

# WICOMICO COUNTY LAW ENFORCEMENT REVIEW BOARDS

*EFFECTIVE JULY 1, 2022*



# HB670: POLICE DISCIPLINE AND LAW ENFORCEMENT PROGRAMS AND PROCEDURES

*EFFECTIVE JULY 1, 2022*

- Maryland Law Enforcement Officers Bill of Rights is repealed, effective July 1, 2022
- Establishes a [Police Accountability Board](#) for each County in Maryland
- Established an [Administrative Charging Committee](#) for each County in Maryland
- [Trial Boards](#) will be established for each Law Enforcement Agency, or shared between local agencies.
- Maryland Police Training and Standards Commission will develop and adopt a model uniform disciplinary matrix
- Creates new guidelines on suspension of officers pending an investigation, administrative charging committee, and trial board process.

# POLICE ACCOUNTABILITY BOARD

PUBLIC SAFETY § 3-102(A)

- Each County shall have a police accountability board to:
- 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
- Appoint civilian members to charging committee and trial board
- Receive complaints of police misconduct filed by members of the public
- On a quarterly basis, review outcomes of disciplinary matters considered by charging committees
- On or before December 31 of each year, submit a report to the Governing Body of the County

# THE LOCAL GOVERNING BODY SHALL:

PUBLIC SAFETY § 3-102(B)

- I. Establish the membership of a police accountability board
  - I. An active police officer may not be a member of a police accountability board
  - II. To the extent practicable, the membership shall reflect the racial, gender, and cultural diversity of the County.
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
4. Establish the procedures for record keeping by a police accountability board

# MEMBERSHIP OF THE POLICE ACCOUNTABILITY BOARD

- Consists of nine (9) members, one of whom shall serve as chair.
- Each member and chair of the Police Accountability Board will be appointed by the County Executive with confirmation by a majority vote of the County Council.
- Eligibility Criteria:
  - 21 years of age, or older.
  - Legal resident or citizen of the United States and provide proof of residency or citizenship.
  - Each member must sign confidentiality agreement
  - Members must complete required training set by the County Executive.
  - Each members principal residence must be in Wicomico County and provide proof of residency.
  - Must submit to background investigation.

# STRUCTURE FOR POLICE ACCOUNTABILITY BOARD

- All members serve at the pleasure of the County Executive.
- Members may resign at any time by notifying County Executive and the Board in writing.
- Removal of a member:
  - County Executive may notify a member of the termination of their membership prior to the end of their term. Notification must be in writing.
  - A member who fails to maintain confidentiality shall be removed immediately by the County Executive.
- 2 year terms for each member.
  - Limit: 3 consecutive terms.
- The Chair of the Wicomico County Police Accountability Board shall:
  - Be a retired sworn law enforcement officer in good standing with at least 20 years of service in a Maryland or Federal law enforcement agency.
  - Shall have been the head of a law enforcement agency, or in a command position within a law enforcement agency
  - Shall have academic credentials that include a degree from an accredited college or university with a major in either pre-law, police administration, or criminal justice
  - Or completion of the FBI National Academy, the Northwestern School of Police Staffing and Command, or the Johns Hopkins University Police Executive Leadership Program.

# FILING A COMPLAINT WITH THE ACCOUNTABILITY BOARD

PUBLIC SAFETY § 3-103(C)

- A complaint of police misconduct filed with the accountability board or with a law enforcement agency that employs the officer who is subject to the complaint shall include:
  - The name of the police officer accused of misconduct.
  - A description of the facts on which the complaint is based.
  - Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
  - A complaint does not need to be notarized.
- A complaint of police misconduct filed with the board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

# REPORT OF THE POLICE ACCOUNTABILITY BOARD

- The annual report submitted to the Governing body of the County will:
  - Identify any trends in the disciplinary process of police officers in the County.
  - Make recommendations on changes to policy that would improve police accountability.



# ADMINISTRATIVE CHARGING COMMITTEE

PUBLIC SAFETY § 3-104

- Each County shall have an Administrative Charging Committee to serve countywide law enforcement agencies and local law enforcement agencies with the County.
- The committee will be composed of:
  - The chair of the County's Police Accountability Board, or another member of the Accountability Board designated by the chair.
  - Two civilian members selected by the County's Police Accountability Board.
  - Two civilian members selected by the Chief Executive Officer of the County.
- Before serving as a member of the charging committee, an individual shall receive training on matters related to police procedures from the Maryland Police Training and Standards Commission
- The Committee shall meet once a month or as needed.

# REQUIREMENTS FOR MEMBERSHIP OF CHARGING COMMITTEE

- Each member must be 21 years of age, or older.
- Each member must be a legal resident or citizen of the United States and provide proof of legal residency or citizenship.
- Each member must sign a confidentiality agreement.
- Members must successfully complete the Police Training and Standards Commission required training.
- Each member's principal residence must be in Wicomico County and provide proof of residency.
- Members must be of good moral character and free from bias that would negatively impact the integrity of the ACC.
- Must submit to a background check by the Wicomico County Sheriff's Department.

# CHAIRPERSON SELECTION AND RESPONSIBILITIES

- The members of the ACC shall choose a chairperson from their membership.

## REMOVAL OR RESIGNATION OF MEMBERS

- Members serve at the pleasure of the local governing body.
- A member can be removed with a written notice from the local governing body. The majority of the local governing body is required to remove a member.
- A member who fails to maintain confidentiality shall be removed from the ACC immediately.
- Members may resign from the ACC at any time by notifying the local governing body and the Chair of the ACC in writing.

# ADMINISTRATIVE CHARGING COMMITTEE

PUBLIC SAFETY § 3-104 (D) (E)

- On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward the investigatory files to the charging committee.
- The process of review by the Investigating Unit through disposition by the Administrative Charging Committee shall be completed within 1 year and 1 day after the filing of a complaint by a citizen.
- The committee then:
  - Reviews the findings of a law enforcement agency's investigation.
  - Reviews body camera footage that may be relevant to the matters covered in the complaint of misconduct.
  - Authorizes a police officer called to appear before a charging committee to be accompanied by a representative.
  - May request information or action from the law enforcement agency that conducted the investigation such as requiring further investigation and the issuance of subpoenas.

# ADMINISTRATIVE CHARGING COMMITTEE

- Makes a determination whether to administratively charge the officer; if charged, recommends discipline in accordance with the disciplinary matrix.
  - Shall review and make a determination or ask for further review within 30 days after completion of the investigating Unit's Review.
- Issues a written opinion that describes in detail its findings, determinations, and recommendations.
- Forwards the written opinion to the Chief of the law enforcement agency, the police officer, and complainant.
- If the officer is not charged, makes a determination if the allegations are “Unfounded” or if the officer is “Exonerated.”
- Records, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- Each member must maintain confidentiality relating to a matter being considered until the final disposition of the matter.

# AFTER A CHARGE IS ISSUED AGAINST AN OFFICER

PUBLIC SAFETY § 3-105

- Within 15 days after the charge is issued, the chief of the law enforcement agency shall offer discipline to the police officer in accordance with the disciplinary matrix.
- The chief may offer the same discipline that was recommended by the committee or a higher degree of discipline within the applicable range of the matrix, but may not deviate below the discipline recommended.
- If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.
- If the police officer does not accept the offer, then the matter shall be referred to a trial board.

# TRIAL BOARD COMPOSITION

PUBLIC SAFETY § 3-106 (B) (C)

- A trial board will be composed of:
  - An actively serving or retired Administrative Law Judge or a retired Judge of the District or a Circuit Court, appointed by the Chief Executive Officer of the County.
  - A civilian, who is not a member of an Administrative Charging Committee, appointed by the County's Police Accountability Board.
  - A police officer of equal rank to the police officer who is accused of misconduct, appointed by the head of the law enforcement agency.
- Before serving as a member, an individual shall receive training on matters related to police procedures from the Maryland Police Training and Standards Commission



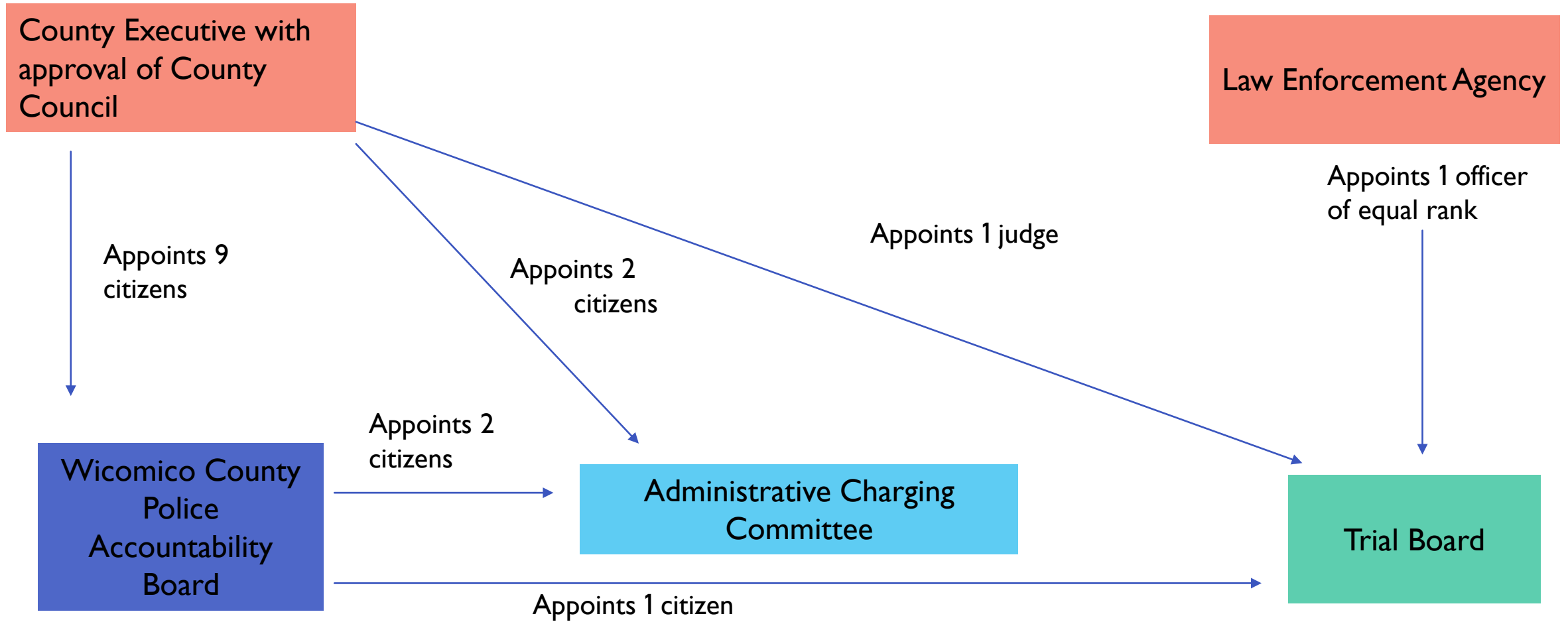
# TRIAL BOARD PROCEEDINGS

- Proceeding shall be open to the public, except to protect:
  - A victim's identity.
  - Personal privacy of an individual.
  - A child witness.
  - Medical records.
  - Identity of a confidential source.
  - An investigation technique or procedure.
  - The life or physical safety of an individual.
- A trial board may administer oaths and issue subpoenas as necessary.
  - Witnesses will be sworn under oath and proceedings shall be recorded.
- A complainant has the right to be notified of a trial board hearing and, except as provided above, the right to attend the hearing.
- The law enforcement agency has the burden of proof by a preponderance of the evidence
- Officers can strike trial board members for good cause shown/ conflict of interest/ knowledge or matter.

## AFTER TRIAL BOARD PROCEEDINGS

- The police officer may be disciplined for cause and may appeal within 30 days after the date of issuance of a decision to the Circuit Court for Wicomico County.

# Establishment & Appointments to Law Enforcement Review Boards



# Procedural Process for Civilian Complaints

Civilian complaint of officer misconduct

Complaint received by Wicomico County Police  
Accountability Board

Complaint received by law enforcement agency

Law enforcement agency conducts investigation

Investigation files sent to Administrative Charging Committee (ACC)

IF NOT CHARGED:  
END

ACC reviews investigation findings & makes decision  
whether to charge

IF CHARGED

ACC rejects  
proposed settlement

Settlement negotiation

ACC accepts  
settlement: END

If discipline is refused

Matter referred to Trial Board

Trial Board holds hearing and issues finding  
(Officer may appeal to Circuit Court)

ACC offers discipline within  
Matrix that law enforcement head  
presents to officer

If discipline is accepted: END