

Document: Md. Public Safety Code Ann. § 3-106

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Current through all legislation from the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

Michie's™ Annotated Code of Maryland Public Safety (Titles 1 – 15) Title 3. Law Enforcement. (Subts. 1 – 7) Subtitle 1. Police Accountability and Discipline. (§§ 3-101 – 3-114)

§ 3-106. Trial board process — Members — Training on police procedures — Open to **public** — Oaths and subpoenas — Trial board hearing — Burden of proof — Discipline for cause only — Finality.

(a)

(1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate all matters for which a police officer is subject to discipline.

(2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) (1) Except as provided in paragraph (2) of this subsection, a trial board shall be composed of:

(i) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;

(ii) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and

(iii) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(2)

(i) This paragraph may not be construed to apply to the Baltimore Police Department.

(ii) A trial board for a statewide or bi-county law enforcement agency shall be composed of:

- 1.** an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;
- 2.** a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and
- 3.** a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) The actively serving or retired administrative law judge or the retired judge of the District Court or a circuit court shall:

- (1)** be the chair of the trial board;
 - (2)** be responsible for ruling on all motions before the trial board; and
 - (3)** prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.
- (d)** Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(e) Proceedings of a trial board shall be open to the **public**, except to protect:

- (1)** a victim's identity;
- (2)** the personal privacy of an individual;
- (3)** a child witness;
- (4)** medical records;
- (5)** the identity of a confidential source;
- (6)** an investigative technique or procedure; or
- (7)** the life or physical **safety** of an individual.

(f) A trial board may administer oaths and issue subpoenas as necessary to complete its work.

(g) A complainant has the right to be notified of a trial board hearing and, except as provided in subsection (e) of this section, the right to attend a trial board hearing.

(h) Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.

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

(j) Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board.

(k)

(1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer:

- (i)** if the trial board is from a local law enforcement agency, to the circuit court of the county in which the law enforcement agency is located;
- (ii)** if the trial board is from a bi-county law enforcement agency, to a circuit court in a county in which the incident that gave rise to the disciplinary proceeding occurred; and

(iii) if the trial board is from a statewide law enforcement agency, to the Circuit Court for Anne Arundel County.

(2) An appeal taken under this subsection shall be on the record.

(1) A trial board decision is final unless appealed by a police officer under subsection (k) of this section.

History

2021, ch. 59, § 3; 2022, ch. 141, § 2.

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