

# CHARLES COUNTY GOVERNMENT

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



<b>TO:</b>	Board of Charles County Commissioners
<b>FROM:</b>	Charles County Police Accountability Board
<b>SUBJECT:</b>	2024 Police Accountability Board Annual Report
<b>DATE:</b>	December 31, 2024

The Police Accountability Board (the “PAB”) submits this annual report for CY2024 to the Board of Charles County Commissioners pursuant to the Police Accountability Act of 2021, codified at Maryland Annotated Code, Public Safety Article, Title 3, Subtitle 1 (the “Act”). The Act requires that the PAB for each county submit a report to the governing body of the county by December 31 for each year that:

1. identifies any trends in the disciplinary process of police officers in the county; and
2. makes recommendations on changes to policy that would improve police accountability in the county.

### Meetings and Membership

During the reporting period, 6 meetings of the PAB were convened, 4 of which included participation by representatives of the Charles County Sheriff's Office (“CCSO”) and the La Plata Police Department (“LPPD”) as required by the Act.<sup>1</sup> Each quarterly meeting was held in the County Government Building in La Plata, Maryland.

Four (4) members of PAB began their term during CY2024. These individuals were appointed to replace members who resigned in advance of their term expiration. Two (2) recently appointed members are expected to begin participation at the first PAB meeting of 2025. At full appointment, the PAB consists of 9 members, with 2 members from each commissioner district, and 1 at large member. As of December 31, 2024, there are no vacancies on the PAB. All 5 members of the Charles County Administrative Charging Committee (the “ACC”) continue to be appointed and serving their original terms.

### Education and Training

Optional training by the Maryland Police and Correctional Training Commission (the “MPCTC”) became available to PAB members and staff this year. The training provides an overview of the Uniform State Disciplinary Matrix (the “Matrix”) and process, including the roles and responsibilities of the PAB, ACC, and Trial Board members. To date, the 1-day training was completed by the Charles County Government staff assigned to support the PAB. The PAB members will consider attending the training as

<sup>1</sup> Md. Public Safety Code Ann. § 3-102(a)(1) mandates PAB hold quarterly meetings of law enforcement agencies.

future dates are announced by the MPCTC. In May of 2024, the additional civilian member selected by the PAB to serve on trial boards completed their mandatory training conducted by the MPCTC in Sykesville, MD.

In March of 2024, the Police Executive Research Forum (PERF), a nonprofit organization that conducts research and policy development to support law enforcement agencies, hosted a summit in conjunction with the Maryland Governor's Office of Crime Prevention and Policy. The summit focused on implementation of the Act, and was attended by representatives of Police Accountability Boards, support staff, law enforcement agencies, and other stakeholders throughout the State of Maryland. Discussion focused successes and obstacles with respect to implementation, to include disparities amongst the ACCs due to the size of the jurisdictions and number of agencies, as well as varying statutory interpretations of the Act. Our PAB representatives in attendance found the summit to be enlightening and a useful opportunity to identify areas of synergy where concerted efforts in the future may help to improve Act implementation. The PERF report is attached hereto as Appendix A for ease of reference.

### Technology Considerations

As reported for CY2023, the PAB continues to have technological concerns as it relates to the use of personal devices by ACC members for accessing documents and other forms of records as part of the investigatory file. These records may be sensitive and confidential in nature. The PAB remains of the opinion that use of County-issued devices would provide additional security and prevent the degradation of personal devices. A similar recommendation was included in the PERF report for all ACCs, citing to a variety of benefits, to include the ability of county IT administrators to manage access controls, anti-malware protection, and other security measures. Discussions are ongoing with the County's Information Technology staff concerning transitioning ACC members to County-owned devices. Five (5) County laptops were procured for ACC members by the County. IT staff has not distributed those devices yet, as they continue to work with the agencies on coordinating access to all components of the investigatory file using the new devices. ACC members accessed files on their personal devices throughout CY2024 with varying levels of protection against malware and unauthorized redisclosure. Files that include body worn camera ("BWC") and/or in-car footage continue to be large and may negatively affect personal devices if downloaded to local storage.

Additionally, the ACC found reoccurring technical issues with in-car video and BWC footage included with investigative files transmitted with complaints. In multiple cases reviewed by the ACC during the reporting period, the video footage was unavailable. In some instances, the cited reason from the agency was either the officer forgetting to activate the device, or the devices being inoperable during the officer's shift (dead batteries, etc.). Footage was also transmitted to the ACC with the interaction at issue either not visible or not audible. The PAB understands there are instances when muting ones BWC is appropriate; the use of BWCs should balance the need for documenting law enforcement contacts with the legitimate privacy interests of individuals. However, the absence of critical footage due to what appears to be unintended irregularities is concerning and makes the work of the ACC more challenging. This issue occurs more often with CCSO but has also been a problem with LPPD cases. It is unclear if this issue could be improved with training. The push for BWCs was described by some State legislators as one to strengthen the community's trust in police by promoting accountability and demonstrating the government's commitment to transparent operations, however, the technical issues experienced this reporting period do not advance those admirable goals. With the impending legal requirement to have all on-duty officers wear cameras by July 1, 2025, it is imperative the problem is addressed within the agencies immediately.

### Complaint Data

No complaint of police misconduct was submitted directly to the PAB during the reporting period. Just like last year, all complaints were filed with the employing law enforcement agency of the officer at issue. The PAB complaint form remains available to the public on the PAB webpage of the Charles County Government website. Complaints may also continue to be submitted directly to CCSO and LPPD, as was the process before the Act. The public seems to expect and understand this option as being the logical place for submission of complaints.

The ACC received 59 complaints that included 148 alleged violations of police misconduct as of December 31, 2024. A variety of complaints were alleged, with the most frequently complained of violations being General Duties and Policies and Performance of Duty. Of the 148 alleged violations contained in 59 cases, the ACC recommended administrative charges against the law enforcement officer for 40 violations. That included 16 sustained violations within CCSO and 7 sustained violations within LPPD. The officer was deemed exonerated or the violations alleged were deemed unfounded in 105 instances. Thirteen (13) complaints contained use of force allegations, and 12 complaints alleged bias. During the reporting period 1 complaint of excessive force was sustained and no complaints of bias were sustained by the ACC. Of the 59 complaints, 17 were determined by CCSO to be a complaint of police misconduct limited to a vehicle collision, as further discussed herein. The ACC confirmed the findings of CCSO in each vehicle collision case. On average, the ACC considered 4-5 cases of police misconduct per month, which is the same as the last reporting period. In CY2024, the ACC reached a determination to administratively charge or not to charge the law enforcement officer in approximately 16 days from receipt of the case, which is quicker than last year's average of 23 days.

The PAB receives a spreadsheet from CCSO Office of Professional Responsibility that contains complaints of police misconduct that are subject to ACC review according to CCSO, and their status. These cases may still be undergoing agency review, in the investigation stage, or have been submitted to the ACC and are awaiting ACC disposition. The PAB appreciates receiving this report and finds it useful in allowing the PAB to glean the nature of complaints and the workload expected in the coming weeks or months for the ACC once the investigation concludes. A similar spreadsheet from LPPD would be helpful.

The PAB nor ACC are afforded information about complaints that the agencies do not deem to be within the purview of the ACC. In other words, the agency determines if a complaint is one of "a pattern, a 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; and (3) a violation of law enforcement agency standards and policies." Pub. Safety §3-101(g). As an example, in recent months, the ACC questioned why an incident they became aware of through news outlets involving unauthorized vehicle removal and driving under the influence by a CCSO officer in a neighboring county would not be referred to the ACC. In short, CCSO responded that the misconduct complained of against the officer did not concern conduct related to their status as an officer, therefore did not qualify for ACC review as "police misconduct." CCSO did state that the alleged misconduct was a violation of agency policy (which is included in PS §3-101(g)). This raises questions with respect possible subjectivity on the part of an agency when determining what cases warrant ACC review. We recognize that many incidents allege violations that are clearly within the officer's official law enforcement capacity, however, in less explicit scenarios, inconsistencies as to when and when not to transmit cases to the ACC may arise. Further, the PAB is concerned about ensuring accountability and transparency related to the entirety of complaints against officers being investigated by their respective

agencies. If an officer is alleged to have (1) deprived persons of rights protected by the constitution or laws of the State or the United States; (2) violated a criminal statute; or (3) violated a law enforcement agency standards and policies, and the incident involved a member of the public, then the PAB is of the opinion that the case should have some level of ACC involvement. There is nothing in the Act that limits these complaints of alleged violations to instances when an officer is acting within the scope of their official duties.

The PAB remains appreciative of the care and dedication exhibited by the ACC, as they take their personal time outside of regularly scheduled monthly meetings to review investigative files. The PAB also extends its gratitude to the Board of Charles County Commissioners for increasing the stipend of ACC members as part of your FY2025 approved Operating Budget.

Report Year	Agency	Total Cases Received by ACC		Reviewed by ACC	Officer Years of Experience	Unfounded/Exonerated Violations	Sustained Violations
		Total Cases Received by ACC	Reviewed by ACC				
2023	CCSO	44	98	9.1	75	23	
	LPD	8	19	4.1	16	3	
	<b>CCSO Accidents</b>	<b>24</b>					
<b>Totals</b>		<b>76</b>	<b>117</b>	<b>6.6</b>	<b>91</b>	<b>26</b>	
2024	CCSO	33	114	9.8	96	16	
	LPD	9	18	7.7	9	7	
	<b>CCSO Accidents</b>	<b>17</b>	<b>17</b>	<b>7</b>	<b>0</b>	<b>17</b>	
<b>Totals</b>		<b>59</b>	<b>149</b>	<b>8.16666667</b>	<b>105</b>	<b>40</b>	

#### Vehicle Collisions/Traffic Accidents

As discussed in the CY2023 Annual Report, the ACC receives cases of traffic accidents, also referred to as vehicle collisions. The PAB raised concerns in the last report about the transmittal of these cases to the ACC, where it appeared to be undisputed that the officer, during the course of operating their employer-issued vehicle, was involved in a vehicular accident. No complaint of misconduct by a member of public was actually filed to our knowledge in these cases. Since the last reporting period, CCSO continues to transmit vehicle collision cases to the ACC, but has created a standardized cover sheet to streamline the review process. The cover sheet transmitted to the ACC includes the findings of the CCSO Vehicle Collision Committee and states whether the committee determined the collision to be “preventable,” “non-preventable,” or “excusable.” The cover sheet reduces the amount of time the ACC spends on vehicle collision cases, however, the PAB continues to advocate for the elimination of ACC review of this type of case.

ACC review of vehicle collision cases does not meet the objective of the Act in the PAB’s opinion, nor serve to value the time and attention volunteered by ACC members. While we have not experienced resignation of members on our ACC, we are sensitive to the voluntary nature of all County boards, committees and commissions, and must be mindful to keep our resident-members tasked with meaningful opportunities to serve. We also continue to have one agency that transmits vehicle collision cases to the ACC, and a second agency that does not, at our request. The same inconsistency is found throughout the

State, and undermines efforts to understand data and trends in police misconduct more broadly.

The PAB acknowledges that due to the problematic definition of “Police Misconduct” contained in the Act as detailed in the CY2023 Annual Report, and the inclusion of vehicle collisions in the Matrix, agencies are risking a possible violation of the Act should they choose not to transmit vehicle collisions to the ACC. As such, we requested support for a State legislative proposal to the Board of Charles County Commissioners to make ineligible these types of “complaints” of police misconduct from ACC review. We are pleased that this proposal was included in the Commissioners’ legislative package to the Charles County Delegation, and we intend to show our support for this much-needed legislative fix as it makes its way through the General Assembly’s legislative process in 2025.

### Trial Boards

The Act provides that if an officer declines discipline as recommended by the ACC pursuant to administrative charges, or higher discipline, as may be offered by the chief of the agency, the officer may request a trial board. The trial board consists of 3 members who have each completed trial board training provided by the MPCTC. The chair of the trial board must be actively serving or retired administrative law judge or the retired judge of the District Court or a circuit court. The appointment of the chair is the responsibility of the chief executive officer of the county. An officer of equal rank must be appointed by the head of the law enforcement agency to serve on the trial board. Lastly, a civilian member, who is appointed by the PAB, must serve. In addition to Ms. Jamila Smith, who serves on trial boards as the civilian member in addition to being a PAB member, The PAB appointed a second civilian, Ms. Veronica Stevenson, who became properly trained during the reporting period. The PAB will seek a third civilian member to be trained for trial boards to lessen the work load on the two current civilian appointees.

During the reporting period, 6 trial boards were held in Charles County. Five (5) trial boards were requested by CCSO officers, and 1 trial board was at the request of an LPPD officer. Ms. Stevenson participated on 1 trial board in 2024 with LPPD, and Ms. Smith participated on the remaining 5 trial boards with CCSO. Each trial board was chaired by retired District Court Judge Victor K. Butanis. In the Case 1 with the trial board, the administrative charge was issued by CCSO, and was not the result of ACC review. This is a case wherein the agency determined it was not subject to ACC review as it did not involve a member of the public. The officer at issue was terminated. Case 2 involved an agreement between the officer and CCSO to discipline at a level less than that recommended by the ACC. Ultimately, the trial board imposed discipline at the level recommended by the ACC. In Cases 3 and 4, CCSO indicated to the officer on the Disciplinary Disposition Report that the agency recommended no sustained charges. Ultimately, the officer and CCSO agreed on a charge and discipline less than what was recommended by the CCSO, and the trial board imposed said agreed upon discipline. In Case 5, the ACC recommended termination, and that was also the outcome sought by CCSO. Ultimately, the trial board sustained violations for 4 of the 6 violations found by the ACC, and imposed termination of the officer. In Case 6, the LPPD presented no evidence at the trial board, having determined that the ACC erred in finding a violation. As such, the trial board did not find a violation against the officer.

The PAB continues to question of purpose behind allowing the agency to control the trial board process, particularly when inevitably there are disagreements between the agency and ACC, and the agency will not defend the ACC’s position. As illustrated above, the trial board can reach their own conclusions that may deviate from the view of the ACC or agency, but if nothing is presented or certain information is absent from the record before the trial board, then no opportunity exists for the trial board’s independent assessment. For these reasons we submitted a legislative proposal for the Commissioners’ consideration that would shift the trial board process to be controlled by the ACC by amending PS §3-

106(a)&(h). This will allow the trial board to have the benefit of hearing the argument in support of the ACC's determination. The Commissioners included our proposal in their package to the Charles County Delegation, and we look forward to supporting its enactment.

Interestingly, the agency's position contrary to sustaining charges was shared with the officer in prior to the officer requesting trial board in Cases 3 and 4, however, the agency and officer reached an agreement to admit to misconduct before the trial board proceedings, albeit at a lesser level than found by the ACC. In Case 6, we found a similar outcome as in the last reporting period, with the agency choosing not to put on evidence, leaving the trial board incapable of finding a violation. The PAB submitted a third legislative proposal to address the ability of agencies to communicate opinions on charges that are contrary to the findings of the ACC, but that proposal was not supported by the Commissioners for inclusion in their package to the Delegation.

### Recommendations

- Comprehensive audit by the law enforcement agencies of BWC and other video footage abnormalities. This should include consideration of changes to pre-shift checklists, preventative maintenance protocols, and officer trainings.
- PAB to request attendance of the LPPD Chief and CCSO Sheriff at the PAB meeting, rather than representatives, at least once annually.
- PAB to review stipends for other county ACCs to inform recommended stipend increase during the next reporting period, to include consideration of hourly rate stipend rather than an annual stipend.
- County to issue 5 county-owned laptops to ACC members with requisite training.
- County to advocate for a State legislative amendment to clarify that vehicle collisions involving an officer, absent willful neglect, personal injury, driving while under the influence, or complaints submitted by members of the public, are not eligible for ACC review under Md. Public Safety Code Ann. § 3-104.
- County to advocate for a State legislative amendment to amend Md. Public Safety Code Ann. § 3-106(a)(h) to allow the trial board process to be established by the ACC, and to allow the trial board case to be brought on behalf of the ACC.
- County to request a State legislative amendment to amend Md. Public Safety Code Ann. § 3-105 to include clear language that prohibits inclusion of the position of the chief of the law enforcement agency in the offer of discipline and limits the ability to communicate a recommendation of the agency until such time as the officer has declined the offer of discipline from the ACC.
- Agencies to provide PAB with complete report of misconduct investigations as part of the quarterly roundtable meeting to help inform the PAB as to trends in the disciplinary process of police officers in the county, and recommending changes to policy that would improve police accountability in the County.

cc: Ms. Deborah E. Hall, Acting County Administrator  
Mr. Wes Adams, County Attorney  
Mr. Guy Black, Chairman, Administrative Charging Committee