

## **RESOLUTION 2022-11**

### **COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**

#### **COMPLIANCE WITH SUNDRY REQUIREMENTS OF THE MARYLAND POLICE ACCOUNTABILITY ACTS OF 2021 AS WELL AS SUBSEQUENT LEGISLATION**

#### **A RESOLUTION TO INTRODUCE PROVISIONS MANDATED BY THE STATE FOR THE ALTERATION OF CERTAIN LAW ENFORCEMENT DISCIPLINARY PROCEDURES AND THE CREATION OF REQUISITE BOARDS AND COMMITTEES**

FOR THE PURPOSE OF acknowledgment and adherence to state requirements regarding aspects of Chapters 59, 60, 62, and 132 Laws of Maryland 2021, collectively known as the “Maryland Police Accountability Act of 2021”, and associated bills that followed. This collection of legislation, in which the General Assembly repealed the Law Enforcement Officers Bill of Rights and instituted a new disciplinary process for all Law Enforcement Agencies within the state, affects numerous facets of policing including the obligation that each Maryland county create a new countywide police accountability board and an administrative charging committee, and that each Law Enforcement Agency create a new trial board process – features which become effective July 1, 2022.

#### **RECITALS**

**WHEREAS**, the Maryland General Assembly has instituted the requirement that all counties create a new Police Accountability Board (PAB) in order to:

1. Receive Complaints of Police Misconduct filed by members of the public.
  - a. Ensure that the following is included in the Complaint:
    - i. The name of the Police Officer accused of misconduct.
    - ii. Description of the facts on which the Complaint is based
    - iii. Contact information of the complainant or a person filing on behalf of the complainant.
  - b. Forward the Complaint to the appropriate Law Enforcement Agency within 3 days after receipt.
2. Appoint two (2) Civilian members to the Administrative Charging Committee and one (1) Civilian to any pertinent Trial Boards.
3. Quarterly:
  - a. Hold meetings with the heads of Law Enforcement Agencies and the County Government to improve matters of policing.
  - b. Review outcomes of disciplinary matters considered by the Administrative Charging Committee.
4. Annually:
  - a. Submit a report to the county no later than December 31<sup>st</sup> that,
    - i. Identifies any trends in the disciplinary process of police officers in the county.

- ii. Makes recommendations on changes to policy that would improve police accountability in the county.

**WHEREAS**, the Act specifies that the creation of the Police Accountability Board falls to the local governing body; therefore, the County Commissioners of Kent County (the “County”) shall:

- Establish the membership for a Police Accountability Board with the following stipulations:
  - To the extent practicable, the membership shall reflect the racial, gender, and cultural diversity of the county.
  - Active Police Officers are disallowed.
- Establish the budget and staff for a Police Accountability Board and appoint a Chair who has relevant experience to the position.
- Establish the procedures for record keeping.

**WHEREAS**, the Act instructs that each county shall have one Administrative Charging Committee (ACC), to serve all local Law Enforcement Agencies within its confines (including municipalities), in order to:

1. Review the findings of a Law Enforcement Agency’s completed investigation of a complaint made by a member of the public against a police officer, including relevant body camera footage - if applicable, and circumscribed to matters covered in the complaint. [Note that the Act requires ALL Law Enforcement Agencies to deploy body-worn cameras by July 1, 2025].
  - a. In executing these duties, the Administrative Charging Committee may request information or action from the investigating agency including requiring additional investigation and the issuance of subpoenas.
  - b. The ACC may record, in writing, any failure of supervision that caused or contributed to a police officer’s misconduct.
2. Decide if that police officer should be administratively charged.
  - a. If Charged, recommend discipline in accordance with the Law Enforcement Agency’s disciplinary matrix [as developed by the Maryland Police Training and Standards Commission].
  - b. If NOT Charged, the ACC may make a determination as to whether:
    - i. The allegations are Unfounded, OR
    - ii. The officer is Exonerated.
3. Authorize a police officer called to appear before the Administrative Charging Committee to be accompanied by a representative.
4. Issue a written opinion that describes in detail its findings, determinations, and recommendations and forward that written opinion to the Chief of the Law Enforcement Agency, the Police Officer, and the Complainant.
5. Members of the ACC shall meet once per month OR as needed.
6. Members Shall maintain Confidentiality relating to matters being considered until FINAL Disposition of the matter.

**WHEREAS**, the Act stipulates that the Administrative Charging Committee comprise the following five (5) member composition:

- The Chair of the Police Accountability Board (or another member of the PAB designated by the Chair).
- Two (2) civilian members selected by the PAB.
- Two (2) civilian members selected by the Chief Executive Officer of the county [The County Commissioners of Kent County].

**WHEREAS**, the Act decrees that serving as a member of the Administrative Charging Committee requires training on matters relating to police procedures from the Maryland Police Training and Standards Commission (MPTSC) as a prerequisite to appointment; consequently, no entrant may be seated until this training is completed to the satisfaction of the MPTSC.

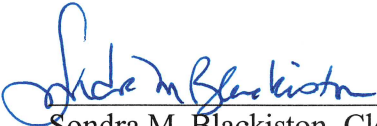
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, THAT:** there shall be a Kent County Police Accountability Board and a Kent County Administrative Charging Committee to serve all Kent County, Chestertown, and Rock Hall Law Enforcement Agencies, adhering to the above Recitals and with the following provisos:

- I. The membership of the Kent County Police Accountability Board shall be as follows:
  - a. The PAB shall consist of seven (7) members and shall be appointed by the County Commissioners of Kent County
    - i. Each member shall have been a resident of Kent County for a minimum of one (1) uninterrupted year immediately prior to application for membership.
    - ii. A good faith effort is to be made to attain members residing in each of the county's seven (7) election districts.
    - iii. At least one member should reside within the jurisdiction of each municipality in the county with its own police department [i.e., Chestertown and Rock Hall].
  - b. Members serve a four (4) year term.
    - i. Upon the expiration of a term, members continue to serve until a successor is appointed.
    - ii. Members may be reappointed for one (1) additional term (successive or not).
    - iii. Members may resign at any time by providing written notice to the County.
    - iv. The County Commissioners of Kent County retain the authority to remove any member by majority vote, by its own initiative or the recommendation resulting from the majority vote of the PAB itself.
  - c. To the extent practicable, the Chairperson of the Kent County Police Accountability Board shall:

- i. Be a former sworn law enforcement officer who retired in good standing with at least a decade of service.
      - ii. Have experience serving in a supervisory position within law enforcement and/or have extensive knowledge of policing, police practices, disciplinary issues, and the criminal justice system.
      - iii. Have been a resident of Kent County for two (2) years immediately prior to appointment to the PAB.
    - d. Qualifications for all PAB members:
      - i. Members Shall have a criminal background check prior to appointment; thenceforth, they shall be bound by the Kent County Code of Ethics [Chapter 29, Code of Public Laws].
        - 1. Prior felony convictions result in automatic ineligibility.
        - 2. Members convicted of a felony while serving a term must report the conviction to the County Commissioners of Kent County and resign.
        - 3. Convictions of the following misdemeanors result in automatic ineligibility:
          - a. Perjury
          - b. Violent Crime
          - c. Any other misdemeanor carrying a maximum sentence in excess of one (1) year.
      - ii. Members Shall be registered voters of Kent County.
    - e. Members Shall maintain Confidentiality relating to matters being considered until FINAL Disposition of the matter.
- II. The County recognizes that the ACC cannot perform its mandate without the MPTSC instituting and providing both the requisite training and the new disciplinary matrix.
  - a. Hence, the first order of business to be conducted upon the inaugural assembly of the new Kent County Police Accountability Board Shall be the selection of three (3) members for the Kent County Administrative Charging Committee.
    - i. The Chair of the PAB is to designate themselves or another member of the PAB to the Charging Committee.
    - ii. The full PAB will select two (2) other members for the ACC.
  - b. The County Commissioners of Kent County shall subsequently appoint the remaining two (2) members of the ACC forthwith.
  - c. Training for the five (5) ACC members will then be provided when the MPTSC makes it available.
- III. Proper public notice and necessary transparency of all meetings of the Police Accountability Board as well as the Administrative Charging Committee shall comply with the Maryland Open Meetings Act.
  - a. All Meetings of the PAB and ACC are to be open meetings.
  - b. If a meeting is to be closed, it must be in accordance with the Maryland Open Meetings Act, General Provisions Article § 3-305.

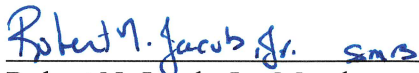
ATTEST:

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

  
\_\_\_\_\_  
Sondra M. Blackiston, Clerk

  
\_\_\_\_\_  
P. Thomas Mason, President

  
\_\_\_\_\_  
Ronald H. Fithian, Member

  
\_\_\_\_\_  
Robert N. Jacob, Jr., Member

ADOPTED: June 28, 2022