member:
- 203 a. No longer meets any of the membership criteria in Section 82.4 ;
- 204 b. Violates the Cecil County Code of Ethics;
- 205 c. Fails to maintain confidentiality;
- 206 d. Violates the State's Open Meetings Act; or
- 207 e. Is removed upon the recommendation of a majority vote of the
- 208 CCPAB, when, in its discretion, the best interest of the
- 209 community, Board or Commission would not be served by
- 210 continued membership.

Request for Expedition – Establishment – Police Accountability Board

211 2. The Chairperson shall notify the Cecil County Executive if a member of
 212 the CCPAB or of the CCACC misses three (3) scheduled meetings in any
 213 twelve (12) month period without an excused absence. The Cecil
 214 County Executive shall remove and replace such member.

215 **82.6 Meetings and Reporting.**

- 216 A. The CCPAB shall meet no less than quarterly with heads of LEAs operating in
 217 Cecil County to:
 - 218 1. Discuss improvements that can be made to policing;
 - 219 2. Appoint civilian members to charging committees and trial boards;
 - 220 3. Receive complaints of police misconduct from the public; and
 - 221 4. On a quarterly basis, review outcomes of disciplinary matters
 222 considered by charging committees.
- 223 B. Each complaint of misconduct received by the CCPAB shall be forwarded
 224 within three (3) days of receipt by the CCPAB to the appropriate LEA. If no
 225 meeting of the CCPAB is scheduled within that timeframe, the Chairperson of
 226 the CCPAB shall ensure that such complaint is forwarded and report the
 227 transfer of such report to the CCPAB at its next meeting.
- 228 C. The CCPAB and the CCACC may meet in special meetings at the call of the
 229 Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-
 230 thirds of the members.
- 231 D. Matters considered at a Special Meeting are limited to the purpose and
 232 agenda contained in the notice of the meeting.
- 233 E. Adequate notice of all Special Meetings will be provided to all Board or
 234 Commission members.
- 235 F. Notice of all meetings of the CCPAB and the CCACC shall be in accordance
 236 with the Maryland Open Meetings Act.
- 237 G. All meetings are open to the public, except that the CCPAB and the CCACC
 238 may meet in closed session or adjourn an open session to meet in a closed
 239 session in accordance with the Maryland Annotated Code, *General Provisions*
 240 *Article*, § 3-305, as amended hereafter from time to time.

Request for Expedition – Establishment – Police Accountability Board

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

247 **82.7 Budget**

248 The Cecil County Executive shall submit and the Cecil County Council shall approve a budget for the
 249 CCPAB (which includes CCACC) that shall include:

- 250 A. An Annual Appropriation for studies and contracted services relevant to the
 251 mission of the CCPAB supported by grant assistance from Governor’s Office
 252 of Crime Control and Prevention; and
- 253 B. A Quarterly stipend for members in such amount as the County
 254 Executive may deem appropriate.
- 255 C. The budget will be overseen by the County Attorney.

256 **82.8 Ethics, Rules, Record Keeping, and Support**

- 257 A. Ethics.
 - 258 1. CCPAB and CCACC members shall abide by and fully comply with the
 259 Cecil County Code of Ethics, Ch. 39 of the Code of Cecil County,
 260 Maryland, as amended from time to time.
 - 261 2. No member of the CCPAB or CCACC shall cast a vote on any matter
 262 where a conflict of interest exists.
 - 263 3. In any instance where the determination of a conflict of interest is
 264 uncertain, the Board or Commission shall request a determination of
 265 conflict of interest from the Cecil County Ethics Commission, which
 266 shall not be unreasonably delayed.

- 267 B. Rules.
 - 268 1. For a CCPAB or CCACC meeting to occur, a quorum of at least three (3)
 269 voting members must be present.
 - 270 2. Notwithstanding any rules of procedure and conduct for hearings that

Request for Expedition – Establishment – Police Accountability Board

271 provide procedural and substantive due process adopted by the
 272 CCACC or the CCPAB, all meetings shall be conducted in accordance
 273 with *Roberts Rules of Order Newly Revised*, unless they are
 274 inconsistent with the approved Rules or this Resolution.

275 3. There shall be one vote per member of each of the CCPAB and the
 276 CCACC. Any members serving both the Board and the Commission
 277 shall have one vote in each body. The Chair is entitled to vote on any
 278 item unless precluded by operation of the Cecil County Code of Ethics.

279 4. A tie vote "for" or "against" a motion means that a motion fails.

280 5. A motion can only succeed when at least a majority of members
 281 present vote to pass the motion and in all cases a minimum of three (3)
 282 or more members are required to vote to pass the motion.

283 C. Record Keeping.

284 1. The Custodian of all records, of any form, including, without
 285 limitation, paper, media, and electronic, of the CCPAB shall be the
 286 Chairperson of the CCPAB, with:

287 a. Records pertaining to any administrative investigation being
 288 deposited and secured by the Office of the County Attorney;
 289 and

290 b. Records pertaining to any criminal investigation being
 291 deposited and secured by the Office of the State's Attorney.

292 2. The Custodian of all records, of any form, including, without
 293 limitation, paper, media, and electronic, of the CCACC shall be the
 294 Chairperson of the CCACC, with:

295 a. Records pertaining to any administrative investigation being
 296 deposited and secured by the office of the Cecil County
 297 Attorney; and

298 b. Records pertaining to any criminal investigation being
 299 deposited and secured by the office of the State's Attorney.

300 D. Support.

Request for Expedition – Establishment – Police Accountability Board

- 301 1. The Office of the County Attorney shall provide support personnel as
302 may be required by the CCPAB and CCACC.
- 303 2. The Office of the County Attorney shall provide legal support and
304 managerial oversight to the CCPAB and the CCACC as well as
305 management
- 306 3. The Cecil County Director of Administration shall provide such
307 meeting space, supplies, equipment and support, including, without
308 limitation, technology support and secure storage, as may be required
309 by the CCPAB and CCACC to perform their respective duties.”

310 **BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that,
311 in the event any portion of this legislation is found to be unconstitutional, illegal, null or void, it is
312 the intent of the County Council to sever only the invalid portion or provision, and that the
313 remainder of the Resolution shall be enforceable and valid.

314 **BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
315 the foregoing recitals are adopted as if fully rewritten herein.

316 **BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
317 this legislation shall be effective upon recordation without publication of a fair summary, but not
318 sooner than July 1, 2022.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager