

RESOLUTION #2022-015

**FIRST AMENDMENT TO RESOLUTION ESTABLISHING
THE
CAROLINE COUNTY POLICE ACCOUNTABILITY BOARD
AND
CAROLINE COUNTY ADMINISTRATIVE CHARGING
COMMITTEE**

WHEREAS, on June 21, 2022, the County Commissioners of Caroline County passed Resolution #2022-010 establishing the Caroline County Police Accountability Board and the Caroline County Administrative Charging Committee; and

WHEREAS, the County Commissioners have determined that the Resolution should be amended to include three, rather than two, alternate members for the Police Accountability Board.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that there shall be three alternate members appointed to the Police Accountability Board and that the current text of the Resolution is as follows:

WHEREAS, in 2021 the Maryland General Assembly passed House Bill 670, also known as the Maryland Police Accountability Act of 2021, which becomes effective on July 1, 2022, and requires Caroline County to establish a Police Accountability Board; and

WHEREAS, House Bill 670 also requires the County to have an Administrative Charging Committee to serve countywide law enforcement agencies and local law enforcement agencies in the County; and

WHEREAS, House Bill 670 also requires the County to establish a trial board process; and

WHEREAS, the County Commissioners intend to meet the requirements the Maryland Police Accountability Act of 2021;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that there shall be a Caroline County Police Accountability Board (“PAB”) and a Caroline County Administrative Charging Committee (“ACC”) in accordance with the following:

I. Definitions.

A. *Administrative Hearing Board*: Administrative Hearing Board means “trial board” as used in Md. Ann. Code, Public Safety Art., Title 3, Subtitle 1, as amended from time to time.

B. *Law Enforcement Agency*: Law Enforcement Agency (“LEA”) has the meaning stated in Md. Ann. Code, Public Safety Art. §3-201, as amended from time to time.

C. *Police Misconduct*: Police misconduct has the meaning stated in Md. Ann. Code, Public Safety Art. §3-101, as amended from time to time.

D. *Police Officer*: Police officer has the meaning stated in Md. Ann. Code, Public Safety Art., §3-201, as amended from time to time.

II. Police Accountability Board.

A. There shall be a Caroline County Police Accountability Board (“PAB”) to serve the citizens of Caroline County, countywide law enforcement agencies, and local law enforcement agencies within Caroline County.

B. The PAB shall:

1. Hold meetings, not less than quarterly, with heads of law enforcement agencies in the County and otherwise work with law enforcement agencies and the County government to improve matters of policing;
2. Adopt rules of procedure, which may be amended from time to time, as a majority of the PAB may deem necessary and appropriate. Such rules and any subsequent amendments shall be submitted to the County Commissioners for approval.
3. Appoint civilian members to the Administrative Charging Committee (“ACC”) and administrative hearing boards, as provided for in Md. Ann. Code, Public Safety Art., Title 3, Subtitle 1 and this Resolution;
4. Receive complaints of police misconduct filed by members of the public against a police officer who is employed by the Caroline County Sheriff’s Office or a municipal law enforcement agency within Caroline County, and forward the complaint to the police officer’s LEA within 3 days after receipt by the PAB.
5. On a quarterly basis, review outcomes of disciplinary matters considered by the ACC;
6. By December 31 each year, or such other time as the County Commissioners designate, submit a report to the County Commissioners that identifies any trends in the disciplinary process of police officers in Caroline County, and makes recommendations on changes to policy that would improve police accountability in Caroline County.

III. Administrative Charging Committee.

A. There shall be a Caroline County Administrative Charging Committee (“ACC”) to serve countywide law enforcement agencies and local law enforcement agencies within Caroline County.

B. The ACC shall:

1. Meet not less than once per month, and additionally as needed;
2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the ACC may deem necessary and appropriate;
3. Review the findings of a LEA’s investigation conducted and forwarded to the ACC in accordance with State law;
4. Make a determination that the police officer who is subject to investigation shall be:
 - 1) Administratively charged; or
 - 2) Not administratively charged;
5. If the police officer is charged, recommend discipline in accordance with the LEA’s disciplinary matrix established in accordance with Md. Ann. Code, Public Safety Art., §3–105 and §3–106;

6. Review any body camera or other video footage that may be relevant to the matters covered in the complaint of misconduct;
7. Authorize a police officer called to appear before the ACC to be accompanied by a representative;
8. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
9. Forward the written opinion to the chief of the LEA, the police officer, and the complainant.

C. In executing its duties, the ACC may:

1. Request information or action from the LEA that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
 - 1) Subpoenas may be issued by the ACC or by the Chairman acting on behalf of the ACC.
 - 2) Subpoenas issued pursuant to this section are judicially enforceable.
2. If the police officer is not administratively charged, make a determination that:
 - 1) The allegations against the police officer are unfounded; or
 - 2) The police officer is exonerated; and

3. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

IV. Membership.

- A. To the extent practicable, the membership of the PAB and the ACC shall reflect the racial, gender, and cultural diversity of Caroline County.
- B. No active police officer may be a member of the PAB or ACC.
- C. Member(s) shall hold their position until their successor(s) are selected and qualified.
- D. All members of the PAB and ACC are subject to the applicable provisions of the Caroline County Code of Ethics, Ch. 33 of the Code of Public Local Laws of Caroline County, Maryland, as amended hereafter from time to time.
- E. To the extent allowable by law, all members of the PAB and ACC shall be subject to a criminal background investigation before beginning to serve. Members shall be adult residents of the County, twenty-five years of age or older, who have not been convicted of (a) a crime of violence, as defined in §14-101 of the *Criminal Law Article* of the Md. Ann. Code; (b) a crime that is a felony in another State or in a federal proceeding that would be a felony in Maryland; or (c) theft, fraud, or other crime of moral turpitude.

- F. No member of the PAB or ACC shall have a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding 1 year.
- G. All members of the PAB and ACC must be able to comprehend spoken English and speak English, comprehend written English, read English, and write English proficiently enough to complete a standard form application for appointment satisfactorily.¹
- H. Members of the PAB and ACC shall maintain confidentiality relating to all matters before the respective Board and Committee until final disposition of the matter.
- I. Members of the PAB and ACC shall comply with the Maryland Open Meetings Act, Md. Ann. Code, General Provisions Art., §3-101, *et seq.*, as amended hereafter from time to time.
- J. With regard to the PAB:
1. The PAB shall be composed of seven (7) members, all of whom shall have resided in Caroline County for at least three (3) years prior to appointment. Members shall be selected by the County Commissioners, including a Chair appointed by the County Commissioners. The Mayors of those towns in the County which have their own police departments (presently, Denton, Federalsburg, Greensboro, and Ridgely) shall each have a reasonable opportunity to nominate a person to serve on the PAB, but the decision to appoint rests with the County Commissioners.

¹ Reasonable accommodation shall be made for qualifying applicants in accordance with the requirements of the Americans with Disability Act, 42 U.S.C. § 12101, *et seq.*, as amended, and its implementing regulations.

2. Except as initially staggered, members shall serve a term of two (4) year terms and shall not be eligible for reappointment after a total of eight (8) years of service on the PAB.
3. Membership on the inaugural PAB shall be staggered as follows:
 - (a) Three (3) members, to include the Chair, shall serve an initial term of four (4) years;
 - (b) Two (2) members shall serve an initial term of three (3) years; and
 - (c) Two (2) members shall serve an initial term of two (2) years.
4. The County Commissioners may designate three (3) alternate members to sit on the PAB in the absence of any member of the Board.
5. The Chair of the PAB shall have extensive knowledge of police practices and professional experience interacting with the criminal justice system.
6. To the extent practicable, members of the PAB shall reflect the racial, gender, and cultural diversity of Caroline County and:
 - a. One (1) member shall be a retired, sworn law enforcement officer who retired in good standing at least three (3) years prior to appointment to the PAB, with sufficient time and responsibility of service, preferably in a LEA in the State

of Maryland, to adequately represent a law enforcement perspective;

- b. To the extent practicable, at least one (1) member shall be from minority populations within Caroline County, and one (1) member may be a mental health practitioner.

K. With regard to the ACC:

1. The ACC shall be composed of five (5) members, all of whom shall have resided in Caroline County for at least three (3) years prior to appointment.
2. The Chair of the PAB, or a member of the PAB designated by the Chair of the PAB, shall serve as a member of the ACC.
3. The County Commissioners shall appoint two (2) Caroline County civilians as members of the ACC.
4. The PAB shall appoint two (2) Caroline County civilians to the ACC by majority vote.
5. The members of the ACC shall elect a Chair and Vice-Chair annually from among its members by majority vote each first meeting occurring on or after July 1.
6. The Chair of the ACC shall serve no more than two (2) consecutive terms as the Chair.
7. Members shall serve a term of two (4) year terms and shall not be eligible for reappointment after a total of eight (8) years of service on the ACC.

8. Before serving as the ACC, each member shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

V. Resignation and Removal.

- A. Any member of the PAB or the ACC may resign at any time by providing written notice to the County Commissioners.
- B. In addition to the grounds set forth above, a member of the PAB or the ACC appointed by the County Commissioners may be removed in accordance with the following provisions:
 1. The County Commissioners retain the authority to remove any member when the member no longer meets any of the criteria at IV.E-G, violates the Caroline County Code of Ethics, fails to maintain confidentiality, no longer resides in Caroline County, or upon the recommendation of a majority vote of the PAB, when, in its discretion, the best interest of the community or the Committee would not be served by continued membership.
 2. The Chair shall notify the County Commissioners if a member of the PAB or the ACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The County Commissioners shall remove and replace such member.

VI. Complaints and Reporting.

- A. Each complaint of police misconduct received by the PAB shall be forwarded within three (3) days of receipt by the PAB to the appropriate LEA. If no meeting of the PAB is scheduled within that timeframe, the Chair of the PAB shall ensure that such complaint is forwarded, and report the transfer of such report to the PAB at its next meeting.
- B. The PAB and the ACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.
- C. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.
- D. Adequate notice of all Special Meetings will be provided to all Board or Committee members.
- E. Notice of all meetings of the PAB and the ACC shall be in accordance with the Maryland Open Meetings Act.
- F. All meetings are open to the public, except that the PAB and the ACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Md. Ann. Code, General Provisions Article, § 3-305, as amended hereafter from time to time.
- G. Any meeting of the PAB may be conducted by telephone or video conference call provided that PAB members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

VII. Budget

1. The County Commissioners shall approve a budget for the PAB which shall include an Annual Appropriation for studies and contracted services relevant to the mission of the PAB supported by grant assistance from the Governor's Office of Crime Control & Prevention ("GOCCP").
2. The County Commissioners shall approve a budget for the ACC which shall include an Annual Appropriation for studies and contracted services relevant to the mission of the ACC supported by grant assistance from GOCCP.

Ethics, Rules, Record Keeping, and Support

A. Ethics.

1. PAB members shall abide by and fully comply with the Caroline County Code of Ethics, Ch. 33 of the Laws of Caroline County, Maryland, as amended from time to time.
2. No member of the PAB or ACC shall cast a vote on any matter where a conflict of interest exists.
3. In any instance where the determination of a conflict of interest is uncertain, the Board or Committee may request a determination of conflict of interest from the Caroline County Ethics Commission, which shall not be unreasonably delayed.

B. Rules.

1. A quorum shall consist of a majority of the voting members.
2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the ACC, all meetings shall be conducted in

accordance with *Roberts Rules of Order Newly Revised*, unless they are inconsistent with the approved Rules or this Resolution.

3. Each member of the PAB and each member of the ACC shall have only one (1) vote; any member serving on both the Board and the Committee shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the Caroline County Code of Ethics.
4. A tie vote on a motion means that the motion fails.

C. Record Keeping.

1. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the PAB and the ACC shall be the Custodian of Records of Caroline County.
2. Retention. The Board shall formulate a retention schedule for the records of the Board that is consistent with State and County Law.
3. Production. Records and other information shall be produced as permitted and required by the Maryland Public Information Act. Any records or information that is not permitted to be produced to the public shall be kept confidential by all members and staff of the Board.
4. Records pertaining to any criminal investigation being deposited with and secured by the office of the State's Attorney for Caroline County.

D. Support.

The County Commissioners shall provide appropriate staff to the Board, including special legal counsel, and make available

to the Board services and facilities that are necessary or appropriate for the proper performance of its duties.

BE IT FURTHER RESOLVED by the County Commissioners of Caroline County, Maryland that the provisions of this Resolution are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Resolution, it being the intent of the County Commissioners that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

BE IT FURTHER RESOLVED by the County Commissioners of Caroline County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the County Commissioners of Caroline County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.


DONE, this ____ day of _____, 2022, by the County Commissioners of Caroline County, Maryland.

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

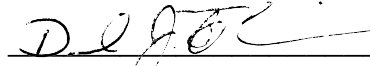


Kaleigh Leager
Executive Assistant

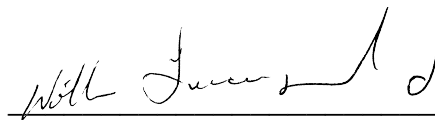


Larry C. Porter, President

(SEAL)




Daniel J. Franklin, Vice- President



Wilbur Levensgood, Jr., Member

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Stewart Barroll
County Attorney