

Introduced by: Councilmember Fulcher

CITY OF TAKOMA PARK, MARYLAND

RESOLUTION 2024-15

**AUTHORIZING THE CITY MANAGER AND POLICE CHIEF TO EXECUTE A
MEMORANDUM OF AGREEMENT BETWEEN THE OFFICE OF ADMINISTRATIVE
HEARINGS AND THE CITY OF TAKOMA PARK, MARYLAND**

WHEREAS, Title 3 section 102 of the Public Safety Article provides that each county shall have a police accountability board to, *inter alia*, “receive complaints of police misconduct filed by members of the public”; and

WHEREAS, Title 3 section 101(e) of the Public Safety Article provides that the term “Law enforcement agency” is defined as it is in Title 3 section 201 of the Public Safety Article; and

WHEREAS, Title 3 section 201(d)(1) of the Public Safety Article defines the term “Law enforcement agency” (“LEA”) as “a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State”; and

WHEREAS, Title 3 section 106 of the Public Safety Article establishes “Trial board[s]” relating to police accountability boards and LEAs; and

WHEREAS, Title 3 subsection 106(a)(1) of the Public Safety Article requires LEAs to establish a trial board process; and

WHEREAS, Title 3 subsection 106(a)(1) of the Public Safety Article establishes that trial boards are responsible for “adjudicate[ing] all matters for which a police officer is subject to discipline” relating to a complaint of police misconduct filed in accordance with Title 3 subsections 102(c) and 103 of the Public Safety Article; and

WHEREAS, Title 3 subsection 106(b)(1)(i) of the Public Safety Article requires “the chief executive officer of the [C]ounty” to appoint “an actively serving or retired administrative law judge . . .” to trial boards established under Title 3 section 106 of the Public Safety Article; and

WHEREAS, Title 3 subsection 106(c)(1)-(3) of the Public Safety Article requires “The actively serving or retired administrative law judge . . .” appointed to a trial board to “be the chair of the trial board; be responsible for ruling on all motions before the trial

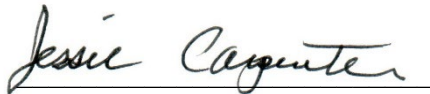
board; and prepare the written decision of the trial board, including the findings, conclusions, and recommendations of [a majority of] the trial board”; and

WHEREAS, Title 9 subsection 1604(b)(1)(ii) of the State Government Article authorizes the Chief Administrative Law Judge of the OAH to provide an Administrative Law Judge (“ALJ”) “on a contractual basis to other governmental entities” and the Chief Administrative Law Judge has delegated that authority to the Director of Administration for the OAH.

NOW, THEREFORE, BE IT RESOLVED THAT the City Manager and the Police Chief are hereby authorized to execute the Memorandum of Agreement with Office of Administrative Hearings for the purpose of convening trial boards pursuant to the requirements set forth in the Public Safety Article under Title 3.

Adopted this 15th day of May, 2024.

ATTEST:

A handwritten signature in cursive script that reads "Jessie Carpenter". The signature is written in black ink and is positioned above a horizontal line.

Jessie Carpenter, CMC
City Clerk