

Carroll County Administrative Charging Committee
Rules of Order and Procedure

Definitions:

1. Board of County Commissioners (“BCC”).
2. Carroll County Administrative Charging Committee (“CCACC”) as defined in Carroll County *Resolution 1143-2022*.
3. Carroll County Police Accountability Board (“CCPAB”) as defined in *Carroll County Resolution 1143-2022*.
4. Law Enforcement Agency (“LEA”) includes local police departments and the County Sheriff.
5. Law Enforcement Officer (or “officer”) as defined in § 1-101 of the MD. Public Safety Article.
6. Statewide Disciplinary Matrix as defined in § 3-101 of the MD. Public Safety Article.
7. Trial Board as defined in *Carroll County Resolution 1143-2022*.

Composition of the Administrative Charging Committee:

1. The Committee shall be composed of five members:
 - a. The Chair of the CCPAB, or another member of the CCPAB designated by the Chair.
 - b. Two civilian members selected by the BCC.
 - c. Two civilian members selected by the CCPAB by a majority vote.
2. All members shall receive training on matters relating to police procedure promulgated by the Maryland Police Training and Standards Commission before reviewing an investigatory file of police misconduct.
3. CCACC members shall maintain confidentiality relating to any matters being considered by the CCACC until final disposition and all appeals have been exhausted. All members shall sign and comply with a Confidentiality Agreement in the form attached hereto.

Terms:

1. The Chair shall serve no more than two consecutive terms.
2. Members shall serve a term of two years and shall not be eligible for reappointment after a total of four years of service.

Resignation and Removal:

1. Any member may resign at any time by providing written notice to the BCC.
2. The BCC may remove any member on its own initiative based on a recommendation of a majority vote of the CCPAB, when, in its discretion, the best interest of the community would not be served by continued membership.
3. The Chairperson shall notify the BCC if a member if the CCACC misses three (3) scheduled meetings in any twelve-month (12) period without an excused absence. The BCC shall remove and replace such member.
4. In accordance with COMAR Title 12.04.09.04H.(4)(b), the BCC shall immediately remove a member who fails to maintain confidentiality as established under COMAR Title 12.04.09.04E.

Selection of a Chair; responsibilities:

1. The members of the CCACC shall select a Chair from their membership.
2. The Chair shall follow Robert's Rules of Orders, and
 - a. Establish the meeting schedule, with a minimum of one meeting per month or as needed
 - b. Establish a written agenda for each meeting in advance of each meeting;
 - c. Call each meeting to order;
 - d. Coordinate the meeting in accord with the agenda;
 - e. Invite discussion among the members before voting;
 - f. Invite motions, seconds, and votes from members; and
 - g. Ensure that a record is kept of all business of the CCACC.

Meetings:

1. **Quorum/Confidentiality:**
 - a. Three members must be in attendance before the CCACC may conduct business.
2. **Law Enforcement Agency Investigation:**
 - a. After receipt of a complaint made by a member of the public against a law enforcement officer is received and following the investigation into alleged misconduct of a law enforcement officer by the LEA, the LEA shall forward a copy of the investigation file to the CCACC within 3 business days after the latter of:
 - a. The completed LEA review, or
 - b. The LEA head issuing a written recommendation regarding the matter.
 - b. The LEA head's recommendation may include his/her opinion regarding:
 - a. Whether or not the law enforcement officer should be disciplined;
 - b. Aggravating or mitigating facts or circumstances;
 - c. If appropriate, any recommended alternatives to discipline; or
 - d. If the LEA head feels that discipline is warranted, a specific recommendation in accordance with the Statewide Disciplinary Matrix, approved by the Police Training and Standards Commission.
 - c. Pursuant to Sec. 3-207 (d) of the Public Safety Article, and subject to the consent of the involved law enforcement officer and the complainant, the LEA head may refer a "non-violent complaint", as defined in COMAR Title 12.04.11.06, to an independent qualified mediator for possible resolution.
3. **Deliberations and Recommendation**
 - a. After forwarding the investigative file to the CCACC, the chief of the LEA or the investigator who investigated the complaint of police misconduct shall present to the CCACC the findings of the investigation.
 - a. A representative of the LEA shall be available to attend the meeting of the CCACC and answer any questions of the CCACC about the complaint or investigation.
 - b. The CCACC may request information or action from the LEA member who conducted the investigation by issuing subpoenas or requesting documents, recordings or witnesses to appear before the CCACC.

- c. Any law enforcement officer called to appear before the CCACC is authorized to be accompanied by a representative.
- d. The CCACC shall review and make its determination or request further review within 30 days after completion of the LEA's investigation.

4. Voting

- a. Decisions of the CCACC shall be made by a majority vote of the members in attendance.
- b. Each member shall cast one vote and shall not abstain unless the member has a conflict of interest.
 - 1. The member with the potential conflict of interest must proactively announce the existence of the potential conflict prior to any discussion of the matter.
 - 2. The members shall discuss the details of the potential conflict and if a majority determines that the conflict (or appearance of conflict) is such that the member should not be involved in the deliberations, that member shall be excused from the meeting before any consideration of the matter and shall return only after voting on the matter has concluded.

5. Recommendations

- a. The CCACC makes a determination as to whether to administratively charge the officer. If the determination is that an administrative charge is warranted, the discipline recommendation shall be in accordance with the Statewide Disciplinary Matrix.
- b. The CCACC shall not administratively charge an officer for conduct arising from an incident for which the officer has been previously disciplined, sanctioned or for which the CCACC has already made a determination whether to administratively charge.
- c. The CCACC shall issue a written opinion that describes in detail its findings, determinations, and recommendations. The Committee may consider any recommendation made by the LEA.
- d. The CCACC shall forward the written opinion, within five (5) business days of its completion, to the LEA head, the law enforcement officer, and the complainant.
- e. If the law enforcement officer is not charged, the CCACC may make a determination that the allegations are "Unfounded", or the officer is "Exonerated." The CCACC may record in writing any failure of supervision that caused or contributed to a police officer's misconduct.
- f. Within 15 days after the CCACC issues an administrative charge against an officer, the Chief of the LEA shall offer discipline to the officer in accordance with the Disciplinary Matrix.
- g. The LEA head may offer the discipline that was recommended by the CCACC or a higher degree of discipline within the applicable range of the Disciplinary Matrix but may not deviate below the discipline recommended by the CCACC.
- h. If the officer accepts the LEA head's offer of discipline, then that discipline shall be imposed.

- i. If the officer does not accept the LEA head's offer of discipline, then the matter shall be referred to a trial board established pursuant to Md. Code Ann., Public Safety, 3-106, as amended from time to time.

6. OTHER

1. All official communications of the members of the CCACC shall be through email as follows: accmembers@carrollcountymd.gov. Members of the CCACC shall not use personal cell phones or email addresses in connection with their duties as CCACC members.

Approval of Rules of Order and Procedure and Amendments

- 1. These Rules of Order and Procedure shall be approved by a majority of the Committee. Amendments to these Rules of Order and Procedure may be introduced at any meeting of the Committee and voted on at any subsequent meeting. Amendments shall go into immediate effect following the vote.

Date: _____

Chairperson