

**University of Maryland Department of Public Safety Headquarters  
Pocomoke Building  
College Park, Maryland 20742-6011**

**SPECIAL ORDER:** 26-0002

**SUBJECT:** UMPD Administrative Hearing Procedures

**EFFECTIVE DATE:** July 2, 2026

**ORDERED BY:** David B. Mitchell  
Chief of Police

**I. Purpose & Policy**

- A. Under the direction of the Chief of Police, the University of Maryland Police Department sets forth this document outlining the process for conducting administrative hearings.
- B. UMPD will conduct administrative hearings in accordance with policy and applicable Maryland law.
- C. This procedure applies to all misconduct alleged to have occurred on or after July 1, 2022 by sworn personnel of the University of Maryland Police Department, College Park. Administrative hearings for complaints alleging misconduct that occurred before July 1, 2022, will be handled in accordance with policy and applicable Maryland Law in effect on June 30, 2022.

**II. Definitions**

- A. Administrative Hearing Board: A three-member group selected to determine the final outcome of a disciplinary case. Before serving on an Administrative Hearing Board, individuals will receive training from the Maryland Police Training & Standards Commission (MPTSC) on police procedures.
  - 1. An Administrative Hearing Board will be composed of:
    - a) An administrative law judge, either currently serving or retired, appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;
    - b) A civilian who is not a member of an Administrative Charging Committee or the MPTSC, appointed by the Police Accountability Board for Prince George's County, Maryland;
    - c) An officer of equal rank to the officer accused of misconduct, appointed by the Chief of Police.
- B. Representative: This term may include an attorney or any other person selected by the accused officer.

**III. References**

- A. MD. CODE ANN., PUB. SAFETY §3-101 ET SEQ.
- B. MEMORANDUM OF AGREEMENT BETWEEN THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE UNIVERSITY OF MARYLAND POLICE DEPARTMENT AT COLLEGE PARK

**IV. CALEA Standards**

- A. This procedure fulfills CALEA Accreditation Standard 26.1.6

**V. Administrative Hearing Board Procedures**

**A. Cases referred to an Administrative Hearing Board**

1. Cases are referred to an Administrative Hearing Board when an officer declines to accept the discipline offered by UMPD as a result of:
  - a) An internal complaint
  - b) An external complaint involving a member of the public (recommended by the Administrative Charging Committee and offered by the appointed State Prosecutor as assigned by the Office of the Attorney General).

**B. Criminal Investigations**

1. Generally, an Administrative Hearing Board should not be convened for charges that relate to conduct which is also the subject of a criminal proceeding, until the final disposition of criminal charges. UMPD retains discretion to make an exception to this general rule in circumstances where the best interests of the agency would be adversely affected by delaying or declining to hold an Administrative Hearing.
2. The decision of UMPD to hold an Administrative Hearing may not be the subject of a grievance.

**C. Responsibilities of the UMPD Executive Officer to the Chief of Police**

1. The UMPD Executive Officer to the Chief of Police will:
  - a) Coordinate and schedule all Administrative Hearings with the accused officer's representative, the prosecutor, and the members of the Administrative Hearing Board.
  - b) At least 60 days prior to the commencement of an Administrative Hearing (or as quickly as possible in the case of unforeseen circumstances), contact the Maryland Office of Administrative Hearings to request that an active or retired administrative law judge is assigned to serve as the chairperson for the Administrative Hearing. The request should include the location of the Administrative Hearing, which, in most situations, will be the county in which the alleged misconduct is alleged to have taken place.
  - c) Request for the appointment of a civilian (as defined above) by the Police Accountability Board for the county in which the misconduct is alleged to have taken place to serve on the Administrative Hearing Board.
  - d) Appoint an officer of equal rank to the accused officer to serve on the Administrative Hearing Board.
  - e) Provide the Maryland Office of Administrative Hearings with a copy of the UMPD procedures for conducting an Administrative Hearing.
  - f) Ensure the chairperson issues a Notification of Administrative Hearing to the prosecutor, the accused officer, the accused officer's representative, and the members of the Administrative Hearing Board
  - g) Ensure the chairperson issues subpoenas to witnesses listed on the prosecution and defense Notifications of Evidence/Document Receipt.
  - h) Provide the chairperson with the first page of the Administrative Charging Document for the Administrative Hearing.
  - i) Ensure that all Administrative Hearing Board members have received training on police procedures from MPTSC and are provided with a Confidentiality Agreement prior to the commencement of the hearing.

**D. Pre-Administrative Hearing Board Procedures**

1. At least thirty (30) days before an Administrative Hearing Board proceeding begins, the prosecutor will ensure that the accused officer is:
  - a) Provided a copy of the investigatory record at no cost,
  - b) Notified of the charges against them, and

- c) Notified of the recommended disciplinary action.
- 2. The identities of confidential sources and non-exculpatory information may be excluded from the case file.
- 3. The accused officer will complete a Confidentiality Agreement document regarding the use and disclosure of information from the case file and forward the document to the prosecutor.
- 4. No less than fifteen (15) days prior to a hearing, the prosecutor and defense:
  - a) Must exchange the names of all witnesses and copies of all documents and any other evidence that will be presented at the Administrative Hearing, and
  - b) Will complete the Notification of Evidence/Document Receipt and send a signed copy of the form to the UMPD Executive Officer to the Chief of Police, who will then forward it to the chairperson of the Administrative Hearing Board.
  - c) Failure of the prosecutor and/or the defense to comply with requirements *a)* and *b)* above, without good and substantial reasoning as determined by the chairperson, may result in the postponement of the Administrative Hearing.
- 5. The chairperson of the Administrative Hearing Board will issue a Notification of Administrative Hearing to the appropriate recipients. The chairperson will also issue the subpoenas requested by the prosecution and the defense.
- 6. Requests for postponement will be directed to the chairperson of the Administrative Hearing Board and granted only for good cause, as determined by the chairperson.
- 7. The deliberations of an Administrative Hearing will be confidential. The chairperson will remind the Board that deliberations must remain confidential and that this confidentiality will not expire, nor is it subject to waiver.
- 8. The UMPD Victims' Rights Advocate, assigned as the Internal Affairs Coordinator, will ensure that the complainant(s) is (are) notified in advance of an Administrative Hearing and of their right to attend, except as provided below.

#### **E. Conducting the Administrative Hearing**

- 1. Board members WILL NOT review the investigative case file, but may review only the information contained in the Administrative Charging Document as provided by the UMPD Executive Officer to the Chief of Police.
- 2. The active or retired administrative law judge will:
  - a) Serve as the chair of the Administrative Hearing Board
  - b) Rule on all motions before the Administrative Hearing Board
  - c) Prepare the written decision of the Administrative Hearing Board, including its findings, conclusions, and recommendations.
- 3. With the exception of Board deliberations, proceedings will be open to the public unless closed to protect:
  - a) a victim's identity;
  - b) an individual's personal privacy;
  - c) a child witness;
  - d) medical records;
  - e) the identity of a confidential source;
  - f) an investigative technique or procedure; or
  - g) the life or physical safety of an individual
- 4. All weapons will be secured outside of the hearing room
- 5. Hearings will be recorded, and a record will be kept whenever the recording is stopped and restarted.
- 6. Items admitted into evidence will be marked for identification and retained as part of the record.
- 7. An Administrative Hearing Board will administer oaths and may issue subpoenas as

- needed to complete its work.
8. Brief opening statements by the prosecutor and the defense representative may be delivered.
  9. The prosecutor will present its case-in-chief, and bears the burden of proof by a preponderance of the evidence.
  10. The defense may present its case, but is not required to do so.
  11. Each party has the right to cross-examine each witness who testifies for the other
  12. Redirect and re-cross-examination are limited to matters covered in a preceding examination.
  13. The Board may question each witness.
  14. Both parties may present rebuttal evidence.
  15. Closing arguments include:
    - a) Summation presented by the prosecutor;
    - b) Summation presented by the defense; and
    - c) Rebuttal, if the prosecutor chooses to present one.
  16. Following the closing arguments, the Administrative Hearing Board will deliberate to determine whether the officer is guilty or not guilty on each charge. This determination will be made by a majority of the Administrative Hearing Board members. Following deliberations, the chairperson will announce the Board's decision before the prosecution and defense.
  17. The Administrative Hearing will conclude if the Board finds the officer not guilty on all charges brought forward.
  18. If the chairperson announces a guilty finding on any charge against the officer:
    - a) The prosecutor will present the officer's Concise Officer History and Personnel File (compiled and provided by the IA Coordinator) to the Board.
    - b) The prosecutor may also present any penalty recommendation, witnesses, or evidence for the Board's consideration before the Board makes its determination on discipline.
    - c) The defense may then present the Board with any mitigating factors, witnesses, or evidence for the Board's consideration before the Board makes its determination on discipline.
    - d) The Board will again deliberate to determine the appropriate discipline under the Maryland Statewide Police Disciplinary Matrix.

F. Post-Administrative Hearing Board Procedures

1. Within forty-five (45) days of the final hearing before an Administrative Hearing Board, the chairperson will issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the Administrative Hearing Board. The Office of Administrative Hearings will provide a copy of the written decision to the prosecutor, the accused officer, the accused officer's representative, and the UMPD Executive Officer to the Chief of Police, who will provide it to the Chief of Police.
2. Upon issuance of the Administrative Hearing Board's written decision, the Office of Administrative Hearings will provide the hearing record, including any evidence, to the UMPD Executive Officer to the Chief of Police.
3. An Administrative Hearing Board decision is final unless the accused officer appeals it.
4. The officer may appeal the decision of the Administrative Hearing Board within 30 days of the issuance of its decision. Appeals are made to the Circuit Court for Prince George's County, Maryland.
5. Document Distribution and Retention
  - a) The Administrative Charging Document, case file, and all exhibits will be returned to the UMPD Executive Officer to the Chief of Police and retained by the Internal Affairs Coordinator in accordance with policy.

- b) Following UMPD's receipt of the Administrative Hearing Board's written decision of guilt, the UMPD Executive Officer to the Chief of Police will notify the Chief of Police, the officer's bureau commander, the Internal Affairs Coordinator, and UMPD Human Resources who will request the issuance of a Personnel Order as needed.
- c) For not-guilty findings, the UMPD Executive Officer to the Chief of Police will notify the Chief of Police, the officer's bureau commander, and the Internal Affairs Coordinator of the Board's decision.

G. Reimbursements

- 1. UMPD will reimburse the civilian appointed by the local Police Accountability Board. Reimbursement will be the agreed-upon amount for a civilian serving on an Administrative Hearing Board in the civilian's county of residence.
- 2. UMPD will reimburse the chairperson of the Administrative Hearing Board in accordance with the *Memorandum of Agreement between the Office of Administrative Hearings and the University of Maryland Police Department at College Park*.
- 3. The UMPD Executive Officer to the Chief of Police will coordinate and ensure that payments are made to the chairperson and the civilian board member, as appropriate.