

PROPOSED ORDINANCE
GARRETT COUNTY CODE OF ORDINANCE NO. 32.95
GARRETT COUNTY POLICE ACCOUNTABILITY BOARD
GARRETT COUNTY ADMINISTRATIVE CHARGING BOARD
AND
GARRETT COUNTY TRIAL BOARD

AN ACT CONCERNING the Garrett County Police Accountability Board FOR THE PURPOSE of establishing a Police Accountability Board for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Garrett County Police Accountability Board and authorizing the Garrett County Police Accountability Board to work with law enforcement agencies and the County Government to improve matters of policing in Garrett County;

BY amending Section 32 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the “County Code”) and adopting a new Section 32.95.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the “County Commissioners”) that Section 32 of the County Code be and is hereby amended by adding Subsection 32.95 to read, as follows:

32.95. Police Accountability Board

A Garrett County Police Accountability Board (“GCPAB”) is established to serve countywide and local law enforcement agencies as defined in Section 3-201 of the Public Safety Article of the Annotated Code of Maryland (the “State Code”).

I. GARRETT COUNTY POLICE ACCOUNTABILITY BOARD

A. The GCPAB shall be comprised of five (5) Members appointed by the Board of County Commissioners as regular voting members for a three (3) year term, including:

(1) One (1) individual to serve as the Board Chairperson who shall have familiarity with the criminal justice system.

(2) One (1) retired, sworn law enforcement officer.

(3) Three (3) citizens with familiarity or experiences with human resources, the operation of a government agency, criminal justice agency, or community service organization.

B. Membership requirements:

(1) Members of the GCPAB must:

- (a) Be Garrett County residents and registered to vote;
- (b) Be at least twenty-five (25) years of age;
- (c) Have familiarity or experience with human resources, the operation of a government agency, criminal justice agency, or community service organization;
- (d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or their designee and appropriate criminal background research; and
- (e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.

(2) An individual may not be a member of the GCPAB if they:

- (a) Are an active police officer as defined in Section 3-201 of the State Code; or
- (b) Have been convicted of, or received a probation before judgement for, a felony or a misdemeanor with a statutory penalty of more than two (2) years.

C. To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the County.

D. Of the initial appointees to the Board, one (1) appointee shall have a term of one (1) year, two (2) appointees shall have a term of two (2) years, and two (2) appointees shall have a term of three (3) years one of which shall be the chairperson. A member may be reappointed but may not serve more than two (2) full consecutive three (3) year terms.

E. A member may be removed from the Board if at any time they fail to meet the requirements of this section or any other requirements of the Board, or fail to attend at least fifty percent (50%) of the meetings during any period of twelve (12) consecutive months.

F. Vacancies shall be filled on the same basis as the original appointments for the unexpired terms. Members shall continue in office until their successors are appointed and qualified.

II. GENERAL POWERS AND RESPONSIBILITIES

A. The Board shall:

(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 and forward that complaint to the appropriate law enforcement agency within three (3) days of receipt.

(4) On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.

(5) On or before December 31 each year, the GCPAB shall submit a report to the governing body of the County that:

(a) Identifies any trends in the disciplinary process of police officers in Garrett County; and

(b) Makes recommendations on changes to policy that would improve police accountability in Garrett County.

III. MEETINGS, QUORUM, RECORDS

A. The Board shall meet at least quarterly.

(1) A majority of the Board members shall constitute a quorum for the transaction of regular business.

(2) The meetings of the Board shall be subject to the Open Meetings Act.

(3) The Board shall be prohibited from creating sub or ad hoc committees.

(4) Records shall be maintained by the Secretary pursuant to a records retention schedule of Garrett County in accordance with State law. The Board and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public Information Act.

IV. COMPLAINTS

A. The Board shall receive complaints of police misconduct filed by members of the public.

B. The Board, in conjunction with the law enforcement agencies located within the County, shall establish a uniform procedure for allowing members of the public to file complaints of police misconduct.

C. A complaint of police misconduct filed with the Board or law enforcement agency shall include:

(1) The name of the police officer accused of misconduct.

(2) A description of the facts on which the complaint is based.

(3) Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

D. A complaint of police misconduct filed with the Board shall be forwarded to the appropriate law enforcement agency within three (3) business days after receipt by the Board.

32.95.1 ADMINISTRATIVE CHARGING COMMITTEE

A Garrett County Administrative Charging Committee (“GCACC”) is established to serve countywide law and local law enforcement agencies as defined in Section 3-201 of the State Code.

I. ADMINISTRATIVE CHARGING COMMITTEE

A. The GCACC shall be composed of five (5) regular voting members who will serve for a three (3) year term, including:

(1) The Chairperson of the GCPAB, or a member designated by the Chairperson of the GCPAB, shall serve as the Chairperson of the GCACC.

(2) The Board of County Commissioners shall appoint two (2) citizens as members of the GCACC.

(3) The GCPAB shall appoint two (2) civilians to the GCACC by majority vote.

B. Membership requirements:

(1) Members of the GCACC must:

(a) Be Garrett County residents and registered to vote;

(b) Be at least twenty-five (25) years of age;

(c) Have familiarity or experience with human resources, the operation of government agency, criminal justice agency, or community service organization;

(d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or the GCPAB and appropriate criminal background research; and

(e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.

(2) An individual may not be a member of the GCACC if they:

(a) Are an active police officer as defined in Section 3-201 of the State Code; or

(b) Have been convicted of, or received a probation before judgement for, a felony or a misdemeanor with a statutory penalty of more than two (2) years.

II. GENERAL POWERS AND RESPONSIBILITIES

A. The Committee shall:

(1) Meet as needed, but at least once per quarter.

(2) Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process (including the procedures required by Section 3-104(e) of the Public Safety Article), which may be amended from time to time as a majority of the GCACC may deem necessary and appropriate.

(3) Review the findings of a law enforcement agency investigation conducted and forwarded to the GCACC in accordance with Section 3-104(d) of the State Code:

(a) Make a determination that the police officer who is subject to investigation shall be:

(i) Administratively charged; or

(ii) Not administratively charged;

(b) If the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix;

(c) Issue a written opinion that describes in detail its findings, determinations, and recommendations;

(d) Forward a written opinion to the Chief of the law enforcement agency, the police officer, and the complainant; and

(e) Maintain confidentiality of a matter being considered until final disposition of that matter.

32.95.2. GARRETT COUNTY TRIAL BOARD

There is a Garrett County Trial Board (“GCTB”) to serve countywide law enforcement agencies and local law enforcement agencies within Garrett County.

I. GARRETT COUNTY TRIAL BOARD

A. The GCTB shall be composed of three (3) regular voting members who will serve for a three (3) year term, including:

(1) The Board of County Commissioners shall appoint one (1) member to the GCTB. That member shall be an active or retired administrative law judge or a retired District or Circuit Court Judge.

(2) The GCPAB shall appoint a civilian who is not a member of the GCACC.

(3) The Garrett County Sheriff shall appoint a police officer of equal rank to the police officer who is accused of misconduct.

B. Membership requirements:

(1) The civilian Members of the GCTB must:

(a) Be Garrett County residents and registered to vote;

(b) Be at least twenty-five (25) years of age;

(c) Have familiarity or experience with human resources, the operation of a government agency, criminal justice agency, or community service organization;

(d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or the GCPAB and appropriate criminal background research; and

(e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.

II. GENERAL POWERS AND RESPONSIBILITIES

A. Procedures:

(1) If the police officer does not accept the Chief's offer of discipline, then the matter shall be referred to the GCTB.

(2) At least thirty (30) days before the GCTB proceedings begin, the police officer shall be:

- (a) Provided a copy of the investigatory record;
- (b) Notified of the charges against the police officer; and
- (c) Notified of the disciplinary action being recommended.

(3) The GCTB may administer oaths and issue subpoenas as necessary to complete its work.

(4) A complainant has the right to be notified of a GCTB hearing and, except as provided by Section 3-106(d) of the State Code, the right to attend the hearing.

(5) Except as otherwise provided by law, the law enforcement agency has the burden of proof by a preponderance of the evidence.

(6) A police officer may be disciplined only for cause.

(7) Within thirty (30) days after the date of the issuance of the decision of the GCTB, the decision may be appealed by the police officer to the Circuit Court for Garrett County, Maryland.

(8) A GCTB decision that is not appealed is final.

III MEETINGS, QUORUM, RECORDS

A. The meetings of the GCTB shall be open to the public and subject to the Open Meetings Act, except as provided in Section 3-106(d) of the State Code.

B. Records shall be maintained by the Secretary pursuant to a records retention schedule of Garrett County in accordance with State law. The Board and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public Information Act.