

RULES OF PROCEDURE
OF THE
BALTIMORE COUNTY
POLICE ACCOUNTABILITY BOARD

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1.01 GENERAL

The purpose of these Rules of Procedure is to set forth procedures under which the Baltimore County Police Accountability Board (Board) will implement the provisions of the Public Safety Article, Section 3-101, *et seq.* Annotated Code of Maryland, and Sections 3-3-2601 through 3-3-2606 of the Baltimore County Code, 2015.

1.02 MEMBERSHIP & ORGANIZATION

- A.** The Board consists of nine members, including the Chair, nominated by the County Executive and confirmed by the County Council. Seven members shall reside in each of the County's seven Councilmanic districts. Two members shall be At-Large Representatives of the residents of the County. The County Executive shall appoint a member of the Board to serve as Chair who shall experience relevant to the position.
- B.** The County Executive shall propose a budget for the Board to be included in the Annual Budget and Appropriation Ordinance adopted by the County Council. The County shall assign staff as needed to the Board, which shall include an Executive Secretary.
- C.** The County Attorney shall be the legal advisor of the Board and, in the event of a conflict, the Board may request that the County engage outside counsel.
- D.** Records of the Board shall be maintained by the Executive Secretary. The County Records Management Officer shall establish a record retention schedule for the records of the Board.
- E.** The Board and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public Information Act and must sign an affidavit of confidentiality.
- F.** To the extent practicable, the membership of the Board shall reflect the racial, gender, political and cultural diversity of the County.

1.03 MEETINGS

A. Frequency of Meetings

- a.** The Board shall hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies with jurisdiction in the County and County Government to improve matters of policing.
 - b.** Additional meetings of the Board 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 Board 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 Board or a designee of the Chair. 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 Board, through its Executive Secretary, 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 Board webpage.
- D. Quorum and Voting:** A majority of the Board (i.e. at least five members) constitutes a quorum and shall include any member participating present and voting by telephone, video conferencing, or other electronic means. A quorum shall be present before the Board can hold any meeting, conduct any business, or vote on any matter. A vote by Board members, participating by telephone, video conferencing, or other electronic means is required to conduct any business on behalf of the Board. Voting upon action taken by the Board shall be conducted by a majority vote of the Board members participating present and voting, provided a quorum is present. A tie vote by the Board 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 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 Board 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 Board Members:** All Board 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 Board 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 shall provide the minutes to the Board 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 Board shall have an Executive Secretary and Coordination Manager. The Executive Secretary and/or Coordination Manager shall:
- a. Record the proceedings, draft, and maintain the agenda and minutes of Board meetings, and perform other administrative duties as assigned by the Board or its Chair;

- b. Be the custodian of records of the Board, follow record retention schedules as established by State and County law, and provide to any Board member, upon his/her request, full access to the Board's records subject to applicable law;
- c. Accept a complaint of law enforcement misconduct filed with the Board;
- d. Ensure all members of the Board have completed financial disclosure forms and confidentiality agreements, and have successfully completed a condensed program of the Baltimore County Citizens' Police Academy and a ride-along to spend a shift in the passenger seat of an emergency vehicle and observe the work day of a law enforcement officer.
- e. Subject to applicable law and relevant requests, forward all unredacted copies of correspondence sent by the Board and all correspondence received that is addressed to the Board to the Chair;
- f. Serve as a liaison between the County Executive and County Administrative Officer and the Board;
- g. Conduct other duties as necessary to ensure the functionality of the Board.

I. Public Attendance

- a. **Public Invited:** Whenever the Board 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 Board expressly invites public testimony, questions, comments, or other forms of participation. Testimony, questions, comments, or other forms of participation shall be limited to no more than three (3) minutes per speaker.

J. Disruptive Conduct

- a. **Prohibited Conduct:** A person attending an open meeting of the Board 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 Board 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 Board 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 Board shall:

- A. Hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies with jurisdiction in the County and County government to improve matters of policing;
- B. Appoint civilian members to charging committees and trial boards;
- C. Receive complaints of law enforcement officer misconduct filed by members of the public;
- D. Forward each complaint of law enforcement officer misconduct filed with the Board to the appropriate law enforcement agency within three days of receipt;
- E. On a quarterly basis, review outcomes of disciplinary matters considered by the charging committees;
- F. On or before December 31 of each year, submit a report to the County Executive and the County Council, to be posted on the County's website that identifies any trends in the disciplinary process of law enforcement officers in the County and makes recommendations on changes to policy that would improve law enforcement accountability in the County;
- G. Select two civilian members to serve on the Administrative Charging Committee;
- F. Select one civilian member, who is not a member of the Administrative Charging Committee, to serve on the Trial Boards for each law enforcement agency in the County.

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 Board. Amendments may be adopted using the following procedure:

- A. Public hearing prior to adoption of amended rules:** Prior to adopting a rule amendment, the Board 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 Board 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 Board 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 Board at any properly constituted meeting.