

RULES OF PROCEDURE

BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE

1.01 GENERAL

The purpose of these Rules of Procedure is to set forth procedures under which the Baltimore County Administrative Charging Committee (Committee) will implement the provisions of the Public Safety Article, Section 3-101, *et seq.* Annotated Code of Maryland, and Sections 3-3-2801 through 3-3-2808 of the Baltimore County Code, 2015.

1.02 MEMBERSHIP & ORGANIZATION

- A.** A member of the Committee, prior to serving on the Committee, shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
- B.** The Committee shall be composed of (a) the Chair of the Baltimore County Police Accountability Board, or another member of the Baltimore County Police Accountability Board designated by the Chair of the Baltimore County Police Accountability Board, (b) two civilian members selected by the Baltimore County Police Accountability Board, and (c) two civilian members selected by the Baltimore County Executive;
- C.** Each member of the Committee shall be an adult and resident of Baltimore County;
- D.** The County Executive shall propose a budget for the Committee to be included in the Annual Budget and Appropriation Ordinance adopted by the County Council.
- E.** The County shall assign staff as needed to the Committee;
- F.** The County Attorney shall be the legal advisor of the Committee and, in the event of a conflict, the Committee may request that the County engage outside counsel.
- G.** The County Records Management Officer shall establish a record retention schedule for the records of the Committee;
- H.** A member of the Committee shall maintain confidentiality related to a matter being considered by the Committee until final disposition of the matter and must sign an affidavit of confidentiality. Final disposition means (a) the police officer accepts the Committee's recommendation if the agency head does not increase the penalty; (b) the police officer accepts the agency head's increased penalty disposition; (c) the police officer accepts the trial board's finding; or (d) the appeal process is exhausted.
- I.** A member of the Committee shall maintain impartiality related to a matter being considered by the Committee, and shall recuse themselves from a matter being considered by the Committee if they have a personal relationship with the parties involved in a matter, if they were a witness to the events that formed the basis of a complaint, if they have personal knowledge of a matter outside of what is presented to the Committee, or for any other reason which would otherwise compromise the member's ability to objectively and impartially review a matter being considered by the Committee;

- J.** A member of the Committee who believes they cannot maintain impartiality due to the reasons stated in Sub-Paragraph H shall announce to the Committee their inability to maintain impartiality prior to the receipt of any materials received by the Committee in connection with a matter, and advise the Chair in writing of their inability to maintain impartiality;
- K.** The Committee shall appoint a Chair by a majority vote of the Committee. The term of the Chair shall be for a period not to exceed two years from the date of their appointment;
- L.** The Committee shall appoint a Vice-Chair by majority vote of the Committee. The term of the Vice-Chair shall be for a period not to exceed two years from the date of their appointment;
- M.** A member of the Committee shall serve for a period not to exceed three years from the date of their appointment or designation.

1.03 MEETINGS

A. Frequency of Meetings

- a.** The Committee shall meet once a month, or as needed;
- b.** Additional meetings of the Committee shall be called by the Chair when, in his/her opinion, it is important to consider a matter immediately. Three days written notice to all Committee members, the public, and the Office of Law is required prior to an additional meeting.

B. Presiding Officer: The presiding officer of each meeting shall be the Chair of the Committee. In the event that the Chair is absent for a meeting, or otherwise unable to perform their duties and responsibilities under these Rules of Procedure, than the Vice-Chair shall serve as the presiding officer of the Committee and perform all duties as prescribed to the Chair as described in these Rules of Procedure. The Chair shall have full authority to maintain order in the meeting and to limit the meeting to the items on the agenda.

C. Notice: The Committee, through the Executive Secretary for Police Accountability, shall give the public reasonable notice of all meetings, subject to paragraph 1.03A.(b.) above and as otherwise provided herein, or required by law. The notice shall indicate the date, time, place, and agenda items for the meeting. The agenda and documents prepared in advance for presentation at the open portion of the meeting shall be posted online on the Baltimore County Police Accountability, Oversight and Reform webpage.

D. Quorum and Voting: A majority of the Committee (i.e. at least three members) constitutes a quorum and shall include any member present and voting by telephone, video conferencing, or other electronic means. A quorum shall be present before the Committee can hold any meeting, conduct any business, or vote on any matter. A vote by Committee members participating by telephone, video conferencing, or other electronic means is required to conduct any business on behalf of the Committee. Voting upon action taken by the Committee shall be conducted by a majority vote of the Committee members present and voting, provided a quorum is present. A tie vote

by the Committee shall be interpreted as a defeat of the motion upon which the vote was taken. In order to be put to vote, a motion must have a second. Members' votes shall be recorded by the Executive Secretary for Police Accountability on each motion.

E. Open Meetings

- a. All meetings, either regular or additional, must be open to the public and the press in accordance with the requirements of law. An open meeting may be conducted in person, by telephone, video conferencing, or other electronic means, or any combination thereof;
- b. A part, or all, of a meeting may be conducted in closed session in accordance with the law. The Committee may vote in an open session, pursuant to its Rules of Procedure and in accordance with the Maryland Open Meetings Act, Md. Code Ann., General Provisions Section 3-305, to go into a closed session for any enumerated and applicable purpose.

F. Punctuality and Attendance by Committee Members: All Committee members are asked to be punctual for all meetings, and to notify the Chair in advance if they expect to be late or absent.

G. Agenda and Meeting Minutes: The Committee shall maintain an official record of all meetings, and prepare and maintain minutes and/or video recordings as required by applicable law. Closed session records will also be maintained in compliance with applicable law. The Executive Secretary for Police Accountability shall provide the minutes to the Committee for adoption. The agenda of each meeting shall be determined prior to the commencement of the next meeting to the extent practicable with reasonable notice. The Chair shall add additional items to the agenda as permitted by law.

H. Executive Secretary and Coordination Manager: The Committee shall be staffed by the Executive Secretary for Police Accountability and the Police Accountability Board Coordination Manager. The Executive Secretary for Police Accountability and/or Police Accountability Board Coordination Manager shall:

- a. Record the proceedings, draft, and maintain the agenda and minutes of Committee meetings, and perform other administrative duties as assigned by the Committee or its Chair;
- b. Be the custodian of records of the Committee, follow record retention schedules as established by State and County law, and provide to any Committee member, upon his/her request, full access to the Committee records subject to applicable law;
- c. Ensure all members of the Committee have completed financial disclosure forms and confidentiality agreements, and have successfully completed training on police procedures from the Maryland Police Training and Standards Commission;
- d. Subject to applicable law and relevant requests, forward all unredacted copies of correspondence sent by the Committee and all correspondence received that are addressed to the Committee to the Chair;

- e. Serve as a liaison between the County Executive and County Administrative Officer and the Committee;
- f. Conduct other duties as necessary to ensure the functionality of the Committee.

I. Public Attendance

- a. **Public Invited:** Whenever the Committee meets in an open session, the general public is invited to attend;
- b. **Participation:** A member of the public may be allowed to participate in the meeting in instances when the Committee expressly invites public testimony, questions, comments, or other forms of participation. In the aforementioned instances, a member of the public may participate for no longer than three (3) minutes.

J. Disruptive Conduct

- a. **Prohibited Conduct:** A person attending an open meeting of the Committee may not engage in conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the meeting or that interferes with the right of members of the public or the Committee to attend, observe, and hear the meeting;
- b. **Chair:** If a person persists in conduct prohibited by subsection (a) of this section or violates any other regulation concerning the conduct of the open meeting, the Chair or designee of the Chair may order the person to be removed from the meeting, and may request law enforcement assistance to restore order. The Chair or designee of the Chair may recess the meeting while order is restored.

K. Procedure: The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Committee in cases to which they are applicable and not inconsistent with these Rules of Procedure and any applicable State or County law.

1.04 FUNCTIONS AND DUTIES

The Committee shall:

- A. Within 30 days of the date a law enforcement agency completes its investigation, review the findings of a law enforcement agency's investigation conducted and any charges recommended and forwarded on completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source;
- B. Review any body camera footage that may be relevant to the matters covered in the complaint of police misconduct;
- C. Within one year and one day of the date a complaint was received by the Baltimore County Police Accountability Board or a law enforcement agency, make a

- determination that the police officer who is subject to investigation shall be (a) administratively charged or (b) not administratively charged.;
- D.** If the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix established in accordance with § 3-105 of the Public Safety Article of the Annotated Code of Maryland;
 - E.** If the police officer is not administratively charged, make a determination that (a) the allegations against the police officer are unfounded or (b) the police officer is exonerated;
 - F.** Record in writing any failure of supervision that caused or contributed to a police officer's misconduct;
 - G.** Authorize a police officer called to appear before the Committee to be accompanied by a representative;
 - H.** Issue a written opinion that describes in detail the Committee's findings, determinations, and recommendations within five days of the completed deliberations and vote;
 - I.** Forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

The Committee may:

- J.** Request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas.

1.05 AMENDMENTS

Subject to the Open Meetings Act requirements and any other applicable law, any proposed amendments to these Rules of Procedure may be presented at any meeting of the Committee. Amendments may be adopted using the following procedure:

- A. Public hearing prior to adoption of amended rules:** Prior to adopting a rule amendment, the Committee shall hold a public meeting to afford interested persons the opportunity to provide written or oral comments on the proposed adoption. A public hearing is not required if the Committee is amending a rule to conform to a change in State or County law.
- B. Public Notice**
 - a.** At least 30 calendar days prior to a public hearing on any proposed adoption of a rule amendment, the Committee shall publish on the County website notice of the public meeting, including a statement sufficient to inform the public of the content of the proposed rule to be amended and adopted;
 - b.** Any proposed rule must be available for the public to review for a period of no less than 30 calendar days prior to the date of the public hearing;

- c. Any proposed rules must be delivered to the County Council before close of business on the date of the first publication of the public notice.

C. Recommendation: The adoption of an amendment may be recommended at the same meeting where it is initially proposed provided a quorum is present and the recommendation is approved unanimously by those present. If there is no unanimous vote, the proposed amendment may be recommended for adoption by a majority vote at the next regularly scheduled meeting where a quorum is present.

D. Adoption: Following the discussion on the recommended rule change, the amendment may be adopted by a majority vote of the Committee at any properly constituted meeting.