



Police Accountability Board - Frederick County

Rules of Procedure

January 25, 2023

House Bill 670, the Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures, effective July 1, 2022, requires that each Maryland county governing body establish a Police Accountability Board (“Board”) for the purpose of the receiving, evaluating, and processing complaints of police misconduct made by the public in accordance with state law. Frederick County adopted its Police Accountability Board and Administrative Charging Committee legislation on April 26, 2022. These Rules of Procedure are supplementary to requirements set forth in the Annotated Code of Maryland.

Basis of Authority

1. Md. Code, Pub. Safety § 3-102, *et seq.*
2. Frederick County Code § 1-2-800, *et seq.*

Section 1 - Board Roles and Responsibilities

1. Meet quarterly and hold additional meetings, if necessary, with heads of law enforcement agencies and otherwise work with law enforcement agencies with jurisdiction in the county and with Frederick County Government to improve matters of policing.
2. Appoint civilian members to Charging Committees and trial boards.
3. Receives complaints of police misconduct filed by members of the public. Police Accountability Board Chair will determine whether the complaint is forwarded to the proper law enforcement agency within 3 business days.
4. On a quarterly basis, review outcomes of disciplinary matters considered by Charging Committees, and
5. On or before December 31 of each calendar year, submit a report to the County Executive and the County Council, and each municipality located within Frederick County that maintains a police agency. The report identifies any trends in the disciplinary process of police officers in the County and makes recommendations on changes to policy, training, or supervision that would improve police accountability in the County.

Section 2 - Board Compliance with State and Local Laws

1. Code of Civility. All Board members and staff shall comply with the Frederick County Code of Civility and shall conduct themselves at meetings and hearings in a fair,

understanding, and gracious manner. The Board shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Board business.

2. Frederick County Ethics Law. Board members are subject to and must comply with the County Ethics Law for meetings and hearings.
3. Open Meetings Act. All Board members shall complete the Open Meetings Act Training on the Maryland Attorney General's website, within 90 days of appointment to their position, and provide a copy of the certificate of completion to the Board Executive Administrator.
4. Education. The Board Chair and members of the Administrative Charging Committee shall complete Board police training conducted by the Maryland Police Training and Standards Commission at the earliest available date as determined by the Commission. In addition, Board members are strongly encouraged to seek other educational opportunities to inform their work with the Board.

Section 3 - Meetings

1. Meetings of the Board will generally follow Robert's Rules of Order as a guide for efficient and professional conduct, to include portions of meetings held in open and closed sessions.
2. Attendance of all members is expected at all meetings of the Board. If an absence is expected, the members shall notify the Board Executive Administrator at (301) 600-1092 or by email at sambrosio@frederickcountymd.gov.
3. Meetings will be held quarterly January, April, July, and October at Winchester Hall, 12 East Church Street, Frederick, MD, and/or remotely via secure video conference, as determined by the Board Chair. Additional meetings may be held at the discretion of the Board Chair.
4. Meeting agenda items shall be submitted to the Board Executive Administrator at least 14 days prior to the meeting but may be considered for inclusion on the agenda by the Chair at his/her discretion, if submitted less than 14 days before the meeting. The Chair approves the final meeting agenda prior to distribution to Board members and to the public.

Section 4 - Board Members and Expected Terms

To the maximum extent practicable, the membership of the Board shall reflect the racial, gender, and cultural diversity of the county as well as representation from communities that experience a higher frequency of interactions with law enforcement, including but not limited to people who are Black/African American, Latino, and lesbian/gay/bisexual/transgender/queer ("LGBTQ"), first or second-generation immigrants, people with disabilities, people with behavioral health concerns, and people who have experienced homelessness.

A. Appointees to the Board will serve staggered terms of three (3) years, subject to initial appointments as follows:

- Three (3) appointees shall have a term of one (1) year
- Four (4) appointees shall have a term of two (2) years
- Four (4) appointees, one of which shall be the chairperson, shall have a term of three (3) years

Members may be reappointed but may not serve more than two (2) consecutive three-year terms.

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

- 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
- 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.

B. The Chairperson is responsible for:

- Scheduling meetings
- Meeting agenda/discussion items
- Calling each meeting to order
- Inviting discussion among members before voting
- Inviting motions, seconds, and votes from members
- Ensuring that meeting minutes are recorded and kept of all business of the Board
- Serving as Board member to the Administrative Charging Committee or selecting a designee from the Board membership
- Promptly reporting to the County Executive any concern or event involving a member that may harm the public trust of the Board. These concerns/events include but are not limited to
 - o Conflicts of interest
 - o Criminal charges
 - o Criminal investigations
 - o Criminal convictions

C. The Vice Chairperson

- The Vice Chairperson is elected by an affirmative vote of a majority of the members of the Board and acts and has the authority of the Chairperson during the Chairperson's absence. With the exception of the inaugural Vice Chairperson, the Vice Chairperson shall be elected annually at the July meeting (or earliest meeting held thereafter if a meeting is not held in July).

D. Regular Members

- All Board members may vote in any matter in which they 1) were present for or watched the video and reviewed the evidence of; and 2) are present during the vote.

E. Quorum.

- At least six (6) members must be in attendance for a meeting of the Board to be called to order and to conduct business. No decisions, to include consensus or voting, of the Board may be made without the presence of a quorum. A majority of those present may decide on any motion.

Section 5 - Recusal of Board Members

All Board members shall adhere to the Frederick County Ethics Law. A member of the Board shall recuse himself or herself from participating in a matter in which the member has a conflict of interest or an appearance of a conflict of interest.

Section 6 - Frederick County Staff Assigned to the Board

The Board shall have administrative and legal staff assigned to assist the Board in carrying out its duties.

A. The Executive Administrator

The Executive Administrator provides administrative support to the Board, including, but not limited to:

- Attending all meetings and hearings
- Scheduling meetings per the direction of the Chairperson
- Tracking agenda items
- Preparing the agenda for any meeting after approval of the Agenda by the Chairperson
- Posting of meeting notices to the designated electronic publishing system accessible by the public
- Drafting minutes of meetings for adoption by the Board
- Creating and maintaining the official record of all proceedings, to include attendance of members
- Taking custody of, handling, and storing all decisions, orders, exhibits, evidence, notes, and recordings
- Notifying the Board when a complaint is received

B. Legal Counsel

Legal counsel is provided by the County Attorneys' Office. The duties of the legal counsel include:

- Attending all meetings of the Board, unless excused by the Chair
- Providing legal advice to the Board
- Assist with drafting the annual report
- Reviewing all official responses of complaints to or about the Board

Section 7 - Public Participation

A. Open Meetings

The public is entitled to observe the open session portions of the meetings. Notice of the time, place, and date shall be provided in compliance with the Open Meetings Act. Open session portions of the meetings shall be audio recorded.

B. Closed Meetings

Closed session portions of the meetings shall not be observed by the public and shall not be recorded. Minutes of closed session shall be prepared. No minutes from a closed meeting will be released except by:

- A request from the Maryland Open Meetings Compliance Board when investigating a complaint regarding a closed session
- A court order or subpoena that has been reviewed and validated by the Board's legal counsel
- A vote in support of releasing the closed session minutes by no less than six members of the Board. This vote must be held in an open meeting.

C. Public Comment

Public comment will be permitted during a portion of the meeting designated to receive comments and upon recognition by the Chair. Comments shall be limited in topic to matters over which the Board has jurisdiction and limited in time to three (3) minutes.

Section 8 - Approval of Rules of Procedure

These Rules of Procedure shall be approved by a majority of the Board.

Section 9 - Amendments

Amendments to these Rules of Procedure may be introduced at any meeting of the Board and voted on at any subsequent meeting. Amendments shall go into effect immediately following the vote.

Section 10 - Suspension of Rules

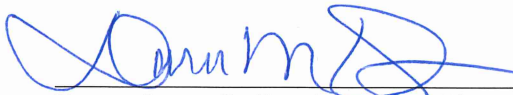
Upon a finding of good cause, any provision of these Rules not governed by State or Local law or regulation may be temporarily suspended by an affirmative vote of a majority of the Board members present. The vote of any such suspension shall be taken and entered into the record.

Section 11 - Severability

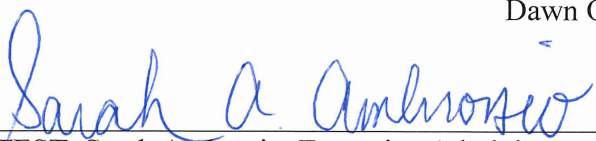
If any provision of the Rules of Procedure is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall become inoperative. The remainder of the Rules shall remain in effect.

Approved by the Police Accountability Board of January 25, 2023.

ADOPTED this 25th day of January 2023.



Dawn Oram, Police Accountability Board Chair



ATTEST: Sarah Ambrosio, Executive Administrator