

**PERTAINING TO THE CREATION OF THE
CALVERT COUNTY POLICE ACCOUNTABILITY BOARD &
CALVERT COUNTY ADMINISTRATIVE CHARGING COMMITTEE**

WHEREAS, Chapter 59 Laws of Maryland 2021, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures, (the “Act”), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, and repealing the Law Enforcement Officer’s Bill of Rights (“LEOBR”) and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county;

WHEREAS, the Act further requires that the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) must: (1) establish the membership of a police accountability board, establish the budget and staff for a police accountability board, appoint a chair of the police accountability board who has relevant experience to the position; and (2) establish the procedures for record keeping by a police accountability board;

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board;

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

WHEREAS, the Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee, an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that an administrative charging committee must: (1) review the findings of a law enforcement agency’s investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency’s disciplinary matrix; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward

the written opinion to the chief of the law enforcement agency, the police officer, and the complainant;

WHEREAS, the Act establishes that, in executing its duties, an administrative charging committee may: (1) request information or action from the law enforcement agency; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded, or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct; and

WHEREAS, the Board of County Commissioners desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that there shall be a Calvert County Police Accountability Board ("CCPAB") and a Calvert County Administrative Charging Committee ("CCACC") in accordance with the following:

I. Definitions.

- A. Federal Law Enforcement Agency: A federal law enforcement agency is an organizational unit, or subunit, of the federal government with the principle functions of prevention, detection, and investigation of crime and the apprehension of alleged offenders. Examples of federal law enforcement agencies include: the U.S. Customs and Border Protection; Federal Bureau of Investigation ("FBI"); the Secret Service; and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").
- B. Law Enforcement Agency ("LEA"): A Law Enforcement Agency ("LEA") is a Federal Law Enforcement Agency or a Maryland Law Enforcement Agency.
- C. Maryland Law Enforcement Agency: A Maryland law enforcement agency is an organizational unit, or subunit, of the State government, or its counties or municipalities, with the principle functions of prevention, detection, and investigation of crime, and the apprehension of alleged offenders. Examples of Maryland law enforcement agencies include: Maryland State Police; Maryland Department of Public Safety and Correctional Services; Maryland Police and Correctional Training Commissions; Maryland Transportation Authority Police; Maryland Department of General Services Police; Maryland Department of Natural Resources Police; Maryland State Fire Marshal; Maryland Transit Administration Police; Maryland Office of the Comptroller, Field Enforcement Unit; city or county police force; a County Sheriff, or deputy, regardless whether merit or contract, with the principle functions of training/certification, prevention.
- D. Police Officer: Police officer shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., §3-201, as amended hereafter from time to time.

II. Police Accountability Board.

- A. There shall be a Calvert County Police Accountability Board ("CCPAB") to serve the citizens of Calvert County, countywide law enforcement agencies, and local law enforcement agencies within Calvert County.
- B. The CCPAB shall:
 - 1. Hold quarterly meetings, not less than quarterly, with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
 - 2. Appoint civilian members to charging committees and trial boards;
 - 3. Receive complaints of police misconduct filed by members of the public;

4. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees;
5. Work with LEAs and the Board of County Commissioners to:
 - a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
 - b. By December 31 each year, or such other time as the Board of County Commissioners designates, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in Calvert County and makes recommendations on changes to policy that would improve police accountability in Calvert County.

III. Administrative Charging Committee.

- A. There shall be a Calvert County Administrative Charging Committee ("CCACC") to serve countywide law enforcement agencies and local law enforcement agencies within Calvert County.
- B. The CCACC shall:
 - a. Meet not less than once per month, and additionally as needed;
 - b. 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 CCACC may deem necessary and appropriate;
 - c. Review the findings of a LEA's investigation conducted and forwarded to the CCACC in accordance with State law;
 - d. Make a determination that the police officer who is subject to investigation shall be:
 - 1) Administratively charged; or
 - 2) Not administratively charged;
 - e. 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., § 3-106 and § 3-105;
 - f. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
 - g. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
 - h. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
 - i. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.
- C. In executing its duties, the CCACC may:
 - a. Request information or action from the LEA that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
 - b. 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
 - c. 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 CCPAB and CCACC shall reflect the racial, gender, and cultural diversity of Calvert County.

- B. No active police officer, nor their immediate family member, nor any person that, themselves or immediate family member, fully retired from law enforcement less than five (5) years prior to the date of appointment, may be a member of the CCPAB or CCACC.
- C. Member(s) shall hold their position until their successor(s) are selected and qualified.
- D. All members of the CCPAB and CCACC are subject to the applicable provisions of the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended hereafter from time to time.
- E. All members of the CCPAB and CCACC shall be adults not having been or be convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year, unless pardoned.
- F. No Member of the CCPAB and CCACC 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 CCPAB AND CCACC 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 CCPAB and CCACC shall maintain confidentiality relating to all matters before the respective Board and Committee.
- I. Members of the CCPAB and CCACC 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 CCPAB:
 - 1. The CCPAB shall be composed of nine (9) members selected by the Board of County Commissioners of Calvert County, including a Chairperson appointed by the Board of County Commissioners;
 - 2. Except as initially staggered, Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of six (6) years of service on the CCPAB.
 - 3. Initial terms of members shall be staggered as follows:
 - a. Three (3) members shall serve an initial term of three (3) years;
 - b. Three (3) members shall serve an initial term of two (2) years; and
 - c. The remaining three (3) members shall serve an initial term of one (1) year.
 - 4. The Chairperson of the CCPAB shall have experience relevant to the position.
 - 5. To the extent practicable, Members of the CCPAB shall reflect the racial, gender, and cultural diversity of Calvert County and include, with not less than two (2) members from each County Commissioner District:
 - a. Two (2) members shall be retired, sworn law enforcement officers who retired in good standing at least five (5) years prior to appointment on the CCPAB, with sufficient time and responsibility of service in a Maryland Law Enforcement Agency or Federal Law Enforcement Agency to adequately represent a law enforcement perspective;

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.

- b. Not less than three (3) members shall be from minority populations within Calvert County; and
- c. One Member should be a mental health practitioner.

K. With regard to the CCACC:

- 1. The CCACC shall be composed of five (5) members.
- 2. The Chairperson of the CCPAB, or a member of the CCPAB designated by the Chairperson of the CCPAB, shall serve as a Member of the CCACC.
- 3. The Board of County Commissioners of Calvert County shall appoint two (2) Calvert County civilians as members of the CCACC.
- 4. The CCPAB shall appoint two (2) Calvert County civilians to the CCACC by majority vote.
- 5. The Members of the CCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
- 6. The Chairperson of the CCACC shall serve no more than two (2) consecutive terms as the Chairperson.
- 7. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of six (6) years of service on the CCACC.
- 8. Before serving as the CCACC, every 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 CCPAB or CCACC may resign at any time by providing written notice to the Board of County Commissioners.
- B. In addition to the grounds set forth above, a member of the CCPAB or CCACC appointed by the County Commissioners may be removed in accordance with the following provisions:
 - 1. The Board of County Commissioners retains the authority to remove any member when the member no longer meets any of the criteria at IV.E-G, violates the Calvert County Code of Ethics, fails to maintain confidentiality, or upon the recommendation of a majority vote of the CCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
 - 2. The Chairperson shall notify the Board of County Commissioners if a member of the CCPAB or of the CCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Board of County Commissioners shall remove and replace such member.

VI. Meetings and Reporting.

- A. The CCPAB shall meet no less than quarterly with heads of LEAs operating in Calvert County to:
 - a. Discuss improvements that can be made to policing;
 - b. Appoint civilian members to charging committees and trial boards;
 - c. Receive complaints of police misconduct from the public; and
 - d. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.

- B. Each complaint of misconduct received by the CCPAB shall be forwarded within three (3) days of receipt by the CCPAB to the appropriate LEA. If no meeting of the CCPAB is scheduled within that timeframe, the Chairperson of the CCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the CCPAB at its next meeting.
- C. The CCPAB and the CCACC 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.
- D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.
- E. Adequate notice of all Special Meetings will be provided to all Board or Commission members.
- F. Notice of all meetings of the CCPAB and the CCACC shall be in accordance with the Maryland Open Meetings Act.
- G. All meetings are open to the public, except that the CCPAB and the CCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, General Provisions Article, § 3-305, as amended hereafter from time to time.
- H. Any meeting of the CCPAB may be conducted by telephone or video conference call provided that CCPAB 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

- A. The Board of County Commissioners shall approve a budget for the CCPAB that shall include:
 - a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCPAB supported by grant assistance from GOCCP; and
 - b. A Quarterly stipend for members in such amount as the Board of County Commissioners may deem appropriate.
- B. The Board of County Commissioners shall approve a budget for the CCACC that shall include:
 - a. An Annual Appropriation for studies and contracted services relevant to the mission of the CCACC supported by grant assistance from GOCCP; and
 - b. A stipend for members per meeting with a per annum maximum amount per member as the Board of County Commissioners may deem appropriate.

VIII. Ethics, Rules, Record Keeping, and Support

- A. Ethics.
 - 1. CCPAB members shall abide by and fully comply with the Calvert County Code of Ethics, Ch. 41 of the Laws of Calvert County, Maryland, as amended from time to time.
 - 2. No member of the CCPAB or CCACC 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 Commission may request a determination of conflict of interest from the Calvert 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 CCACC, 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. There shall be one vote per member of each of the CCPAB and the CCACC; any members serving both the Board and the Commission shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the Calvert County Code of Ethics.
 4. A tie vote for and against a motion means that a motion fails.
- C. Record Keeping.
1. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCPAB shall be the Chairperson of the CCPAB, with:
 - a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
 - b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.
 2. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCACC shall be the Chairperson of the CCACC, with:
 - a. Records pertaining to any administrative investigation being deposited and secured by the office of the County Attorney; and
 - b. Records pertaining to any criminal investigation being deposited and secured by the office of the State's Attorney.
- D. Support.
1. The Calvert County Department of Human Resources shall provide support personnel as may be required by the CCPAB and CCACC.
 2. The Office of the County Attorney shall provide legal support to the CCPAB.
 3. The Board of County Commissioners shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the CCPAB and CCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

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

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert 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 15th day of February, 2022 by the Board of County Commissioners of Calvert County, Maryland.

BK0067PG0355

Aye: Commissioners Hance, Weems, Gadway, and McConkey
Nay: _____
Absent/Abstain: Commissioner Hart

ATTEST:

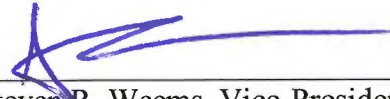
**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**



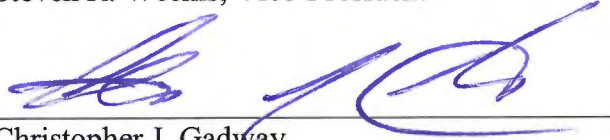
Rachel M. Distel, Clerk



Earl F. Hance, President

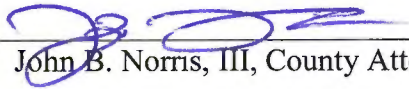


Steven R. Weems, Vice-President



Christopher J. Gadway

Approved for form and legal
sufficiency:



John B. Norris, III, County Attorney

absent

Mike Hart



Kelly D. McConkey

Received for Record... February 16, 2022
at... 2:00 o'clock... P... M. Same day
recorded in Liber KPS No. 67
Folio 348 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

