

CITIZEN COMPLAINT OVERSIGHT PANEL

Prince George's County
MARYLAND



**FY2015
ANNUAL REPORT**



Rushern L. Baker, III
County Executive

2015

Annual Report

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<http://www.princegeorgescountymd.gov/644/Citizen-Complaint-Oversight-Panel>



Table of Contents

Letter from the Chair

Overview **1**

- History*
- Panel Responsibilities*
- Panel Composition*
- Complaint Classification*
- Recommendation Types*

Workload **6**

Stats **9**

Outreach **21**

Issues **22**

Additional Information **27**

- A. *Glossary of Terms*
- B. *Enabling Legislation*
- C. *Complaint against Police Practices Form*
- D. *Police District Map*
- E. *Case Summaries*



LETTER FROM THE CHAIR



Dear Citizens and Residents:

The Prince George's County Citizen Complaint Oversight Panel (CCOP) is charged with monitoring and evaluating investigations of Prince George County Police Department's (PGPD) allegations of police misconduct. We are part of a police accountability process established to ensure complaints regarding the conduct of officers of the Department are investigated professionally and thoroughly, and that there is independent oversight of the investigative process. We are a separate county government entity, independent of the police department.

Recent incidents around the nation and increased public scrutiny of police interactions with American citizens and residents demonstrate the value of our work. For the past 23 years, the panel has been focused on ensuring that police operations in Prince George's County are accountable and transparent to the citizens.

As police officers across the nation are placed under great scrutiny, our role becomes even more important. It is crucial that the Panel maintains an independent and objective position that is non-apologetic in this process. Our primary mandate is to ensure that complaints against officers of the Prince George's County Police Department are thoroughly and impartially investigated.

We must continue to work hard and diligently to do our part in facilitating an accountability process that earns the confidence of the public and the police. Our goal is to mitigate unnecessary acts of force, violence and other incidents of misconduct. Through our annual reports we provide valuable statistics and data on police conduct to county residents and visitors, which give assurance that the Prince George County Police Department is more accessible and transparent.

The Panel and I would like to thank the previous chair, Clyde B. Davis, for his decades of dedicated service to the CCOP and police accountability efforts nationwide. This includes his work as a founding member of the National Association for the Civilian Oversight of Law Enforcement (NACOLE). I learned much under his tutelage and our office continues to aspire to be a model agency in professional police oversight for the community.

Sincerely

Dale A. Crowell

Dale A. Crowell
Chairman

HISTORY

Prince George's County Council legislation CB-25-1990 created the Citizen Complaint Oversight Panel (CCOP). This legislation was the result of findings and recommendations of the Blue Ribbon Commission on Public Safety and Community Relations. The legislative intent was to provide objective citizen participation in the complaint process and strengthen PGPDen existing procedures for handling complaints made by citizens against members of the Prince George's County Police Department (PGPD) for allegations of excessive force, harassment, and/or abusive language.

OVERVIEW

The CCOP began reviewing cases on January 1, 1991. Initially, the CCOP only reviewed reports of investigation of citizen complaints for excessive force, abusive language, and harassment to ensure their completeness, thoroughness, and impartiality. The Panel also commented on the reasonableness and appropriateness of the report recommendations.

Prince George's County Legislation CB-59-2001, effective January 10, 2002, significantly expanded the CCOP's powers and gave the CCOP the authority to conduct its own investigations and to issue subpoenas through the County Council. While investigative authority was given to the CCOP, the CCOP's budget did not include funding for this initiative. CB 59-2001 also expanded the scope of investigations reviewed by the CCOP. The CCOP now reviews all complaints filed against a member of the PGPD for violation of any law or regulation, whether brought by a citizen, superior officer or any source, all discharge of firearms, and all in-custody deaths that may have resulted from an officer's use of force. It also reviews disciplinary documents and hearing board reports.

The CCOP has the authority to make recommendations regarding policy changes, supervision, operational procedures, training and recruitment. These recommendations, as well as case review findings and comments, are submitted to the Chief of Police. The CCOP's

authority is limited to officers of the Prince George's County Police Department. Park, state, or local municipal police forces, as well as the Sheriff's Department, are not included under the CCOP's jurisdiction.

REPORTING REQUIREMENTS

CB 25-1990 requires that the CCOP prepare an annual report of its activities to the public. The first annual report covered the period January 1 - December 31, 1991. CB 59-2001 broadened the scope of the CCOP's annual report and established specific reporting categories. Now, the CCOP's annual report includes summary reports, statistical analysis, and recommendations for policy changes, training, and recruitment suggestions.

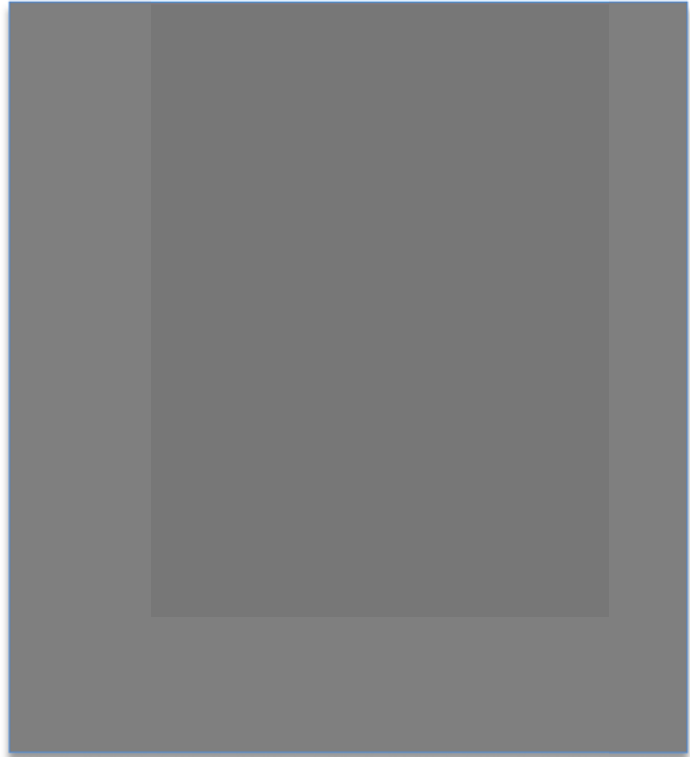
PANEL RESPONSIBILITIES

The CCOP's specific responsibilities include:

- Reviewing the processing and investigation of complaints and submitting comments and recommendations to the Chief of Police;
- Conducting concurrent and subsequent investigations, as well as issuing subpoenas through the County Council, when appropriate;
- Participating in police accountability outreach and information dissemination;
- Reviewing supervisory, disciplinary, and hearing board reports; and
- Issuing an annual report to the public.

PANEL COMPOSITION

The CCOP is comprised of seven members appointed by the County Executive and confirmed by the County Council. The CCOP members must be Prince George's County residents and broadly representative of County demographics. The CCOP members cannot be employees or elected officials of any non-federal jurisdiction, a candidate for such office, or employed by any law enforcement organization. The County Executive designates the Panel chair.



INVESTIGATIVE CLASSIFICATIONS

All incoming complaints are assigned to the following investigative categories:

Special Investigations - Complaints that allege a criminal act or could result in a criminal charge or investigation, such as domestic violence, DWI/DUI, theft, unauthorized access to a criminal data base, uses of force that result in injury and all discharges of firearms.



Internal Affairs Investigations - Complaints alleging use of abusive, derogatory or inappropriate language, most uses of force that do not result in injury, and certain types of misconduct.

Field Cases Investigations (FC) - Complaints alleging selected categories of minor offenses such as unbecoming



conduct, unreported misconduct, process violations, minor uses of force, and failure to attend to duty. This category was eliminated in 2014 and investigations are now completed in the IA category. The Panel continues to receive completed investigations initiated prior to 2013.



Police Supervisory Investigations (PS) - Complaints initiated by supervisory staff regarding an officer's performance or failure to perform his administrative duties. These investigations do not require the level of reviews conducted for the above categories.

RECOMMENDATION TYPES

The CCOP is required to complete its deliberations and forward its recommendations to the Chief of Police within 30 working days after receipt of the completed Internal Affairs Division's (IAD) Report of Investigation. The CCOP also has the option of requesting a 10-day extension.

The Panel renders a recommendation regarding each allegation presented in the IAD Reports of Investigation and can make comments regarding the completeness and impartiality of the IAD report.

The CCOP makes recommendations on the following major types of findings offered by IAD for each charge in an investigation. They are:

Sustained

A preponderance of the evidence proves the allegation violated departmental policy or procedure;

Non-Sustained

The evidence fails to prove or disprove that alleged act(s) occurred;

Exonerated

The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper conduct;

Unfounded

The evidence proves the alleged act(s) did not occur or the accused officer was not involved;

Alternative Actions:

- **Add Allegation(s)** – The Panel’s review uncovers evidence of conduct that the Panel determines warrants a charge, but was not among the allegations listed in the investigation. The Panel outlines the allegation, makes a recommendation that they be added and recommends a finding.
- **Panel Investigation** - Substantive issues were not adequately or impartially addressed by the Internal Affairs Investigation, the Panel may conduct its own investigation; or
- **Remand to Chief of Police** - The Panel defers disposition and sends complaint back to the Chief for further investigation.

The Panel also reviews investigations with a focus on identifying policy, training or disciplinary issues in need of review, update or evaluation. Concerns regarding these issues, along with recommendations are referred to the Chief of Police and noted in the annual report.

WORKLOAD

The charts and information on the following pages provide various statistical data on cases referred to the CCOP from IAD for FY15. The data reflects the distribution of IAD

investigations referred to the CCOP by type, findings, CCOP's recommendations and, in some cases, by County Councilmanic districts. Additionally, this section includes several historical perspectives. Please note that prior to the passage of CB 59-2001, the CCOP reviewed IA investigations in three limited categories: Excessive Use of Force, Abusive Language, and Harassment. The CCOP now receives ALL categories of complaints and investigations regarding the conduct of a Prince George's County Police Officer. These categories include, but are not limited to: ALL use of force allegations, ALL use of language allegations, departmental shootings, harassment, unbecoming conduct, criminal misconduct, procedural violations, ethical violations, and attention to duty.

Since 2001, when legislation giving the CCOP a broader scope of authority was enacted, the Panel has reviewed 8,840 allegations in over 2,670 Investigations of alleged misconduct by Prince George County Police officers. Since 1991, the year the CCOP reviewed its first investigation, the Panel has reviewed more than 3,440 investigations. The numbers for allegations were not reported prior to 2001.

3,440
Investigations
Since 1991

8,840
Allegations
Since 2001

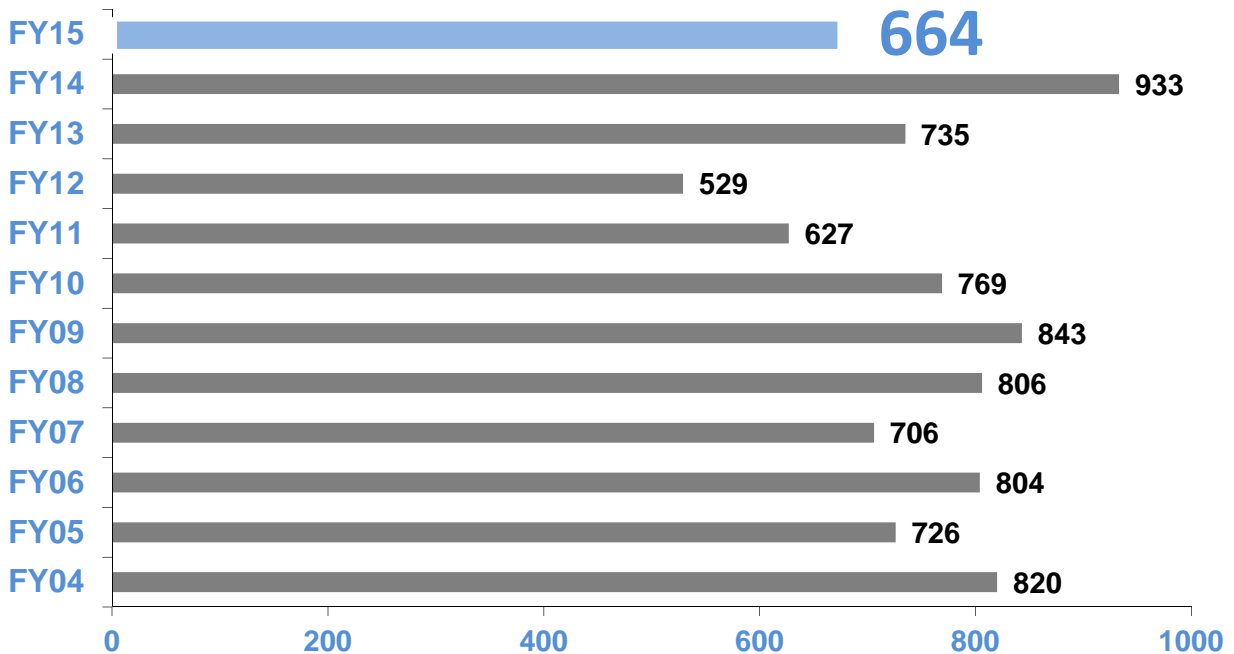
There is not a one-to-one correlation in the number of complaints received by the PGPD and the number of investigations the CCOP reviews in a given year. It should be noted that investigations referred to the CCOP in a given year also include investigations completed for complaints filed in prior years. As a result, the data reported by the CCOP represents its workload for the completed investigations



referred for the CCOP's review during the reporting period and is in no way illustrative of the number or level of complaints received by the PGPD during that same period.

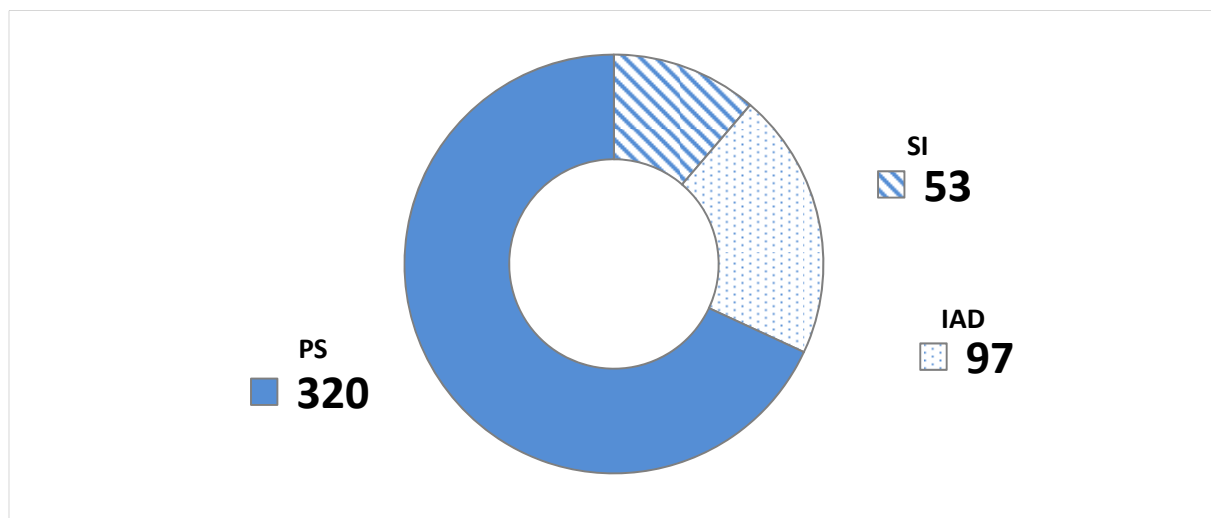
HISTORICAL PERSPECTIVE OF WORKLOAD

2015 Includes **194** FC, IA, and SI completed investigations
470 Incoming Complaints (including 320 PS)



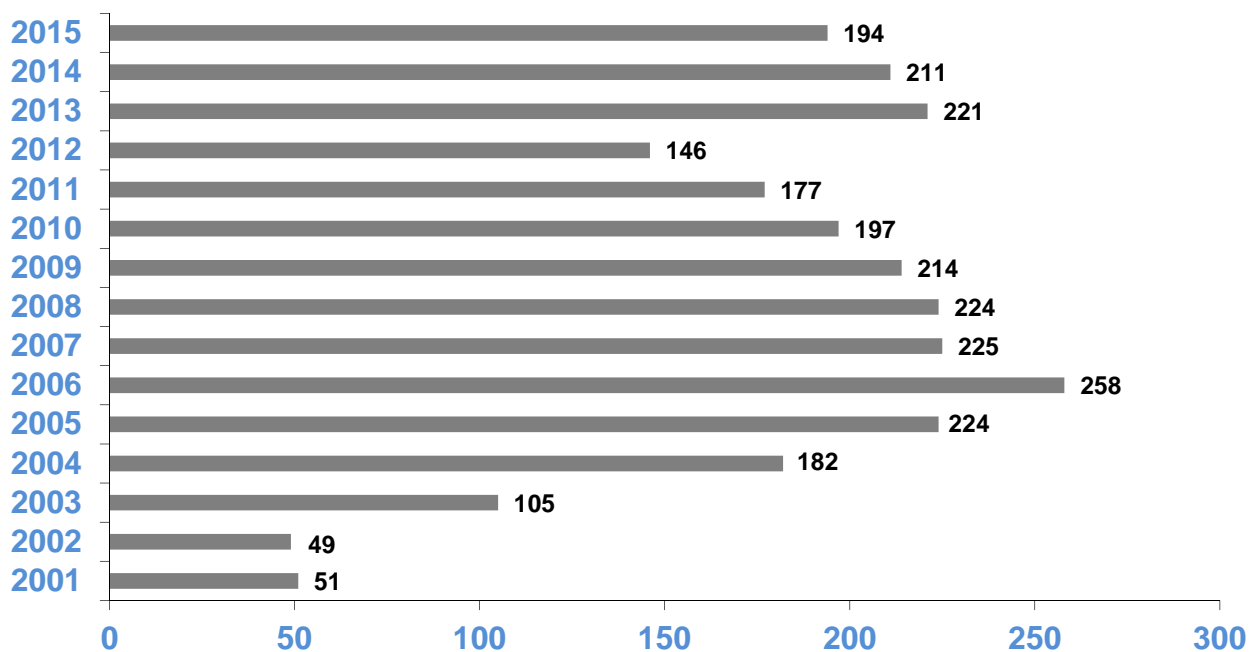
Note: There were 524 total reviews in Calendar Year 2015; 163 SI, IAD and FC and 361 Incoming Complaints.

INCOMING COMPLAINTS for FY2015



(SI) Special Investigations - Complaints that allege a criminal act or could result in a criminal charge or investigation
(IAD) Internal Affairs Investigations - Complaints alleging use of abusive, derogatory or inappropriate language, and certain types of misconduct.
(PS) Police Supervisory Investigations - Complaints initiated by supervisory staff regarding an officer's performance or failure to perform his administrative duties. These investigations do not require the level of reviews conducted for the above categories.

Yearly Number of Investigations Reviewed (Since 2001 legislative increase of authority)



* In FY12, 103 FCIQ inquires were processed in lieu of conducting investigations that, in prior years, would have resulted in an undetermined number of SC, SI or FC cases referred to the CCOP.

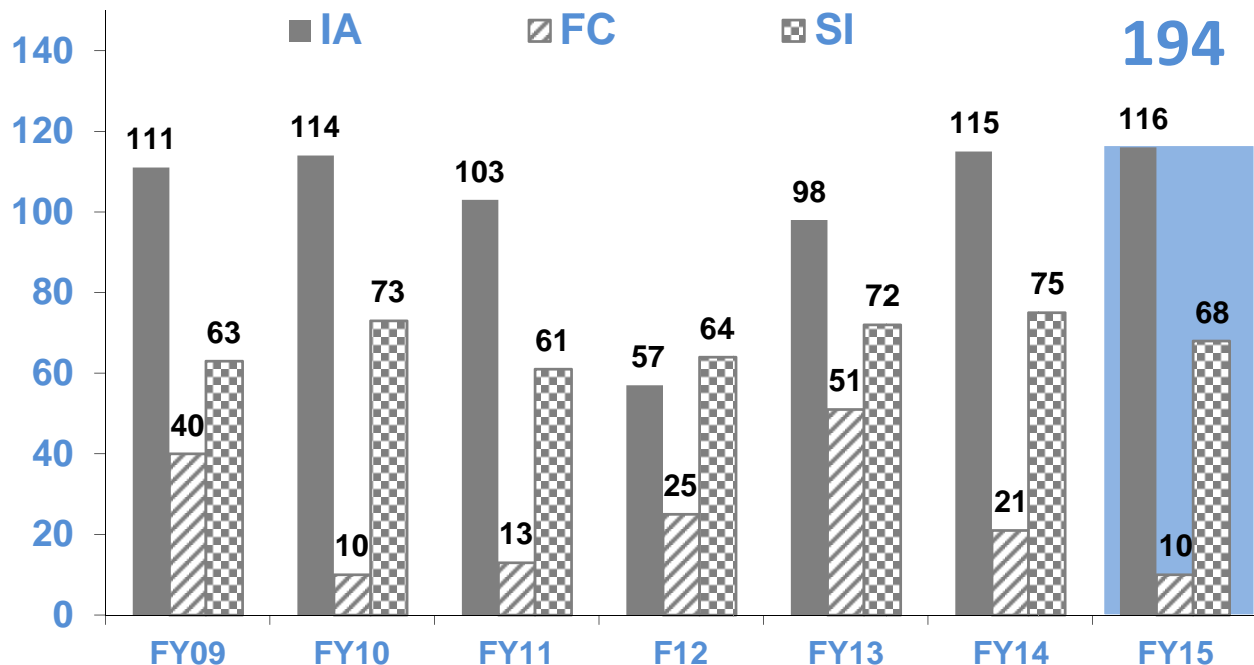
STATS

The bulk of the Panel’s effort is on reviewing SI, FC, and IA investigations, collectively referred to as Internal Affairs Division (IAD) investigations. Supervisory (PS)

investigations normally deal with personnel and administrative issues and are reviewed, processed and tracked by staff. In FY14, the Department began eliminating the Field Case category in favor of assigning these complaints for an investigation in the SI or IA category. A historical distribution of investigations for FY09-FY15, by type is shown below.

INVESTIGATIONS

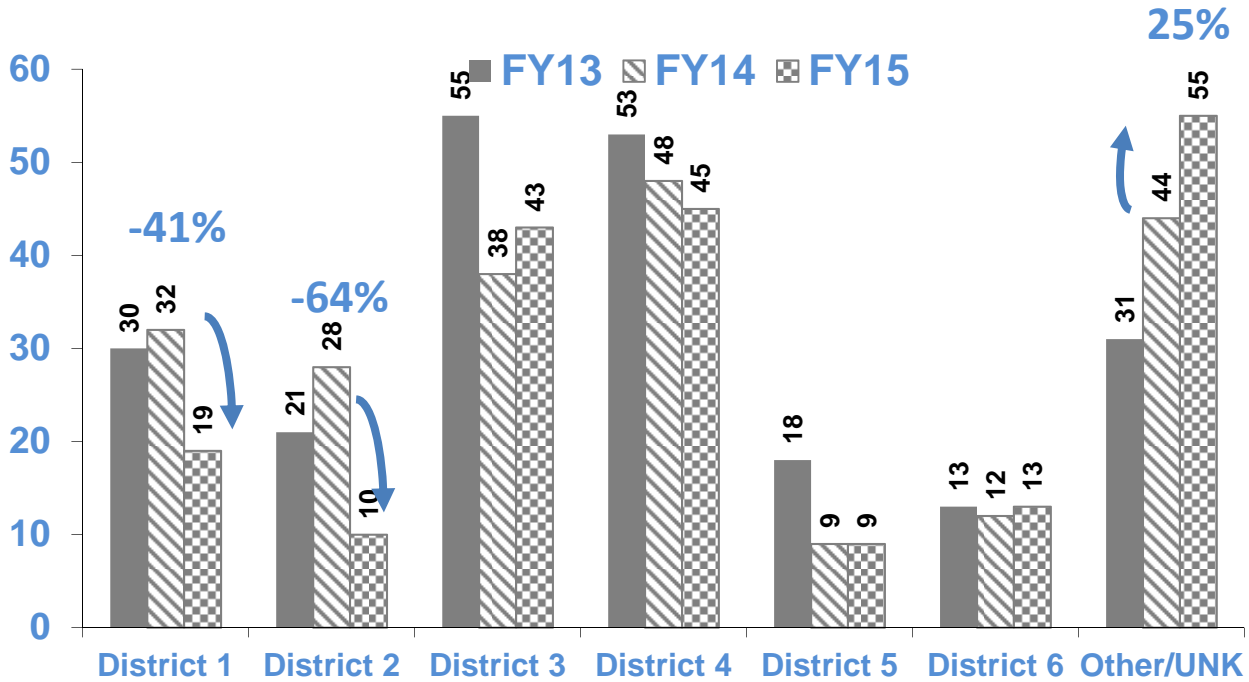
Distribution of Investigations Reviewed by Type for FY09-FY15



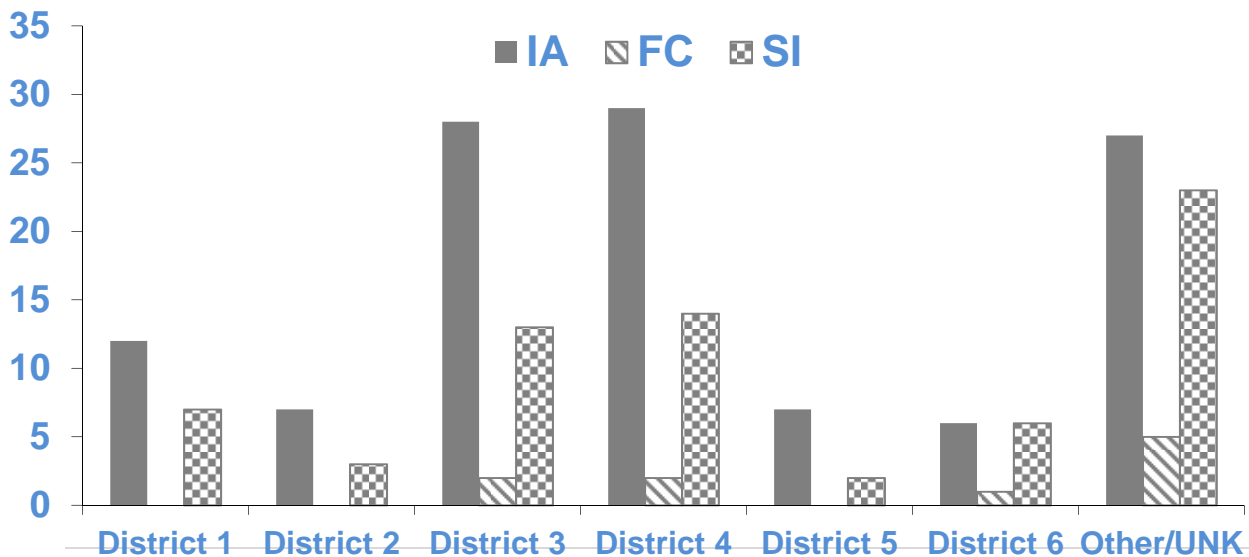
The next chart shows the distribution of FY15 misconduct investigations by district, as compared to FY13 and FY14. There was an overall 8 percent decrease in the number of misconduct investigations referred for the CCOP’s review from FY14 to FY15, with the most notable decreases occurring in Districts 1 and 2, with 41 percent and 64%

decrease, respectively. Meanwhile, there was a 25 percent increase in the Other/Unknown category. *Note: The category Other/Unk is inclusive of complaints for officers not assigned to a district or the district of the officers were assigned to at the time of the complaint was not identified. These accounted for 17% of all allegations.*

Distribution of Investigations Reviewed by District



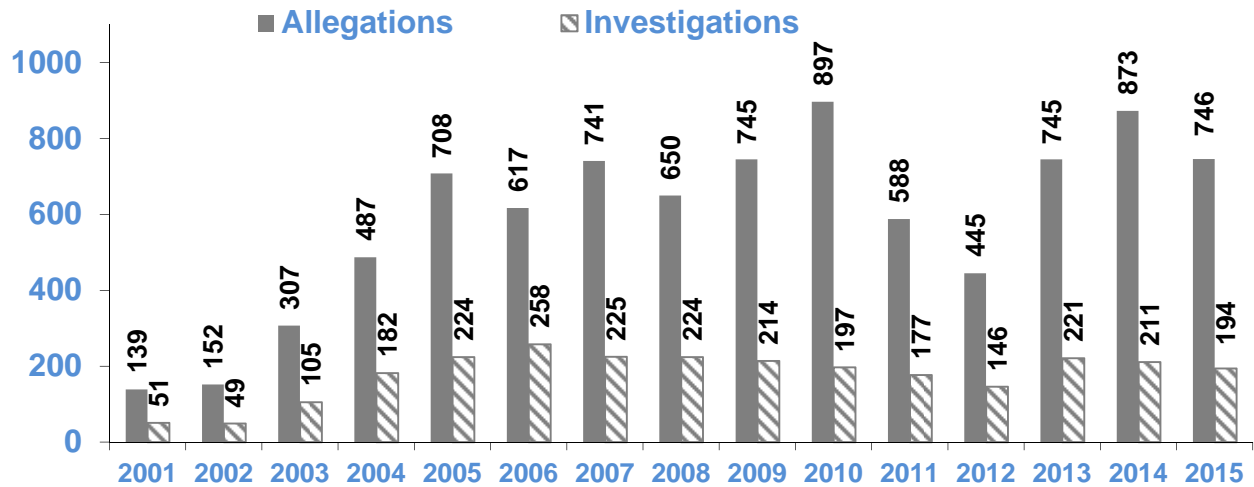
Distribution of Investigations Reviewed by Type



ALLEGATIONS

The number of investigations reviewed is not the only indicator of the CCOP’s review workload. Much like a jury, the Panel must review, discuss, and deliberate each charge or allegation presented in an investigation. Therefore, the total number of allegations is a more complete indicator of workload. Since 2001, when the CCOP began tracking by allegation, the Panel has reviewed more than 8,800 allegations of misconduct in more than 2,600 investigations.

Distribution of Investigations and Allegation by Type



The CCOP deliberated a total of 746 allegations, respectively, for FY15. For statistical purposes, all allegations are divided into the nine categories outlined below.

Attention to Duty - Failure to perform duties as prescribed.

Conduct Related - Unbecoming conduct and unreported misconduct.

Criminal Misconduct – Administrative charge for misconduct not successfully prosecuted in courts.

Ethics/Credibility - False Statements and Misrepresentation of Facts.

Discharges/ Firearms Related - Intentional and accidental discharges of a firearm by an officer.

Harassment/Discrimination - Acts of unwarranted verbal or physical threats or demand, and

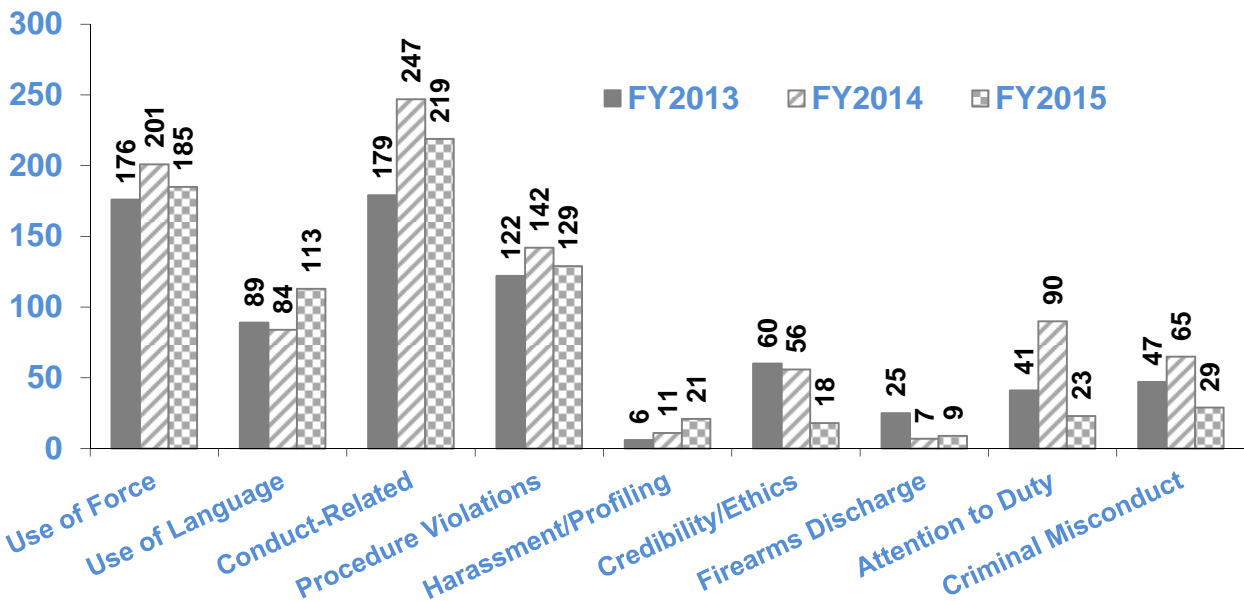
any acts of misconduct related to a person’s race, creed, color, national origin, gender or religion.
Procedure Violation - Failure to adhere to procedures as outlined in the police General Order Manual or Standard Operating Procedures.

Use of Language -Abusive, discriminatory or inappropriate use of language.

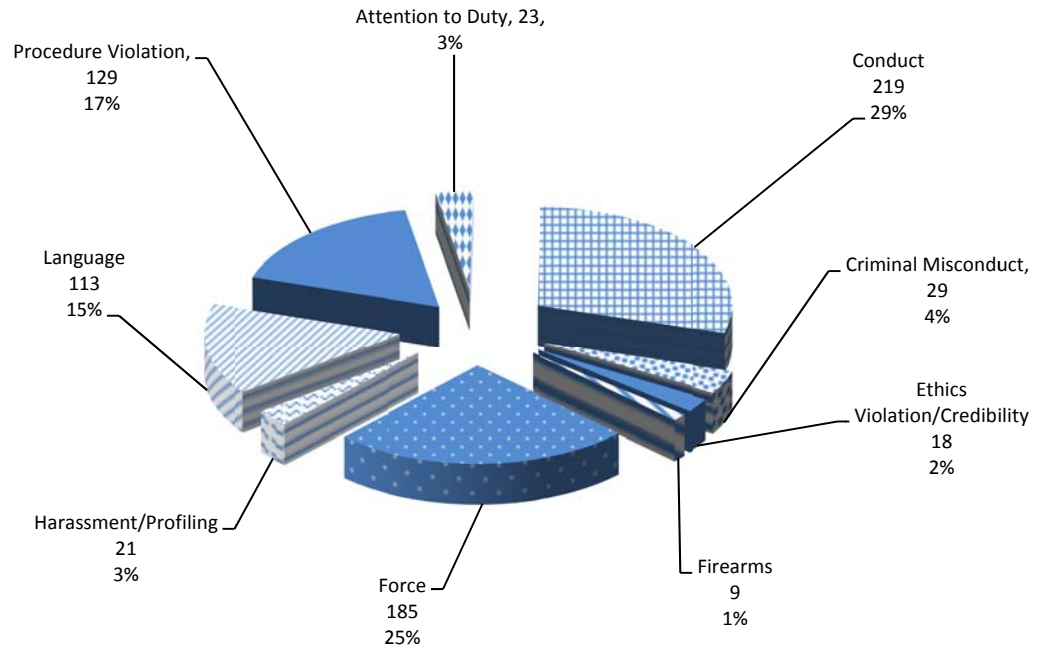
Use of Force – Non-firearms related excessive, unnecessary, and aggressive use of force.

Historically, Use of Force and Conduct-Related are the most frequently alleged categories of police misconduct. This remained true for the FY15 and CY15 distribution of allegations. The next most frequent allegation categories are Use of Language, Attention to Duty, and Procedure Violation. The following charts and table illustrate the distribution of allegation by type.

Historical Distribution of Allegations by Type



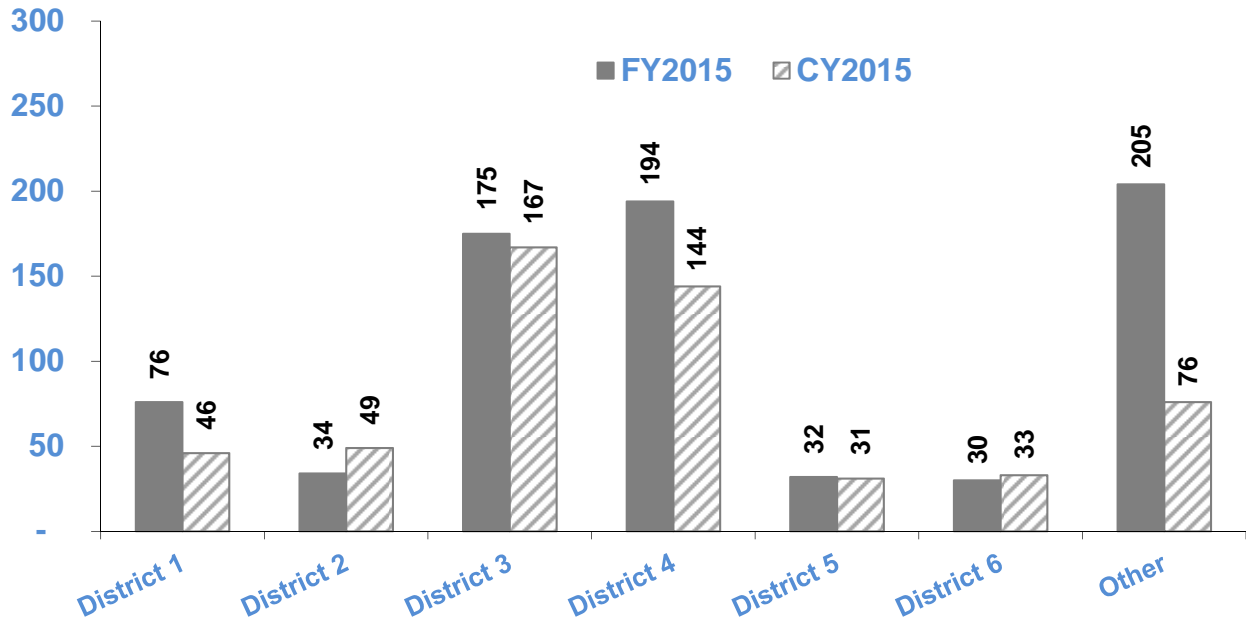
At-a-Glance FY2015 Distribution of Allegations by Type



Comparative Distribution of Allegations by Type

Allegation Type	FY14	FY15	Chg FY14-FY15
Conduct-Related	247	219	-11%
Criminal Misconduct	65	29	-55%
Attention to Duty	90	23	-74%
Harassment /Profiling	11	21	91%
Use of Force	201	185	-8%
Procedure Violations	133	129	-3%
Ethics/ Credibility	56	18	-68%
Use of Language	84	113	35%
Discharge of Firearm/Firearms Related	7	9	-29%
Total	873	746	-15%

Distribution of Allegations by District

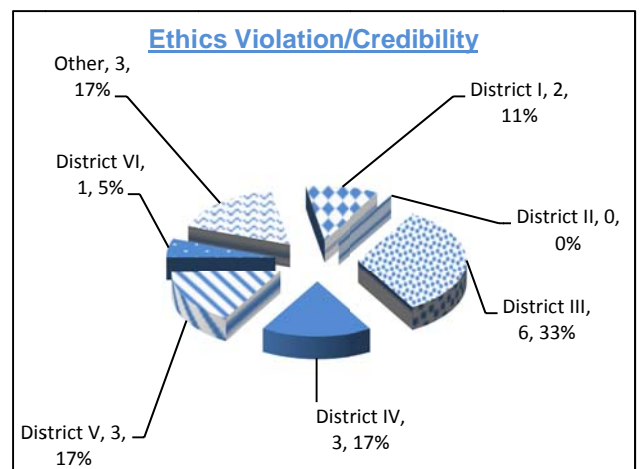
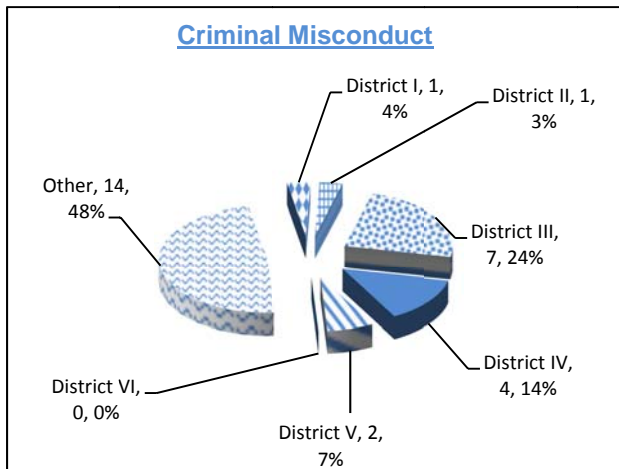
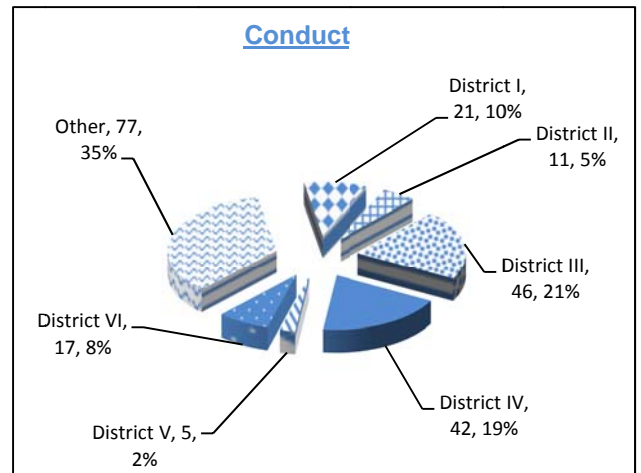
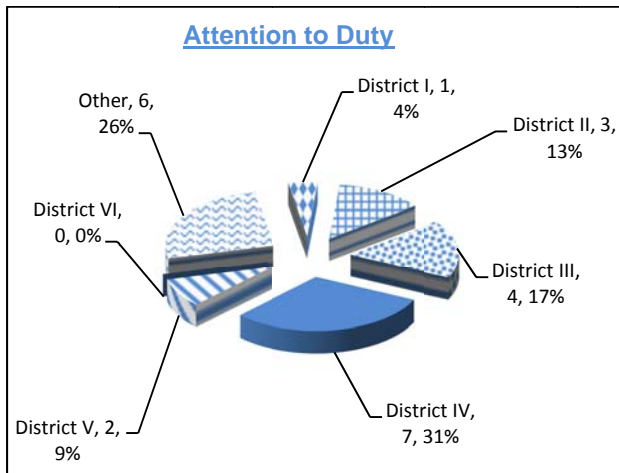


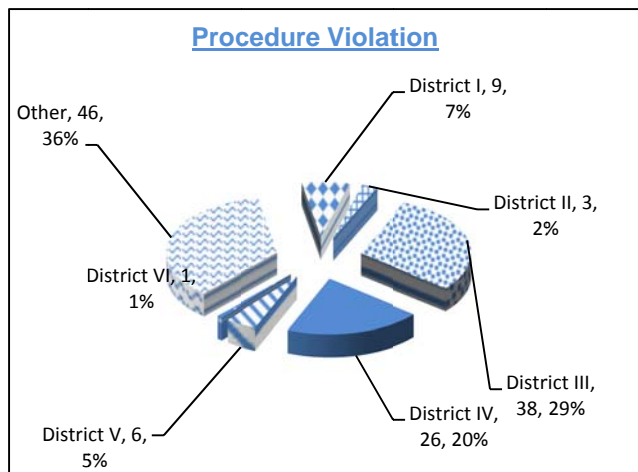
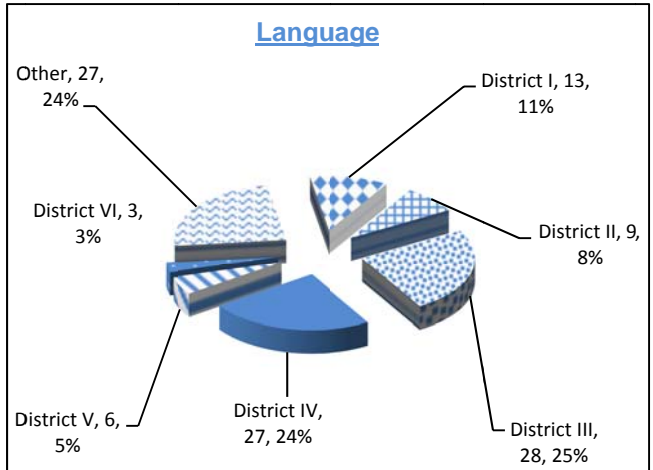
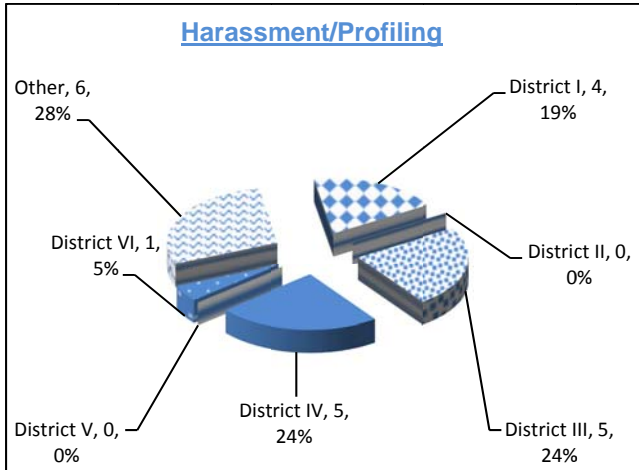
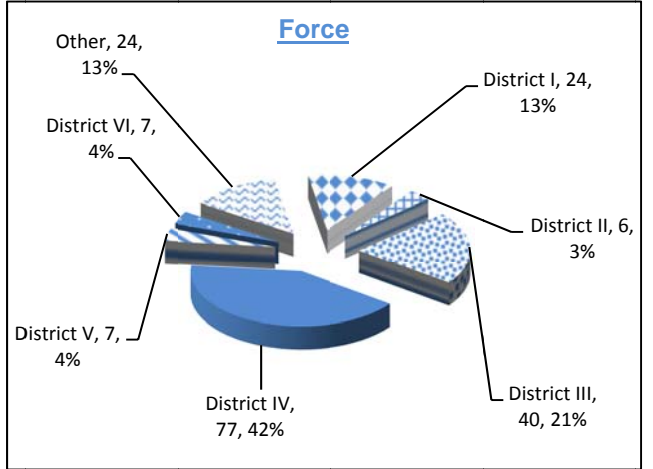
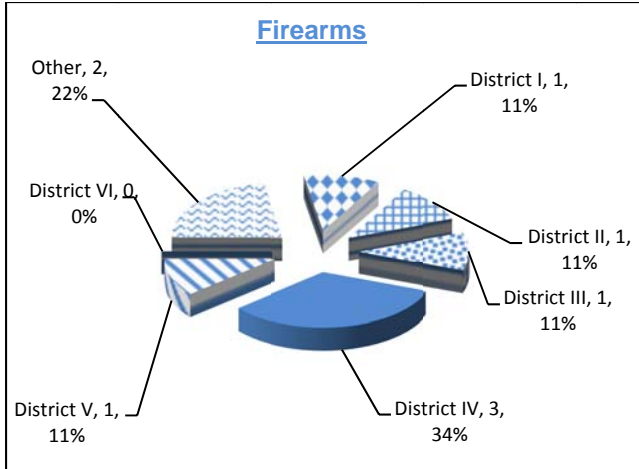
In FY15, District 3 and 4 were the districts with the largest number of misconduct allegations reported. Combined, they accounted for nearly 50% of all allegations investigated and subsequently reviewed by the CCOP in both FY15.

FY15	District I	District II	District III	District IV	District V	District VI	Other	Total
Attention to Duty	1	3	4	7	2		6	23
Conduct	21	11	46	42	5	17	77	219
Criminal Misconduct	1	1	7	4	2	0	14	29
Ethics Violation/Credibility	2	0	6	3	3	1	3	18
Firearms	1	1	1	3	1	0	2	9
Force	24	6	40	77	7	7	24	185
Harassment/Profiling	4	0	5	5	0	1	6	21
Language	13	9	28	27	6	3	27	113
Procedure Violation	9	3	38	26	6	1	46	129
Total	76	34	175	194	32	30	205	746

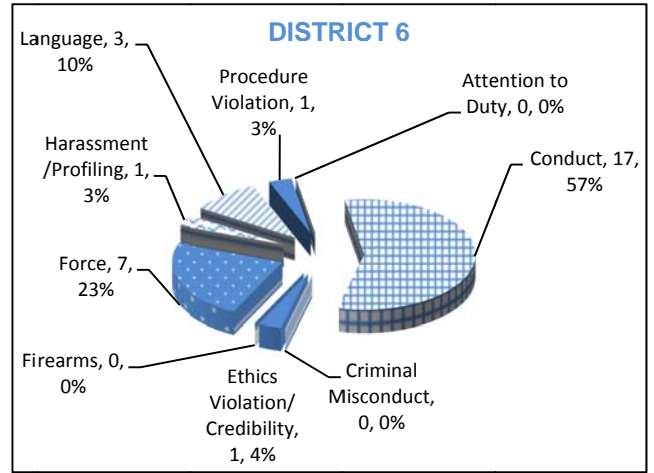
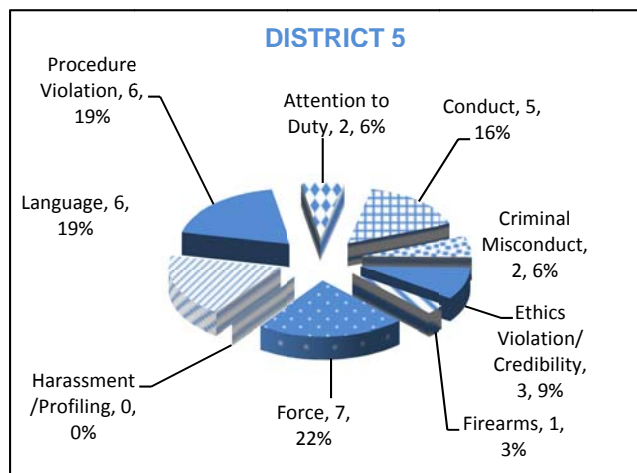
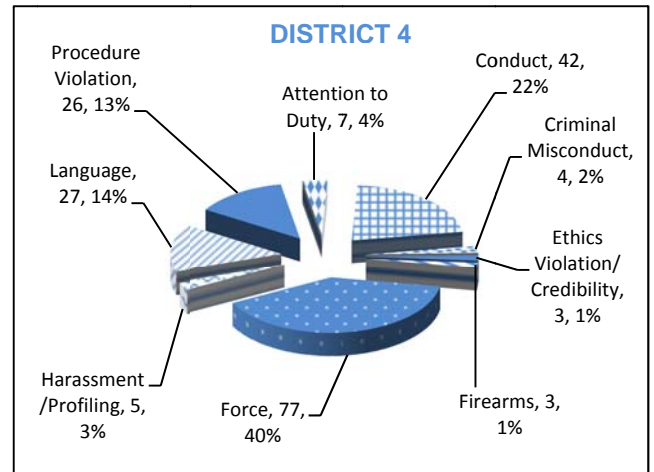
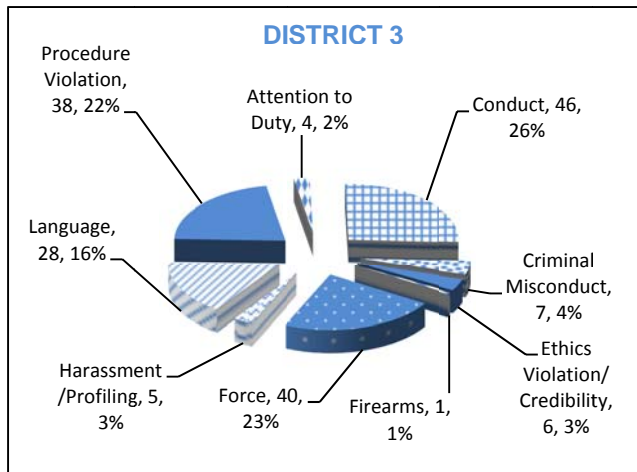
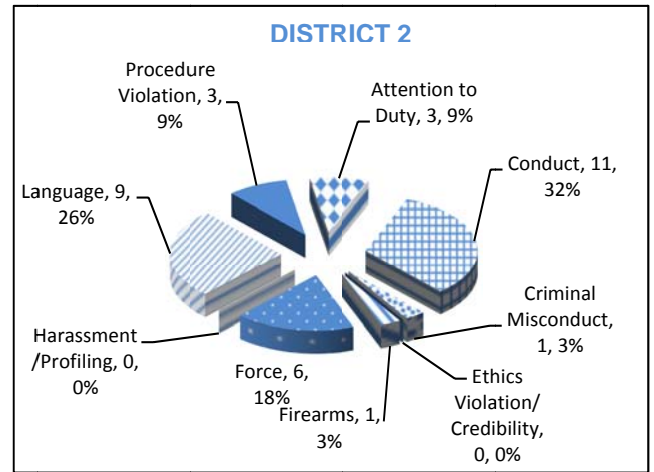
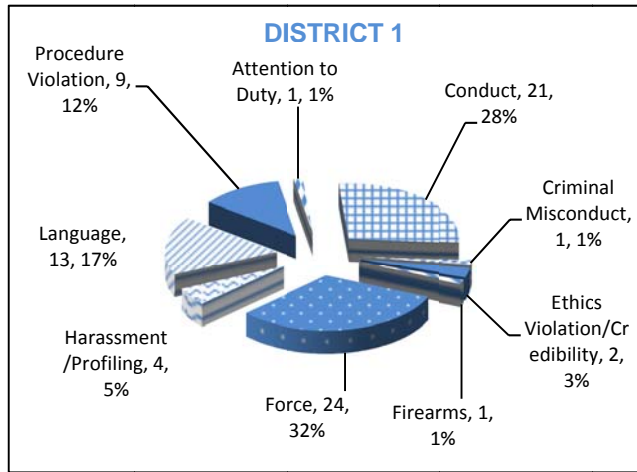
The next two sets of charts provide a visual perspective of the frequency of FY2015 allegations from a district perspective. **Group One** illustrated the distribution of the allegation types across districts. **Group Two** provides a snapshot of the types of allegations reported within a given district.

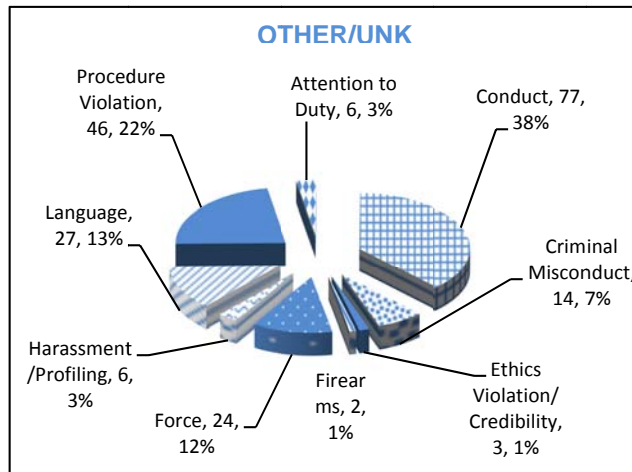
GROUP ONE: Distribution of Allegations across Districts





GROUP TWO: Distribution of Allegations within Districts





FINDINGS AND RECOMMENDATIONS

When the Internal Affairs Division of the Police Department completes its investigation, the investigator makes recommendations regarding the findings for each allegation in the case. These recommendations are as follows:

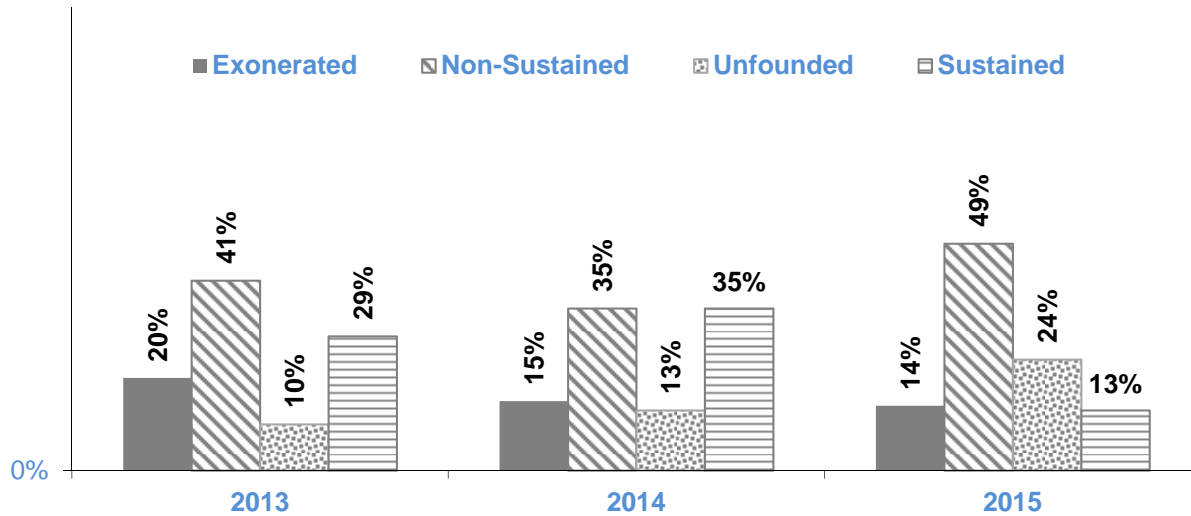
Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure;

Non-Sustained - The evidence fails to prove or disprove that alleged act(s) occurred;

Exonerated (Proper Conduct) - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and

Unfounded - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Historical Distribution of Findings



Of the 746 allegations reported for FY15, IAD referred 740 and the CCOP, based on its reviews, recommended an additional six. The next chart illustrates a 14 percentage point increase in allegation that were non-sustained, a corresponding 16 percentage point decrease in allegations that were sustained and an 11 percentage point increase in unfounded recommendations, as compared to 2015. The Panel did not note a systemic problem or issue related this trend for recommendations to non-sustain or unfound allegations. It does, however, draw attention to the significant decline in recommendations to sustain allegations, as compared to prior years, when the percentage range was in the mid 30%.

Distribution of Findings by Type

FY15	Exonerated	Non-Sustained	Unfounded	Sustained	Added Allegations
Attention to Duty	4%	2%	2%	4%	100%
Conduct	15%	37%	21%	22%	0%
Criminal Misconduct	0%	0%	19%	3%	0%
Ethics/Credibility Violations	4%	3%	2%	8%	0%
Firearms	0%	0%	0%	4%	0%
Use of Force	67%	22%	29%	4%	0%
Harassment/Profiling	0%	2%	12%	1%	0%
Use of Language	0%	24%	7%	11%	0%
Procedure Violation	10%	10%	8%	42%	0%

CCOP RECOMMENDATIONS

When the CCOP disagrees with IAD recommendations, identifies additional allegations, or has comments regarding questionable aspects of an investigation, the CCOP submits a letter detailing its findings to the Chief of Police. In FY15, the CCOP disagreed with IAD findings, rendered comments or recommended additional allegations in less than 15% of the investigations reviewed by the CCOP. The CCOP does not track its recommendation cross-referenced by allegation or district. Information on the disposition can be found among the summaries in the Case Summary section of this report.

The CCOP takes pride in the part it plays in assuring that the Department holds officers fully accountable for their conduct. The Panel has noted several improvements in the scope and quality of IAD investigations that the Panel believes is, in part, due to its diligence and insistence on impartiality and thoroughness. Investigations were more thorough and broader in scope and investigators were more diligent in delineating and fully charging officers.

While there was improvement in these areas, the Panel continued to receive investigations it deemed incomplete or missing evidence. In these instances, the Panel either remanded the investigations back to IAD to correct the deficiencies or recommended that allegations be added to the list of charges.

In instances where the CCOP disagrees with the IAD recommendation, the CCOP researches the issue and presents recommendations for alternative findings, policy changes and/or training. After reviewing the CCOP's recommendations, the Chief renders a final disposition for the investigations.

As the number and complexity of investigations and allegations increased, the CCOP adjusted its meeting schedule to meet the increase. The Panel now meets 4-5 evenings per month to review and discuss cases. Additionally, some members spend non-meeting hours in the CCOP office reviewing case files, videotapes and other evidence to prepare for review meetings. The Panel works diligently to complete case reviews and prepare recommendations to the Chief with a 40-day timeframe.

Key to the CCOP's mission is its mandate to strengthen the relationship between the police and the community. The CCOP's efforts to achieve this are normally concentrated in three main areas:



*Community Relations
Partnership Building
Improved Training for Panel Members*

In FY15, the CCOP's participation in outreach was limited. This was due in part to long-standing panel vacancies and scheduling conflicts. The CCOP continued to inform the public of its services via its web pages found on the Prince George's County Government's web site located at www.princegeorgescountymd.gov.

The CCOP's web pages offer a complete step-by-step guide to the complaint process. The 1072 Complaint Form, in both English and Spanish, can also be downloaded from the site. The site also provides an email link to the CCOP, as well as links to PDF versions of the CCOP's current and prior annual reports. The CCOP's annual report is published online only.

The CCOP was included in the 2015-16 Directory of Organizations published by the Prince George's County Memorial Library System. This list identified the CCOP's willingness to provide speakers for educating the public on the complaint process, the CCOP's functions, and the role of law enforcement oversight panels in general.

Panel members continued to be available to provide information on the CCOP and citizen/police interaction at various professional and community meetings. The CCOP office continued to provide outreach materials upon request.

The CCOP maintains membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE). Since its focus is on the work of similar oversight groups across the United States, NACOLE is

of particular interest and significance to the CCOP, and has become a valuable resource. As a result, the CCOP instituted a modified version of its recommended training program for civilian oversight panels. A major component of this program includes participation in NACOLE's training provided at its annual conference. The focus of the NACOLE conference is to provide a national debate on civilian oversight and policing in the United States. NACOLE speakers and panelists from diverse countries, professions and backgrounds provide invaluable information and insight at these conferences. Panel discussions cover a wide range of issues including: 1) types of civilian oversight best suited for a given community; 2) trends in civilian oversight and their effect on various types of oversight; and 3) suggested policy changes and best practices.

ISSUES

Each year, the CCOP's annual report outlines critical issues related to the Panel's complaint review responsibilities, the PGPD policies and training, as well as community and citizen relations.

The issues noted below for FY15 were of concern to the Panel. They represent both issues that have been raised in previous years, as well as ongoing issues that have gained more attention during the most recent year.

1. Delay or Failure to Clearly Provide Officer Identification Information

ISSUE: In FY15, the CCOP continued to note that several officers were not providing identification information to citizens clearly upon request, per the manner dictated by the GOM, Volume I, Chapter 32, Section 21, which states that when confidentiality is not an issue, "an employee will provide their name, rank and identification number upon request. The identification will be clearly provided." The panel brought this issue to the attention of the Department on several occasions.

RECOMMENDATION: While the Panel noticed an apparent decrease in the number of complaints related to the failure of officers to clearly provide

identification upon request in FY14, this issue still remains a concern for the panel. And, though it appears to be more clearly addressed by officers, the Panel would like to make sure the Department continues to take seriously the responsibility to have officers respond clearly and properly as mandated by the GOM.

The Panel encourages the Department to continue emphasizing the importance of this issue to its officers and that officers properly and clearly inform citizens of their identification and names upon request.

2. Identifying Purpose of Traffic Stops

ISSUE: The General Order Manual requires that officers immediately notify a motor vehicle operator the reason for a traffic stop. However, throughout FY15, the Panel reviewed incidents where officers failed to immediately and properly do so. Instead, the officers attempted to obtain the driver's license and registration first. This improper action, which may seem slight to some, on occasion has led to unnecessary confrontation between the vehicle operator and the officer.

RECOMMENDATION: The Panel would like to remind the Department of the need to provide sufficient training to its officers regarding the proper conduct of a traffic stop. Such training could contribute to the reduction of incidents and complaints related to traffic stops.

3. De-Escalating Situations

ISSUE: The Panel reviewed several incidents where the actions of the officer quickly and unnecessarily escalated a situation resulting in a use of force or other actions taken by the officer against a citizen.

RECOMMENDATION: The Panel understands that officers need to control situations in order to ensure their safety and the safety of others, but attempts at de-escalation must be made in incidents when there is no imminent threat of injury or bodily harm. The Panel recommends a bolstering of training by the Department in de-escalation techniques and actions. This is especially important during incidents which involve emotionally disturbed persons. Additionally, the Awards Committee of the Department should attempt to recognize officers who successfully de-escalate contentious situations. The Panel recommends that the

department develop a new award ribbon to be presented to officers who successfully de-escalate a situation where force otherwise would have been necessary.

4. Lack of Functioning Mobile Video Systems (MVS) during Traffic Stops

ISSUE: As seen in many cases in previous years, video evidence in many cases could have helped to more clearly resolve allegations. Numerous cases which involved traffic stops may have benefited from properly used or adequately functioning audio visual equipment. Unfortunately, a pattern has continued over the past several years where many older police cruisers either have no audio visual equipment; have obsolete or malfunctioning equipment; or officers have demonstrated a lack of training in properly deploying the equipment and properly downloading the video upon return to their stations, with regard to the newest equipment.

RECOMMENDATION: Since FY11, the CCOP has continued to recommend that the department develop a long-term plan to provide operational video monitoring equipment in all departmental vehicles used for patrol. The CCOP continues to make this recommendation. Additionally, the CCOP recommends that officers be given periodic training to remind them of the necessity and benefit to properly functioning video monitoring equipment. The Panel also believes that the use of body cameras may also prove helpful and recommends the Department implement this type of program as soon as possible.

As in past years, the CCOP has been advised that as fleet vehicles are retired they are replaced with vehicles that are equipped with the technology to do audio and video recording of required stops. This replacement cycle will continue as vehicles are retired and new vehicles are acquired. The CCOP continues to call for more vehicles in the fleet to have updated MVS and projections on when the older vehicles will be phased out and the rest of the fleet will received updated MVS. Additionally, the Panel has been advised that a pilot project for body cameras was in the final stages of planning and would be implemented in the near future.

5. Videotaping of Officers by the Public

ISSUE: Officers should realize that they are subject to being videotaped by members of the public at all times, while working or operating a county vehicle or while taking official police actions. The CCOP has reviewed many incidents where officers attempted to confiscate or actually confiscated cellular phones of members of the public who were attempting to videotape them, which is a constitutionally protected right. Officers enjoy no expectation of privacy while performing police duties and should assume that they are being videotaped at all times while working. Often, videotaped footage of officers by citizens shows that the officer was in fact acting in a proper manner.

RECOMMENDATION: The Panel recommends the Department emphasize to their officers, during training, and provide regular reminders, that officers should focus on following departmental procedures rather than being concerned about being videotaped and that citizens have a right to record officers' conduct while on duty and during their performance of police functions.

6. Questionable Judgment, Ethics, and Misrepresentation of Facts

ISSUE: As noted in previous annual reports, the overall number of specific cases involving this broader category related to proper judgment is relatively small. The conduct does not involve or reflect the actions of the vast majority of officers, who instead conduct themselves in a highly professional manner. Nonetheless, the Panel's review of cases in FY15 did reveal a continuing trend from FY12, FY13, and FY14, where it noted cases of officers exercising questionable judgment, a lack of attention to duty, or situations that could cast doubt on their ethical behavior or the proper representation of facts.

RECOMMENDATION: The Panel continues to recommend that the Department review its training and orientation related to ethics and proper behavior. The Panel will continue to schedule meetings with the Department to discuss best practices used nationally and would advise the Department to seriously consider bolstering the training related to ethics for both new recruits and veteran officers.

7. Investigative Process

ISSUE: Investigations have become more thorough and broader in scope and investigators are more diligent in delineating and fully charging officers. However, the CCOP still notes concerns regarding some investigators, who are not fully investigating or addressing all the charges applicable to a complaint. Specifically, the Panel reiterates that some investigators do not take into consideration:

- a. All allegations outlined in the original written complaint;
- b. Additional allegations made by the complainant or witness(es) during taped or written statements; and
- c. Additional charges or allegations made during a 911 call or other requests for assistance.

RECOMMENDATION: The Panel understands that as new investigators begin their responsibilities there will be periods of adjustment. However, despite some notable improvements, as in FY14, the Panel did encounter some investigations in FY15 where quality and thoroughness remained an issue. This concern bears repeating. It is imperative that as the Department brings on new investigators, they are fully cognizant of the need to conduct thorough, complete, and unbiased investigations.

Additional Information

Glossary of Terms

Enabling Legislation

Form (1072)
English and Spanish

Glossary of Terms

The terms defined below pertain to CB-25-1990, and CB-59-2001 which engendered new terms and definitions.

ALLEGATION - The specific charge for each act or behavior investigated in complaints alleging that a law enforcement officer has violated standards imposed by law or the Prince George's County Police Department (PGCPD) procedures. The allegations investigated by IAD and reviewed by CCOP include, but are not limited to the following categories:

Use of Force:

Aggressive Force - Force unreasonable in scope, duration, or severity under circumstances (e.g., continued use of force when resistance has ceased).

Excessive Force - Intentional, malicious, or unjustified use of force resulting in injury or potential for injury.

Unnecessary Force - Force inappropriate to effect an arrest or control a situation; includes use of force when none is necessary.

Use of Language:

Abusive Language - Harsh, violent, profane or derogatory language that would demean the dignity of any person.

Discriminatory Language - Demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender, or religion of a person(s).

Inappropriate Language - Name calling, sarcastic remarks or other unnecessary language which serves to belittle, or embarrass a citizen, or otherwise inflame an employee/citizen contact.

Conduct - Refers to excessive, unwarranted or unjustified behavior that reflects poorly on the officer the department or on the county government, regardless of duty status. This category includes allegations of misconduct, unbecoming conduct, and unreported misconduct.

Harassment - Repeated, unwarranted verbal or physical annoyances, threats or demands including sexual harassment.

Credibility - Allegations of dishonest behavior that may diminish public trust and undermine the credibility, effectiveness or integrity of the officer or contribute to the corruption of others.

Process Violations - Failure to comply with specific policies and directives related to operational procedures.

Firearms - Complaints or cases related to the intentional and unintentional discharge

CB-25-1990 - The legislation establishing the Citizen Complaint Oversight Panel (CCOP) that sets forth its duties and responsibilities and the composition of its members. (See Appendix B)

CB-44-1994 - The legislation that changed the length of terms of panel members from two years to four years, and provided for the staggering of the terms. (See Appendix C)

CB-59-2001 - The legislation that amended CB-25-1990. (See Appendix D)

CCOP - The Citizen Complaint Oversight Panel

COMPLAINT - Any written allegation, signed by the complainant and submitted to the Prince George's County Police Department (PGCPD), alleging that the conduct of a law enforcement officer violated standards imposed by law or the PCGPD procedures. A complaint can also be filed using Form #1072 (PGCPD form).

FORM #1072 - Complaint Against Police Practices - A Prince George's County Government Form for filing complaints against the Prince George's County Police Department.
IAD - Internal Affairs Division of the Prince George's County Police Department.

LETTER OF DETERMINATION - Refers to the summary report of investigations conducted by the HRC prior to January 11, 2001. This function was made obsolete by CB-59-2001.

RECOMMENDATIONS - CCOP's conclusions submitted to the Chief of Police for each of the allegations listed in the Internal Affairs ROI, and are based on IAD's investigation, comments, recommendations, and, when applicable, CCOP's investigation. The CCOP can concur with the IAD findings in their entirety or the CCOP may disagree and make its own recommendations to the Chief of Police with any of

the following conclusions or recommendations” for each allegation as follows:

Sustain - A preponderance of the evidence proves that the alleged act(s) occurred and that the act(s) violated Department policy and procedures.

Not Sustained - The evidence fails to prove or disprove that the alleged act(s) occurred.

Proper Conduct - Also referred to as “Exonerated” is a finding that the investigation found the alleged acts did occur, but they were justified, lawful and proper.

Unfounded - The investigation found the alleged acts did not occur or did not involve police employees.

Panel Investigation - Substantive issues were not adequately or impartially addressed by the Internal Affairs investigation; the Panel may conduct its own investigation; or Remand to Chief of Police - The Panel defers disposition to send complaint back to the Chief for further investigation and/or additional investigation.

REPORT/REPORT OF INVESTIGATION

(ROI)- The report by IAD that is the written record of its investigation.

Enabling Legislation

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990

Bill No. _____ CB-25-1990

Chapter No. _____ 30

Proposed and Presented by The Chairman (by request -
County Executive)

Introduced by Council Members Bell, Mills and Pemberton

Co-Sponsors _____

Date of Introduction _____ June 12, 1990

BILL

AN ACT concerning

Citizen Complaint Oversight Panel

FOR the purpose of establishing the Citizen Complaint Oversight Panel; providing for the composition and terms, powers and duties of the Panel; and establishing certain procedures to be followed by the Panel, the Chief of Police and the Human Relations Commission when a complaint of excessive force, abusive language or harassment is filed against a Prince George's County Police Officer.

BY repealing:

SUBTITLE 2. ADMINISTRATION.

Section 2-231,

The Prince George's County Code

(1987 Edition, 1988 Supplement).

BY adding:

SUBTITLE 2. ADMINISTRATION.

Section 2-231,

The Prince George's County Code

(1987 Edition, 1988 Supplement).

1 accordance with Sections 2-205 and 2-206 of this Code and shall
2 report in writing its comments and recommendations to the Chief of
3 Police and to the Citizen Complaint Oversight Panel, within twenty
4 (20) working days after the completion of the investigation by the
5 Internal Affairs Division, in accordance with the provisions of
6 Sections 18-186.01 through 18-186.08 of this Code.

7 **SUBTITLE 18. POLICE.**

8 **DIVISION 5. POLICE DEPARTMENT.**

9 **Subdivision 3. Citizen Complaint Oversight**
10 **Panel.**

11 **Sec. 18-186.01. Legislative Findings.**

12 (a) The procedures to be used when any law enforcement officer
13 is subject to investigation or interrogation for any reason which
14 could lead to disciplinary action, demotion or dismissal are
15 established under Article 27, Sections 727-734D of the Annotated
16 Code of Maryland ("Law Enforcement Officers' Bill of Rights") and
17 are in no way supplanted by the procedures set forth in this
18 Subdivision.

19 (b) It is found and declared that when a complaint is filed or
20 an incident is reported in which a Prince George's County Police
21 Officer is alleged to have used excessive force, abusive language or
22 harassment involving a citizen, the public needs assurance that the
23 investigation is complete, thorough, and impartial, and that the
24 report and recommendations of the investigating unit are reasonable
25 and appropriate under the circumstances.

26 (c) It is declared that the purpose of the Citizen Complaint
27 Oversight Panel is to review the report of the investigation and to
advise the Chief of the Prince George's County Police Department if

the investigation was complete, thorough, and impartial.

(d) It is a further declared purpose of the Citizen Complaint Oversight Panel to review the processing of complaints of excessive force, abusive language or harassment and to comment on the action taken on such complaints, to report its comments and recommendations to the Chief Administrative Officer upon the final disposition of each case, and to issue an annual report to the public.

Sec. 18-186.02. Definitions.

(a) As used herein, the following words shall have the following meanings:

(1) "Abusive language" means harsh, violent, profane or derogatory language which would demean the dignity of any person. "Abusive language" includes, but is not limited to, profanity, and racial, ethnic or sexist slurs.

(2) "Chief of Police" means the Chief of the Prince George's County Police Department.

(3) "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance and shall not include that force which is reasonably necessary to effect a lawful purpose.

(4) "Harassment" means repeated, unwarranted verbal or physical annoyances, threats, or demands.

(5) "Hearing Board" means the Police Hearing Board as defined in Article 27, Section 727 of the Annotated Code of Maryland.

(6) "Human Relations Commission" means the Prince George's County Human Relations Commission.

(7) "Law enforcement officer" means a sworn officer of

the Prince George's County Police Department.

(8) "Panel" means the Citizen Complaint Oversight Panel.

Sec. 18-186.03. Citizen Complaint Oversight Panel created;
composition; appointment; compensation.

(a) There is hereby created a Citizen Complaint Oversight Panel.

(b) The Panel shall consist of seven (7) members who shall be appointed by the County Executive and confirmed by the County Council.

(c) Of the initial appointments, three (3) shall be for a term of one (1) year and four (4) shall be for a term of two (2) years. Thereafter, all appointments shall be for two (2) year terms. In the event that a member does not complete a term, the vacancy shall be filled in the same manner as initial appointments. No member shall be appointed for more than two (2) consecutive full terms.

(d) Members shall be residents of Prince George's County and broadly representative of the citizens of the County; however, no person may be appointed nor serve as a member who is a municipal, bi-county, County or State employee, or who is a municipal, County or State elected official or candidate for any such elected office, or who is employed by any law enforcement organization.

(e) Members may be reimbursed for reasonable expenses incurred in the performance of their duties and shall be compensated at the rate of Fifty Dollars (\$50) per hour for meetings, but no member shall receive more than Ten Thousand Dollars (\$10,000) in any twelve (12) month period.

(f) The County Executive shall designate a member to serve as Chairperson of the Panel.

1 form. The law enforcement officers shall advise such individuals of
2 the correct procedures to be followed under this Section. Upon
3 request, a copy of the citizen complaint form will be mailed to the
4 complainant at the address furnished.

5 (c) The Police Department shall place posters in all police
6 stations, and elsewhere throughout the County to explain the
7 procedure for filing a complaint.

8 (d) An explanation of the complaint procedure shall be made to
9 all officers of the Prince George's County Police Department in a
10 General Order to be included in the Manual of Rules and Procedures
11 of the Police Department, and shall be included in the training
12 program for all new officers.

13 Sec. 18-186.05. Investigation of Complaints.

14 (a) The Internal Affairs Division of the Police Department,
15 upon receipt of any citizen complaint form which alleges that a law
16 enforcement officer used excessive force, abusive language or
17 harassment shall commence an investigation within a reasonable
18 amount of time, ordinarily within thirty (30) calendar days from the
19 date of receipt of such complaint. The purpose of such
20 investigation shall be to evaluate the merits of the complaint in an
21 objective manner. Before taking the duress statement from the law
22 enforcement officer under investigation, the Internal Affairs
23 Division shall provide the officer and his representative the
24 opportunity to read the complaint.

25 (b) Upon the completion of its complaint investigation, the
26 Internal Affairs Division shall immediately forward to the Chief of
27 Police a full report of its investigation including comments and
recommendations, if any, either that the complaint should be

1 (g) The County Executive shall provide appropriate staff,
2 including an Administrator who shall be an attorney admitted to the
3 practice of law in the State of Maryland. The Administrator shall
4 be compensated as provided in the annual budget.

5 (h) The chairperson shall designate five (5) members of the
6 Panel to review each complaint referred to the Panel pursuant to
7 this Subdivision. A quorum of four (4) members of the Panel shall
8 be required to conduct the business of the Panel.

9 Sec. 18-186.04. Citizen Complaints.

10 (a) Whenever an individual believes that he or she has been
11 the object of police misconduct, such individual may file a written
12 complaint with the Chief of Police on a form provided by the Police
13 Department.

14 (1) The complaint shall include the name of the
15 complainant, and to the extent known, the name of the law
16 enforcement officer allegedly involved, and the time, place and
17 circumstances involved in the incident. The complaint shall also
18 include an explanation of the conduct that is deemed to be wrongful.

19 (2) Sufficient supplies of citizen complaint forms shall
20 be readily available at every Prince George's County Police station,
21 every public library branch within the County, and at a designated
22 office in the County Administration Building. These written
23 complaint forms may be submitted in person or sent by mail to any
24 office of the Prince George's County Police Department or to any
25 office of the Panel.

26 (b) Individuals who present oral complaints by telephone or in
27 person to police headquarters or to individual law enforcement
officers shall be instructed to fill out a written citizen complaint

1 sustained, not sustained or dismissed, or for exoneration.

2 Sec. 18-186.06. Duties of Chief of Police.

3 (a) The Chief of Police shall send to the Human Relations
4 Commission a copy of every signed and sworn complaint alleging use
5 of excessive force, abusive language or harassment by a law
6 enforcement officer. The copy of the complaint shall be sent within
7 twenty-four (24) hours after the initial evaluation by the Police
8 Department, and shall be accompanied by a statement indicating
9 whether the Internal Affairs Division will conduct a full
10 investigation of the alleged incident. The Chief of Police shall
11 send the law enforcement officer under investigation a written
12 notice that the complaint has been received. The notice shall
13 include the time, date and place of the conduct which is the subject
14 of the complainant as well as a brief description of the nature of
15 the complaint and shall be sent within twenty-four (24) hours after
16 the initial evaluation by the Police Department.

17 (b) Within twenty-four (24) hours after receipt, the Chief of
18 Police shall send to the Panel a copy of the Internal Affairs
19 Division report of the investigation of every case alleging use of
20 excessive force, abusive language or harassment by a law enforcement
21 officer and shall notify the Human Relations Commission that the
22 investigation has been completed.

23 (c) The Chief of Police shall direct a member of the Internal
24 Affairs Division to attend, upon request of the Panel, the meeting
25 of the Panel for the purpose of providing clarification of any
26 information in the report.

27 (d) The Chief of Police shall give due consideration to the
comments and recommendations of the Panel, and shall instruct the

1 Internal Affairs Division to continue the investigation if, in the
2 judgment of the Chief of Police, substantive issues have not been
3 adequately or impartially addressed.

4 (e) After the Chief of Police has reviewed the comments and
5 recommendations of the Panel, the Chief of Police may proceed to act
6 upon the recommendations of the Internal Affairs Division in
7 accordance with the provisions of Article 27, Sections 727 through
8 734D of the Annotated Code of Maryland.

9 (f) The Chief of Police shall notify the Panel within two (2)
10 working days of the final disposition of the case.

11 Sec. 18-186.07. Duties of the Human Relations Commission.

12 (a) The Human Relations Commission shall investigate every
13 case alleging use of excessive force, abusive language or harassment
14 by a law enforcement officer in accordance with the provisions of
15 the Human Relations Code. If the allegation is also being
16 investigated by the Internal Affairs Division, the Human Relations
17 Commission shall conduct its investigation simultaneously, shall
18 conduct a public hearing before three members of the Law Enforcement
19 Panel of the Commission, in accordance with Sections 2-205 and 2-206
20 of this Code and shall report in writing its comments and
21 recommendations to the Chief of Police and to the Panel, within
22 twenty (20) working days after the completion of the investigation
23 by the Internal Affairs Division.

24 (b) If requested by the Panel, the Human Relations Commission
25 shall direct the person who conducted the investigation to attend
26 the meeting of the Panel for the purpose of providing clarification,
27 if needed, of any information in the report.

(c) The investigation and hearing by the Human Relations

1 Commission shall not be construed to constitute an investigation or
2 hearing that could lead to disciplinary action, demotion or
3 dismissal of a law enforcement officer. The comments and
4 recommendations may be used by the Panel to assist the Panel in its
5 evaluation of the completeness and impartiality of the investigation
6 by the Internal Affairs Division.

7 Sec. 18-186.08. Duties of the Panel.

8 (a) For every investigation into alleged use of excessive
9 force, abusive language or harassment by a law enforcement officer,
10 the Panel shall review the report of the Internal Affairs Division
11 and the report of investigation and hearing by the Human Relations
12 Commission, if provided by the Human Relations Commission within the
13 time set forth in Sections 2-231 and
14 18-186.07 (a) of this Code.

15 (b) Within ten (10) working days after receiving the report of
16 the investigation and hearing by the Human Relations Commission, but
17 no later than thirty (30) working days after the completion of the
18 report of the Internal Affairs Division, the Panel shall review the
19 reports received and shall issue to the Chief of Police a written
20 report as to the completeness and impartiality of the reports
21 together with any of the following recommendations:

22 (1) Sustain the complaint;

23 (2) Approve, disapprove or modify the recommendations of
24 the Internal Affairs Division;

25 (3) Dismiss the complaint because of lack or
26 insufficiency of evidence;

27 (4) Exonerate the police officer because of the absence
of clear and convincing evidence;

1 Commission shall not be construed to constitute an investigation or
2 hearing that could lead to disciplinary action, demotion or
3 dismissal of a law enforcement officer. The comments and
4 recommendations may be used by the Panel to assist the Panel in its
5 evaluation of the completeness and impartiality of the investigation
6 by the Internal Affairs Division.

7 Sec. 18-186.08. Duties of the Panel.

8 (a) For every investigation into alleged use of excessive
9 force, abusive language or harassment by a law enforcement officer,
10 the Panel shall review the report of the Internal Affairs Division
11 and the report of investigation and hearing by the Human Relations
12 Commission, if provided by the Human Relations Commission within the
13 time set forth in Sections 2-231 and
14 18-186.07 (a) of this Code.

15 (b) Within ten (10) working days after receiving the report of
16 the investigation and hearing by the Human Relations Commission, but
17 no later than thirty (30) working days after the completion of the
18 report of the Internal Affairs Division, the Panel shall review the
19 reports received and shall issue to the Chief of Police a written
20 report as to the completeness and impartiality of the reports
21 together with any of the following recommendations:

22 (1) Sustain the complaint;

23 (2) Approve, disapprove or modify the recommendations of
24 the Internal Affairs Division;

25 (3) Dismiss the complaint because of lack or
26 insufficiency of evidence;

27 (4) Exonerate the police officer because of the absence
of clear and convincing evidence;

1 (5) Remand the complaint for further investigation to the
2 Internal Affairs Division.

3 (c) Upon written application to the Chief of Police and for
4 good cause shown, the Chief of Police may grant an extension of
5 time, not to exceed ten (10) additional working days, to the Panel
6 to complete their review and report. If the Panel is unable to
7 complete their review and report within the time allowed, including
8 any extension granted by the Chief of Police, then the report of the
9 Internal Affairs Division and the report of investigation and
10 hearing by the Human Relations Commission, if available, shall be
11 forwarded to the Chief of Police without comment for action as
12 provided in Section 18-186.06 (e).

13 (d) The Panel shall base its comments and recommendations
14 solely on the investigative reports. It shall not conduct its own
15 investigation, nor hear from witnesses. The Panel may request a
16 member of the Internal Affairs Division and an investigator from the
17 Human Relations Commission to attend the Panel meetings to provide
18 clarification, if needed, of any material in the respective reports
19 of investigation.

20 (e) The Administrator of the Panel shall advise the Panel on
21 all legal issues, including but not limited to rules of evidence and
22 confidentiality of information. The Panel shall protect
23 confidentiality but may otherwise make public its comments and
24 recommendations no sooner than one (1) working day after submitting
25 its report to the Chief of Police.

26 (f) Upon direction of the Chairperson of the Panel, a member
27 or staff of the Panel shall observe the proceedings of a hearing
 board, if one is convened.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1994

Bill No. CB-44-1994

Chapter No. 56

Proposed and Presented by The Chairman (by request -
County Executive)

Introduced by Council Member Pemberton

Co-Sponsors _____

Date of Introduction June 14, 1994

BILL

AN ACT concerning

Citizen Complaint Oversight Panel

For the purpose of changing the length of terms of panel members from two years to four years, and providing for the staggering of the terms.

BY repealing and reenacting with amendments:

SUBTITLE 18. POLICE.

Section 18-186.03,

The Prince George's County Code

(1991 Edition, 1992 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 18-186.03 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

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Adopted this 19th day of July, 1994.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: F. Kirwan Wineland
F. Kirwan Wineland
Chairman

ATTEST:

Joyce T. Sweeney
Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: August 2, 1994

BY: Parris N. Glendening
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2001 Legislative Session

Bill No. CB-59-2001

Chapter No. 51

Proposed and Presented by Council Members Estepp, Bailey and Russell

Introduced by Council Members Estepp, Bailey and Russell

Co-Sponsors _____

Date of Introduction October 16, 2001

BILL

1 AN ACT concerning

2 Citizen Complaint Oversight Panel

3 For the purpose of amending the responsibilities of the Chief of Police, the Human Relations
4 Commission, and the Citizen Complaint Oversight Panel in the investigation of complaints
5 against County law enforcement officers; and generally relating to the Citizen Complaint
6 Oversight Panel.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 2. ADMINISTRATION.

9 Sections 2-229 and 2-231,

10 The Prince George's County Code

11 (1999 Edition, 2000 Supplement).

12 SUBTITLE 18. POLICE.

13 Sections 18-186.01, 18-186.02, 18-186.05,

14 18-186.06, 18-186.07, and 18-186.08,

15 The Prince George's County Code

16 (1999 Edition, 2000 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 2-229, 2-231, 18-186.01, 18-186.02, 18-186.05, 18-186.06, 18-186.07,
19 and 18-186.08, of the Prince George's County Code be and the same are hereby repealed and
20 reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 8. Discrimination by Law Enforcement Officers.

Sec. 2-229. Prohibited acts by law enforcement officers.

(a) The Human Relations Commission shall have the authority to investigate, and hold a formal hearing, on any sworn complaint against any law enforcement officer operating within the County, except a complaint against a member of the Prince George's County Police Department, which alleges any of the following categories of complaints that are defined and prohibited by law or regulation:

- (1) Police harassment;
- (2) The excessive use of force in the performance of his duties;
- (3) The use of language which would demean the inherent dignity of any person.

(b) The Commission's staff shall upon receipt of a sworn complaint, transmit a copy of any such complaints to the Chief of any Law Enforcement Agency involved, and the State's Attorney promptly after filing.

* * * * *

Sec. 2-231. Complaints against members of the Prince George's County Police Department.

Notwithstanding the provisions of [Section 2-230, if a complaint pursuant to] Section 2-229 if a complaint filed with the Commission involves a member of the Prince George's County Police Department, the [Human Relations] Commission shall [complete its investigation, conduct a public hearing before three members of the Law Enforcement Panel of the Commission, in accordance with Sections 2-205 and 2-206 of this Code, and shall report in writing its comments and recommendations] forward a copy of the complaint and all related documents to the Chief of Police and to the Citizen Complaint Oversight Panel, within [twenty (20)] one working day[s] after the receipt of the complaint by the Commission [completion of the investigation by the Internal Affairs Division, in accordance with the provisions of Sections 18-186.01 through 18-186.08 of this Code].

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

1 **Sec. 18-186.01. Legislative Findings.**

2 (a) The procedures to be used when any law enforcement officer is subject to investigation
3 or interrogation for any reason which could lead to disciplinary action, demotion, or dismissal
4 are established under Article 27, Sections 727-734D of the Annotated Code of Maryland ("Law
5 Enforcement Officers' Bill of Rights"), and are in no way supplanted by the procedures set forth
6 in this Subdivision.

7 (b) It is found and declared that when a complaint is filed or an incident [is reported]
8 occurs in which a Prince George's County Police Officer is alleged to have [used excessive force,
9 abusive language, or harassment involving a citizen] discharged a firearm in an attempt to strike
10 or control another person regardless of whether injury occurs, accidentally discharged a firearm,
11 a person dies during a law enforcement officer's use of force or while in the custody of a law
12 enforcement officer, or a law enforcement officer or other person has filed a complaint with the
13 Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding
14 the conduct of a law enforcement officer, the public needs assurance that the investigation is
15 complete, thorough, and impartial, and that the report and recommendations of the investigating
16 unit are reasonable and appropriate under the circumstances.

17 (c) It is declared that the purpose of the Citizen Complaint Oversight Panel is to review the
18 report of the investigation and to advise the Chief of the Prince George's County Police
19 Department if the investigation was complete, thorough, and impartial.

20 (d) It is a further declared purpose of the Citizen Complaint Oversight Panel to review the
21 processing of complaints [of excessive force, abusive language, or harassment] by law
22 enforcement officers or other persons and to comment on the action taken on such complaints, to
23 report its comments and [recommendations] conclusions to the Chief Administrative Officer
24 upon the final disposition of each case, and to issue an annual report to the public.

25 (e) It is a further declared purpose of the Citizen Complaint Oversight Panel, that, if in the
26 judgment of the Citizen Complaint Oversight Panel, substantive issues have not been adequately
27 or impartially addressed by the investigation of complaints by the Internal Affairs Division, the
28 Citizen Complaint Oversight Panel may conduct its own investigation.

29 **Sec. 18-186.02. Definitions.**

30 (a) As used herein, the following words shall have the following meanings:

1 [(1) **Abusive language** means harsh, violent, profane, or derogatory language which
2 would demean the dignity of any person. "Abusive language" includes, but is not limited to,
3 profanity and racial, ethnic, or sexist slurs.]

4 [(2)] (1) **Chief of Police** means the Chief of the Prince George's County Police
5 Department.

6 (2) **Complaint** means any written allegation, signed by the complainant, that the
7 conduct of a law enforcement officer violated standards imposed by law or departmental
8 procedures.

9 [(3) **Excessive force** means the use of greater physical force than reasonably
10 necessary to repel an attacker or terminate resistance and shall not include that force which is
11 reasonably necessary to effect a lawful purpose.]

12 [(4) **Harassment** means repeated, unwarranted verbal or physical annoyances, threats,
13 or demands.]

14 [(5)] (3) **Hearing Board** means the Police Hearing Board as defined in Article 27,
15 Section 727 of the Annotated Code of Maryland.

16 [(6) **Human Relations Commission** means the Prince George's County Human
17 Relations Commission.]

18 [(7)] (4) **Law enforcement officer** means a sworn officer of the Prince George's
19 County Police Department.

20 [(8)] (5) **Panel** means the Citizen Complaint Oversight Panel.

21 (6) **Police Department** means the Prince George's County Police Department.

22 (7) **Use of force** means but is not limited to, any action taken by a law enforcement
23 officer to strike or control another person including the use of firearms, canine dogs, impact
24 weapons, electrical stun devices, chemical or natural agents, physical contact and restraint
25 devices.

26 * * * * *

27 **Sec. 18-186.05. Investigation of Complaints.**

28 (a) The [Internal Affairs Division of the] Police Department, [upon receipt of any citizen
29 complaint form which alleges that] in all cases where a law enforcement officer [used excessive
30 force, abusive language, or harassment] discharged a firearm in an attempt to strike or control
31 another person regardless of whether injury occurs, accidentally discharged a firearm,

1 a person dies during a law enforcement officer's use of force or while in the custody of a law
2 enforcement officer, or a law enforcement officer or other person has filed a complaint with the
3 Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding
4 the conduct of a law enforcement officer, shall commence an investigation within a reasonable
5 amount of time, ordinarily within thirty (30) calendar days from the date of receipt of such
6 complaint. The purpose of such investigation shall be to evaluate the merits of the complaint in
7 an objective manner. [Before taking the duress statement from the law enforcement officer
8 under investigation, the Internal Affairs Division shall provide the officer and his representative
9 the opportunity to read the complaint.]

10 (b) Upon the completion of [its complaint] the investigation, the [Internal Affairs Division
11 shall immediately forward to the] Chief of Police shall receive a full report of [its] the
12 investigation including comments and recommendations, if any, either that the complaint should
13 be sustained, not sustained or dismissed, or for exoneration.

14 **Sec. 18-186.06. Duties of Chief of Police.**

15 (a) The Chief of Police shall notify the Panel within twenty-four (24) hours or the next
16 business day after a law enforcement officer discharged a firearm in an attempt to strike or
17 control another person regardless of whether injury occurs, accidentally discharged a firearm, a
18 person dies during a law enforcement officer's use of force or while in the custody of a law
19 enforcement officer, or a law enforcement officer or other person has filed a complaint with the
20 Prince George's County Police Department or the Citizen Complaint Oversight Panel regarding
21 the conduct of a law enforcement officer.

22 [(a)] (b) The Chief of Police shall promptly send to the [Human Relations Commission]
23 Panel a copy of every signed [and sworn] complaint [alleging use of excessive force, abusive
24 language, or harassment by a law enforcement officer] against a law enforcement officer. The
25 copy of the complaint [shall be sent within twenty-four (24) hours after the initial evaluation by
26 the Police Department, and] shall be accompanied by a statement indicating whether the Internal
27 Affairs Division will conduct a full investigation of the alleged incident. [The Chief of Police
28 shall send the law enforcement officer under investigation a written notice that the complaint has
29 been received. The notice shall include the time, date and place of the conduct which is the
30 subject of the complainant as well as a brief description of the nature of the complaint and shall
31 be sent within twenty-four (24) hours after the initial evaluation by the Police Department.]

1 [(b)] (c) Within twenty-four (24) hours or the next business day after receipt, subject to the
2 provisions of State law, the Chief of Police shall send to the Panel a complete copy of the
3 [Internal Affairs Division] report of the internal affairs investigation of every case [alleging use
4 of excessive force, abusive language, or harassment by a law enforcement officer] that a law
5 enforcement officer discharged a firearm in an attempt to strike or control another person
6 regardless of whether injury occurs, accidentally discharged a firearm, a person dies during a law
7 enforcement officer's use of force or while in the custody of a law enforcement officer, or a law
8 enforcement officer or other person has filed a complaint with the Prince George's County Police
9 Department or the Citizen Complaint Oversight Panel regarding the conduct of a law
10 enforcement officer, and shall notify the [Human Relations Commission] Panel that the
11 investigation has been completed.

12 (d). If the Chief of Police determines that the disclosure of information to the Panel
13 mandated under subsections (a) through (c) would reasonably be expected to compromise or
14 impede a pending criminal or internal affairs investigation, within twenty-four (24) hours or the
15 next business day after receipt of the information, the Chief of Police may petition the County
16 Executive or his designee for a temporary exemption. Such a petition shall be in writing, must
17 contain all information that subsections (a) through (c) requires to be disclosed to the Panel and
18 shall provide specific facts demonstrating that the disclosure would reasonably be expected to
19 compromise or impede the pending investigation. The County Executive or his designee shall
20 respond in writing and may grant a temporary exemption from the mandated disclosures of no
21 longer than thirty (30) days. At the expiration of a temporary exemption, the Chief of Police
22 may renew his petition and the County Executive or his designee may grant additional temporary
23 exemptions of no longer than thirty (30) days every time the petition is renewed.

24 [(c)] (e) The Chief of Police shall direct [a member of the Internal Affairs Division] the
25 internal affairs investigator to attend, upon request of the Panel, the meeting of the Panel for the
26 purpose of providing clarification of any information in the report.

27 [(d)] (f) The Chief of Police shall give due consideration to the comments and
28 [recommendations] conclusions of the Panel, and shall instruct the Internal Affairs Division to
29 continue the investigation if, in the judgment of the Chief of Police, substantive issues have not
30 been adequately or impartially addressed.

1 [(e)] (g) After the Chief of Police has reviewed the comments and [recommendations]
2 conclusions of the Panel, the Chief of Police may proceed to act upon the recommendations of
3 the Internal Affairs Division in accordance with the provisions of Article 27, Sections 727
4 through 734D of the Annotated Code of Maryland.

5 (h) The Chief of Police shall provide copies of the following to the Panel concurrent with
6 service, transmittal, or notice to a law enforcement officer:

7 (1) All administrative charges served upon a law enforcement officer;

8 (2) All notices of hearing boards or suspension hearings served upon a law
9 enforcement officer;

10 (3) All notices of suspension of police powers and/or pay served upon a law
11 enforcement officer;

12 (4) All reports of the hearing board transmitted to the Chief of Police; and

13 (5) All notices of disciplinary action issued by the Chief of Police.

14 [(f)] (i) The Chief of Police shall notify the Panel within two (2) [working] business days
15 of the final disposition of the case.

16 **Sec. 18-186.07. [Duties of the Human Relations Commission] Reserved.**

17 (a) The Human Relations Commission shall investigate every case alleging use of
18 excessive force, abusive language, or harassment by a law enforcement officer in accordance
19 with the provisions of the Human Relations Code. If the allegation is also being investigated by
20 the Internal Affairs Division, the Human Relations Commission shall conduct its investigation
21 simultaneously, shall conduct a public hearing before three members of the Law Enforcement
22 Panel of the Commission in accordance with Sections 2-205 and 2-206 of this Code, and shall
23 report in writing its comments and recommendations to the Chief of Police and to the Panel
24 within twenty (20) working days after the completion of the investigation by the Internal Affairs
25 Division.

26 (b) If requested by the Panel, the Human Relations Commission shall direct the person
27 who conducted the investigation to attend the meeting of the Panel for the purpose of providing
28 clarification, if needed, of any information in the report.

29 (c) The investigation and hearing by the Human Relations Commission shall not be
30 construed to constitute an investigation or hearing that could lead to disciplinary action,
31 demotion, or dismissal of a law enforcement officer. The comments and recommendations may

1 be used by the Panel to assist the Panel in its evaluation of the completeness and impartiality of
2 the investigation by the Internal Affairs Division.]

3 **Sec. 18-186.08. Duties of the Panel.**

4 (a) For every investigation [into alleged use of excessive force, abusive language, or
5 harassment by a law enforcement officer] alleging that a law enforcement officer discharged a
6 firearm in an attempt to strike or control another person regardless of whether injury occurs,
7 accidentally discharged a firearm, a person dies during a law enforcement officer's use of force
8 or while in the custody of a law enforcement officer, or a law enforcement officer or other person
9 has filed a complaint with the Prince George's County Police Department or the Citizen
10 Complaint Oversight Panel regarding the conduct of a law enforcement officer, the Panel,
11 subject to the provisions of State law, shall review the complete internal affairs investigation
12 [report of the Internal Affairs Division and the report of investigation and hearing by the Human
13 Relations Commission, if provided by the Human Relations Commission within the time set
14 forth in Sections 2-231 and 18-186.07(a) of this Code].

15 (b). All testimony, information or material obtained or created by the Panel shall be
16 considered confidential and shall not be disclosed except in the performance of its functions.

17 [(b)] (c) [Within ten (10) working days after receiving the report of the investigation and
18 hearing by the Human Relations Commission, but no] No later than thirty (30) working days
19 after the completion of the internal affairs investigation report [of the Internal Affairs Division],
20 the Panel shall review the reports received and shall issue to the Chief of Police a written report
21 as to the completeness and impartiality of the reports together with any of the following
22 [recommendations] conclusions for each allegation in a complaint:

- 23 (1) Sustain the complaint;
24 (2) Approve, disapprove, or modify the recommendations of the Internal Affairs
25 Division;
26 (3) Dismiss the complaint because of lack or insufficiency of evidence;
27 (4) Exonerate the police officer because of the absence of clear and convincing
28 evidence;
29 (5) Remand the complaint for further investigation to the Internal Affairs Division.]
30 (1) Sustained. A preponderance of the evidence proves that the alleged act or acts
31 occurred and that the act or acts violated Department policy or procedure;

1 (2) Not Sustained. The evidence fails to prove or disprove that the alleged act or acts
2 occurred.

3 (3) Proper Conduct. The evidence proves that the alleged act or acts occurred;
4 however, the act or acts were justified, lawful, and proper.

5 (4) Unfounded. The evidence proves that the alleged act or acts did not occur or that
6 the accused law enforcement officer was not involved.

7 (5) Panel Investigation . If, in the judgment of the Panel, substantive issues have not
8 been adequately or impartially addressed by the investigation of complaints by the Internal
9 Affairs Division, the Panel may conduct its own investigation.

10 (6) Remand to Chief of Police. The Panel may defer disposition to remand a
11 complaint back to the Chief of Police for further investigation and/or additional reports.

12 [(c)] (d) Upon written application to the Chief of Police and for good cause shown, the
13 Chief of Police may grant an extension of time, not to exceed ten (10) additional working days,
14 to the Panel to complete [their] its review and report. If the Panel is unable to complete [their] its
15 review and report within the time allowed, including any extension granted by the Chief of
16 Police, then the internal affairs investigation report [of the Internal Affairs Division and the
17 report of investigation and hearing by the Human Relations Commission, if available,] shall be
18 forwarded to the Chief of Police without comment for action as provided in Section 18-
19 186.06(e).

20 [(d)] (e) The Panel shall base its comments and [recommendations solely] conclusions on
21 the investigative reports. [It shall not conduct its own investigation, nor hear from witnesses.]
22 The Panel may request the internal affairs investigator [a member of the Internal Affairs Division
23 and an investigator from the Human Relations Commission] to attend the Panel meetings to
24 provide clarification, if needed, of any material in the respective reports of investigation.

25 [(e)] (f) The Panel may conduct its own investigation independently from, but
26 concurrently with, the internal affairs investigation.

27 [(f)] (g) The Panel may, upon a majority vote of the members present, apply to the County
28 Council for the issuance of subpoenas upon any person to require such person to attend, testify
29 under oath, and produce documents and records regarding the subject of any investigation by the
30 Panel in accordance with the Annotated Code of Maryland. A complete record, either written,
31 taped, or transcribed, shall be kept of a person's testimony. All testimony, information and

1 material obtained or created by the Panel during its investigation will be sent to the Chief of
2 Police for consideration.

3 [(e)] (h) The Administrator of the Panel shall advise the Panel on all legal issues,
4 including, but not limited to, rules of evidence and confidentiality of information. The Panel
5 shall protect confidentiality but may otherwise make public its comments and
6 [recommendations] conclusions no sooner than one (1) [working] business day after submitting
7 its report to the Chief of Police.

8 [(f)] (i) Upon direction of the Chairperson of the Panel, a member or staff of the Panel
9 shall observe the proceedings of a hearing board, if one is convened.

10 [(g)] (j) The Panel shall report its comments and [recommendations] conclusions in
11 writing to the Chief Administrative Officer in each case [upon the closing of the case by the Chief
12 of Police] in a timely manner.

13 [(h)] (k) The Panel shall make public an annual report of its activities. The annual report
14 shall contain summary reports of case conclusions, a statistical analysis of cases by type and
15 disposition, including discipline imposed, any recommendations for policy changes, recruitment,
16 supervision, operational procedures and training, and any other information that the Panel deems
17 appropriate.

18 (l) The Panel shall inform the complainant of the following in a timely manner:

19 (1) Notice of the time and location of any hearing board; and

20 (2) Final disposition of a complaint.

21 SECTION 2. BE IT FURTHER ENACTED that this Act shall take forty-five (45) calendar
22 days after it becomes law.

Adopted this 6th day of November, 2001.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Ronald V. Russell
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: 26 NOV 2001 BY: Wayne K. Curry
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Complaint against Police Practices Form



DEPARTAMENTO de POLICIA del CONDADO de PRINCE GEORGE
QUEJA con RESPECTO a PRACTICAS de la POLICIA

Oficina Central
 7600 Barlowe Road
 Palmer Park, Maryland 20785
 (301) 336-8800

Division de Asuntos Internales
 6707 Groveton Drive
 Clinton, Maryland 20735
 (301) 856-2660

(Fecha de Hoy): _____

Su Nombre: _____
(Apellido) (Nombre) (Fecha de Nacimiento)

Su Direccion: _____
(Número) (Calle) (Número de Apartamento)

_____ (Ciudad o Pueblo) (Estado) (Código Postal)(Zip Code) Teléfono de su Hogar _____

¿Dónde se le puede encontrar durante el día? _____ ()

Si usted está visitando el área metropolitana de Washington, ¿dónde se le puede encontrar en el area? _____
(Dirección) Teléfono

¿Cuándo y Dónde ocurrió el incidente que inició esta queja? _____
(Fecha y Hora)

(De Direccion donde ocurrió el incidente o describe la localidad en detalle)

Escriba el(los) nombre(s) del(los) oficial(es) Implicado(s), si es que lo sabe (ID significa el número de Identification del agente o número de placa).

(1) _____ ID _____ (2) _____ ID _____

(3) _____ ID _____ (4) _____ ID _____

¿Pertenece(n) estos oficiales al Departamento del Condado de Prince George o de otra agencia que ejecuta la ley? Policía del Condado de Prince George _____ otra (por favor haga lista) _____

Por favor indique cualquier identificación del oficial que usted sepa (por ejemplo, Número de ID, placa de inmatriculación, descripción física): _____

Indique los nombre(s) y direccion(es) de cualquier persona que fue testigo del incidente al cual se refiere en su queja:

(1) _____ (2) _____

¿Cuál es su queja?, y por favor describa qué sucedió en sus propias palabras (si es necesario use más papel y adjúntelo a este formulario).

Favor de leer el reverso de este formulario

Su firma _____ Testigo a su firma _____

RECEIVED BY THE POLICE DEPARTMENT _____ BY MAIL _____ IN PERSON _____
 BY: _____ ID _____ DATE: _____ TIME: _____

La siguiente información concierne las quejas causadas por el uso de fuerza excesiva o brutalidad policiaca. Esta información no es para desanimar quejas legítimas contra oficiales de la policía, ya que el valor de una investigación minuciosa depende de información oportuna y verás.

Artículo 27, Sección 728 (b) (4)

Una queja contra un agente de la policía, alegando brutalidad en la ejecución de sus deberes, no podrá ser investigada a menos que la queja sea debidamente jurada por la persona agraviada, un miembro cercano de la familia de la persona agraviada o por cualquier persona con conocimiento de primera mano obtenido a causa de presenciar el incidente alegado, o por el padre o guardián en el caso de un niño menor de edad frente a un oficial autorizado para administrar juramentos. Una investigación que pudiera resultar en una acción disciplinaria bajo este título por brutalidad no podrá ser iniciada, ni tomada a menos que la queja sea registrada en el espacio de 90 días, Artículo 27, Sección 734c.

Cualquier persona que a sabiendas haga una declaración, informe o queja falsa durante el transcurso de una investigación o procedimiento, será víctima de las mismas penalidades como estipulado en el artículo 27, § 150. (1977, capítulo 366.)

Artículo 27, Sección 150

Cualquier persona que haga una declaración informe o queja falsa, o que cause una declaración informe o queja falsa, a un oficial de paz o la policía de cualquier condado, ciudad u otra subdivisión política de este estado, sabiendo que la misma, o alguna parte material de la misma, es falsa y con intención de engañar y causar una investigación u otra acción que pueda ser tomada como resultado de ello, será considerada culpable de crimen de menor entidad, y al momento de convicción sera sujeta a una multa de no más de \$500 o encarcelamiento durante no más de 6 meses, o ambos.

La seccion del Notario tiene que ser llenada para quejas de usa de fuerza excesiva o brutalidad policiaca.

(THIS SECTION MUST BE COMPLETED FOR COMPLAINTS OF EXCESSIVE FORCE OR POLICE BRUTALITY)

Juro solemnemente y afirmo bajo pena de perjurio que he leído o me han leído las leyes pertinentes a esta queja y que el contenido de este documento es cierto y correcto según mi entendimiento y conocimiento. (I do solemnly declare and affirm under penalty of perjury that I have read or have had read to me the foregoing laws pertaining to this complaint and that the contents of this document are true and correct to the best of my knowledge and belief.)

La firma (en presencia del Notario)
SIGNATURE (IN PRESENCE OF NOTARY)

Fecha (DATE)

Estado de Maryland :
(STATE OF MARYLAND) : ss
Condado de: _____ :
(COUNTY OF)

Yo certifico que este día _____ de _____, 19_____
I HEREBY CERTIFY THAT ON THIS XXXXXX DAY OF XXXXXXXXXXXXXXXXXXXXXXXXXXXX, 19XX,
en mi presencia, Notario Público del estado y condado arriba mencionados, hizo su presencia
(BEFORE ME A NOTARY PUBLIC OF SAID STATE AND COUNTY AFORESAID PERSONALLY APPEARED)
XX y juró de acuerdo de la ley que los hechos y casos
relatados aquí son ciertos. (AND MADE OATH IN DUE FORM OF LAW THAT THE MATTERS AND FACTS RELATED HEREIN ARE TRUE.)

Mi comisión expira el _____
(MY COMMISSION EXPIRES)

Notario Público (NOTARY PUBLIC)