



Bill No. 22-09
 Concerning: Establish a Police
Accountability Board and an Administrative
Charging Committee
 Introduced: March 15, 2022
 Revised: _____ Draft No. _____
 Enacted: _____
 Effective: _____
 Expires: June 13, 2022
 Frederick County Code, Chapter _____
 Section(s) _____

**COUNTY COUNCIL
 FOR FREDERICK COUNTY, MARYLAND**

By: Council President M. C. Keegan-Ayer on behalf of County Executive Jan Gardner

AN ACT to: establish a Police Accountability Board and an Administrative Charging Committee; setting forth the qualifications for members and method of appointment; setting forth the process for selection of the board chairperson; providing for a process to receive certain complaints alleging police misconduct; setting forth the duties of the Board; defining certain terms; providing for the requirement to submit financial disclosure statements; providing for the staggering of initial appointments to the Board; providing for the application of this Act; and generally relating to police accountability in Frederick County.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned by County Executive with no action: _____

By amending:

Frederick County Code, Chapter, _____ Section(s) _____

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
* * *	<i>Existing law unaffected by bill.</i>

Bill No. 22-09

The County Council of Frederick County, Maryland, finds it necessary and appropriate to establish a Police Accountability Board and an Administrative Charging Committee.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

M. C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

Article XVII. Police Accountability Board and Administrative Charging Committee

§ 1-2-700. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall have the meaning respectively ascribed to them by this section.

IMMEDIATE FAMILY MEMBER. A spouse and dependent children.

LAW ENFORCEMENT AGENCY. A governmental police force, sheriff's office, or law enforcement organization of the state, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the state.

POLICE MISCONDUCT. A pattern, 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.

POLICE OFFICER. "Police Officer" has the meaning set forth in § 3-201 of the Public Safety Article of the State Code.

§ 1-2-701. CREATION, DUTIES.

(A) There is a Frederick County Police Accountability Board, which consists of nine (9) voting members, appointed by the County Executive and confirmed by the County Council, as set forth below.

1 (B) Budget and Staff. The County Executive shall propose a budget for the Board
2 that shall be included in the Annual Budget and Appropriation Ordinance adopted by the County
3 Council and shall assign staff as needed to the Board, including the designation of an Executive
4 Administrator.

5 (C) The Board shall:

6 (1) Hold quarterly meetings, and additional meetings if necessary, with heads
7 of law enforcement agencies and otherwise work with law enforcement agencies with
8 jurisdiction in the County and County Government to improve matters of policing;

9 (2) Appoint civilian members to Charging Committees and trial boards;

10 (3) Receive complaints of police misconduct filed by members of the public;

11 (4) On a quarterly basis, review outcomes of disciplinary matters considered
12 by Charging Committees; and

13 (5) On or before December 31 each year, submit a report to the County
14 Executive and the County Council of the County, and each municipality located within Frederick
15 County that maintains a police agency that:

16 (a) Identifies any trends in the disciplinary process of police officers in
17 the County; and

18 (b) Makes recommendations on changes to policy that would improve
19 police accountability in the County.

20 **§ 1-2-702. COMPOSITION.**

1 (A) To the extent practicable, the membership of the Board shall reflect the racial,
2 gender, and cultural diversity of the County, as well as representation from communities that
3 experience a higher frequency of interactions with law enforcement.

4 (B) Subject to the confirmation of the County Council, the County Executive must
5 appoint nine (9) individuals to serve on the Board as regular, voting members for a three-year
6 term unless otherwise noted.

7 (C) Regular, voting members of the Board must:

8 (1) Be at least 21 years of age, legal residents or citizens of the United States,
9 and registered voters;

10 (2) Be County residents, to include:

11 (a) Two (2) residents of the City of Frederick;

12 (b) One (1) resident of the City of Brunswick; and

13 (c) One (1) resident of the Town of Thurmont;

14 (3) Have familiarity or experience within the legal field, the behavioral health
15 field, social services, human resources or personnel management, the operation of a government
16 agency, criminal justice agency, or community service organization;

17 (4) To ensure that each member is able to act and make objective decisions
18 that are free from outside influence or bias, submit to an in-person interview and appropriate
19 background research conducted by:

20 (a) The County Executive or designee; and

1 (b) The municipal mayors of the Cities of Frederick and Brunswick
2 and the Town of Thurmont, or their Chief Administrative Officer; and

3 (c) Other individuals as determined by the County Executive; and

4 (5) Successfully complete training on matters related to police procedures
5 from the Maryland Police Training and Standards Commission, the County Ethics Law, the
6 Open Meetings Act, and any other training required by the State, the County Executive, or
7 majority vote of the Board.

8 (6) Sign an agreement to maintain the confidentiality of all Board matters
9 related to individual complaints until final disposition and all appeals have been exhausted.

10 (D) An individual may not be a member of the Board if:

11 (1) They are, or an immediate family member is, an active police officer as
12 defined in Section 3-201 of the Public Safety Article of the Annotated Code of Maryland; or

13 (2) They have been convicted of, or received a probation before judgement
14 for, a felony or a misdemeanor with a statutory penalty of more than 2 years.

15 (E) The following individuals shall serve as liaisons to the Board for purposes of
16 serving as a resource and answering questions as needed or requested by the Board:

17 (1) A designee of the Chief of Police of each municipal police agency within
18 the County;

19 (2) A designee of the Sheriff; and

20 (3) The Frederick County Chief Equity and Inclusion Officer

1 (F) Of the initial appointees to the Board, 3 appointees shall have a term of 1 year, 3
2 appointees shall have a term of 2 years, and 3 appointees, one of which shall be the chairperson,
3 shall have a term of 3 years. Members may be reappointed, but may not serve more than 2 full
4 consecutive 3-year terms.

5 (G) A member may be removed from the Board if at any time they fail to meet the
6 requirements of this section or any other requirement for members of the Board or, fail to attend
7 at least 75% of the meetings during any period of 12 consecutive months.

8 (H) Vacancies shall be filled on the same basis as the original appointments for the
9 unexpired terms. Members shall continue in office until their successors are appointed and
10 qualified.

11 **§ 1-2-703. CHAIRPERSON.**

12 The County Executive shall nominate, and the County Council shall approve, an
13 individual to serve as the Board Chairperson who shall have familiarity with criminal justice or
14 other relevant experience needed for the position. The term of the Chairperson is 3 years.

15 **§ 1-2-704. MEETINGS, QUORUM, RECORDS.**

16 (A) The Board shall meet at least quarterly.

17 (B) A majority of the Board members shall constitute a quorum for the transaction of
18 regular business.

19 (C) The meetings of the Board shall be subject to the Open Meetings Act.

20 (D) The Board members shall be subject to the Frederick County Ethics Law.

21 (E) The Board shall be prohibited from creating sub or ad hoc committees.

1 (F) Records shall be maintained by the Executive Administrator pursuant to a record
2 retention schedule created by County Administration in accordance with State law. The Board
3 and its staff shall keep confidential any records prohibited from disclosure under the Maryland
4 Public Information Act.

5 **§ 1-2-705. COMPLAINTS.**

6 (A) The Board shall receive complaints of police misconduct filed by members of the
7 public or forwarded to them from a police agency.

8 (B) The Board, in conjunction with the law enforcement agencies located within the
9 County, shall establish a uniform procedure for allowing members of the public to file
10 complaints of police misconduct.

11 (C) A complaint of police misconduct filed with the Board or law enforcement agency
12 shall include:

13 (1) The name of the police officer accused of misconduct;

14 (2) A description of the facts on which the complaint is based; and

15 (3) Contact information of the complainant or a person filing on behalf of the
16 complainant for investigative follow-up.

17 (4) A complaint need not be notarized.

18 (D) A complaint of police misconduct filed with the Board shall be forwarded to the
19 appropriate law enforcement agency within 3 business days after receipt by the Board.

20 **§ 1-2-706. ADMINISTRATIVE CHARGING COMMITTEE.**

1 (A) There shall be an Administrative Charging Committee to serve countywide law
2 enforcement agencies and local law enforcement agencies within Frederick County.

3 (B) The Committee shall:

4 (1) Meet not less than once per month, and additionally as needed;

5 (2) Review the findings of a law enforcement agency's investigation
6 conducted and forwarded in accordance with State law;

7 (3) Make a determination that the police officer who is subject to
8 investigation shall be:

9 (a) Administratively charged; or

10 (b) Not administratively charged;

11 (4) If the police officer is charged, recommend discipline in accordance with
12 the law enforcement agency's disciplinary matrix established in accordance with State law;

13 (5) Review any body camera footage that may be relevant to the matters
14 covered in the complaint of misconduct;

15 (6) Authorize a police officer called to appear before the Committee to be
16 accompanied by a representative;

17 (7) Issue a written opinion that describes in detail its findings, determinations,
18 and recommendations; and

19 (8) Forward a written opinion to the chief of the law enforcement agency, the
20 police office, and the complainant.

21 (C) In executing its duties, the Committee may:

1 (1) Request information or action from the law enforcement agency that
2 conducted the investigation, including requiring additional investigation and the issuance of
3 subpoenas;

4 (2) If the police officer is not administratively charged, make a determination
5 that:

6 (a) The allegations against the police officer are unfounded; or

7 (b) The police officer is exonerated.

8 (3) Record, in writing, any failure of supervision that caused or contributed to
9 a police officer’s misconduct.

10 (D) Membership; Term.

11 (1) .Sign an agreement to maintain the confidentiality of all Committee
12 matters related to individual complaints until final disposition and all appeals have been
13 exhausted.

14 (2) Before serving as a member of the Committee, an individual shall
15 successfully complete training on matters relating to police procedures from the Maryland Police
16 Training and Standards Commission, the County Ethics Law, the Open Meetings Act, and any
17 other training required by the State, the County Executive, or a majority vote of the Committee.

18 (3) The Committee shall be comprised of five (5) members.

19 (a) Members shall be at least 21 years of age, legal residents or
20 citizens of the United States, residents of the County, and registered voters;

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[Single boldface brackets] indicates matter deleted from existing law.
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1 (b) Be of good moral character and free from bias that would
2 negatively impact the integrity of the Committee; and

3 (c) Have familiarity or experience within the legal field, the behavioral
4 health field, social services, human resources or personnel management, the operation of a
5 government agency, criminal justice agency, or community service organization.

6 (4) An individual may not be a member of the Committee if:

7 (a) They are, or an immediate family member is, an active police
8 officer as defined in Section 3-201 of the Public Safety Article of the Annotated Code of
9 Maryland;

10 (b) They are an employee of a police agency located within Frederick
11 County;

12 (c) They are under criminal investigation by any police agency;

13 (d) They are currently charged with a crime that is pending before any
14 court; or

15 (e) They have been convicted of, or received a probation before
16 judgement for, a felony or a misdemeanor with a statutory penalty of one year or more.

17 (5) The Chairperson of the Police Accountability Board, or a member of the
18 Board designated by the Chairperson, shall serve as a member of the Committee.

19 (6) The County Executive shall appoint two (2) civilians as members of the
20 Committee.

1 (7) The Police Accountability Board shall appoint two (2) civilians as
2 members of the Committee.

3 (8) Subject to paragraph 9 below, members shall serve a term of two (2) years
4 and shall not be eligible for reappointment after a total of six (6) consecutive years of service on
5 the Committee.

6
7 (9) The initial terms of one (1) civilian appointed by the County Executive
8 and one (1) civilian appointed by the Police Accountability Board shall be one (1) year.

9 (10) The Committee shall elect a Chairperson annually from among its
10 members by majority vote each first meeting occurring on or after July 1.

11 (11) The Chairperson of the Committee shall serve no more than two (2)
12 consecutive terms as Chairperson.

13 (12) Of the initial appointees to the Committee, 2 appointees shall have a term
14 of 1 year, and 4 appointees , one of which shall be the chairperson, shall have a term of 2 years.
15 Members may be reappointed, but may not serve more than 2 full consecutive 2-year terms.

16 (13) A Committee member may be removed by a majority vote of the
17 Committee if at any time they fail to meet the requirements of this section or any other
18 requirement for members of the Committee or fail to attend at least 75% of the meetings during
19 any period of 12 consecutive months.

20 (14) A majority of the members of the Committee shall constitute a quorum for
21 the transaction of regular business.

1 **§1-2-707 ETHICS**

2 (A) Members of the Police Accountability Board and the Administrative Charging
3 Committee shall be subject to the Frederick County Ethics Law.

4 (B) No member of the Police Accountability Board or the Administrative Charging
5 Committee shall cast a vote on any matter where a conflict of interest exists. For the purposes of
6 this section, a conflict of interest occurs when a member’s personal interests could compromise
7 his or her judgment, decisions, or actions. Personal interests could include, but are not limited
8 to, the following: employer/employee relationships, familial relationships, friendships, financial,
9 or social factors.

10 **§ 1-2-708. EFFECTIVE DATE**

11 In accordance with House Bill No. 670 enacted as Chapter 59 of the Laws of Maryland
12 by the Maryland General Assembly during its 2021 Session, the Board may not engage in any of
13 the activities listed in Section 3-102 of the Public Safety Article of the Annotated Code of
14 Maryland until July 1, 2022.

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