

Bill No. 22-09

Concerning: Establish a Police
Accountability Board and an Administrative
Charging Committee

Introduced: March 15, 2022

Revised: April 12 and 26, 2022 Draft No.

Enacted: April 26, 2022

Effective: June 25, 2022

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: 4/26/2022

Date Transmitted to Executive: 4/27/2022

Executive: Jan H. Gardner

Date Received: April 27, 2022

Approved: _____

Date: 4/27/2022

Vetoed: _____

Date: _____

Date returned by County Executive with no action: _____

By amending:

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

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law.


Deleted from existing law.

Existing law unaffected by bill.

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~~ **ELEVEN (11)** voting members, appointed by the County Executive and confirmed by the County Council, as set forth below.

(B) Budget and Staff. The County Executive shall propose a budget for the Board that shall 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 jurisdiction in 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 by Charging Committees; and

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

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

(b) Makes recommendations on changes to policy, TRAINING, OR SUPERVISION that would improve police accountability in the County.

§ 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)]]~~ (A) Subject to the confirmation of the County Council, the County Executive
5 must appoint ~~[[nine (9)]]~~ ELEVEN (11) individuals to serve on the Board as regular, voting
6 members for a three-year term unless otherwise noted.

7 **(B) TO THE MAXIMUM EXTENT PRACTICABLE, THE MEMBERSHIP OF**
8 **THE BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL**
9 **DIVERSITY OF THE COUNTY AS WELL AS REPRESENTATION FROM**
10 **COMMUNITIES THAT EXPERIENCE A HIGHER FREQUENCY OF INTERACTIONS**
11 **WITH LAW ENFORCEMENT, INCLUDING BUT NOT LIMITED TO PEOPLE WHO**
12 **ARE BLACK/AFRICAN-AMERICAN, LATINO, AND**
13 **LESBIAN/GAY/BISEXUAL/TRANSGENDER/QUEER (LGBTQ), FIRST OR SECOND**
14 **GENERATION IMMIGRANTS, PEOPLE WITH DISABILITIES, PEOPLE WITH**
15 **BEHAVIORAL HEALTH CONCERNS, AND PEOPLE WHO HAVE EXPERIENCED**
16 **HOMELESSNESS.**

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

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

20 (2) Be County residents, to include:

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

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

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

**(D) ONE (1) RESIDENT WHO IS BLACK OR AFRICAN
AMERICAN; AND**

**(E) ONE (1) RESIDENT WHO IS A FIRST OR SECOND
GENERATION IMMIGRANT;**

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

(4) ~~[[To ensure that each member is able to act and make objective decisions that are free from outside influence or bias, submit to]]~~ **PARTICIPATE IN** an in-person interview and appropriate background 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 **OR EQUIVALENT;** and

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

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

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

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

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

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

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

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

(2) A designee of the Sheriff; and

(3) The Frederick County Chief Equity and Inclusion Officer

(F) Of the initial appointees to the Board, 3 appointees shall have a term of 1 year, ~~3~~ 4 appointees shall have a term of 2 years, and ~~3~~ 4 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 unexpired terms. Members shall continue in office until their successors are appointed and qualified.

§ 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 other 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 regular 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 and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public 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.

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

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

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

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

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

(4) A complaint need not be notarized.

(D) A complaint of police misconduct filed with the Board shall be forwarded to the 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 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 conducted and forwarded in accordance with State law;

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

- 1 (a) Administratively charged; or
- 2 (b) Not administratively charged;
- 3 (4) If the police officer is charged, recommend discipline in accordance with
- 4 the law enforcement agency's disciplinary matrix established in accordance with State law;
- 5 (5) Review any body camera footage that may be relevant to the matters
- 6 covered in the complaint of misconduct;
- 7 (6) Authorize a police officer called to appear before the Committee to be
- 8 accompanied by a representative;
- 9 (7) Issue a written opinion that describes in detail its findings, determinations,
- 10 and recommendations; and
- 11 (8) Forward a written opinion to the chief of the law enforcement agency, the
- 12 police office, and the complainant.
- 13 (C) In executing its duties, the Committee may:
- 14 (1) Request information or action from the law enforcement agency that
- 15 conducted the investigation, including requiring additional investigation and the issuance of
- 16 subpoenas;
- 17 (2) If the police officer is not administratively charged, make a determination
- 18 that:
- 19 (a) The allegations against the police officer are unfounded; or
- 20 (b) The police officer is exonerated.

(3) Record, in writing, any failure of POLICY, TRAINING, OR supervision that caused or contributed to a police officer's misconduct.

(D) Membership; Term.

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

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

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

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

(b) Be of good moral character and free from bias that would negatively impact the integrity of the Committee; and

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

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

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

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

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

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

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

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

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

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

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

17
18 (9) The initial terms of one (1) civilian appointed by the County Executive
19 and one (1) civilian appointed by the Police Accountability Board shall be one (1) year.

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

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

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

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

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

§1-2-707 ETHICS

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

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

§ 1-2-708. EFFECTIVE DATE

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

Double underlining boldface indicates matter added by Amendment.

[[Double bracket]] boldface and strikethrough indicates matter deleted by Amendment.

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

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

Double underlining boldface indicates matter added by Amendment.

[[Double bracket]] boldface and strikethrough indicates matter deleted by Amendment.

AMENDED Bill No. 22-09