

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-081-2023

Chapter No. _____

Proposed and Presented by Council Members Oriadha and Blegay

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Police Accountability Board and Administrative Charging Committee

3 For the purpose of providing that the Police Accountability Board may conduct its own
4 investigation independently from, but concurrently with, the law enforcement agency of
5 complaints of police misconduct; providing that the Police Accountability Board shall be entitled
6 to certain evidence and shall have certain investigatory powers; providing for a certain review of
7 the findings of the Police Accountability Board's own investigation independently from, but
8 concurrently with, the law enforcement agency of both external and internal complaints by the
9 Administrative Charging Committee; and generally regarding the Police Accountability Board and
10 the Administrative Charging Committee.

11 BY repealing and reenacting with amendments:

12 SUBTITLE 2. ADMINISTRATION.

13 Section 2-534,

14 The Prince George's County Code

15 (2019 Edition; 2022 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Section 2-534 of the Prince George's County Code be and the same is hereby
18 repealed and reenacted with the following amendments:

19 SUBTITLE 2. ADMINISTRATION.

20 DIVISION 47. LAW ENFORCEMENT REFORM INITIATIVES.

21 SUBDIVISION 2. POLICE ACCOUNTABILITY BOARD.

1 * * * * *
 2 **Sec. 2-534. - Duties of the Police Accountability Board.**

3 The Board shall:

4 (a) Hold quarterly meetings with the heads of law enforcement agencies and otherwise work
 5 with law enforcement agencies within the jurisdiction of Prince George's County, and the Prince
 6 George's County government, to improve matters of policing;

7 (b) Appoint civilian members to charging committees and trial boards in accordance with State
 8 law;

9 (c) Receive complaints of police misconduct filed by members of the public that include: the
 10 name of the police officer accused of misconduct, a description of the facts on which the complaint
 11 is based and contact information of the complainant or a person filing on behalf of the complainant
 12 for investigative follow-up. A complaint need not be notarized;

13 (d) Forward complaints of police misconduct to the appropriate law enforcement agency within
 14 three (3) business days after receipt by the Board;

15 (d-1) The Board may conduct its own investigation independently from, but concurrently with, the
 16 law enforcement agency. The Board shall be entitled to:

17 1. All evidence considered by the law enforcement agency. A law enforcement agency
 18 must respond to a request for additional information within 10 business days;

19 2. Issue subpoenas, interview witnesses and employ any other investigative powers; and

20 3. Review body worn camera matters resulting from both internal and external complaints.

21 (e) Notwithstanding subsection (d-1) of this section, [On] on a quarterly basis review disciplinary
 22 outcomes of disciplinary matters resulting from both internal and external complaints. The Board
 23 shall be entitled to:

24 1. All evidence considered by the law enforcement agency and the Administrative
 25 Charging Committee, upon completion of an investigation. A law enforcement agency and the
 26 Administrative Charging Committee must respond to a request for additional information within
 27 10 business days;

28 2. Issue subpoenas, interview witnesses and employ any other investigative powers
 29 necessary to complete their obligation to review outcomes of disciplinary matters as considered
 30 by the Administrative Charging Committee; and

31 3. Review body worn camera matters resulting from both internal and external complaints.

1 (f) Seek community feedback on policing and provide information about policing matters to the
2 community.

3 (g) On or before December 31 each year, submit a report to the County Executive and County
4 Council that:

5 1. Identifies any trends in the disciplinary process of police officers in Prince George's
6 County; and

7 2. Make recommendations on changes to policy that would improve police accountability
8 in Prince George's County.

9 (h) The Board shall meet at least quarterly or more frequently as determined by the Board to
10 carry out its duties.

11 (i) Develop rules of procedure not inconsistent with State or County law.

12 (j) The Board may attend law enforcement agency trainings, including use of force trainings and
13 attend relevant local, regional, and national trainings subject to County's approval and payment
14 process.

15 (k) Recordkeeping. The staff assigned to the Board shall maintain its records and shall establish
16 a record retention schedule in accordance with State law. The Board shall abide by the provisions
17 of the Maryland Public Information Act.

18 * * * * *

19 BY repealing and reenacting with amendments:

20 SUBTITLE 2. ADMINISTRATION.

21 Section 2-537,

22 The Prince George's County Code

23 (2019 Edition; 2022 Supplement).

24 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
25 Maryland, that Section 2-537 of the Prince George's County Code be and the same is hereby
26 repealed and reenacted with the following amendments:

27 SUBTITLE 2. ADMINISTRATION.

28 DIVISION 47. LAW ENFORCEMENT REFORM INITIATIVES.

29 SUBDIVISION 3. ADMINISTRATIVE CHARGING COMMITTEE.

30 * * * * *

31 Sec. 2-537. - Mandatory Responsibilities of ACC.

1 The ACC shall:

2 (a) Review the findings of a law enforcement agency's investigation of external complaints;

3 and

4 (b) Determine if the police officer who is subject to investigation shall be:

5 (1) administratively charged; or

6 (2) not administratively charged.

7 (b-1) Review the findings of the Police Accountability Board's own investigation independently
 8 from, but concurrently with, the law enforcement agency of both external and internal
 9 complaints; and

10 (b-2) Determine if the police officer who is subject to investigation shall be:

11 (1) administratively charged; or

12 (2) not administratively charged.

13 (c) If the police officer is administratively charged, shall recommend discipline in accordance
 14 with the law enforcement agency's disciplinary matrix established in accordance with Md.
 15 Annotated Code Public Safety Section 3-105;

16 (d) If the police officer is not administratively charged, make a determination that:

17 (1) the allegations against the police officer are unfounded;

18 (2) the allegations against the police officer are not sustained; or

19 (3) the police officer is exonerated.

20 (e) Review any body camera footage that may be relevant to the matters covered in the
 21 complaint of misconduct;

22 (f) Authorize a police officer called to appear before an administrative charging committee to
 23 be accompanied by a representative;

24 (g) Issue a written opinion that describes in detail its findings, determinations, and
 25 recommendations; and forward the written opinion to the chief of the law enforcement agency,
 26 the police officer, and the complainant;

27 (h) Record, in writing, any failure of supervision that caused or contributed to a police officer's
 28 misconduct;

29 (i) Review and make a determination or ask for further review within 30 days after completion
 30 of the of the investigating unit's review;

31 (j) Maintain confidentiality relating to matters being considered by ACC until final disposition

1 of the matter;

2 (k) Develop rules of procedure not inconsistent with State or County law; and

3 (l) Meet once per month or as needed.

4 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
8 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
9 the same would have been enacted without the incorporation in this Act of any such invalid or
10 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

11 SECTION 4. BE IT FURTHER ENACTED that this Act shall take forty-five (45) calendar
12 days after it becomes law.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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