



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

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

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**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.

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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: \_\_\_\_\_

<b>Boldface</b>	<i>Heading or defined term.</i>
<b>Underlining</b>	<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.

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

1       **Article XVII. Police Accountability Board and Administrative Charging Committee**

2       **§ 1-2-700. DEFINITIONS.**

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

5           **IMMEDIATE FAMILY MEMBER.** A spouse and dependent children.

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

9           **POLICE MISCONDUCT.** A pattern, practice, or conduct by a police officer or law  
10      enforcement agency that includes:

- 11           (1)      Depriving persons of rights protected by the Constitution or laws of the  
12      state or the United States;
- 13           (2)      A violation of a criminal statute; or
- 14           (3)      A violation of law enforcement agency standards and policies.

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

17       **§ 1-2-701. CREATION, DUTIES.**

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

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

(C) The Board shall:

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

(2) Appoint civilian members to Charging Committees 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

12 by Charging Committees; and

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.

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

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

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

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

(2) Be County residents, to include:

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

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

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

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

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

(a) The County Executive or designee; and

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

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

(5) Successfully complete training on matters related to police procedures, Maryland Police Training and Standards Commission, the County Ethics Law, the阳光 Act, and any other training required by the State, the County Executive, or the Board.

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

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

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:

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

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

(H) Vacancies shall be filled on the same basis as the original appointments for the remainder of the terms. Members shall continue in office until their successors are appointed and seated.

**§ 1-2-703. CHAIRPERSON.**

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

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

(A) The Board shall meet at least quarterly.

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

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

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

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

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

**§ 1-2-705. COMPLAINTS.**

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

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.

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

(A) There shall be an Administrative Charging Committee to serve countywide law

2 enforcement agencies and local law enforcement agencies within Frederick County.

(B) The Committee shall:

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

(2) Review the findings of a law enforcement agency's investigation

6 conducted and forwarded in accordance with State law;

(3) Make a determination that the police officer who is subject to

8 investigation shall be:

(a) Administratively charged; or

(b) Not administratively charged;

(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;

(6) Authorize a police officer called to appear before the Committee to be

16 accompanied by a representative;

(7) Issue a written opinion that describes in detail its findings, determinations,

18 and recommendations; and

(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:

6 (a) The allegations against the police officer are unfounded; or  
7 (b) The police officer is exonerated.

10 (D) Membership; Term.

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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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.

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.