

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2022-08

A Resolution concerning

CREATION OF THE CHARLES 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”), entails various changes to law enforcement activities throughout the State of Maryland, to include significant changes to the police disciplinary process and the repeal of the Law Enforcement Officers Bill of Rights; and

WHEREAS, the Board of County Commissioners established the Charles County Police Accountability Board (“CCPAB”) consistent with the Act, pursuant to Charles County Resolution #2021-23; and

WHEREAS, in accordance with the Act, each county shall establish an administrative charging committee to review the findings of a law enforcement agency’s investigation of a complaint made by a member of the public against a police officer; and

WHEREAS, in accordance with the Act, the administrative charging committee shall serve countywide law enforcement agencies and local law enforcement agencies within the county; and

WHEREAS, the Board of County Commissioners desire to conform to the requirements of the Act as it relates to the administrative charging committee, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that there shall be a Charles County Administrative Charging Committee (“CCACC”) applicable to countywide law enforcement agencies and local law enforcement agencies within the County in accordance with the following:

A. CCACC shall:

1. Meet once per month or as needed.
2. Maintain confidentiality relating to a matter being considered by the CCACC.
3. Review the findings of a law enforcement agency’s investigation conducted and investigated in accordance with Public Safety Article, Md. Ann. Code §3-104.
4. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct.
5. Make a determination that the police officer who is subject to investigation shall be either administratively charged or not administratively charged.
 - (i) If the police officer is administratively charged, recommend discipline in accordance with the law enforcement agency’s disciplinary matrix established in accordance with Public Safety Article, Md. Ann. Code §3-105.
 - (ii) If the police officer is not administratively charged, determine that:
 - (a.) The allegations against the police officer are unfounded; or
 - (b.) The police officer is exonerated

6. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
7. Issue a written opinion that describes in detail its findings, determinations, and recommendations, to include any failure of supervision that caused or contributed to a police officer's misconduct.
8. Forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

B. CCACC may:

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

C. CCACC Membership:

1. The CCACC shall be composed of five (5) civilian members. For the purposes of the CCACC, civilian is defined as a person who is not a sworn local, state, or federal law enforcement officer, to include military police.
2. The Board of County Commissioners shall appoint two civilian (2) members to the CCACC.
3. The CCPAB shall appoint two (2) civilian members to the CCACC.
4. The Chair of CCPAB or another member of the CCPAB designated by the Chair shall be appointed to the CCACC.
5. An active police officer may not be a member of the CCACC.
6. Members of the CCACC shall annually elect a chairperson from among its members by a majority vote.

D. Membership Qualifications:

1. All members shall be bound by the Charles County Code of Ethics, Ch.170, as amended from time to time.
2. All members of the CCACC shall have a criminal history background check performed prior to appointment.
3. An applicant convicted of a felony shall be deemed ineligible for appointment. Members that become convicted of a felony during their term as a member shall report the same to the Board of County Commissioners and shall resign or be subject to removal if such member fails to resign.
4. An applicant convicted of any of the following misdemeanors within a period of fifteen (15) years prior to applying for membership to the CCPAB shall be deemed ineligible for appointment: a.) conviction of a misdemeanor that carries a maximum penalty of greater than one (1) year; b.) crime of violence; or c.) perjury.
5. An applicant is ineligible for appointment to the CCACC while subject to an order of probation before judgment, whether supervised or unsupervised.
6. All applicants shall be a resident of Charles County for at least six (6) consecutive months immediately prior to applying for membership to the CCACC.
7. All members shall be registered voters of the County.
8. All members shall have a demonstrated commitment to just and fair outcomes, as well as respect and adherence for established processes and procedures in a professional setting.
9. Before serving on the CCACC, all members shall receive training on matters relating to police procedures promulgated by the Maryland Police Training and Standards Commission.

- E. Membership Term:
1. Members of CCACC serve a term of two (2) years, except as to the Chair of the CCPAB or their designee, who shall serve on the CCACC for a term as determined by the Rules of Procedure for the CCPAB.
 2. Notwithstanding Section E.1., membership on the inaugural board shall be staggered as follows:
 - a. One (1) member appointed by the Board of Commissioners shall serve an initial term of one (1) year;
 - b. One (1) member appointed by the Board of Commissioners shall serve an initial term of two (2) years;
 - c. One (1) member appointed by the CCPAB shall serve an initial term of one (1) year;
 - d. One (1) member appointed by the CCPAB shall serve an initial term of two (2) years.
 - e. The Chair of the CCPAB or their designee shall serve an initial term as determined by the Rules of Procedure of the CCPAB.
 3. At the expiration of a term, members shall continue to serve until a successor is appointed.
 4. Members may be reappointed for one (1) additional consecutive two (2) year term.
- F. Member Compensation:
1. If budgeted by the Board of County Commissioners, each member of the CCACC may receive an annual stipend, as may be increased or decreased on an annual basis, and no other compensation whatsoever.
- G. Member Resignation & Removal:
1. Any member may resign at any time by providing written notice to the Board of County Commissioners.
 2. By a majority vote, the Board of County Commissioners may remove any member appointed by the Board on its own initiative or based on recommendation of a majority vote of the CCPAB, if removal is found by the Board of County Commissioners to be in the best interest of the CCACC. Removal of members appointed by the CCPAB shall be effectuated pursuant to the Rules of Procedure adopted by the CCPAB.
- H. Budget:
1. Budget requests by the CCACC shall be made to the CCPAB, who may elect to approve or deny said request consistent with the adopted Rules of Procedure of the CCPAB.
- I. Board Practices & Procedure:
1. Members of the CCACC shall maintain confidentiality relating to any complaints of misconduct until final disposition of the matter.
 2. Members of the 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.
 3. Chairperson of the CCACC shall be the custodian of all records in possession of the CCACC and all records shall be deposited and secured by the Office of the County Attorney. Records shall be accessible to the public in accordance with the Maryland Public Information Act Md. Code Ann., Gen. Prov. ("GP") §§ 4-101 et seq., as amended hereafter from time to time.
 4. The CCACC shall draft its Bylaws and Rules of Procedure as the initial task of the

CCACC which shall be consistent with the terms of this resolution. The initial Bylaws and Rules of Procedure, as well as any subsequent amendments, are subject to approval by the Board of Commissioners, following recommendation for approval by the CCPAB.

5. The CCPAB may approve contractual legal and administrative support services for the CCACC per a budget request by the CCACC. In the absence of contractual legal and/or administrative services, the Office of the County Attorney shall provide these services to the CCACC.

ADOPTED this 7th day of June, 2022.

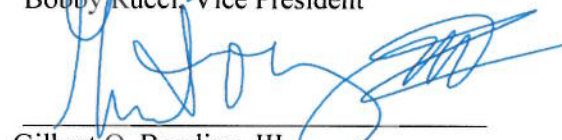
County Commissioners of
Charles County, Maryland



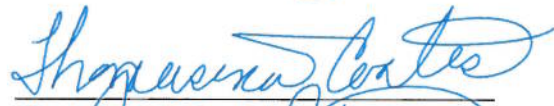
Reuben B. Collins, II, Esq., President



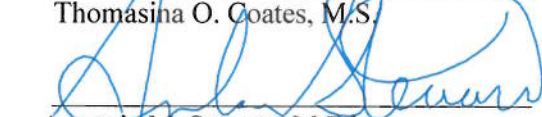
Bobby Rucci, Vice President



Gilbert O. Bowling, III



Thomasina O. Coates, M.S.



Amanda M. Stewart, M.Ed.

ATTEST:



Carol DeSoto, Clerk to the Commissioners