

Subject: To Establish the St. Mary's County Police Accountability Board and St. Mary's County Administrative Charging Committee

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RESOLUTION ESTABLISHING THE ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD & ST. MARY'S COUNTY ADMINISTRATIVE CHARGING COMMITTEE

WHEREAS, Chapter 59 of the 2021 Laws of Maryland, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures (the "Act"), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, repealing the Law Enforcement Officer's Bill of Rights, and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) 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; (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;

WHEREAS, the Act further requires that the Commissioners of St. Mary's County, Maryland (hereinafter, the "Commissioners of St. Mary's County") must: (1) establish the membership of a police accountability board; (2) establish the budget and staff for a police accountability board; (3) appoint a chair of the police accountability board who has relevant experience to the position; and (4) establish the procedures for record keeping by a police accountability board;

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

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

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

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee,

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an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that 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; (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;

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

WHEREAS, the Commissioners of St. Mary's County desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Mary's County that there shall be a St. Mary's County Police Accountability Board ("SMCPAB") and a St. Mary's County Administrative Charging Committee ("SMCACC") in accordance with the following:

I. Definitions.

- A. Law Enforcement Agency ("LEA"): Law Enforcement Agency shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(d), as amended hereafter from time to time.
- B. Police Officer: "Police officer" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(f), as amended hereafter from time to time.
- C. Police Misconduct: "Police misconduct" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-101(g), as amended hereafter from time to time.

II. Police Accountability Board.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-102, there shall be a St. Mary's County Police Accountability Board ("SMCPAB") to serve countywide law enforcement agencies and local law enforcement agencies.
- B. The SMCPAB shall:

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1. Hold meetings, not less than quarterly, with heads of law enforcement agencies operating in St. Mary's County and otherwise work with law enforcement agencies and the county government to improve matters of policing;
2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCPAB may deem necessary and appropriate;
3. Appoint civilian members to charging committees and trial boards;
4. Receive complaints of police misconduct filed by members of the public;
5. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees;
6. Work with LEAs and the Commissioners of St. Mary's County to:
 - a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
 - b. By December 31st each year, or such other time as the Commissioners of St. Mary's County may designate, submit a report to the Commissioners of St. Mary's County that identifies any trends in the disciplinary process of police officers in St. Mary's County and makes recommendations on changes to policy that would improve police accountability in St. Mary's County.

III. Administrative Charging Committee.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-104, there shall be a St. Mary's County Administrative Charging Committee ("SMCACC") to serve countywide law enforcement agencies and local law enforcement agencies within St. Mary's County.
- B. The SMCACC shall:
 1. Meet not less than once per month, or as needed;
 2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCACC may deem necessary and appropriate;
 3. Review the findings of a LEA's investigation conducted and forwarded to the SMCACC in accordance with State law;
 4. Make a determination that the police officer who is subject to investigation shall be:
 - a. Administratively charged; or
 - b. Not administratively charged;
 5. If the police officer is charged, recommend discipline in accordance with the LEA's disciplinary matrix established in accordance with Md. Ann. Code, Public Safety Art., §§ 3-105 and 3-106 ;
 6. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
 7. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;

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8. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
 9. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.
- C. In executing its duties, the SMCACC may:
1. Request information or action from the LEA that conducted the investigation, including, pursuant to Md. Ann. Code, Public Safety Art., § 3-104(f)(1), requiring additional investigation and the issuance of subpoenas;
 2. If the police officer is not administratively charged, make a determination that:
 - a. The allegations against the police officer are unfounded; or
 - b. The police officer is exonerated; and
 3. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

IV. Membership.

- A. Member(s) shall hold their position until their successor(s) are selected and appointed.
- B. All members of the SMCPAB and SMCACC are subject to the applicable provisions of the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
- C. Members of the SMCPAB and SMCACC shall maintain confidentiality relating to all matters before the respective Board and Committee.
- D. Members of the SMCPAB and SMCACC shall comply with the St. Mary's County Open Meetings Act, Md. Ann. Code, Local Government Art., §9-501, et seq., as amended hereafter from time to time.
- E. With regard to membership of the SMCPAB:
 1. The SMCPAB shall include a minimum of five (5) and up to nine (9) voting members selected by the Commissioners of St. Mary's County, including a Chairperson appointed by the Commissioners of St. Mary's County;
 - a. Of the voting members, at least one member shall, at the time of his or her appointment, reside in each Commissioner District.
 2. The SMCPAB shall include one (1) non-voting *ex officio* member who shall be the Sheriff of the St. Mary's County Sheriff Department or the Sheriff's designee.
 3. Applicants shall submit to a vetting process includes, at a minimum, comprehensive criminal background checks and other appropriate background research that shall determine to the satisfaction of the Commissioners of St. Mary's County each applicant's fit moral character, freedom from bias, and ability to act and make objective decisions free of outside influence.

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4. The Chairperson of the SMCPAB shall have experience relevant to the position.
 5. To the extent practicable, members of the SMCPAB shall represent and reflect the racial, gender, and cultural diversity of St. Mary's County.
 - a. In determining whether appropriate racial, gender, and cultural diversity has been achieved, the Commissioners of St. Mary's County shall rely on data available from the most recent decennial census conducted by the United States Census Bureau.
 6. Except as initially staggered, members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCPAB.
 7. Initial terms of members shall be staggered as follows:
 - a) Three (3) members shall serve an initial term of three (3) years;
 - b) Three (3) members shall serve an initial term of two (2) years.
 - c) Three (3) members shall serve an initial term of one (1) year.
 8. The Commissioners of St. Mary's County may designate one alternate member to sit on the SMCPAB in the absence of any member of the Board.
- F. With regard to membership of the SMCACC:
1. The SMCACC shall be composed of five (5) members, appointed as follows:
 1. The Chairperson of the SMCPAB, or a member of the SMCPAB designated by the Chairperson of the SMCPAB, shall serve as a Member of the SMCACC.
 2. The Commissioners of St. Mary's County shall appoint two (2) St. Mary's County civilians as members of the SMCACC.
 3. The SMCPAB shall appoint two (2) St. Mary's County civilians to the SMCACC by majority vote.
 2. The Members of the SMCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
 3. The Chairperson of the SMCACC shall serve no more than two (2) consecutive terms as the Chairperson.
 4. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCACC.
 5. Before serving as the SMCACC, every individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

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V. Resignation and Removal.

- A. Any member of the SMCPAB or SMCACC may resign at any time by providing written notice to the Commissioners of St. Mary's County.
- B. In addition to the grounds set forth above, a member of the SMCPAB or SMCACC may be removed in accordance with the following provisions:
 1. The Commissioners of St. Mary's County retains the authority to remove by majority vote any member of the SMCPAB, and to remove any member of the SMCACC based upon a recommendation of a majority vote of the SMCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
 2. The Chairperson shall notify the Commissioners of St. Mary's County if a member of the SMCPAB or of the SMCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Commissioners of St. Mary's County shall remove and replace such member.

VI. Meetings and Reporting.

- A. The SMCPAB shall meet no less than quarterly with heads of LEAs operating in St. Mary's County to:
 1. Discuss improvements that can be made to policing;
 2. Appoint civilian members to the SMCACC and trial boards;
 3. Receive complaints of police misconduct from the public; and
 4. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.
- B. Each complaint of misconduct received by the SMCPAB shall be forwarded within three (3) days of receipt by the SMCPAB to the appropriate LEA. If no meeting of the SMCPAB is scheduled within that timeframe, the Chairperson of the SMCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the SMCPAB at its next meeting.
- C. The SMCPAB and the SMCACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.
- D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.
- E. Adequate notice of all Special Meetings will be provided to SMCPAB or SMCACC members.
- F. Notice of all meetings of the SMCPAB and the SMCACC shall be in accordance with the St. Mary's County Open Meetings Act.
- G. All meetings are open to the public, except that the SMCPAB and the SMCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, *General Provisions Article*, § 3-305, or *Local Government Article*, § 9-512, as amended hereafter from time to time.

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

VII. Budget

- A. The Commissioners of St. Mary's County shall approve a budget for the SMCPAB that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCPAB supported by grant assistance from the Governor's Office of Crime Control & Prevention ("GOCCP"); and
 2. A Quarterly stipend for members in such amount as the Commissioners of St. Mary's County may deem appropriate.
- B. The Commissioners of St. Mary's County shall approve a budget for the SMCACC that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCACC supported by grant assistance from GOCCP; and
 2. A stipend for members per meeting with a per annum maximum amount per member as the Commissioners of St. Mary's County may deem appropriate.

VIII. Ethics, Rules, and Support

- A. Ethics.
1. SMCPAB and SMCACC members shall abide by and fully comply with the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
 2. No member of the SMCPAB or SMCACC shall cast a vote on any matter where a conflict of interest exists.
 3. In any instance where the determination of a conflict of interest is uncertain, the SMCPAB or SMCACC may request a determination of conflict of interest from the St. Mary's County Ethics Commission, which shall not be unreasonably delayed.
- B. Rules.
1. A quorum shall consist of a majority of the voting members.
 2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the SMCACC, all meetings shall be conducted in accordance with the "Rules of Order for St. Mary's County Boards and Commissions," as amended from time to time.
 3. There shall be one vote per member of each of the SMCPAB and the SMCACC; any members serving both the SMCPAB and the SMCACC shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the St. Mary's County Public Ethics Ordinance.

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4. A tie vote for and against a motion means that a motion fails.
- C. Support.
1. The St. Mary's County Office of Law shall provide support personnel as may be required by the SMCPAB and SMCACC.
 2. The St. Mary's County Office of Law shall provide legal support to the SMCPAB.
 3. The Commissioners of St. Mary's County shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the SMCPAB and SMCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Commissioners of St. Mary's County to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.

SECTION V. This Resolution shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

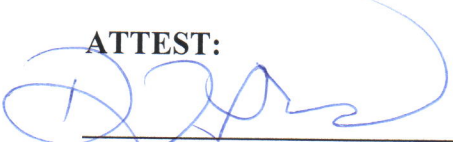
Date of Adoption: March 22, 2022

Effective Date: July 1, 2022

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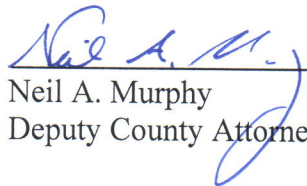
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ATTEST:



David A. Weiskopf
Interim County Administrator

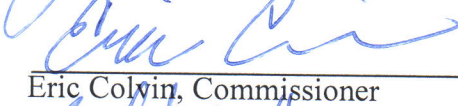
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AND LEGAL SUFFICIENCY:



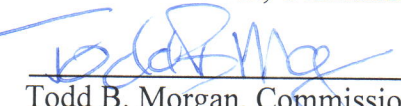
Neil A. Murphy
Deputy County Attorney

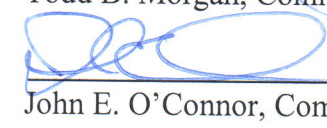
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