

**BYLAWS OF THE
ADMINISTRATIVE CHARGING COMMITTEE
FOR ANNE ARUNDEL COUNTY**

ARTICLE I. NAME

The name of this organization as established by the Maryland Code, Public Safety Article, § 3-104 ("Public Safety Article") for Anne Arundel County, Maryland, shall be the Administrative Charging Committee for Anne Arundel County (hereinafter "ACC").

ARTICLE II. PURPOSE OF THE ACC

The purpose of the ACC is to review investigations of misconduct involving a member of the public and a police officer employed by a law enforcement agency in Anne Arundel County that is subject to the jurisdiction of the ACC. These agencies include the Anne Arundel County Police Department, the Anne Arundel County Office of the Sheriff, the Annapolis Police Department, the Crofton Police Department, and the police force of the Anne Arundel County Community College ("Local Law Enforcement Agency").

ARTICLE III. FUNCTIONS OF THE ACC

The ACC shall review any investigatory file forwarded to the ACC by a Local Law Enforcement Agency. Within thirty days of a Local Law Enforcement Agency's completion of its investigation, the ACC shall establish a schedule for making determinations or asking for further review in all pending matters. The ACC shall review the findings of a Local Law Enforcement Agency's investigation conducted and forwarded in accordance with § 3-104(d) of the Public Safety Article of the State Code. Within a year and a day of the date that the complaint was received by the PAB, as provided for in § 3-113(c) of the Public Safety Article of the State Code, or by the law enforcement agency, the ACC shall render a determination whether the officer shall be administratively charged or not.

The ACC may request information or action from the law enforcement agency that conducted the investigation, including additional investigation and the issuance of subpoenas.

The ACC shall:

- a. meet one time per month or as needed;
- b. review any body camera footage that may be relevant to the complaint;
- c. authorize a police officer called to appear before the ACC to be accompanied by a representative;
- d. issue a written decision that describes in detail its findings, determinations, and recommendations; and
- e. forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

If the ACC determines a police officer shall not be administratively charged, the ACC may determine that the allegations against the officer are unfounded or that the officer is exonerated.

If the ACC determines an officer shall be administratively charged, the ACC shall recommend discipline in accordance with the statewide Uniform Disciplinary Matrix. The ACC may, in its final written opinion, record any failure of supervision that caused or contributed to a police officer's misconduct.

In addition to the disciplinary penalties established within the Uniform State Disciplinary Matrix, the ACC, following a determination to impose administrative charges, may refer a police officer to undertake non-disciplinary remedial measures including, counseling, an employee assistance program, training, or another assistance program permitted by a law enforcement agency's policy.

ARTICLE IV. MEMBERSHIP

Section 1. Members

There shall be five members, as established in § 3-104 of the Public Safety Article of the Maryland Code.

Section 2. Appointment

Membership of the ACC shall consist of:

- a. two members appointed by the County Executive of Anne Arundel County;
- b. two members appointed by the Anne Arundel County Police Accountability Board; and
- c. the chairperson of the Anne Arundel County Police Accountability Board, or the chair's designee.

Section 3. Reporting

Members shall have an ongoing and continuous obligation to report any adverse events which may harm the public trust of the Administrative Charging Committee to the Chair of the ACC. Such events include, but are not limited to:

- a. conflicts of interest;
- b. criminal charges;
- c. criminal investigations; and,
- d. criminal convictions.

Section 4. Tenure and Term of Office

Terms of office shall be for a period determined by the appointing authority. Members will be advised of the length of a term of office in the letter officially appointing the member to the ACC. A member serves at the pleasure of their respective appointing authority.

Section 5. Voting

Each voting member, including the Chairperson, shall be entitled to one vote on each matter submitted to a vote.

Section 6. Attendance at ACC Meetings

Members are expected to attend all meetings pursuant to Article VI. If any appointed member fails to attend three (3) consecutive regular meetings, with or without reasonable cause, or is absent from 50% of the regularly scheduled meetings during any calendar year, the Chair of the ACC shall notify the appointing authority of the absences, for appropriate action, including removal.

Section 7. Removal of ACC Members.

Any failure to maintain the confidentiality of the ACC's work as required by state or local law, or the Code of Maryland Regulations, shall be grounds for immediate removal of a member.

Section 8. Resignation

Any member desiring to resign shall submit a resignation in writing to the appointing authority and the Chairperson of the ACC indicating the effective date of the resignation.

Section 9. Vacancy

A vacancy, because of death, resignation, removal, disqualification or otherwise, shall be filled at the pleasure of the original appointing authority.

Section 10. Compensation

Members of the ACC shall serve for the compensation as may be appropriated by the Anne Arundel County Council for that year's budget.

Section 11. Ethics Compliance

All members must adhere to the provisions of the state and the Anne Arundel County Public Ethics Ordinance.

ARTICLE V. OFFICERS

Section 1. Officers.

Officers: There shall be a Chairperson, Vice Chairperson and Open Meetings Act Compliance Officer.

1. The Chairperson shall:
 - a. conduct meetings in accordance with Robert's Rules of Order;
 - b. establish that a quorum is present at the opening of a meeting;
 - c. take attendance at all meetings and keep a record thereof;
 - d. call for the votes on all motions and keep a record thereof;
 - e. serve as the Open Meetings Act Compliance Officer.
2. The Vice Chairperson shall, in the absence of the Chairperson, perform all of the duties of the Chairperson.
3. The Open Meetings Act Compliance Officer shall:
 - a. ensure all meetings comply with the provision in the Maryland Open Meetings Act (See Maryland Code, General Provisions Article, § 3-101 *et seq.*);
 - b. work with the Administrative Secretary assigned to support the ACC to ensure all meeting agendas are posted timely;
 - c. work with the Administrative Secretary assigned to support the ACC to ensure ACC meeting schedules are advertised on AAC websites;
 - d. ensure notices of meetings are advertised at least a week prior to any meeting but no less than 24 hours before a special meeting;
 - e. ensure meetings are accessible to the public.

Section 2. Election of Officers

Election of officers shall take place at an annual meeting to be held in the month of February. The members shall elect officers from its membership. Should a vacancy arise in any office after a February election, such vacancy may be filled by a special vote at a meeting wherein all remaining committee members are present.

Sections 3. Term of Office for Officers

The term of office shall be for a period of one year. Each officer shall hold office until their successor has been duly elected.

Section 4. Removal of Officers

Any officer elected by the members may be removed from office at a meeting with at least four members in attendance and by a two-thirds vote of the members present. Notification shall be given to the Police Accountability Board Chair at least seven days prior to a vote to remove an officer.

ARTICLE VI. MEETINGS

Section 1. Regular Meetings

Regular meetings of the members shall occur as often as necessary but at least once per calendar month. A planned schedule of regular meetings for each calendar year shall be adopted at the February meeting.

Section 2. Special Meetings

Special meetings may be scheduled in two ways:

- 1) at a meeting by a majority vote of the members; or
- 2) called by the Chairperson.

Written or electronic notice of any special meetings shall be provided to each member at least 48 hours prior to the date set for such meeting.

Section 3. Recessed Meetings

Any regular or special meeting may be recessed upon a majority vote of the members present and may be reconvened on a date, time and place that complies with provisions of the Open Meetings Act for Notice of Meetings.

Section 4. Open Meetings Act

All meetings, including meetings of committees and subcommittees, shall be scheduled and conducted in accordance with the Maryland Open Meetings Act. As a public body, the ACC has the ability to go into closed session in accordance with the Maryland Open Meetings Act.

Section 5. Meeting Agendas

The Chairperson shall ensure an agenda is prepared for each regular and special meeting and the agenda shall, in general, be as follows:

- a. Call to Order,
- b. Roll call to determine the presence of a quorum,
- c. Presentation of minutes from the previous meeting,
- d. Public Comment,
- e. Executive Director Update,
- f. Presentation of Officers' and Committee Reports,
- g. Discussion of Unfinished Business,
- h. Discussion of New Business, and
- i. Adjournment.

Section 6. Quorum and Voting

As provided in COMAR 12.04.09, three members of the ACC shall constitute a quorum for the transaction of business at any meeting. All decisions shall be made by a majority vote of the members present, including the Chairperson, at any meeting where a quorum is present and able to participate in the decision unless otherwise specified by the in these Bylaws.

ARTICLE VII. PARLIAMENTARY AUTHORITY

The ACC shall follow the most recently published version of Robert's Rules of Order in conducting all business.

ARTICLE VIII. REVIEW OF COMPLAINT OF MISCONDUCT

Section 1. Confidentiality

All members of the ACC are required to maintain confidentiality of matters and information considered by the ACC until final disposition. All ACC members and supporting staff persons of the Office of Police Accountability must sign a confidentiality agreement prior to attending any meeting or receiving any documents for review attesting that they will conform to all confidentiality laws governing the work of the ACC.

Section 2. Duty to Follow State and Local Laws

When reviewing an investigative file response to a complaint of alleged police officer misconduct, the ACC shall conform to the procedures established in Public Safety Article § 3-104 and § 3-113, COMAR 12.04.09, § 3-7A-112 of the Anne Arundel County Code and all other applicable state and local laws or regulations.

Section 3. ACC's Jurisdiction to Review Complaints

The ACC has jurisdiction to review a completed investigation of a complaint of misconduct against a police officer employed by the Anne Arundel County Police Department, the Anne Arundel County Office

of the Sheriff, the Annapolis Police Department, the Crofton Police Department, and the police force of Anne Arundel County Community College.

Section 4. Conflicts of Interest

A member of the ACC shall abstain from participation in the review, deliberation, voting, and determination of whether to impose administrative charges against a police officer if the member has a specific conflict of interest related to either the police officer under investigation or the complainant. Determination and disclosure of a conflict of interest shall be determined as provided for in COMAR 12.04.09.07, with the additional requirement that a member of the ACC shall disclose a potential conflict of interest to the Chairperson as soon as such potential conflict of interest is identified.

Section 5. Return of investigatory File

Upon issuance of a written opinion, each member of the ACC shall return their copy of the applicable investigatory file to the Office of Police Accountability, who shall promptly oversee the destruction of or return of the investigatory files to the appropriate Local Law Enforcement Agency. For the Law Enforcement Agencies that transmit their investigative files to the ACC electronically, the ACC will lose access to those electronic files upon the disposition of those matters.

ARTICLE IX. TRAINING AND ORIENTATION

No member of the ACC shall review and make determinations on a case without first receiving any and all training which may be required by the Maryland Police Standards and Training Commission, or any supplemental training which the ACC may elect to require on its own initiative.

ARTICLE X. DEFINITIONS

“Police misconduct,” “appointing authority,” “police officer,” and any other terms not specifically enumerated in these bylaws shall have the same meaning as defined in the Annotated Code of Maryland, Public Safety Article § 3-101 et seq. and COMAR § 12.04.09.07 and shall have the same meaning given to them by those provisions.

ARTICLE XI. AMENDMENTS TO THESE BYLAWS

These Bylaws may only be amended at a meeting of the ACC where all five members are present and only by a two-thirds vote of those ACC members present.

CERTIFICATION OF ADOPTION

ADOPTED and made EFFECTIVE by the Anne Arundel County Administrative Charging Committee this 20 day of June, 2023.

CHAIRPERSON:

Andrew Miller

Andrew Miller (Jun 21, 2023 07:35 CDT)

Andrew Miller

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: Gregory J. Swain Jun 21, 2023
Gregory J. Swain (Jun 21, 2023 09:51 EDT)
Gregory J. Swain Date
Anne Arundel County Attorney