

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 16-22

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

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Police Accountability Board

2
3 FOR the purpose of establishing a Police Accountability Board; defining certain terms;
4 providing for the composition and terms and removal of members of the Police
5 Accountability Board; providing for a chair of the Police Accountability Board;
6 providing for the meeting standards, training, budget and staff, compensation of
7 members, and recordkeeping standards of the Police Accountability Board;
8 establishing the duties of the Police Accountability Board; requiring annual reports by
9 the Police Accountability Board; providing for the compensation, staffing, and
10 appointment of members of Administrative Charging Committees and Trial Boards;
11 requiring voting members of Police Accountability Board to file financial disclosure
12 statements; and generally relating to boards, commissions, and similar bodies and
13 public ethics.

14
15 BY adding: §§ 3-7A-101 through 3-7A-111 to be under the new title “Title 7A. Police
16 Accountability Board”
17 Anne Arundel County Code (2005, as amended)

18
19 BY renumbering: § 7-6-101(98) through (99), respectively, to be 7-6-101(99) through
20 (100), respectively
21 Anne Arundel County Code (2005, as amended)

22
23 BY adding: § 7-6-101(98)
24 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 WHEREAS, in 2021 the Maryland General Assembly passed House Bill 670, also
2 known as the Maryland Police Accountability Act of 2021, which becomes
3 effective on July 1, 2022 and requires Anne Arundel County to establish a Police
4 Accountability Board; and

5
6 WHEREAS, House Bill 670 also requires the County to have an Administrative
7 Charging Committee to serve countywide law enforcement agencies and local law
8 enforcement agencies in the County; and

9
10 WHEREAS, House Bill 670 also requires the County to establish a trial board
11 process; and

12
13 WHEREAS, the County Council intends to meet the requirements the Maryland
14 Police Accountability Act of 2021; now, therefore,

15
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 *That § 7-6-101(98) through (99), respectively, of the Anne Arundel County Code (2005,*
18 *as amended) are hereby renumbered to be § 7-6-101(99) through (100), respectively.*

19
20 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:

22
23 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

24
25 **TITLE 7A. POLICE ACCOUNTABILITY BOARD**

26
27 **3-7A-101. Definitions.**

28
29 THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

30
31 (1) "LAW ENFORCEMENT AGENCY" MEANS A GOVERNMENTAL POLICE FORCE,
32 SHERIFF'S OFFICE, OR SECURITY FORCE OR LAW ENFORCEMENT ORGANIZATION OF THE
33 STATE, A COUNTY, OR A MUNICIPAL CORPORATION THAT BY STATUTE, ORDINANCE, OR
34 COMMON LAW IS AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE
35 STATE.

36
37 (2) "POLICE MISCONDUCT" MEANS A PATTERN, PRACTICE, OR CONDUCT BY A
38 POLICE OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

39
40 (I) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE CONSTITUTION OR
41 LAWS OF THE STATE OR THE UNITED STATES;

42
43 (II) A VIOLATION OF A CRIMINAL STATUTE; AND

44
45 (III) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND POLICIES.

46
47 (3) "POLICE OFFICER" HAS THE MEANING SET FORTH IN § 3-201 OF THE PUBLIC
48 SAFETY ARTICLE OF THE STATE CODE.

1 **3-7A-102. Police Accountability Board created.**

2
3 PURSUANT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE OF THE STATE
4 CODE, THERE IS A POLICE ACCOUNTABILITY BOARD.

5
6 **3-7A-103. Membership.**

7
8 **(A) Voting members.**

9
10 (1) THE POLICE ACCOUNTABILITY BOARD CONSISTS OF NINE MEMBERS APPOINTED
11 AS FOLLOWS:

12
13 (I) EIGHT VOTING MEMBERS SHALL HAVE RESIDED IN THE COUNTY FOR AT
14 LEAST THREE YEARS PRIOR TO APPOINTMENT AND SHALL BE APPOINTED BY THE COUNTY
15 EXECUTIVE AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL; AND

16
17 (II) ONE VOTING MEMBER SHALL HAVE BEEN A RESIDENT OF THE CITY OF
18 ANNAPOLIS FOR AT LEAST THREE YEARS AND SHALL BE APPOINTED BY THE COUNTY
19 EXECUTIVE UPON RECOMMENDATION OF THE MAYOR AND CITY COUNCIL.

20
21 (2) AN ACTIVE POLICE OFFICER MAY NOT BE A VOTING MEMBER OF THE POLICE
22 ACCOUNTABILITY BOARD.

23
24 (3) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE
25 ACCOUNTABILITY BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL
26 DIVERSITY OF THE COUNTY.

27
28 (4) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE
29 ACCOUNTABILITY BOARD SHALL INCLUDE REPRESENTATION FROM COMMUNITIES THAT
30 EXPERIENCE A HIGHER FREQUENCY OF INTERACTIONS WITH LAW ENFORCEMENT.

31
32 (5) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE
33 ACCOUNTABILITY BOARD SHALL INCLUDE A DIVERSITY OF EXPERIENCE AND EXPERTISE,
34 INCLUDING IN SUCH AREAS AS:

35
36 (I) COMMUNITY ORGANIZATION;

37
38 (II) CIVIL RIGHTS;

39
40 (III) LAW ENFORCEMENT;

41
42 (IV) CRIMINAL LAW;

43
44 (V) BEHAVIORAL HEALTH;

45
46 (VI) FAITH-BASED LEADERSHIP;

47
48 (VII) COMMUNITY POLICING;

49
50 (VIII) POLICING STANDARDS;

51
52 (IX) SOCIOLOGY;

53
54 (X) EDUCATION;

55
56 (XI) SOCIAL WORK;

57
58 (XII) CRIMINOLOGY;

1 (XIII) PERSONNEL MANAGEMENT AND DISCIPLINE; AND

2
3 (XIV) JUVENILE SERVICES; OR

4
5 (XV) OTHER LIFE EXPERIENCE THAT MAY BE VALUABLE TO THE BOARD.

6
7 (6) (I) VOTING MEMBERS SHALL BE SUBJECT TO A CRIMINAL BACKGROUND
8 INVESTIGATION BEFORE BEGINNING TO SERVE.

9
10 (II) A PERSON MAY NOT BE APPOINTED AS A VOTING MEMBER OF THE BOARD
11 IF THE PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-401
12 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE; A CRIME THAT IS A FELONY IN
13 ANOTHER STATE OR IN A FEDERAL PROCEEDING THAT WOULD BE A FELONY IN
14 MARYLAND; OR OF THEFT, DISHONESTY, FRAUD, OR ANOTHER CRIME OF MORAL
15 TURPITUDE.

16
17 (III) A PERSON WHO HAS BEEN CONVICTED OF CRIMES OTHER THAN AS SET
18 FORTH IN PARAGRAPH (II) MAY BE APPOINTED TO SERVE AS A VOTING MEMBER OF THE
19 BOARD SUBJECT TO THE APPOINTMENT PROCEDURES IN THIS TITLE.

20
21 (7) VOTING MEMBERS SHALL FILE FINANCIAL DISCLOSURE FORMS AS REQUIRED
22 BY § 7-6-101 OF THIS CODE, AND SHALL BE SUBJECT TO ALL OTHER PROVISIONS OF
23 ARTICLE 7 OF THIS CODE THAT ARE APPLICABLE TO COUNTY EMPLOYEES, INCLUDING ALL
24 PROVISIONS RELATING TO CONFLICTS OF INTEREST.

25
26 (B) **Ex officio members.** THE FOLLOWING SHALL SERVE AS NON-VOTING EX OFFICIO
27 MEMBERS OF THE BOARD:

28
29 (1) THE CHIEF OF THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT OR THE
30 CHIEF'S DESIGNEE;

31
32 (2) THE CHIEF OF THE ANNAPOLIS POLICE DEPARTMENT OR THE CHIEF'S DESIGNEE;

33
34 (3) THE ANNE ARUNDEL COUNTY SHERIFF OR THE SHERIFF'S DESIGNEE;

35
36 (4) THE DIRECTOR OF EQUITY, DIVERSITY, AND INCLUSION; AND

37
38 (5) THE HUMAN RELATIONS OFFICER.

39
40 (C) **Application process.** FOR THE MEMBERS APPOINTED PURSUANT TO (A)(1)(I):

41
42 (1) AN ADVERTISEMENT TO APPLY FOR MEMBERSHIP SHALL BE PUBLISHED AT
43 LEAST 30 DAYS PRIOR TO ANY APPOINTMENT BY THE COUNTY EXECUTIVE; AND

44
45 (2) THE RESOLUTION APPROVING ANY APPOINTMENT SHALL BE ADVERTISED AT
46 LEAST ONCE AFTER INTRODUCTION AND SHALL HAVE A PUBLIC HEARING BEFORE ANY
47 VOTE BY THE COUNTY COUNCIL.

48
49 (D) **Vacancies.** VACANCIES SHALL BE FILLED FOR ANY UNEXPIRED TERM IN THE SAME
50 MANNER AS THE ORIGINAL APPOINTMENT.

51
52 **3-7A-104. Chair.**

53
54 EVERY THREE YEARS, THE COUNTY EXECUTIVE SHALL DESIGNATE A CHAIR FROM THE
55 MEMBERSHIP OF THE BOARD SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL BY
56 RESOLUTION.

1 **3-7A-105. Terms of voting members.**

2
3 (A) **Generally.**

4
5 (1) THE INITIAL TERMS OF VOTING MEMBERS SHALL BE STAGGERED SO THAT FOUR
6 MEMBERS, INCLUDING THE CHAIR, SHALL SERVE INITIAL TERMS OF THREE YEARS AND
7 FIVE MEMBERS SHALL SERVE INITIAL TERMS OF TWO YEARS.

8
9 (2) AFTER THE INITIAL TERMS, THE TERM OF A VOTING MEMBER IS THREE YEARS.

10
11 (3) AT THE END OF ANY TERM, A VOTING MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED AND QUALIFIES.

13
14 (4) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
15 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
16 QUALIFIES.

17
18 (5) A VOTING MEMBER MAY NOT SERVE MORE THAN TWO FULL CONSECUTIVE
19 TERMS.

20
21 (B) **Removal.**

22
23 (1) THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR CAUSE, INCLUDING
24 IMPROPER USE OR DISCLOSURE OF INFORMATION, BEING CHARGED WITH A CRIME,
25 IMMORAL CONDUCT, OR ABSENCE FROM 25% OR MORE OF THE SCHEDULED MEETINGS
26 DURING ANY 12-MONTH PERIOD.

27
28 (2) THE CHAIR OF THE BOARD SHALL:

29
30 (I) NOTIFY THE COUNTY EXECUTIVE OF ANY MEMBER WHO IS ABSENT FROM
31 25% OR MORE OF THE SCHEDULED MEETINGS OF THE BOARD DURING ANY 12-MONTH
32 PERIOD;

33
34 (II) INCLUDE IN THE NOTIFICATION ANY KNOWN EXTENUATING
35 CIRCUMSTANCES; AND

36
37 (III) SEND A COPY OF THE NOTIFICATION TO EACH MEMBER OF THE BOARD.

38
39 (3) THE COUNTY EXECUTIVE MAY EXCUSE ABSENCES FOR GOOD CAUSE SUCH AS
40 ILLNESS, EMERGENCY SITUATIONS, OR OTHER EXTENUATING CIRCUMSTANCES.

41
42 **3-7A-106. Quorum; meetings.**

43
44 (A) **Quorum.** FIVE VOTING MEMBERS OF THE BOARD IS A QUORUM. AN AFFIRMATIVE
45 VOTE OF A MAJORITY OF THE VOTING MEMBERS PRESENT AT ANY MEETING AT WHICH
46 THERE IS A QUORUM SHALL BE SUFFICIENT FOR ANY ACTION OF THE BOARD.

47
48 (B) **Meetings.** THE BOARD SHALL MEET AT THE CALL OF THE CHAIR OR AT THE
49 REQUEST OF FIVE MEMBERS AS FREQUENTLY AS REQUIRED TO PERFORM THE DUTIES OF
50 THE BOARD, BUT NO LESS THAN QUARTERLY. ALL MEETINGS SHALL COMPLY WITH THE
51 MARYLAND OPEN MEETINGS ACT AND THIS CODE.

52
53 **3-7A-107. Training.**

54
55 AS SOON AS PRACTICABLE AFTER APPOINTMENT AND AT THE INTERVALS SPECIFIED,
56 EACH VOTING MEMBER OF THE BOARD SHALL COMPLETE THE FOLLOWING TRAINING:

- 1 (A) ETHICS TRAINING ANNUALLY;
- 2
- 3 (B) IMPLICIT BIAS TRAINING ANNUALLY;
- 4
- 5 (C) THE CITIZEN'S POLICE ACADEMY ONE TIME PER TERM; AND
- 6
- 7 (D) ANY OTHER TRAINING SPECIFIED BY THE STATE, THE COUNTY EXECUTIVE, OR
- 8 MAJORITY VOTE OF THE BOARD.
- 9

10 **3-7A-108. Budget and staff.**

11

12 (A) **Budget.** THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE BOARD TO

13 BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE ADOPTED BY

14 THE COUNTY COUNCIL.

15

16 (B) **Executive Director.** THERE SHALL BE AN EXECUTIVE DIRECTOR TO THE BOARD

17 AND AN ADMINISTRATIVE SECRETARY TO THE EXECUTIVE DIRECTOR, WHICH SHALL BE

18 IN THE EXEMPT SERVICE, TO PROVIDE SUPPORT AND ASSISTANCE TO THE BOARD.

19

20 (C) **Other staff and contractual services.** THE BOARD MAY BE ASSIGNED ADDITIONAL

21 STAFF AND PROVIDED WITH CONTRACTUAL SERVICES AS NEEDED AND AS PROVIDED FOR

22 IN THE ANNUAL BUDGET.

23

24 **3-7A-109. Compensation and expenses.**

25

26 (A) **Compensation.** VOTING MEMBERS OF THE BOARD MAY BE COMPENSATED FOR

27 THEIR SERVICES AS PROVIDED FOR IN THE ANNUAL BUDGET.

28

29 (B) **Expenses.** NON-VOTING MEMBERS OF THE BOARD MAY BE REIMBURSED FOR

30 EXPENSES INCURRED RELATED TO THEIR DUTIES AT THE DISCRETION OF THE EXECUTIVE

31 DIRECTOR AND SUBJECT TO APPROPRIATION AND AVAILABILITY OF FUNDS IN THE

32 ANNUAL BUDGET.

33

34 (C) **Administrative Charging Committees and Trial Boards.**

35

36 (1) MEMBERS OF ANY ADMINISTRATIVE CHARGING COMMITTEES AND TRIAL

37 BOARDS REQUIRED BY STATE LAW MAY BE COMPENSATED AS PROVIDED FOR IN THE

38 ANNUAL BUDGET.

39

40 (2) ADMINISTRATIVE CHARGING COMMITTEES AND TRIAL BOARDS MAY BE

41 ASSIGNED ADDITIONAL STAFF AND PROVIDED WITH CONTRACTUAL SERVICES AS NEEDED

42 AND AS PROVIDED FOR IN THE ANNUAL BUDGET.

43

44 **3-7A-110. Duties.**

45

46 (A) **Meetings with law enforcement.** THE BOARD SHALL HOLD AT LEAST QUARTERLY

47 MEETINGS WITH HEADS OF LAW ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH

48 LAW ENFORCEMENT AGENCIES AND OTHER COUNTY AGENCIES TO IMPROVE MATTERS OF

49 POLICING.

50

51 (B) **Appointments.** THE BOARD SHALL APPOINT MEMBERS TO THE ADMINISTRATIVE

52 CHARGING COMMITTEES AND TRIAL BOARDS AS PROVIDED FOR IN TITLE 3, SUBTITLE 1 OF

53 THE PUBLIC SAFETY ARTICLE OF THE STATE CODE AND THIS CODE.

1 **7-6-101. Persons required to file statements.**

2

3 (a) **Generally.** Each of the following and each candidate for the County Executive or
4 the County Council shall file with the Ethics Commission the statements provided for in
5 this title:

6

7

8

9

10

(98) EACH VOTING MEMBER OF THE POLICE ACCOUNTABILITY BOARD;

SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
from the date it becomes law.