

## Trial Board Step-by-Step Guide

### 500.1 PURPOSE

The purpose of this procedure is to provide administrative guidance and standardized processes for the preparation, coordination, conduct, documentation, and disposition of Administrative Trial Board proceedings conducted by the University of Maryland, Baltimore Police Department (UMBPD). This procedure supplements Policy 1145, Administrative Trial Board, by establishing step-by-step procedures and responsibilities for department personnel involved in Trial Board proceedings.

### 500.2 PRE-TRIAL PREPARATION

#### 500.2.1 CONFIRM AUTHORITY TO CONVENE TRIAL BOARD

- A. Verify that the case meets the threshold for a Trial Board (per UMBPD Policy 1145 and discipline matrix).
- B. Confirm that the Administrative Charging Committee has issued a finding of probable cause and recommended charges.
- C. Ensure approval from the Chief of Police or designee.
- D. Confirm charges and specifications are finalized.
- E. Verify that all statutory notice requirements have been satisfied.

#### 500.2.2 ASSIGN KEY ROLES

The Chief of Police or designee shall assign the following:

- A. **Trial Board Manager** – Responsible for coordinating all administrative and logistical aspects of the Trial Board, including scheduling, notifications, facility preparation, evidence management, and records retention.
- B. **Maryland State Police (MSP) Liaison** – Serves as the liaison with the Trial Board Manager and will:
  1. Provide guidance regarding Administrative Charging Committee procedures;
  2. Assist with the selection and appointment process for eligible Trial Board members when required by law;
  3. Coordinate hearing-related administrative requirements; and
  4. Ensure compliance with applicable provisions of the Maryland Police Accountability Act.
- C. **Department Representative** – Presents the agency's case, witnesses, evidence, and arguments before the Trial Board.
- D. **Respondent** – The accused employee subject to the administrative hearing.
- E. **Respondent's Representative** – An attorney, union representative, or other authorized representative permitted by law or collective bargaining agreement.

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- F. **Recorder/Clerk** – Maintains the official record of proceedings, preserves exhibits, administers oaths as authorized, and prepares hearing documentation.

500.2.3 SCHEDULE THE TRIAL BOARD

- A. Coordinate availability of:
  - 1. Board members
  - 2. Respondent and representative
  - 3. Witnesses
- B. Select:
  - 1. Date(s)
  - 2. Start time (typically 0900 hours)
  - 3. Estimate duration (build in extra time)

500.2.4 SECURE LOCATION AND LOGISTICS

- A. Reserve a professional, neutral hearing room
- B. Ensure:
  - 1. Seating for all parties
  - 2. Designate a room or waiting area for witnesses
  - 3. Designate a room for Defense Counsel
  - 4. Recording capability (audio preferred)
- C. Arrange:
  - 1. Parking
  - 2. Security if needed

500.2.5 ISSUE FORMAL NOTICE

- A. Provide written notice to the Respondent including:
  - 1. Date, time, and location
  - 2. Charges and specifications
  - 3. Rights (representation, witnesses, evidence)
  - 4. List of known witnesses (if required)
  - 5. Deadlines for submissions
  - 6. Timeline: Follow required notice period (often 30 days)

500.2.6 ASSIGN TRIAL BOARD MEMBERS

- A. The Administrative Trial Board shall consist of three members:
  - 1. A Chairperson who is an active or retired Administrative Law Judge (ALJ);

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2. One civilian member appointed by the applicable Police Accountability Board (PAB);
  3. One sworn law enforcement officer of equal rank to the Respondent Officer whenever practicable.
- B. The Administrative Law Judge shall be appointed in accordance with Maryland law.
- C. The Police Accountability Board shall appoint the civilian member.
- D. The Chief of Police, or designee, shall appoint the sworn law enforcement member.
- E. All Trial Board members shall:
1. Be impartial;
  2. Have no direct involvement in the investigation;
  3. Have no actual or perceived conflict of interest; and
  4. Be trained in police procedures and disciplinary hearing processes.
- F. A legal advisor may be assigned to provide procedural guidance to the Trial Board but shall not participate in deliberations or voting.
- G. Any challenge to the composition of the Trial Board shall be raised prior to the commencement of the hearing and addressed in accordance with applicable law and departmental procedures.

### 500.2.7 PREPARE EVIDENCE AND CASE FILE

- A. Organize:
1. Investigation report
  2. Statements
  3. Body-worn camera footage (if applicable)
  4. Policies allegedly violated
  5. Physical/digital evidence
- B. Best Practice:
1. Create labeled binders or digital folders:
    - (a) Tab 1: Charges
    - (b) Tab 2: Reports
    - (c) Tab 3: Evidence
    - (d) Tab 4: Witness list

### 500.2.8 PRE-TRIAL CONFERENCE

- A. Clarify:
1. Issues in dispute

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2. Witness lists
3. Evidence admissibility
- B. Resolve procedural questions early

**500.3 DAY OF HEARING**

**500.3.1 ROOM SETUP**

- A. Arrange seating:
  1. Trial Board at front
  2. Prosecutor and Respondent at separate tables
  3. Witness chair positioned clearly
- B. Test:
  1. Audio recording equipment
  2. Any presentation tools
- C. Additional Rooms
  1. Designate a separate room for Defense Counsel to hold private, confidential discussions with Respondent
  2. Designate a separate room or area for witnesses

**500.3.2 CHECK-IN PROCESS**

- A. Ensure all participants arrive early
- B. Clerk confirms:
  1. Attendance
  2. Witness availability
- C. Provide instructions to witnesses:
  1. Wait outside until called
  2. No discussion of testimony
- D. Security Presence:
  1. The Trial Board Manager shall coordinate an appropriate security presence for all proceedings.
  2. Assigned security personnel shall:
    - (a) Maintain order and decorum within hearing facilities;
    - (b) Control access to hearing rooms and designated witness areas;
    - (c) Escort disruptive individuals from the hearing area when directed by the Chairperson;

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- (d) Ensure the safety of Trial Board members, participants, witnesses, and attendees.
- 3. Security personnel shall not participate in Board deliberations unless called as witnesses.

**500.4 CONDUCTING THE TRIAL BOARD**

**500.4.1 CALL TO ORDER**

- A. Chairperson:
  - 1. Opens the hearing
  - 2. States:
    - (a) Date, time, location
    - (b) Case name
    - (c) Confirms recording has started

**500.4.2 INTRODUCTIONS**

All parties identify themselves for the record:

- A. Board members
- B. Prosecutor
- C. Respondent and representative

**500.4.3 EXPLAIN PROCEDURES**

Chairperson explains:

- A. Order of proceedings
- B. Rules of conduct
- C. Burden of proof (preponderance of evidence)
- D. Rights of the Respondent

**500.4.4 READING OF CHARGES**

- A. Charges and specifications are read into the record
- B. Respondent enters plea

**500.4.5 OPENING STATEMENTS**

- A. Prosecutor goes first
- B. Then Respondent/Representative
- C. Purpose: Outline what each side intends to prove

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**500.4.6 PROSECUTION CASE PRESENTATION**

- A. For each witness:
  - 1. Witness is called
  - 2. Oath administered
  - 3. Direct examination by Prosecutor
  - 4. Cross-examination by Respondent
  - 5. Questions from Board (if needed)
- B. Introduce evidence during this phase.

**500.4.7 RESPONDENT'S CASE PRESENTATION**

- A. Same process as above:
  - 1. Witness testimony
  - 2. Evidence presentation
- B. Respondent may testify (optional)

**500.4.8 REBUTTAL (OPTIONAL)**

- A. Prosecutor may present rebuttal evidence
- B. Limited to addressing new issues raised

**500.4.9 CLOSING STATEMENTS**

- A. Prosecutor summarizes case
- B. Respondent/Representative responds

**500.4.10 BOARD QUESTIONS**

Board members may ask final clarifying questions

**500.4.11 CLOSE OF HEARING**

- A. Chairperson formally closes the evidentiary portion
- B. Recording ends (unless deliberations are recorded per policy)

**500.5 DELIBERATION**

- A. Board Deliberation (Closed Session)
- B. Only board members present
  - 1. Review:
    - (a) Testimony
    - (b) Evidence
    - (c) Credibility of witnesses

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**500.5.1 APPLY STANDARD OF PROOF**

Determine whether each charge is:

- A. Sustained
- B. Not sustained
- C. Unfounded (if applicable)

**500.5.2 VOTING**

- A. Majority vote determines outcome
- B. Document each finding clearly

**500.5.3 RECOMMENDATION (IF REQUIRED)**

Recommend discipline consistent with:

- A. UMBPD policy
- B. Past precedent
- C. Severity of violation

**500.6 POST-TRIAL ACTIONS**

**500.6.1 PREPARE WRITTEN FINDINGS**

- A. The Trial Board Chairperson shall ensure written findings are completed and signed by the Board members within fifteen (15) calendar days following the conclusion of deliberations.
- B. The written findings shall include:
  - 1. Summary of proceedings;
  - 2. Findings for each charge and specification;
  - 3. Sustained, Not Sustained, Unfounded, or Exonerated determinations;
  - 4. Recommended discipline, when applicable;
  - 5. Minority opinions, if submitted.

**500.6.2 REPORT SUBMITTED TO CHIEF OF POLICE**

- A. The Administrative Trial Board shall issue its written decision within forty-five (45) days of the conclusion of the hearing.
- B. The final report shall be forwarded to the Chief of Police for review and final disposition.
- C. The Chief of Police shall review the Trial Board's findings and disciplinary recommendation. The Chief of Police may:
  - 1. Accept the findings and disciplinary recommendation;
  - 2. Increase the disciplinary sanction consistent with Maryland law and the Statewide Disciplinary Matrix; or

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3. Issue a final disciplinary order authorized by statute.
- D. The Chief of Police shall not impose discipline that is less severe than the discipline recommended by the Trial Board.
- E. The Chief of Police shall issue a written final decision within 45 days of receiving the Trial Board's recommendation.

### 500.6.3 IMPLEMENTATION OF FINAL DECISION

- A. Upon issuance of the final disciplinary decision, the Professional Standards Bureau Commander or designee shall coordinate all required administrative actions and notifications.
- B. Actions may include:
  1. Written reprimand processing;
  2. Loss of leave or pay processing;
  3. Suspension implementation;
  4. Demotion processing;
  5. Termination processing;
  6. Mandatory training or remedial action;
  7. Reinstatement to full duty status;
  8. Restoration of police powers, equipment, credentials, and assignments when applicable.
- C. The University of Maryland, Baltimore (UMB) Office of Human Resource Services, chain of command, and other affected offices shall be notified as necessary to implement the final decision.
- D. All personnel, payroll, and employment actions shall be completed in accordance with department and UMB policies, applicable collective bargaining agreements, and Maryland law.
- E. The Respondent shall be provided written notice of:
  1. The final disciplinary action;
  2. The effective date of the action;
  3. Any conditions associated with reinstatement or return to duty;
  4. Applicable appeal rights and filing deadlines.

### 500.6.4 RECORDS RETENTION

- A. Upon conclusion of the proceedings, the Recorder/Clerk shall transfer all official records to the Professional Standards Bureau Commander or designee.
- B. Records shall include:
  1. Audio recordings;

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2. Exhibits and documentary evidence;
  3. Hearing notices;
  4. Witness lists;
  5. Written findings and recommendations;
  6. Final disciplinary decisions;
  7. Appeal documentation.
- C. The Professional Standards Bureau Commander or designee shall ensure all records are secured in accordance with:
1. UMBPD records retention schedules;
  2. University System of Maryland records requirements;
  3. Applicable Maryland public records and personnel records laws.
- D. Electronic records shall be maintained in a secure restricted-access repository designated by the Professional Standards Bureau.

500.6.5 CHECKLIST

- A. Before:
1. Charges finalized
  2. Board selected
  3. Notice issued
  4. Evidence organized
- B. During:
1. Recording started
  2. Procedures explained
  3. Testimony controlled
- C. After:
1. Findings documented
  2. Chief notified
  3. Respondent notified