



**TALBOT COUNTY
ADMINISTRATIVE CHARGING COMMITTEE
RULES OF PROCEDURE**

Pursuant to the Maryland Police Accountability Act of 2021 and Chapter 24 (Boards, Committees and Commissions), Article V of the Talbot County Code, the County Council of Talbot County (the “County Council”) has established the Talbot County Administrative Charging Committee (the “ACC”). One stated purpose of the ACC is to review the findings of law enforcement agency (“LEA”) investigation of alleged police officer misconduct in accordance with State and County law. Specifically, the law mandates that the ACC shall: (1) review the findings of a LEA’s investigation conducted and forwarded in accordance with State and County law; (2) determine whether the police officer who is subject to investigation shall be administratively charged or not administratively charged, subject to certain conditions; (3) if the police officer is charged, recommend discipline in accordance with the 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 the ACC 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 LEA or the Sheriff, as applicable, the police officer, and the complainant within five business days.

These Rules of Procedure (“Rules”) are supplementary to those requirements set forth in Md. Code Ann., Public Safety § 3-101, *et seq.*, Code of Maryland Regulations (“COMAR”) Title 12, Subtitle 4, Chapter 9, and Chapter 24, Article V of the Talbot County Code, each as may be amended from time to time.

I. Basis of Authority

1. Md. Code Ann., Pub. Safety § 3-101, *et. seq*
2. COMAR 12.04.09.01, *et seq.*
3. Chapter 24, Article V of the Talbot County Code

II. Membership

1. The ACC shall consist of five voting members, including the Chairperson, the Vice Chairperson, and three (3) regular members. Changes in residency by any member shall be reported to the Chairperson as soon as practicable.
2. *Chairperson.* The Chairperson shall be appointed annually by a majority vote of the ACC members at the first ACC meeting of the calendar year. The Chairperson shall preside over ACC meetings and shall have the duties set forth in § 24-17(G)(1) of the Talbot County Code, as may be amended from time to time.

3. *Vice Chairperson.* The Vice Chairperson also shall be appointed by a majority vote of the ACC members. The Vice Chairperson acts and has the authority of the Chairperson during the Chairperson's absence.

III. Meetings

The ACC shall meet at least once per month to consider the LEA investigatory files submitted for review. Meetings, which may be held in person, virtually or a combination of the two, will be conducted in accordance with the following:

1. *Maryland Open Meetings Act.* ACC meetings shall be held in accordance with the Maryland Open Meetings Act (the "OMA"). As personnel issues and other confidential information will be reviewed at ACC meetings, the ACC may deem it necessary to conduct its review and deliberations of investigative files in closed session or as an administrative function, which shall be documented in accordance with the OMA, see Md. Ann. Code, General Provisions Art., §§3-101, et seq., as may be amended from time to time.
2. *Quorum.* A quorum shall consist of at least three (3) ACC members. No ACC business, to include consensus or voting, may be made without the presence of a quorum. When a quorum is present, a majority of those ACC members present may make a decision on any motion. A tie vote for or against a motion means that the motion fails.
3. *Governing Rules.* Unless inconsistent with these ACC Procedural Guidelines, ACC meetings shall be conducted in accordance with the Roberts Rules of Order, Newly Revised.
4. *Location.* ACC meetings generally will be convened once a month in the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601, and/or remotely via secure video connection, as determined by the Chairperson. Additional meetings may be added at the discretion of the Chairperson. Agenda items requested by members shall be submitted to the Chairperson at least seven (7) days prior to the meeting, but may be considered for inclusion on the agenda by the Chairperson, at the Chairperson's discretion, if submitted less than seven (7) days before the meeting.
5. *Timely Disposition of LEA Investigations.* The ACC shall establish a schedule for making final dispositions of LEA investigations within thirty (30) days of submission to the ACC, taking into account the need for additional information and any delays created by such requests. The thirty (30) day review period shall be tolled during the time required for the LEA to respond to requests for additional information or investigation by the ACC. In establishing its schedule to review investigation results, the ACC must issue a final determination and disposition of every matter within one (1) year and a day following the initial filing of the complaint.

6. *Confidentiality.* In order to maintain confidentiality, the ACC shall utilize secure methods to electronically transmit documents, files, notes, and any other materials related to a complaint and subsequent investigation.
7. *Minutes.* ACC meetings shall be documented through minutes, which shall be reviewed and approved by the ACC. Minutes may reflect the disposition of matters considered by the ACC, but shall not reveal the deliberations resulting in such deliberations.
8. *Actual and Potential Conflicts.* All ACC members are subject to, and shall comply with, Chapter 60 (Ethics) of the Talbot County Code. ACC members shall recuse themselves from participating in a matter in which they may have a conflict of interest or an appearance of a conflict of interest. Additionally, the Ethics Code requires annual submission of a Financial Disclosure Statement. In the event an actual or potential conflict of interest, the ACC member shall disclose to the ACC Chairperson the existence thereof at the earliest possible time. The other ACC members shall discuss the details of the actual or potential conflict of interest, and if the majority determines that the conflict is such that the affected member should not be involved, then that member shall be excused from the meeting prior to any consideration of the matter and shall return only after voting on the matter has concluded.

IV. Staffing Assistance

The ACC shall have administrative and legal staff assigned to assist it in carrying out its duties, as follows:

1. *ACC Administrative Assistant.* The Administrative Assistant shall provide administrative support to the ACC, including, but not limited to:
 - a. Attending all meetings and hearings;
 - b. Scheduling meetings per the direction of the Chairperson;
 - c. Tracking agenda items;
 - d. Preparing the agenda for any meeting after approval thereof by the Chairperson;
 - e. Posting of public meeting notices;
 - f. Reviewing Reports of Investigation submitted by LEA to ensure completeness;
 - g. Communicating with LEA to request additional information relating to Reports of Investigation or their attendance at ACC meetings;
 - h. Tracking submission dates and time requirements to ensure compliance with legal requirements and maintaining a log of the same;

- i. Creating and maintaining the official record of all proceedings, to include attendance of ACC members;
 - j. Drafting minutes of meetings for adoption by the ACC; and
 - k. Taking custody of, handling, and storing all decisions, orders, exhibits, evidence, notes, and recordings;
2. *Legal Counsel to the ACC.* The County Attorney shall serve as legal counsel to the ACC. The duties of ACC Legal Counsel shall include:
- a. Providing legal advice to the ACC;
 - b. Reviewing Reports of Investigation submitted by LEA to ensure completeness;
 - c. Attending ACC meetings;
 - d. Communicating with the LEA to request additional information relating to Reports of Investigation or their attendance at ACC meetings; and
 - e. Assisting with drafting disposition reports reflecting decisions reached by the ACC.

V. ACC Responsibilities and Duties

1. When a LEA forwards its Report of Investigation to the ACC, Legal Counsel to the ACC or the ACC Administrative Assistant shall review the file to ensure its completeness for review by the ACC. As a general guideline, the LEA investigative file should include the following information: (i) the original complaint or document containing the allegations under review; (ii) the LEA's Report of Investigation or its equivalent; (iii) the relevant law, regulations, or policies governing the conduct at issue, including the corresponding training provided by the LEA; (iv) any written or recorded statement of the complainant, respondent, and witnesses; (v) body worn camera and/or other video footage or audio recording that captured the incident; (vi) any relevant photographs, maps, diagrams, or other demonstrative evidence related to the allegations; (vii) the recommendation(s), if any, of the LEA head; and (viii) any other documents or materials that are deemed necessary to the determination of whether to administratively charge the officer.
2. Legal Counsel to the ACC or the Administrative Assistant may request the LEA to supplement its Report of Investigation prior to dissemination to the ACC or before the ACC begins its deliberations regarding the same.
3. Whenever practicable, the Administrative Assistant shall ensure that the Report of Investigation and all its attachments shall be available for review by the ACC members at least three business (3) days prior to the next scheduled ACC meeting.

4. Legal Counsel to the ACC or the Administrative Assistant may request that the LEA send a representative to the ACC meeting to respond to questions that may arise during the ACC's deliberations.
5. In accordance with State laws and regulations and the Talbot County Code, the duties and responsibilities of the ACC include the following:
 - (a) Review LEA findings of investigation conducted and forwarded in accordance with Md. Code Ann., Public Safety § 3-104(d).
 - (b) Determine whether a police officer who is subject to investigation shall be administratively charged. In making its determination, the ACC may (a) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (b) call a police officer to appear before the ACC and be accompanied by a representative; and/or (c) request additional investigation or information from the LEA, including the issuance of subpoenas.
 - (c) The ACC shall engage in open and frank deliberations, with each member being given the opportunity to voice their perspective and opinions. Upon completion of deliberations and a motion to vote on disposition, properly seconded and approved, the ACC shall vote regarding whether to administratively charge the police officer. Each ACC member shall have one vote and, unless excused from participation because of a conflict or inability to attend, each member shall vote on the disposition of each complaint.
 - (d) If the police officer is charged, the ACC shall recommend discipline in accordance with the Disciplinary Matrix. The ACC shall consider all facts in mitigation and aggravation when determining the appropriate disposition under the Disciplinary Matrix. The same deliberation process outlined in paragraph (c) above shall be used in determining what, if any, discipline to impose on the police officer.
 - (e) If the police officer is not administratively charged, using the same deliberation process outlined in paragraph (c) above, the ACC shall make a determination that the allegations against the police officer are unfounded; the police officer is exonerated; OR the allegation(s) is/are not sustained.
 - (f) Issue a written opinion using the format adopted for ACC reports that describes its findings, determinations, and recommendations. (See Exhibit A)
 - (g) Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
5. Forward the ACC's written opinion to the head of the LEA, the police officer, and the complainant with a cover letter signed by the ACC Chairperson.

6. If the ACC determines that the police officer should be administratively charged, it should review all available evidence in aggravation and mitigation. Accordingly, the ACC should work with the LEA to ensure that if the LEA determines that a police officer violated a law, policy or regulation, it include the officer's disciplinary and training records when forwarding its Report of Investigation.

VI. Approval and Amendment of Rules of Procedure

These Rules shall be approved, and may be amended from time to time, by a majority of the entire ACC.

VII. Severability

If any provision of these Rules are held to be illegal or unenforceable in a judicial proceeding, such provision shall be severed and become inoperative. The remainder of the Rules shall remain in effect.

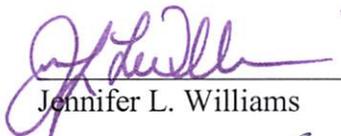
ADOPTED by the Talbot County Administrative Charging Committee this 27th day of April, 2023.



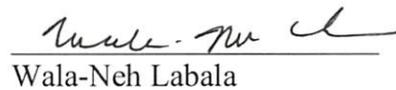
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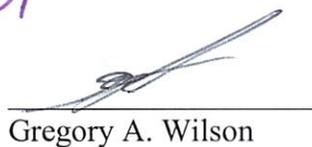
Constance M. Hope



Jennifer L. Williams



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Gregory A. Wilson