

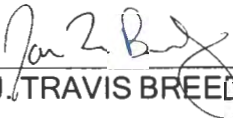
COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2025-006

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: MAY 20, 2025

ATTEST:


J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: MAY 27, 2025, BEGINNING AT 9:15 A.M.
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND 21629

THIRD READING: JUNE 10, 2025

ENACTED: JUNE 10, 2025

EFFECTIVE: JULY 25, 2025

A BILL ENTITLED

New Article I - Police Accountability Board, Administrative Charging Committee, and Trial Boards - of New Chapter 20 - Police Accountability - of the Code of Public Local Laws of Caroline County, Maryland

AN Act for the purpose of establishing a Police Accountability Board; defining certain terms; providing for the composition and terms and removal of members of the Police Accountability Board; providing for a chair of the Police Accountability Board; providing for the meeting standards, training, budget and staff, and record-keeping standards of the Police Accountability Board; requiring annual reports by the Police Accountability Board; establishing an Administrative Charging Committee; providing for the staffing, powers, duties, and appointment of members of the Administrative Charging Committee; establishing Trial Boards.

BY adding to the Code of Public Local Laws of Caroline County new Article I of new Chapter 20, Police Accountability.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and §9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the Maryland General Assembly passed House Bill 670/Chapter 59 - "*Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures*" (the "Act") during the 2021 Session of the Maryland General Assembly, which became effective on July 1, 2022, and requires Caroline County to establish a Police Accountability Board and an Administrative Charging Committee to serve countywide law enforcement agencies and local law enforcement agencies in the County;

WHEREAS, the Act also requires the County to establish a trial board process; and

WHEREAS, the County Commissioners, in compliance with the requirements of the Act, enacted Resolutions 2022-010, 2022-015, and 2024-020, and now desire to supersede those Resolutions with this Ordinance;

NOW, THEREFORE, in an exercise of the County's police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. A NEW ARTICLE I OF A NEW CHAPTER 20 of the Code of Public Local Laws of Caroline County, Maryland be, and it is hereby enacted, to read as follows:

CHAPTER 20 POLICE ACCOUNTABILITY

ARTICLE I

POLICE ACCOUNTABILITY BOARD, ADMINISTRATIVE CHARGING COMMITTEE, AND TRIAL BOARDS

§ 20-1. Definitions.

The following words have the meanings indicated.

- A. *Trial Board*: "Trial board" means "trial board" as set forth in Title 3, Subtitle 1 of the Public Safety Article of the State Code.
- B. *Law Enforcement Agency*: Law Enforcement Agency ("LEA") has the meaning set forth in §3-201 of the Public Safety Article of the State Code.
- C. *Police Misconduct*: As provided by §3-101(g) of the Public Safety Article of the State Code, "Police misconduct" means 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; and (3) a violation of law enforcement agency standards and policies.

- D. *Police Officer*. Police officer has the meaning set forth in § 3-201 of the Public Safety Article of the State Code.

§ 20-2. Police Accountability Board.

- A. Pursuant to Title 3, Subtitle 1 of the Public Safety Article of the State Code, there is a Caroline County Police Accountability Board (“PAB”) to serve the citizens of Caroline County, countywide law enforcement agencies, and local law enforcement agencies within Caroline County.

- B. The PAB shall:

- (1) Hold meetings, not less than quarterly, with heads of law enforcement agencies in the County and otherwise work with law enforcement agencies and the County government to improve matters of policing;
- (2) Adopt rules of procedure, which may be amended from time to time as a majority of the PAB may deem necessary and appropriate. Such rules and any subsequent amendments shall be submitted to the County Commissioners for approval.
- (3) Appoint civilian members to the Administrative Charging Committee (“ACC”) and administrative hearing boards, as provided for in Subtitle 1 of Title 3 of the Public Safety Article, and this Chapter;
- (4) Receive complaints of police misconduct filed in writing or through an online portal by members of the public against a police officer who is employed by the Caroline County Sheriff’s Office or a municipal law enforcement agency within Caroline County and forward the complaint to the police officer’s LEA within 3 days after receipt by the PAB.
- (5) A complaint of police misconduct filed with the PAB need not be under oath or notarized, but shall include:
 - (a) the name of the police officer accused of misconduct;
 - (b) a description of the facts on which the complaint is based; and
 - (c) contact information of the complainant or a person filing on behalf of

the complainant for investigative follow-up.

- (6) An individual may file a complaint of police misconduct with the LEA that employs the police officer who is the subject of the complaint. Such complaint shall include the information set forth in subsection (5) above.
- (7) On a quarterly basis, review the outcomes of disciplinary matters considered by the ACC;
- (8) By December 31 each year, or such other time as the County Commissioners designate, submit a report to the County Commissioners that identifies any trends in the disciplinary process of police officers in Caroline County, and makes recommendations on changes to policy that would improve police accountability in Caroline County.

§ 20-3. Administrative Charging Committee.

- A. There shall be a Caroline County Administrative Charging Committee (“ACC”) to serve countywide law enforcement agencies and local law enforcement agencies within Caroline County.
- B. The ACC shall:
 - (1) Meet whenever there is a need to oversee, manage or adjudicate an active complaint, but not less than once per calendar year, and additionally as needed;
 - (2) 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 ACC may deem necessary and appropriate. Such rules and any subsequent amendments shall be submitted to the County Commissioners for approval.
 - (3) Review the findings of a LEA’s investigation conducted and forwarded to the ACC in accordance with State law;
 - (4) Make a determination that the police officer who is subject to investigation shall be:
 - [1] administratively charged; or
 - [2] not administratively charged;

- (5) If the police officer is charged, recommend discipline in accordance with the disciplinary matrix established in accordance with §3-105 and §3-106 of the Public Safety Article;
- (6) Review any body camera or other video footage that may be relevant to the matters covered in the complaint of misconduct;
- (7) Authorize a police officer called to appear before the ACC to be accompanied by a representative;
- (8) Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
- (9) Forward the written opinion, first, to the head of the LEA; after receipt of the opinion is acknowledged by the head of the LEA, forward the opinion to the police officer; and, upon the officer's acceptance of the ACC's recommendation, or the conclusion of the Trial Board process, as applicable, forward the opinion to the complainant.

C. In executing its duties, the ACC may:

- (1) Request information or action from the LEA that conducted the investigation, including requiring additional investigation as provided by State law and/or agency policy. The ACC may not request or compel a police officer to appear before the ACC unless it has first requested the information it seeks from the LEA, and, if still not satisfied, served written questions upon the officer, together with a notice signed by the Chair or Presiding Officer, stating that the ACC is in need of the officer's answers to make its determination of whether an officer is to be administratively charged. A copy of the notice and the question(s) shall be delivered by the Chair or the Presiding Officer or ACC staff to the head of the LEA that employs the police officer, who shall deliver same to the officer and notify the ACC of the date of service. Within fifteen (15) days after service the officer shall provide to the ACC written answers and a signed statement that the answers are true to the best of the officer's knowledge, information, and belief.
- (2) If the police officer is not administratively charged, decide that:
 - (a) the allegations against the police officer are unfounded; or
 - (b) the police officer is exonerated; and

(c) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

(3) The ACC will not investigate or determine any other infraction not charged in the complaint.

§ 20-4. Membership.

- A. To the extent practicable, the membership of each body shall reflect the racial, gender, and cultural diversity of Caroline County and, to the extent practicable, at least one (1) member shall be from minority populations within Caroline County.
- B. The following persons may not be appointed to serve on the PAB or the ACC:
 - (1) An active police officer or the spouse, employee, parent, parent-in-law, sister, sister-in-law, brother, brother-in-law, stepparent, stepbrother, or stepsister of an active police officer serving a LEA in Caroline County.
 - (2) A person who has been fully retired from law enforcement less than two (2) years, or a member of that person's immediate family as defined above;
 - (3) A current member of any Caroline County chapter of a police fraternal organization such as the Fraternal Order of Police.
- C. To the extent allowable by law, all members of the PAB and ACC shall be subject to a criminal background check by a Caroline County LEA before beginning to serve. Members shall be adult residents of the County, twenty-five (25) years of age or older, who have not been convicted of (a) a crime of violence, as defined in §14-101 of the Criminal Law Article of the State Code; (b) a crime that is a felony in another State or in a federal proceeding that would be a felony in Maryland; or (c) theft, fraud, or other crime of moral turpitude.
- D. No member of the PAB or ACC shall have a pending charge in a federal or State court of record for a crime punishable by imprisonment exceeding 1 year.
- E. All members of the PAB and ACC 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. Reasonable accommodation shall be made for qualifying applicants in accordance with the requirements of the Americans with Disabilities Act, 42 U.S.C. §1201, *et seq.*, as amended, and its implementing regulations.

F. Members of the PAB and ACC shall maintain confidentiality relating to all matters before the respective Board and Committee until final disposition of the matter. All members shall sign a confidentiality agreement.

G. With regard to the PAB:

(1) The PAB shall be composed of seven (7) members, all of whom must reside in Caroline County at the time of appointment. Upon the expiration of the terms of two (2) of the current members on June 30, 2025, the composition of the PAB shall be reduced to five (5) members. Members shall be selected by the County Commissioners, including a Chair appointed by the County Commissioners. The Commissioners shall also appoint one alternate member.

(2) Except as initially staggered, members shall serve terms of four (4) years.

(3) Membership on the inaugural PAB was staggered as follows:

(a) Three (3) members, including the Chair, shall serve an initial term of four (4) years;

(b) Two (2) members shall serve an initial term of three (3) years; and

(c) Two (2) members shall serve an initial term of two (2) years.

(d) To the extent practicable, the Chair of the PAB shall have experience which is relevant to the position.

H. With regard to the ACC:

(1) The ACC shall be composed of five (5) members, all of whom must reside in Caroline County at the time of appointment.

(2) The Chair of the PAB, or a member of the PAB designated by the Chair of the PAB, shall serve as a member of the ACC.

(3) The County Commissioners shall appoint two (2) Caroline County civilians as members of the ACC.

I. The PAB shall appoint two (2) Caroline County civilians to the ACC by majority vote.

J. The members of the ACC shall elect a Chair and Vice-Chair annually from among its members by majority vote each first meeting occurring on or after July 1.

- K. The Chair of the ACC shall serve no more than two (2) consecutive terms as the Chair.
- L. Members of the ACC shall serve a term of four (4) years and shall be eligible for reappointment.
- M. Before serving as the ACC, each member shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

§ 20-5. Resignation and Removal.

- A. Any member of the PAB or the ACC may resign at any time by providing written notice to the County Commissioners.
- B. In addition to the grounds set forth above, a member of the PAB or the ACC appointed by the County Commissioners may be removed in accordance with the following provisions:
 - (1) The County Commissioners retain the authority to remove any member at any time when the member no longer meets any of the criteria set forth in § 20-4 D, E, and F; violates the Caroline County Code of Ethics; fails to maintain confidentiality; for continued violations of the Open Meetings Act; for failure to complete the Maryland Open Meetings Act online training; when the member no longer resides in Caroline County; upon the recommendation of a majority vote of the respective Board or Committee, when, in its discretion, the best interest of the Board or Committee, or the community, would not be served by the member's continued membership; or other just cause. Complaints against members shall be referred to the County Commissioners to determine the means of investigating the complaint.
 - (2) PAB members are expected to attend all Board meetings in person but may attend meetings remotely. A PAB member who is unable to attend a meeting shall notify the PAB administrator and the Chair of the intended absence. All PAB meeting minutes shall record attendance and reported absences. A member's record of attendance shall be considered by the County Commissioners with respect to re-appointment of a PAB member. Failure of a PAB member to attend at least 75% of the meetings in any 12-month period is equivalent to resignation from the PAB without further action being necessary to effectuate the resignation. The Chair shall notify the County Commissioners and County Administrator that the ex-member has resigned through absenteeism so that a replacement may be appointed.

- (3) ACC members are expected to attend all Committee meetings in person. An ACC member who is unable to attend a meeting shall notify the ACC administrator and the Chair of the intended absence. All ACC meeting minutes shall record attendance and reported absences. A member's record of attendance shall be considered by the County Commissioners with respect to re-appointment of an ACC member. Failure of an ACC member to attend at least 75% of the meetings in any 12-month period is equivalent to resignation from the ACC without further action being necessary to effectuate the resignation. The Chair shall notify the County Commissioners and County Administrator that the ex-member has resigned through absenteeism so that a replacement may be appointed.

§ 20-6. Complaints and Reporting.

- A. Each complaint of police misconduct received by the PAB shall be forwarded within three (3) days of receipt by the PAB to the appropriate LEA. If no meeting of the PAB is scheduled within that timeframe, the Chair of the PAB shall ensure that such complaint is forwarded and report the transfer of such report to the PAB at its next meeting.
- B. Notice of all meetings of the PAB and the ACC shall be in accordance with the Maryland Open Meetings Act.
- C. All meetings are open to the public, except that the PAB and the ACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with § 3-305 of the General Provisions Article of the State Code.

§ 20-7. Ethics, Rules, Record Keeping, and Support

A. Ethics.

- (1) Members of the PAB and ACC are subject to and shall fully comply with the Caroline County Code of Ethics, Chapter 33 of the Code of Public Local Laws of Caroline County, Maryland, as amended from time to time.
- (2) No member of the PAB or ACC 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

PAB or the ACC may request a determination of conflict of interest from the Caroline County Ethics Commission, which shall not be unreasonably delayed.

B. Rules.

- (1) A quorum shall exist when at least three (3) voting members are present at a meeting.
- (2) Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the ACC, all meetings shall be conducted in accordance with *Roberts Rules of Order Newly Revised*, unless they are inconsistent with the approved Rules or this Chapter.
- (3) Each member of the PAB and each member of the ACC shall have only one (1) vote; any member serving on both the PAB and the ACC shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the Caroline County Code of Ethics.
- (4) A tie vote on a motion means that the motion fails.

C. Record Keeping.

- (1) The custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the PAB and the ACC shall be a County employee designated by the County Commissioners.
- (2) Retention. The PAB and the ACC shall each formulate a retention schedule for their records that is consistent with State and County Law.
- (3) Production. Records and other information shall be produced as permitted and required by the Maryland Public Information Act. Any records or information that is not permitted to be produced to the public shall be kept confidential by all members and staff of the PAB and ACC.
- (4) Records pertaining to any criminal investigation shall be deposited with and secured by the office of the State's Attorney for Caroline County.

§ 20-8. Trial Boards.

The trial boards shall have the composition, powers, and duties as set forth in Title 3, Subtitle 1 of the Public Safety Article of the State Code. Each Law Enforcement Agency shall bear the Trial Board's expenses.

SECTION 2. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 3. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 4. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), or the Caroline County Office of Law, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to either the County or State code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

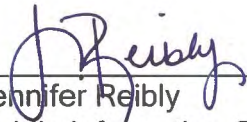
SECTION 5. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

SECTION 6. AND BE IT FURTHER ENACTED, upon enactment, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all proceedings subject to the Maryland Police Accountability Act, including, but not limited to, all appointments to the Police Accountability Board and Administrative Charging Committee made pursuant to Resolutions No. 2022-010, 2022-015, and 2024-020.

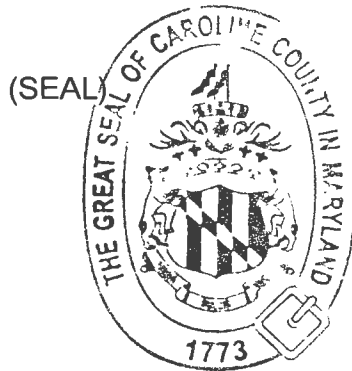
SECTION 7. This Bill shall take effect on JULY 25, 2025.

Enacted this 10TH day of JUNE, 2025.

ATTEST:



Jennifer Reibly
Public Information Officer

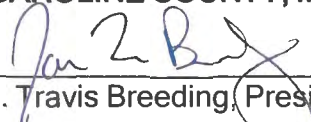


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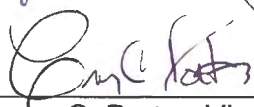


Stewart Barroll
County Attorney

COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND



J. Travis Breeding, President



Larry C. Porter, Vice-President



N. Franklin Bartz, III., Commissioner