

RESOLUTION NO. 22-14
POLICE ACCOUNTABILITY BOARD

Recitals

- A. In 2021, the Maryland General Assembly passed House Bill 670, also known as the Maryland Police Accountability Act of 2021, that becomes effective on July 1, 2022 and requires Worcester County to establish a Police Accountability Board.
- B. 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.
- C. House Bill 670 also requires the County to establish a trial board process.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that a Police Accountability Board, a Charging Committee, and ability to create trial boards are established and will be governed by the following rules and procedures:

Article I: General Provisions

1. Definitions.

As used in this resolution, the following terms shall have the meanings indicated:

- A. Agency review: A thorough evaluation of the entire completed investigative file by the agency head. The agency review is not complete until the agency head determines that the investigative file is ready to be forwarded to the Administrative Charging Committee.
- B. Agency Head: A police chief, sheriff, administrator, department head, an individual in an equivalent position, or designee, or an individual appointed, employed, or elected to manage, administer, or supervise a law enforcement agency, or a designee. An agency head includes an officer designated by the head of a law enforcement agency, or to act on behalf of the agency head.
- C. Body Camera Footage: Any law enforcement agency audio/visual recording.
- D. Conflict of interest: A real or seeming incompatibility between one's private interests and one's official responsibilities in a position of trust.
- E. Law Enforcement Agency: A governmental police force, sheriff's office, security force or law enforcement-organization of

Worcester County or another entity within Worcester County that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

F. Good Moral Character: The possession of honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the legal process and the administration of justice, as well as the condition of being regarded as possessing such qualities.

G. Officer: Any employee of a county law enforcement agency who is authorized to enforce the general criminal laws of the State, County, or a municipal corporation.

H. Police Misconduct: A pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

- (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
- (2) a violation of a criminal statute; or
- (3) a violation of law enforcement agency standards and policies.

G. Other definitions: Terms not specifically defined above that are expressly defined in the Annotated Code of Maryland, Public Safety Art. § 3-101 et seq. and any COMAR regulations promulgated under it shall have the same meanings given to them by those provisions.

2. Standing.

A. Unless otherwise authorized by State law, only a person, or the designee of such person, who experienced the alleged police misconduct may file a complaint of police misconduct.

B. A complaint of police misconduct by an officer of a law enforcement agency must be filed in accordance with the officer's agency's internal policy. A complaint of police misconduct may be filed with the Police Accountability Board by an officer of a law enforcement agency if an internal agency policy does not exist.

C. A complaint of police misconduct may only be filed under this Resolution if the alleged misconduct was carried out by an officer acting or making the representation of acting on behalf of a law enforcement agency.

3. Filing a Complaint; Statute of Limitations.

A. A complaint of misconduct must be submitted using the complaint form adopted by the Police Accountability Board.

B. A complaint of misconduct must be submitted to the headquarters of the law enforcement agency where the police officer against whom the misconduct is alleged is employed or, if being submitted to the Police Accountability Board, to the County Commissioners.

C. A complaint of police misconduct may not be filed under this Resolution for events before July 1, 2022. A claim of a pattern or practice of police misconduct may rely on events which occurred before July 1, 2022, upon the claim of the continuation of the pattern or practice on or after July 1, 2022.

D. A complaint of police misconduct must be filed within 45 days of the date the misconduct allegedly occurred unless otherwise provided for by Maryland law. A claim of a pattern or practice of police misconduct may rely on events from up to 3 years earlier.

4. Ethics.

Any member of the Worcester County Police Accountability Board, Worcester County Administrative Charging Committee, or the Trial Board must comply with the Worcester County Ethics laws (County Government Article 5 of the Worcester County Code).

5. Police Accountability Board.

There shall be a Worcester County Police Accountability Board to serve law enforcement agencies within Worcester County consistent with state law.

6. Duties.

A. The Worcester County Police Accountability Board shall:

(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 committee 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) On or before December 31 of each year, submit a report to the Board of Worcester County Commissioners.

7. Membership.

A. The Worcester County Police Accountability Board shall consist of 7 members, one of whom shall serve as Chair.

B. The County Commissioners shall appoint each member and the Chair of the Worcester County Police Accountability Board.

C. Terms.

(1) Subject to paragraph (3) below, the term for each member of the Worcester County Police Accountability Board shall be two years.

(2) Members terms shall be staggered such that the terms of 3 members end in one year, and the terms of 4 members end the following year.

(3) For the initial term following the establishment of the Worcester County Police Accountability Board, the County Commissioners shall delineate the 3 members, at the time of the appointment, who shall serve a 1-year term.

(4) Members may serve for no more than three consecutive terms.

D. Removal; resignation.

(1) Members serve at the pleasure of the County Commissioners. If the County Commissioners decide to remove a member before the end of the member's term, the County Commissioners must inform the member in writing of the date of termination from the Worcester County Police Accountability Board.

(2) A member who fails to maintain confidentiality, as required herein, of all Worcester County Police Accountability Board matters shall be removed from the Worcester County Police Accountability Board immediately by the County Commissioners.

(3) Members may resign from the Worcester County Police Accountability Board at any time by notifying the County Commissioners and the Chair of the Worcester County Police Accountability Board in writing.

E. Eligibility criteria.

- (1) Each member must be 21 years of age, or older.
- (2) Each member must be a legal resident or citizen of the United States, be a resident of Worcester County, and provide proof of residency or citizenship.
- (3) Each member must sign an agreement to maintain confidentiality of all Worcester County Police Accountability Board matters related to individual complaints until final disposition and all appeals have been exhausted.
- (4) Members must complete required training before serving on a Worcester County Police Accountability Board. The required training shall be set by the County Commissioners.
- (5) Members must be of good moral character.
- (6) Prospective members must submit to a background investigation by the Worcester County Sheriff's Office. A background investigation shall include, but is not limited to, a review of the applicant's social media presence. The results of the background investigation shall be submitted to the County Commissioners.
- (7) To the extent practicable, the membership shall reflect the racial, gender, and cultural diversity of Worcester County.
- (8) To the extent practicable, a person is not eligible to serve on the Worcester County Police Accountability Board if that person:
 - i. Has an actual conflict of interest or an appearance of a conflict of interest, as determined by the County Commissioners;
 - ii. Is under criminal investigation by any law enforcement agency;
 - iii. Is currently charged with a crime that is pending before any court;
 - iv. Has been convicted of, or has received Probation Before Judgment for a felony or misdemeanor for which a sentence of imprisonment for 1 year or more could have been imposed;
 - v. Is an active police officer; or

- vi. Is an active employee of Worcester County or an entity within Worcester County with a law enforcement agency;
- (9) To the extent practicable, the Chair of the Worcester County Police Accountability Board must:
- i. Be a retired sworn law enforcement officer who retired in good standing with at least 20 years of service in a Maryland Law Enforcement Agency or Federal Law Enforcement Agency;
 - ii. Have been the head of a law enforcement agency, or in a command position within a law enforcement agency; and
 - iii. Have academic credentials that include:
 - a. Degree from an accredited college or university with a major in either pre-law, police administration, or criminal justice; or
 - b. Completion of the FBI National Academy, The Northwestern School of Police Staffing and Command, or The Johns Hopkins University Police Executive Leadership Program.

(10). Members have an ongoing and continuous obligation to immediately report to the Chair of the Worcester County Police Accountability Board any event that may harm the public trust of the Worcester County Police Accountability Board, including:

- (i) Conflicts of interest;
- (ii) Criminal charges;
- (iii) Criminal investigations; and
- (iv) Criminal convictions.

8. Administration.

- A. The County Commissioners must submit a budget and oversee any staff for the Board.
- B. A complaint of police misconduct filed with the Worcester County Police Accountability Board or with a law enforcement agency that employs the officer who is subject to the complaint must include:

- (1) The name of the police officer accused of misconduct.
 - (2) A description of the facts on which the complaint is based.
 - (3) Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- C. A complaint does not need to be notarized.
- D. A complaint of police misconduct filed with the board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the Board.
- E. The County Commissioners shall establish the procedures for record keeping by the Worcester County Police Accountability Board.
- F. The Chair shall follow Robert's Rules of Order, and:
- (1) Establish the meeting schedule;
 - (2) Establish a written agenda for each meeting and send it to each member in advance of each meeting;
 - (3) Call each meeting to order;
 - (4) Coordinate the meeting in accord with the agenda;
 - (5) Invite discussion among members before voting;
 - (6) Invite motions, seconds and votes from members;
 - (7) Ensure that a record is kept of all business of the Worcester County Police Accountability Board;
 - (8) Promptly report to the County Commissioners any concern or event involving a member that may harm the public trust of the Worcester County Police Accountability Board. Such events include but are not limited to:
 - i. Conflicts of interest;
 - ii. Criminal charges;
 - iii. Criminal investigations;
 - iv. Criminal convictions.
- G. Quorum; manner of attendance.
- (1) At least 4 members must be in attendance before the Worcester County Police Accountability Board may conduct business. Meetings shall be conducted either in person or remotely via secure video connection, which shall be determined by the Chair.

(2) The Board may not adopt any rules and regulations outside of perfunctory clerical matters.

9. Conflict of State Law.

If there is a conflict with State law, the State law shall control. If State law no longer requires a Police Accountability Board, this Article is no longer applicable.

Article III Administrative Charging Committee

10. Administrative Charging Committee.

There shall be a Worcester County Administrative Charging Committee to serve law enforcement agencies.

11. Composition of the Administrative Charging Committee.

A. The committee will be composed of:

- (1) The Chair of Worcester County's Police Accountability Board, or another member of the Worcester County Accountability Board designated by the Chair.
- (2) Two civilian members selected by the Worcester County Police Accountability Board.
- (3) Two civilian members selected by the County Commissioners.

B. Eligibility criteria.

- (1) Each member must be 21 years of age, or older.
- (2) Each member must be a legal resident or citizen of the United States and provide proof of legal residency or citizenship.
- (3) Each member must sign an agreement to maintain confidentiality of all Worcester County Administrative Charging Committee matters until final disposition and all appeals have been exhausted.
- (4) Members must successfully complete the Police Training and Standards Commission required training before serving on the Worcester County Administrative Charging Committee.
- (5) Each member's principal residence must be in Worcester County and provide proof of residency.
- (6) Members must be of good moral character and free from bias that would negatively impact the integrity of

the Worcester County Administrative Charging Committee.

- (7) Prospective members must submit to a background investigation by the Worcester County Sheriff's Office. A background investigation shall include, but is not limited to, a review of the applicant's social media presence. The results of the background investigation shall be submitted to the County Commissioners.

C. Neither the County Commissioners nor a selecting or appointing authority shall select or appoint any person to serve on the Worcester County Administrative Charging Committee, and such person is not eligible to serve on the Worcester County Administrative Charging Committee, if that person:

- (1) Has an actual conflict of interest or an appearance of a conflict of interest, as determined by the County Commissioners;
- (2) Is under criminal investigation by any law enforcement agency;
- (3) Is currently charged with a crime that is pending before any court; or
- (4) Has been convicted of, or has received Probation Before Judgment for a felony or misdemeanor for which a sentence of imprisonment for 1 year or more could have been imposed.

D. Self-reporting. Members have an ongoing and continuous obligation to immediately report to the Chair of the Worcester County Administrative Charging Committee any event that may harm the public trust of the Worcester County Administrative Charging Committee. Such events include but are not limited to:

- (1) Conflicts of interest;
- (2) Criminal charges;
- (3) Criminal investigations; and
- (4) Criminal convictions.

E. Terms.

- (1) Subject to paragraph (3) below, the term for each member of the Worcester County Administrative Charging Committee shall be two years.
- (2) The term of a Worcester County Administrative Charging Committee member shall be staggered such that the terms

of 2 members shall end in one year, and the terms of 3 members end the following year.

- (3) For the initial term following the establishment of the Worcester County Administrative Charging Committee, one civilian selected by the Worcester County Police Accountability Board and one civilian selected by the President of the Board of County Commissioners shall each serve a 1 year term. The 3 remaining members shall serve 2 year terms.
- (4) Members may serve for no more than 3 consecutive terms.

F. Removal; resignation.

- (1) Members serve at the pleasure of the County Commissioners. If the County Commissioners decides to remove a member prior to the end of the member's term, the member and the Chair of the Worcester County Administrative Charging Committee must be notified in writing by the County Commissioners. A majority vote of the County Commissioners is required to remove a member.
- (2) A member who fails to maintain confidentiality of all Worcester County Administrative Charging Committee matters shall be removed from the Worcester County Administrative Charging Committee immediately by the County Commissioners.
- (3) Members may resign from a Worcester County Administrative Charging Committee at any time by notifying the County Commissioners and the Chair of the Worcester County Administrative Charging Committee in writing.

G. The County Commissioners shall set a budget and oversee the staff of the Worcester County Administrative Charging Committee.

H. The County Commissioners shall establish the procedures for record keeping by the Worcester County Administrative Charging Committee.

12. Selection of a chairperson; responsibilities.

- A. The members of the Worcester County Administrative Charging Committee shall choose a Chairperson from their membership.
- B. The Chair shall follow Robert's Rules of Orders, and:

- (1) Establish the meeting schedule, with a minimum of one meeting per month;
- (2) Establish a written agenda for each meeting and send it to each member in advance of each meeting;
- (3) Call each meeting to order;
- (4) Coordinate the meeting in accord with the agenda;
- (5) Invite discussion among members before voting;
- (6) Invite motions, seconds and votes from members;
- (7) Ensure that a record is kept of all business of the Worcester County Administrative Charging Committee.
- (8) Promptly report to the County Commissioners any concern or event involving a member that may harm the public trust of the Worcester County Administrative Charging Committee. Such events include but are not limited to:
 - i. Conflicts of interest;
 - ii. Criminal charges;
 - iii. Criminal investigations; and
 - iv. Criminal convictions.

13. Meetings.

- A. The Open Meetings Act does not apply to meetings of the Worcester County Administrative Charging Committee, and they are not open to the public.
- B. Subject to item 13.C below, each Worcester County Administrative Charging Committee must establish a schedule so that they can make determinations in all pending matters within 30 days after an agency completes its investigation.
- C. The Worcester County Administrative Charging Committee must issue a determination and disposition of every matter within 1 year and 1 day after the initial filing of a complaint by a citizen.
- D. In order to maintain confidentiality, Worcester County shall ensure that the Worcester County Administrative Charging Committee uses secure methods to electronically transmit files, notes, and all other documents pertaining to an investigation.
- E. Quorum; manner of attendance.
 - i. Three members must be in attendance before the Worcester County Administrative Charging Committee may conduct business.
 - ii. Meetings shall be conducted either in person or remotely via secure video connection which shall be determined by the Chair.

- iii. The Worcester County Administrative Charging Committee may not adopt any rules or regulations outside of perfunctory clerical matters.
- F. Law Enforcement Agency Investigation
- (1) Complaints from the public that meet the eligibility requirements for a mediation program, under state law, may, subject to the agreement of the complainant, be handled outside of the complaint process articulated in this Resolution.
 - (2) Complaints from the public handled through mediation will be tracked with other citizen complaints for accountability.
 - (3) Upon receipt of a complaint of alleged police misconduct from the Worcester County Police Accountability Board or member of the public, the law enforcement agency shall complete a thorough investigation.
 - (4) The agency head may include a written recommendation for the Worcester County Administrative Charging Committee to consider regarding the matter. The recommendation may include the agency head's opinion regarding:
 - i. whether or not the law enforcement officer should be disciplined;
 - ii. aggravating or mitigating facts or circumstances;
 - iii. if appropriate, any recommended alternatives to discipline; and
 - iv. if the agency head feels that discipline is warranted, a specific recommendation for discipline in accordance with the Statewide Disciplinary Matrix, approved by the Police Training and Standards Commission.
 - (5) Upon completion of an investigation, the investigating agency shall forward the investigative files of the completed investigation to the Worcester County Administrative Charging Committee within 3 business days after the later of:
 - i. the completed agency review, or
 - ii the agency head issuing a written recommendation for the Worcester County Administrative Charging Committee to consider regarding the matter.

14. Deliberations and Recommendation.

A. Deliberations. Upon receipt of the completed investigation from the investigating agency, the committee then:

- (1) Reviews the findings of a law enforcement agency's investigation;
- (2) Reviews body camera footage or other audio/visual footage submitted with the investigative file that may be relevant to the matters covered in the complaint of misconduct;
- (3) Authorizes a police officer called to appear before a charging committee to be accompanied by a representative;
- (4) May request information or action from the law enforcement agency that conducted the investigation such as requiring further investigation and the issuance of subpoenas; and
- (5) Shall review and determine or ask for further review within 30 days after completion of the investigating agency's review.

B. Voting

- (1) Decisions of the Worcester County Administrative Charging Committee shall be made by majority vote of the members in attendance.
- (2) Each member shall cast one vote and shall not abstain unless the member has a conflict of interest.
 - i. The member with the potential conflict of interest must proactively announce the existence of the potential conflict of interest prior to any discussion of the matter.
 - ii. The members shall discuss the details of the potential conflict of interest and if the majority determines that the conflict (or the appearance of a conflict) is such that the member with the conflict should not be involved, 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.

C. Recommendations

- (1) The Worcester County Administrative Charging Committee makes a determination whether to administratively charge the officer. If the determination is that administrative charges should be filed, the discipline recommendation shall be in accordance with the Statewide Disciplinary Matrix.
- (2) The Worcester County Administrative Charging Committee shall not administratively charge an officer for conduct arising from an incident for which the officer has previously been disciplined or sanctioned or the Worcester County Administrative Charging Committee has already made a determination whether to administratively charge.
- (3) The Worcester County Administrative Charging Committee shall issue a written opinion that describes in detail its findings, determinations, and recommendations. If the agency head submits a written recommendation, the Worcester County Administrative Charging Committee shall consider the recommendation before making a final decision. The Worcester County Administrative Charging Committee shall note their consideration of the agency head's written recommendation in the Worcester County Administrative Charging Committee's written opinion.
- (4) The Worcester County Administrative Charging Committee shall forward the written opinion, within 5 business days of its completion, to the agency head, the police officer, and complainant.
- (5) If the officer is not charged, the Worcester County Administrative Charging Committee may make a determination that the allegations are "Unfounded" or the officer is "Exonerated."
- (6) The Worcester County Administrative Charging Committee may record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- (7) Each member must maintain confidentiality relating to a matter being considered until the final disposition of the matter and all appeals have been exhausted.

15. Settlement Negotiations.

A. An agency head is authorized, at their sole discretion, to engage in settlement negotiations with a police officer or the officer's representative.

B. Tentative settlements must be completed within 10 business days from the date the officer received the written recommendation issued by the Worcester County Administrative Charging Committee.

C. If a tentative settlement agreement is reached that proposes discipline below that recommended by the Worcester County Administrative Charging Committee, the agency head shall forward the tentative agreement to the Worcester County Administrative Charging Committee for the Worcester County Administrative Charging Committee's review within 5 days of reaching tentative agreement.

- (1) Upon receiving the tentative agreement, the Worcester County Administrative Charging Committee may:
 - i. Endorse the proposed settlement agreement and authorize the agency head to impose the discipline agreed upon, or
 - ii. Reject the proposed settlement agreement and inform the agency head that the Worcester County Administrative Charging Committee's original disciplinary determination stands.
- (2) If the Worcester County Administrative Charging Committee endorses the agreement, either affirmatively or by taking no action within 10 business days, the agency head shall impose the agreed upon discipline.
- (3) If the Worcester County Administrative Charging Committee rejects the proposed agreement, the agency head shall offer the Worcester County Administrative Charging Committee's original disciplinary determination to the officer.
- (4) If the officer accepts the discipline, it shall be imposed. If the officer refuses to accept the discipline, the matter shall be referred to a trial board.
- (5) The Worcester County Administrative Charging Committee's decision (endorsement or rejection) on a proposed settlement must be made within 1 year and 1 day after the filing of a complaint by a citizen.

16. Conflict with State law.

If State law no longer requires an Administrative Charging Committee, this Article is no longer applicable.

Article IV Trial Board

17. Trial Board.

There shall be a Worcester County Trial Board to hear matters charged by the Worcester County Administrative Charging Committee on which an officer of a law enforcement agency elects trial.

18. Composition.

A. The Trial Board will be composed of:

- (1) An actively serving or retired Administrative Law Judge or a retired Judge of the District or a Circuit Court, appointed by the County Commissioners and confirmed by the County Commissioners.
- (2) A civilian, who is not a member of an Administrative Charging Committee or Worcester County Police Accountability Board, appointed by the Worcester County Police Accountability Board.
- (3) A police officer of equal rank to the police officer who is accused of misconduct, appointed by the head of the law enforcement agency.

B. A civilian appointee must meet the eligibility criteria for both the Worcester County Police Accountability Board and the Worcester County Administrative Charging Committee in order to serve on the Trial Board. Up to 5 civilian appointees may be pre-appointed by the Worcester County Police Accountability Board to be eligible to serve as a voting member of a Trial Board as needed.

C. Removal; resignation.

- (1) Members serve at the pleasure of the County Commissioners. If the County Commissioners decide to remove a member prior to the end of the member's term, the member must be notified in writing by the County Commissioners.
- (2) Members may resign from the Worcester County Trial Board at any time by notifying the County Commissioners.

D. The County Commissioners shall set a budget and oversee the staff of the Trial Board.

E. The County Commissioners shall establish the procedures for record keeping by the Trial Board.

F. The Trial Board may not adopt any rules or regulations outside of perfunctory clerical matters.

G. The actively serving or retired administrative law judge or the retired judge of the district court or a circuit court shall:

- (1) Be the chair of the Trial Board;
- (2) Be responsible for ruling on all motions before the Trial Board; and
- (3) Prepare the written decision of the Trial Board, including the findings, conclusions, and recommendations of the Trial Board.

19. Rules of Procedure.

A. The charges brought by the Worcester County Administrative Charging Committee are presented by the law enforcement agency from which the charged officer was employed at the time of the alleged event. The law enforcement agency cannot decline to proceed on the charges brought by the Worcester County Administrative Charging Committee. The law enforcement agency may hire outside counsel to represent and present the charges on behalf of the agency. The individual presenting the case in support of the charges brought by the Administrative Charging Committee has wide discretion in the manner in which the case will be presented to the Trial Board.

B. The law enforcement officer is entitled to representation by counsel, but not at the expense of the County or the Law Enforcement Agency at which the officer worked at the time of the alleged event.

C. The entire investigative file of the Law Enforcement Agency and of the Administrative Charging Committee shall be provided to the charged law enforcement officer no later than 30 days before the hearing. Along with the charges, the officer shall be notified of the date, time, location of the hearing and the names of the members who shall sit as the Trial Board. Officers can strike Trial Board members for good cause shown. A motion to strike must be submitted, in writing, to the judge of the Trial board 5 days after the notice is sent. The Trial Board members not alleged to have a conflict then shall determine if a conflict exists. That decision must be unanimous and be made 5 days after the filing of the motion to strike. If a conflict exists,

the appropriate appointing authority shall submit a new name no later than 10 days after the Trial Board's determination of a conflict.

D. All members of the Trial Board must be present for an adjudicatory hearing.

E. The law enforcement agency has the burden of proof by a preponderance of the evidence. The charged officer need not present any evidence or call any witnesses and these decisions may not be held against the charged officer by the Trial Board.

F. When a Trial Board determines that the law enforcement agency has met the required burden of proof for a charge, it shall adjudicate that charge as "sustained". When a Trial Board determines that the law enforcement agency has not met the required burden of proof for a charge, it shall adjudicate that charge as "not sustained".

G. For each charge, the majority of Trial Board members must agree that the law enforcement agency has met the required burden of proof to adjudicate a charge as "sustained". If a majority of Trial Board members do not agree that the burden of proof has been met for a charge, then the charge shall adjudicated as "not sustained".

H. The Trial Board shall give the law enforcement agency and law enforcement officer ample opportunity to present their respective cases concerning the charges.

I. A Trial Board may administer oaths and issue witness subpoenas as necessary. Witnesses will be sworn under oath and proceedings shall be recorded. Each party has the right to cross-examine witnesses who testify and each party may submit rebuttal evidence.

J. Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

K. The Trial Board shall give effect to the rules of privilege recognized by the Maryland Rules and all other applicable law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. The Trial Board may not infer an admission of guilt from a charged police officer who does not testify. The law enforcement agency may not call the charged officer to testify. The Trial Board may order witnesses to remain sequestered during the hearing upon motion by either party.

L. Each record or document that a party desires to use shall be offered and made a part of the record upon admission by the Trial Board.

M. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

N. Trial Board proceedings shall be open to the public, except to protect:

- (1) A victim's identity.
- (2) Personal privacy of an individual.
- (3) A child witness.
- (4) Medical records.
- (5) Identity of a confidential source.
- (6) An investigation technique or procedure.
- (7) The life or physical safety of an individual.

O. A complainant has the right to be notified of a Trial Board hearing and, except as provided above, the right to attend the hearing. A complainant is not a party to the hearing, but may be called as a witness by either the litigating agency or the charged officer.

P. Upon the conclusion of each party's case, the Trial Board, in closed session, shall deliberate based solely on the evidence presented. A finding shall be issued before the Trial Board adjourns and, in open session, the judge shall deliver the holding of the Trial Board.

Q. If the charges against an officer are sustained by the Trial Board, the Trial Board shall provide the opportunity for the litigating agency, the officer, any character witnesses on behalf of the officer, and the complainant, to comment on what discipline should be imposed. After hearing from the aforementioned persons, the Trial Board shall impose a discipline in accordance with the Statewide Disciplinary Matrix before adjourning. A police officer may only be disciplined for cause.

R. Within 45 days after the final hearing by a Trial Board, the Trial Board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the Trial Board.

20. Appeal.

The police officer whose administrative charges are sustained may appeal within 30 days after the date of issuance of a decision to the Circuit Court for Worcester County.

21. Conflict with State Law.

In the event that there is a conflict with State law, the State law shall control. In the event that the State law no longer requires a trial board, this Article is no longer applicable.

22. Local Use of Trial Board.

If allowed by law, Worcester County entities that elect to not operate their own law enforcement review boards, may utilize the county's Trial Board. Any costs associated with the utilization of the Trial Board shall be paid by the entity from which the agency subject to the review derives.

AND BE IT FURTHER RESOLVED that this resolution takes effect upon passage.

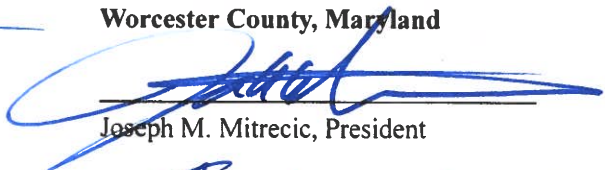
PASSED AND ADOPTED this 21st day of June, 2022:

Attest:

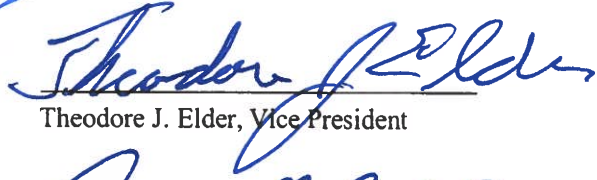


Weston S. Young
Chief Administrative Officer

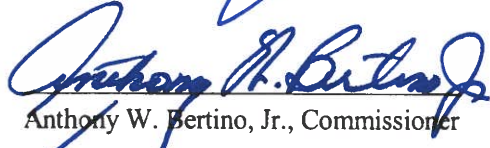
**County Commissioners of
Worcester County, Maryland**



Joseph M. Mitrecic, President



Theodore J. Elder, Vice President



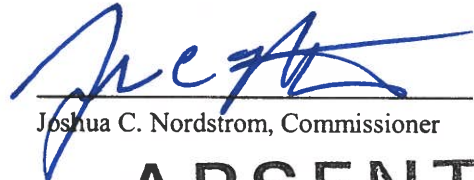
Anthony W. Bertino, Jr., Commissioner



Madison J. Bunting, Jr., Commissioner

ABSENT

James C. Church, Commissioner



Joshua C. Nordstrom, Commissioner

ABSENT

Diana Purnell, Commissioner

