



**Frederick County Administrative Charging Committee
Rules of Procedure
April 27, 2023**

Article 1 – General Provisions

- I. **Purpose.** These Rules of Procedure (*Rules*) are issued by the Frederick County Administrative Charging Committee (*Committee*) to establish and implement the procedural requirements of the Frederick County Police Accountability Law and the Maryland Police Accountability Act regarding the review of complaints of police misconduct.
- II. **Robert's Rules of Order.** In all matters not provided for in these Rules, the applicable rules in the current edition of Robert's Rules of Order Newly Revised shall govern.
- III. **Suspension of Rules.**
 - a. Except for a rule that is required by law, the Charter, or ordinance, a motion to suspend one or more of these Rules requires the affirmative vote of at least [three] members for adoption.
 - b. A separate suspension of the Rules is required for each item.
 - c. A rule that is required by law, the Charter, or ordinance cannot be suspended.
- IV. **Amendments.**
 - a. Amendments to these Rules may be introduced at any meeting of the Committee and voted on at any subsequent regular meeting. Amendments shall go into effect immediately following the vote.
 - b. A rule that is required by law, the Charter, or ordinance cannot be amended.
 - c.

Article 2 – Definitions

Committee – The Administrative Charging Committee of Frederick County, Maryland.

Complaint – A complaint by a member of the public alleging police misconduct committed after July 1, 2022, filed with the Frederick County Police Accountability Board or a Frederick County law enforcement agency, that contains a) the name of the police officer accused of misconduct; b) a description of the facts on which the complaint is based; and c) contact information of the complainant or person filing on behalf of the complainant for investigative follow-up.

Conflict of Interest – A circumstance, or the appearance of a circumstance, where a Committee 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, and financial or social factors.

Exonerated – The police officer acted in accordance with the law and Agency policy.

Investigation – An investigation of a complaint of police misconduct, conducted by a Frederick County Law Enforcement Agency, and subject to the jurisdiction of the Committee.

Agency – Any law enforcement agency located in Frederick County and under the jurisdiction of the Committee, including but not limited to the following:

- City of Brunswick Police Department;
- City of Frederick Police Department (as of July 1, 2024, the expiration of the Department's collective bargaining agreement);
- Frederick County Sheriff's Office;
- Town of Thurmont Police Department.

Police Misconduct – A pattern, practice, or conduct by a police officer or Agency that includes a) depriving a person of rights protected by the Constitution or laws of the State of Maryland or of the United States; b) a violation of a Maryland or federal criminal statute; or c) a violation of an Agency's standards and policies.

Police Officer – Has the meaning set forth in §3-201 of the Public Safety Article of the Maryland Code.

Unfounded – The allegations against a Police Officer are not supported by facts.

Article 3 – Committee Members

I. Requirements of Members.

- a) **Compliance.** Committee members are expected to remain in compliance with the requirements of the Frederick County Police Accountability Law, the Maryland Police Accountability Act, the Frederick County Ethics Law, the Frederick County Government Workplace Code of Conduct and Harassment Policy (Human Resources Policies and Procedures Manual, Section 11.1), and all applicable financial disclosure requirements.
- b) **Adverse Event Reporting.** All Committee members have an ongoing and continuous obligation to immediately report any adverse events affecting their Committee membership to the Committee Chairperson (*Chairperson*) and the Executive Administrator. Adverse events include Conflicts of Interest, criminal charges, criminal investigations, and criminal convictions involving the Committee member.

- c) Attendance. Committee members are expected to attend all meetings. If a member must be absent, the member must inform the Chairperson and the Executive Administrator in advance of the meeting.
- d) Removal. A Committee member may be removed by a majority vote of the Committee or the appointing jurisdiction if at any time he/she fails to meet the requirements of the Frederick County Police Accountability Law, the Maryland Police Accountability Act, the Frederick County Ethics Law, the Frederick County Government Workplace Code of Conduct and Harassment Policy (Human Resources Policies and Procedures Manual, Section 11.1), or applicable financial disclosure requirements, or fails without good cause to attend at least 75% of the meetings during any period of 12 consecutive months.
- e) Confidentiality. No Committee member shall publicly discuss or comment on a matter pending before the Committee, or on a matter that can reasonably be expected to be brought before the Committee, prior to the public release of an opinion of the Committee.

II. **Chairperson.**

- a) At the Committee's October meeting, the Committee members shall annually elect a Chairperson and a Vice-Chairperson by a majority vote of the Committee and otherwise in accordance with the requirements of the Frederick County Police Accountability Law.
- b) The Chairperson, or the Vice Chairperson in the Chairperson's absence, shall preside at all meetings of the Committee. The Chairperson, or the Vice Chairperson in the Chairperson's absence, shall decide on all points of order and procedure, subject to these Rules, unless otherwise directed by a majority vote of those Committee members present.
- c) If the Chairperson and the Vice Chairperson are unavailable to attend a meeting of the Committee, a majority of those Committee members present shall select an Acting Chairperson to preside at the meeting.
- d) Unless otherwise authorized by a majority vote of the Committee, only the Chairperson of the Committee and the Executive Administrator have the authority to represent the Committee in speaking publicly on behalf of the Committee.

III. **Conflicts of Interest.**

- a) No Committee member shall participate in a review of a matter, or cast a vote in a matter, where a Conflict of Interest exists.
- b) If the Committee determines by a majority vote of remaining Committee members in attendance that a Conflict of Interest exists in a matter as between or among a Committee member and the Police Officer, the complainant, or the investigation, the Committee member with the conflict of interest shall be excused from participation in the Committee's review and determination of the matter.

Article 4 – Committee Meetings

I. Meeting Agendas.

- a) Meeting agendas will be prepared by the Executive Administrator, in consultation with the Chairperson.
- b) A request to include an item on a given agenda must be submitted to the Chairperson and the Executive Administrator prior to the posting of the agenda for the meeting at which the item is proposed for discussion.
- c) Each agenda should be posted to the Committee's website by noon on the Thursday immediately preceding the meeting date and must be posted no later than the close of business on the Monday before the meeting date. After distribution, the agenda may only be amended by and upon the instruction of the Chairperson after which the Executive Administrator shall update the agenda for re-posting and distribution.

II. Meeting Time and Location.

- a) The Committee shall meet monthly or as needed at a time as specified on the agenda. Meetings will be held at the County's facility at Winchester Hall.
- b) Scheduled meetings of the Committee may be cancelled by the Chairperson. The Chairperson may cancel a scheduled meeting due to inclement weather, no business to be discussed or other emergency.
- c) The Chairperson or the Executive Administrator may call an emergency meeting, as necessary, striving to provide as much public advance notice as possible.

III. Conduct of Meetings.

- a) The general public will be allowed to attend and observe open portions of Committee meetings.
- b) The order of business at open meetings shall be in accordance with the agenda prepared by the Executive Administrator in consultation with the Chairperson. The agenda may be amended at the meeting by an affirmative vote of the majority of Committee members present.
- c) All meetings require a quorum of Committee members to attend. A quorum shall be a majority of all Committee members.
- d) In addition to Committee members, the Executive Administrator is authorized to attend all meetings. Furthermore, a representative of the County Attorney is also authorized to attend and provide legal advice as requested by the Committee.
- e) The Executive Administrator shall keep a true and accurate record of all Committee meetings. A recording may be accepted as the official record of an open meeting until minutes are prepared and adopted by the Committee. As soon as practicable, the minutes of open meetings shall be prepared and distributed to the members for consideration and adoption. The adopted minutes of open meetings shall be posted on the website.

IV. **Meeting Notice.**

- a) All meetings are subject to the Maryland Open Meetings Act.
- b) Public notice of meetings will be provided in accordance with the Maryland Open Meetings Act.
- c) As authorized by the Maryland Open Meetings Act, all Committee discussions and deliberations regarding an Agency investigation of a Complaint of Police Misconduct shall be conducted in closed session.

Article 5 – Committee Review of Investigations of Complaints

I. **Committee Review.**

- a. The Committee shall not begin review of an investigation of a Complaint of Police Misconduct until the Committee has received a completed investigation.
- b. For purposes of beginning the Committee's review, a completed investigation shall include, but not be limited to, the following:
 - i. the final report of investigation and all supporting documents and exhibits;
 - ii. A copy of the Complaint as originally filed with the Agency or the Frederick County Police Accountability Board, and all documents provided by the complainant;
 - iii. A summary of the Police Officer's work history at the Agency that would enable the Committee to make an informed decision regarding the level of charges under the Statewide Police Disciplinary Matrix, and to consider all aggravating and mitigating circumstances. At a minimum, this information should include the following about the police officer:
 - 1. All previous disciplinary actions; and
 - 2. The overall performance rating from the last three performance evaluations; and
 - 3. Positive notations in the personnel file, i.e., letters of acknowledgement, appreciations, commendations, etc.
 - iv. The summary of the Police Officer's work history will not be examined or considered by the Committee until a decision has been reached by the Committee that Police Misconduct has occurred and that administrative charges are appropriate.
 - v. In addition to the report, the head of the Agency may also include a recommendation regarding an appropriate disposition of the matter under investigation.
- c. During review, the Committee may take any one or more the following actions:
 - i. Request the Agency to conduct additional investigative steps, including the interview of witnesses and the review of documents, and provide a supplemental report to the Committee;

- ii. Review any body camera footage that may be relevant;
- iii. Conduct interviews of persons that the Committee has reason to believe may have relevant information. Any person interviewed by the Committee may be accompanied by a representative. All interviews conducted by the Committee shall be under oath, and a record of the interview will be created and maintained.
- d. The Chairperson or other Committee member shall administer the following oath to all persons testifying before the Committee: *“Under penalty of perjury, do you solemnly promise and declare that the testimony you are about to give in this interview before the Administrative Charging Committee shall be the truth, the whole truth and nothing but the truth? If so, answer, ‘I do.’”*
- e. Upon the completion of the Committee’s review of the complaint and the investigation, the Committee shall vote upon an appropriate disposition of the matter under investigation and issue an opinion as set forth below.
- f. Any opinion issued must be based upon a majority vote of the Committee members in attendance. Each Committee member shall cast one vote and shall not abstain, unless prohibited from voting by a Conflict of Interest.
- g. The utmost confidentiality will be maintained regarding all records, deliberations, and opinions on matters regarding allegations of Police Misconduct. All records regarding the investigation and the Committee’s review shall always be securely maintained by the Executive Administrator.
- h. In accordance with the Maryland Police Accountability Act, any investigation of a complaint of Police Misconduct by an Agency, and any review conducted by the Committee, must be completed within three hundred ninety-five days (395) of the receipt of the Complaint by either the Frederick County Police Accountability Board or the Agency. The Executive Administrator shall maintain a tracking system that will enable the Committee to monitor the status of ongoing Agency investigations to ensure that this requirement is met.
- i. On a quarterly basis the Committee, through the Chairperson or the Executive Administrator, shall provide information to the Police Accountability Board on the outcomes of matters reviewed by the Committee, including any findings, determinations, or recommendations regarding failures in policies, training, or supervision by any Agency.

II. Committee Opinions.

- a) Any written opinion issued by the Committee must include one of the following:
 - i. A finding and determination, based upon the preponderance of evidence standard, that the Police Officer who was the subject of the investigation has committed an act of Police Misconduct. The written opinion shall also set forth a recommendation for disciplinary action by the Agency, in accordance with the Statewide Police Disciplinary Matrix issued by the Maryland Police Training and Standards Commission; or

- ii. A finding and determination that the Police Officer who was the subject of the complaint should not be administratively charged, including a determination that either the allegations were Unfounded or that the Police Officer is Exonerated.
- b) Findings of Police Misconduct
 - i. Upon a finding of Police Misconduct, but prior to the issuance of an opinion, the Committee shall conduct a complete review of the Police Officer's work history in order to make an informed decision regarding the level of charges under the Statewide Police Disciplinary Matrix., and to consider all aggravating and mitigating circumstances.
 - ii. Upon the completion of its review, the Committee will conduct a vote on the appropriate disciplinary action, in accordance with the Statewide Police Disciplinary Matrix.
 - iii. The Committee shall then issue an opinion to the head of the Agency, setting forth its findings and determinations by a preponderance of evidence standard that establish Police Misconduct. The opinion shall also contain a recommendation regarding appropriate discipline, pursuant to the Statewide Police Disciplinary Matrix, as well as a recommendation of additional corrective measures if applicable.
- c) In addition to findings, determinations, and recommendations regarding disciplinary action, the Committee's opinion may also identify any failure of policy, training, or supervision by the Agency.
- d) The Committee's written opinion shall be issued to the head of the Agency within five (5) business days of the Committee's vote.
- e) The head of the Agency shall take further action on the Committee's recommendation in accordance with the requirements of the Maryland Police Accountability Act.
- f) The written opinion of the Committee shall also be provided to the Police Officer who was the subject of the Complaint. A copy of the opinion will also be provided to the complainant at the conclusion of all disciplinary procedures.

Adopted April 27, 2023

Revised October 14, 2025