

# OFFICE OF INTEGRITY, COMPLIANCE & POLICE ACCOUNTABILITY

2023

# ANNUAL REPORT

COMBINED

Prince George's County Maryland Afflight Activity Compliance & Police Accounts

Anthony C. Bennett
Inspector General & Director

# PRINCE GEORGE'S COUNTY GOVERNMENT



Office of Integrity, Compliance & Police Accountability



Angela D. Alsobrooks County Executive Anthony C. Bennett
Director & Inspector General

To the Honorable Angela D. Alsobrooks, County Executive, and the Honorable Prince George's County Council Members:

During my first year as Director and Inspector General, we as a team have diligently worked to build out this newly created office from the ground up into a fully functional department. We strive continuously to identify and address areas of concern, work to implement robust oversight mechanisms to instill effective oversight processes, push to safeguard public resources, and work with our law enforcement partners to implement best policing practices that are safe for both officers and the community, and enhance accountability in policing across the board. We have conducted comprehensive reviews, investigations, and evaluations across various operational facets, determined to uphold the highest standards of transparency and accountability.

Our collaborative endeavors with Prince George's County Police leadership, civilian and sworn staff, the other twenty-seven (27) law enforcement agencies that operate within Prince George's County that we have worked to establish relationships with, the Prince George's County public safety stakeholders, and external partners and citizens have been instrumental in fostering a culture of compliance, disciplinary oversight, and continuous improvement that I hope the citizens of this grand county can be proud of.

While we are proud of our accomplishments to date, we recognize the evolving nature of challenges and the imperative to remain vigilant in our oversight responsibilities. As such, we remain committed to embracing innovation, leveraging data analytics, and refining our methodologies to effectively adapt to emerging risks and priorities.

Best Regards,

Anthony C. Bennett

Director and Inspector General

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#### **INTRODUCTION**

The role of the Office of Integrity Compliance and Police Accountability (OICPA) under the directives of the Inspector General and Director is to provide a central point for coordination of and responsibility for activities that promote efficiency within the Prince George's County Police Department. In addition, the Inspector General is the overseer for countywide disciplinary processes of all State of Maryland certified Law Enforcement Agencies (LEAs) operating within the County.

This report summarizes the reports, projects, and activities conducted by the OICPA and its subsidiary units, the Police Accountability Board (PAB), the Administrative Charging Committee (ACC), and the Administrative Hearing Board (AHB), during the reporting period, for the calendar years 2022-2023.

"The mission of the Office of Integrity, Compliance, and Police Accountability ("OICPA") is to provide strong, independent, and effective non-partisan civilian oversight to the Prince George's County Police Department (PGPD) in order to detect, deter, and prevent fraud, waste, abuse, mismanagement, and misconduct regarding PGPD's programs, operations, and personnel; to investigate and analyze trends, policies, procedures, practices, training and equipment recommendations to PGPD to improve service, accountability, and policing generally; and to engage in collaborative initiatives with PGPD and other stakeholders that promote systemic advancements to increase the levels of trust between law enforcement and communities they serve."

#### Vision

"To be deemed as the model agency for police oversight and accountability at the local, state, and national level and to ensure the highest standards of professionalism, safety, and leadership are displayed within the Prince George's County Police Department as they serve and interact with the citizens and visitors of Prince George's County."

#### **ORGANIZATION**

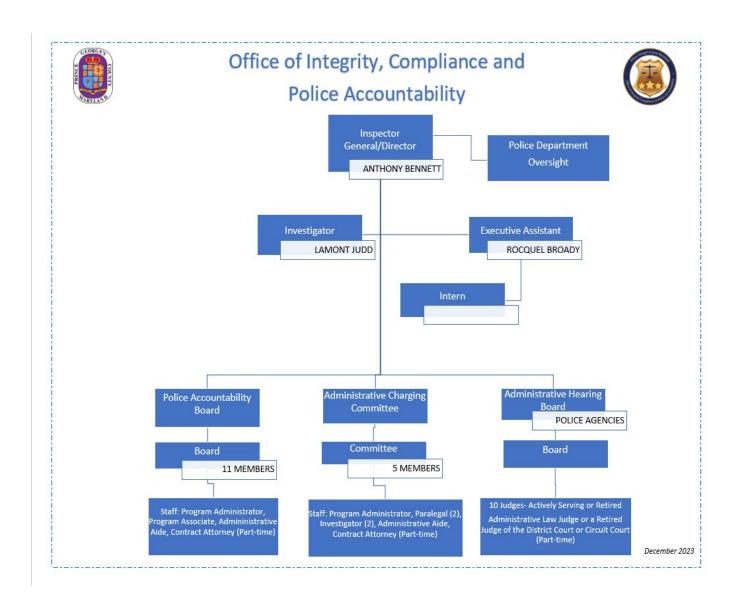
#### Inspector General/Director, Office of Integrity and Compliance

The Inspector General/Director of the OICPA directs operations and manages the staff of the OICPA to accomplish its overall mission. In addition, with the passage of the Maryland Police Accountability Act of 2021 ("the Act"), the Inspector General/OICPA Director has additional oversight responsibilities for two (2) civilian police oversight entities created by the Act, the Police Accountability Board and the Administrative Charging Committee, as well as the new Administrative Hearing Board process for law enforcement agencies throughout Prince George's County.

The OICPA division was launched in January 2022 with two staffers, the Director and Inspector General, and the Executive Administrative Aide. In addition to overseeing County LEAs, the OICPA served as the County's Automated Enforcement Program (Speed/Red Light Camera) ombudsman, for which the agency successfully investigated complaints and made recommendations for the program that included transitioning the ombudsman duties to the Prince George's County Police Department's Automated Enforcement Division (AED). By September 2022, the division had an Investigator. With the interim Inspector General/Director's appointment to Judge for the Prince George's County Circuit Court in September of 2022, the Deputy Chief Administrative

Officer for Public Safety and Homeland Security took on the helm of Acting Director while a nationwide search for a replacement was conducted.

2023 is the first year for the agency's current operational structure under Anthony C. Bennett, Inspector General and Director. With IG Bennett's guidance, the staffing approach to monitoring incoming and outgoing concerns expanded.



Mr. Bennett comes from a background that has extensively expanded through the public sector. In his previous role as the Deputy Inspector General for the City of Atlanta, Mr. Bennett assisted in creating the city's Office of the Inspector General from the ground up and serving in an executive capacity relative to all daily activities. His primary tasks included overseeing all fraud, waste, abuse and mismanagement investigations against city employees, elected and appointed officials, and vendors doing business with the city, the Atlanta Watershed Department, and the Hartsfield-Jackson Atlanta International Airport.

Before his role as Deputy Inspector General for the City of Atlanta, he served the citizens of Palm Beach County, Florida, as the Manager of Investigations and Accreditation Manager for the Palm Beach County Office of Inspector General; Chief of Investigations for the Palm Beach County Commission on Ethics; certified law enforcement and corrections deputy within the Broward County Sheriff's Office. Mr. Bennett is a United States Army veteran who served our country during the Gulf War, and Operation Desert Storm.

#### Staff Qualification

The OICPA Unit collectively possesses undergraduate and graduate degrees in a variety of disciplines, including Criminal Justice, Business and Public Administration, Economics, Law, Government and Politics, and Human Resources Management. The team continually enhances their professional skills by attending continuing education, maintaining professional certifications, and actively participating in several professional organizations. The dedicate staff consists of team members who have less than a year of service with the County to staffers who have spent their career life serving the residents of Prince George's County for over thirty-five (35) years in public safety, legislative, and administrative capacities.

#### Training And Certifications

In August of 2023, OICPA investigators attended the Association of Inspectors General (AIG) Certified Inspector General Investigator certification program in Chicago, Illinois. Investigators received instruction from highly qualified instructors from various public and private backgrounds with expertise in core competency areas identified by the Association's Board of Directors and Professional Certification Board. Seven essential areas of training were focused on instruction, to include:

- The investigative process
- Professional standards for conducting investigations
- Ethics in investigations
- Legal issues
- Procurement fraud and computer crime
- Investigative techniques
- Working with auditors

OICPA Investigators were awarded the designation of *Certified Inspector General Investigator* by the Association upon successful completion the certification program.

OICPA staff also attended the AIG's Annual Training Conference themed in "Innovation and the Future of Oversight," held November 2023, in New York City, New York. The conference allowed OICPA staff to engage with Inspectors General and their staffs at all levels of government to learn best practices in oversight that has the potential to be put into practice for strengthening current internal and external operations.

The unit consists of one (1) Certified Inspector General, two (2) Certified Inspector General Investigators, Three (3) Certified Internal Affairs Investigators, a Hostage Negotiator, a Licensed Lawyer, a Certified Police Instructor, and a Notary Public.

The team has professional affiliations with the following Public Safety entities: NACOLE, AIG, FOP 89, and the Association of Certified Fraud Examiners.

#### **HIGHLIGHTS FROM 2023** (See Appendix 1)

Inspector General/Director Bennett had individual meetings with all twenty-eight (28) LEAs within his first month of hire. Part of those meetings included introductions, but the main portion of the meetings focused on educating the LEAs on their role within the new state-mandated policing reforms. He educated them on the procedures the PAB, ACC, and AHB would have in place to ensure a fair and consistent process that the citizens of Prince George's County and the individual LEAs could have confidence in. Throughout 2023, IG Bennett has had multiple meetings with the various chiefs on an ongoing basis in an effort to promote confidence in our process.

At various times throughout 2023, Inspector General/Director Bennett has sat before the Prince George's Health and Human Services Committee and the full Council to present and give updates on the ongoings of the OICPA. IG Bennett continues to look for ways to engage the Council and County Executive to provide them with the necessary updates of the office so they can share them with the constituents. IG Bennett will be working to engage the Council on more occasions in person and in writing in the coming year. He has committed to providing quarterly reports which will be published and posted on the OICPA website for easy access.

#### **PLANNING AHEAD - 2024**

Moving forward for 2024 and beyond the OICPA plans include reviewing the appropriated budget for the office and mandates to allow for an additional investigator, restricting the unit, public outreach, and the potential for oversight of additional public safety divisions.

Currently, the OICPA's Inspector General Section only has one full-time investigator. The IG Investigator plays a pivotal role in upholding integrity, ensuring compliance, and investigating matters of concern brought to our attention by the residents of this county. Below are key points highlighting the necessity of this additional position:

• **Regulatory Compliance:** The nature of our organization's operations requires strict adherence to regulatory guidelines and compliance standards. The IG Investigator is essential in ensuring that our operations align with federal, state, and organizational regulations. They conduct thorough investigations to identify any potential breaches and recommend corrective actions to mitigate risks.

- Fraud Prevention and Detection: In today's dynamic and complex public safety environment, the risk of waste, abuse, fraud, and mismanagement is ever-present. The IG Investigator plays a crucial role in proactively detecting and preventing fraudulent activities within the PGPD. Their expertise in analysis, data examination, and investigative techniques is invaluable in safeguarding PGPD resources and reputation.
- Ethical Conduct: Upholding ethical conduct and maintaining a culture of integrity are paramount to our organization's success. The IG Investigator serves as a guardian of our ethical standards by investigating allegations of misconduct, conflicts of interest, and other unethical behaviors. Their impartiality and commitment to due process ensure fair and transparent resolutions to ethical dilemmas.
- Enhanced Accountability: The presence of an IG Investigator fosters a culture of accountability and responsibility throughout PGPD. Officers are aware that misconduct or non-compliance will be thoroughly investigated and addressed, promoting greater accountability at all levels.
- **Stakeholder Confidence:** Maintaining the trust and confidence of our internal and external stakeholders is critical for sustaining organizational credibility and public trust. The IG Investigator's independent oversight and objective assessments enhance transparency and accountability, reassuring stakeholders of our commitment to ethical governance and policy compliance.

With a mandate to provide effective fraud, waste, abuse, mismanagement, and misconduct of a 1,400-plus person department, the role of the IG Investigator is indispensable in safeguarding the integrity, reputation, and resources of our organization. I strongly recommend the retention and support of the OICPA's IG Investigator position to fulfill our organizational mandate and uphold our core values.

A robust case management system is essential for effectively managing investigations, streamlining processes, and enhancing transparency and accountability. Currently, the OICPA is utilizing rudimentary processes to capture, track, and report reviews, investigations, reports, and all other interactions between the office and outside entities. This issue spans across the OICPA, which includes the PAB, ACC, and AHB. The OICPA is in desperate need of an effective case management system for the following reasons:

- Efficient case handling
- Enhanced data security and internal controls of information
- Improved collaboration and compunction both internal and external on one defined platform
- Audit trail and documentation mandates
- Resource and time optimization
- Adherence to best practices and standards

The implementation of an OIG Case Management System is essential for enhancing the effectiveness, efficiency, and transparency of our investigative processes, our reviews of PGPD systems and standards, proper cataloging of cases brought before the ACC, proper management of AHB appeals, and assisting the PAB in ensuring recommendations are tracked to determine implementation timetables. I strongly recommend the County Council supports the OICPA's effort to secure a proper Case Management System to support our mission and uphold our commitment to integrity, accountability, and compliance within our policing agencies.

As part of the Goals and Objectives for 2024, a priority is to increase Outreach Initiatives for all divisions within the OICPA to strengthen public trust in our department. There are five (5) points the Outreach Initiative will achieve:

- Strengthen communication efforts with LEAs to ensure police reform compliance.
- Foster greater relationships with the County Council, City Councils and Boards, and other government entities.
- Provide quarterly updates on OICPA activities to the County Executive and the County Council.
- Push additional staff training to ensure OICPA staff is update on newest tools available to combat waste, fraud, abuse, mismanagement, and misconduct.
- Continue to foster positive relationships with the independent boards that operate within the OICPA.

#### STATUTORY AUTHORITY/OVERSIGHT

Clarification was sought regarding the designation of specific law enforcement agencies that would fall under the legal requirements of HB670, and subsequently under the oversight of the OICPA and the County's newly instituted police reform efforts. Inspector General/Director Bennett met with each police chief within the County and confirmed the Prince George's County State Attorney's Office Investigtors and Prince George's County Fire Department Fire & Arson Investigators all fall under the guidance of the new police reform measures.

Questions arose regarding the inclusion or exclusion of law enforcement agencies on the campuses of educational institutions in the county. Specifically, about the police departments at Bowie State University and Prince George's County Community College. The concern arose because the University of Maryland College Park Police Department was among the agencies included but not the two other similar agencies. After reaching out to the Maryland Police Training and Standards Commission (MPTSC) an opinion was rendered that law enforcement agencies on the campuses of the state's universities would receive and process community complaints under the state's police accountability board and not the county in which the university is located. For Prince George's County, this meant the police departments at the University of Maryland College Park and Bowie State University no longer fell under the county Board's purview.

The MPTSC also advised that community college police departments do fall under the local Board's purview, hence Prince George's County Community College's police department was added to the list of local law enforcement agencies at the County level, thus fell unde the purvue of the OICPA.

Finally, Prince George's County Public Schools employs a cadre of law enforcement officers with arrest powers on the school campuses. The Board inquired about the inclusion of the school system's officers for PAB oversight. Inspector General/Directr Bennett contacted the school system to advise them of the 2021 law and advise them of the law, scope, and the Board's authority. It is still unclear whether the certified officers within the schools system fall within the current police reforms. That decision is still being assessed by by various stakeholders.

# Prince George's County

# Law Enforcement Agencies (LEAs)



Seat Pleasant

University Park

Upper Marlboro

Riverdale Park

#### **ANALYSIS OF CASES**

With the establishment of the OICPA unit at the start of 2022, the office began receiving intakes in July 2022. From July 2022 through December 2023, the OICPA received fifty-three (53) intakes from emails, telephone calls, or direct requests. From those intakes, fourteen (14) of the inquiries have been thoroughly investigated and closed, nine (9) are unspecified, nine (9) are on hold for a variety of reasons, and twenty-one (21) are still open. Of note, seven (7) are non-LEA related.

LOG#	DATE RECV'D	COMMUNICATION TYPE	CATEGORY	NOTE	STATUS
OIC-22-07	10/24/2022		Camera (Speed/Bus)	10/25/22 - reviewed 10/25- sent email w/ BSU Speed Camera attachment 2/6 - OOL finalizing lttr to be sent	CLOSED
OIC-23-01	1/7/2023		Camera (Speed/Bus)	1/17/23 FWD to PGCPS for follow-up	CLOSED
OIC-23-06	1/19/2023		Camera (Speed/Bus)	1/20 - FWD to PGPD for review 1/26 - inquiry on status; 1/29 — OICPA replied the matter is in review and OIC or PGPD would respond. 2/6 - Inquiry because the citation is at the point it will be doubled/further penalties.	CLOSED
OIC-23-10	2/10/2023		Camera (Speed/Bus)	Delay in forwarding message.	CLOSED
OIC-23-11	2/22/2023		Camera (Speed/Bus)		CLOSED
OIC-23-13	2/24/2023		Camera (Speed/Bus)	REV AUTH NOTE - Documentation about dismissal will be forwarded to the complainant	CLOSED
OIC-23-14	3/3/2023		PAB	PAB No- DHP-0323-12	CLOSED
OIC-23-16			Camera (Speed/Bus)	Full report submitted to PGPD via email from OICPA on 5/26/2023	CLOSED
OIC-23-23			Operations		CLOSED
OIC-23-31	9/5/2023		Police Misconduct		CLOSED
OIC-23-32	9/6/2023		Other	Non OICPA responsibility	CLOSED

LOG#	DATE RECV'D	COMMUNICATION TYPE	CATEGORY	NOTE	STATUS
OIC-23-33	9/7/2023	Call	Police Misconduct	Call OICPA office on 9/8/2023 at 11:46 AM	CLOSED
OIC-23-35	9/11/2023	Email	Operations		CLOSED
OIC-23-39	10/13/2023	Call/Email	Operations	Sent additional email/fax 12/26/23 1/10/24 - Reached out to Glenarden P.D no info. Reached out to Landover D3: Per LEA, no Report, but notes on file that the complaint is regarding Glenarden City Code Enforcer [mentioned 3 times in notes], nothing about an officer with the police agency.	CLOSED

#### OICPA-23-0016

The Prince George's County Office of Integrity, Compliance & Police Accountability (OICPA) conducted a review of the management and operations of the Automated Speed Enforcement Program currently being operated by Conduent State and Local Solutions, Inc. (Conduent). The purpose of this review was to determine whether Conduent was operating in accordance with applicable laws, policies, and contractual agreements, and whether the County provided effective oversight of the program to ensure it was operating as intended.

OICPA initiated this review following the discovery that speed cameras deployed on Maryland Route 210 (Indian Highway) within the borders of Prince Georges County, supplied by Conduent, failed to capture speeds exceeding eighty-nine miles per hour. While reviewing speed camera data from Conduent for Maryland Route 210, it was noticed that violations were only indicated for vehicles traveling up to eighty-nine miles per hour. In communicating the discrepancy with a Conduent representative, the County was informed that the problem was a code sent violations in which vehicles were traveling more than eighty-nine miles per hour into a wrong queue for processing, which was not being properly captured and assessed.

After an OICPA extensive review which included interviews, document assessments, contract reviews, etc., it was determined that Conduent was meeting expectations and the county was not receiving the proper revenue per the signed contract. In addition, the County relied too heavily on Conduent to self-report any flaws in software, inoperable cameras, and missed violations they found with no mechanism in place to ensure proper self-reporting was occurring.

#### OICPA made the following recommendations:

- Conduent potentially missed multiple speed violations over long periods of time by cameras mounted at certain points along Maryland Route 210.
- Potential violations did not register in part to a flaw in the camera software that did not capture vehicles traveling at speeds in excess of 89 miles per hour.

- There were several inoperable cameras, which were not immediately detected, thus causing delay in having them repaired.
- PGPD and RA currently do not have proper access to Conduent records and databases, and Conduent
  does not submit quarterly reports to the County that would allow for the performance of effective
  audits and checks.

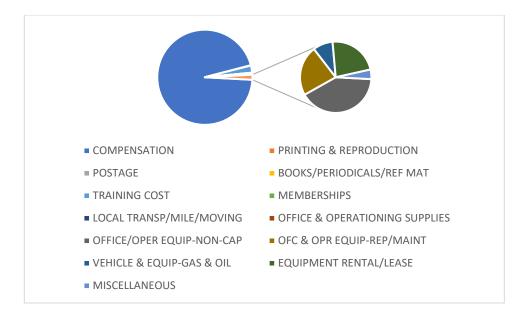
In response, Conduent notified OICPA and the County that they were reimbursing the County \$232,645.86 (See Appendix 2). The monies were received on September 22, 2023

#### FINANCIAL REVIEW

Since the onsite of the OICPA, as it relates to budgeting, the office currently sits under the Office of the County Executive Agency; for FY22 and FY23, the operating expenditures were not reported separately. For FY24, measures have been taken to distinguish the expenses so that the OICPA can accurately disclose the office's financial activities.

#### Estimated FY 2023 Expenses

Ledger Account	СОМР	PRINT& REPRO	POSTAGE	TRAIN- ING COST	MBRS HPS	LOCAL TRANS/ MILE/ MOVIN G	OFFICE & OPER. SUPPLIES	OFFICE/ OPER EQUIP- NON- CAP	OFC & OPR EQUIP- REP/ MAINT	VEHICLE & EQUIP- GAS & OIL	EQUIP RENTAL/ LEASE	MISC	EST. TOTAL (PENDITURES
Total													
Expense	465000	350	75	11885	225	500	2700	3400	1880	750	1900	360	\$ 489,025



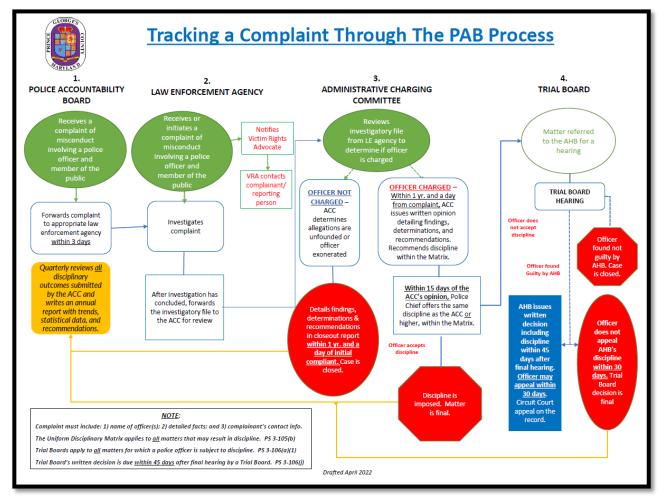
For FY24, the OICPA looks to expand the internal unit while ensuring financial integrity. To continue to produce effective and efficient a priority is to secure a Case Management System. Additionally, a division pool vehicle is essential because the unit's multitude of investigations justifies the need for an additional investigator.

Staffing	Trainings	Equipment	Supplies	Major Purchases	Promotional	Memberships/ Subscriptions	Fleet	Level Up
						AIG National &		
IG	NACOLE	Digital Notebook	Kitchen	Fleet Vehicle(s)	Shirts	Local Chapter	Maintenance	Quarterly Activities
						Washington		
Investigator	AIG	Printer Meter	Copy Center		Give-a-ways	Post Newspaper	Fuel	
Executive Aide	MACo	Televisions	General		Tablecloth		Misc.	Misc.
Future Investigator	MML	Cable	misc.		Folding Table			Holiday Gathering
	National Internal							
	Affairs Investigators							
	Association (IA) Conf	Cell Phones	Water service					
	SHRM		Stationary/calendars					
\$ 499,000.00	\$ 20,000.00	\$ 4,600.00	\$ 1,000.00	\$ 65,000.00	\$ 3,300.00	\$ 800.00	\$ 1,250.00	\$ 2,200.00

#### POLICE ACCOUNTABILITY BOARD

(Extractions and Summarizations from PAB Annual Report)





# Message from the Chair



Kelvin Davall Chair

As Chair of the Prince George's Police Accountability Board, I would like to share an update on our work and to reaffirm our commitment to fostering a relationship of trust and transparency between our community and the law enforcement agencies of Prince George's County.

Since the Maryland Police Accountability Act of 2021 became law, the Police Accountability Board (PAB) has made significant progress in fulfilling its mandate. We have worked to improve our complaint intake process, developed a strategic plan, appointed citizens to the Administrative Hearing Board (AHB), and made recommendations to the police department for policy changes. We have also worked on creating data points that would assist us with identifying trends. Members of The Police Accountability Board have actively participated in state and national conferences, gleaning valuable insights into emerging trends and building a network of professional relationships across the country.

Areas of Focus: Looking ahead, we remain focused on several key priorities:

- Improving the complaint intake process: We are constantly working to streamline our processes
  and ensure that all complaints are investigated thoroughly and impartially.
- Enhancing police training: We will be actively engaged with the police department to develop training programs that promote de-escalation tactics, cultural competency, and implicit bias awareness.

Fostering community engagement: We believe that strong community partnerships are essential for building trust and achieving true police accountability. We will continue to attend and hold community forums, town halls, and other engagement opportunities to collaborate on solutions.

**Building Trust and Accountability:** We recognize that rebuilding trust between the community and the law enforcement agencies is a long and arduous task. However, we are committed to this process and believe that through unwavering dedication, open communication, and collaborative efforts, we can and will achieve a safer and more just community for all.

Your Voice Matters: The Police Accountability Board is your voice in police accountability. We encourage you to continue to engage with us, view or attend our online meetings, share your concerns, and hold us accountable for our actions. We are here to listen and work together to ensure a more equitable and accountable police force that serves the needs of all our citizens and improve the quality of life.

Please stay tuned for upcoming events and updates on our website. Thank you for your continued support.

Sincerely,

Kelvin D. Davall

Chair, Police Accountability Board

Kelvi Danel

<u>WHO WE ARE</u> – the Pab is an eleven (11) member body appointed by the Prince George's County Executive and the County Council as a result of the 2021 Maryland General Assembly passing the legislative package for police reform. From December 2021 through February 2022, the County diligently worked to ensure the PAB would be established by the agency's July 1, 2022 launch date. This feat was done by the HB670 Workgroup, consisting of three (3) subcommittees comprised of Budget and Personnel, Legislative and Appointment, and Operations and Logistics.

The eleven board body comprise of county residents with diverse backgrounds and talents:



Kelvin Davall, PAB Chair, is an engineer with Hewlett Packard. As a community leader, Chair Davall has deep roots in Prince George's County and has used his skills and knowledge to serve the community in various capacities, such as working with many elected County officials to improve the quality of life for all Prince Georgians, meditating community and neighborhood disputes and volunteering.

Carlo Sanchez, PAB Vice Chair, is the Asst. Director of Public Safety for the Montgomery College, Takoma Park/Silver Spring Campus. He is a former Maryland State Delegate. During his tenure as a Delegate, Mr. Sanchez served on the Judiciary Committee, the County's Delegation Law Enforcement Subcommittee, as Chair of the Maryland Legislative Latino Caucus. He was the former Secretary of the Prince George's County Democratic Central Committee.





**Shelia Bryant, Esq.** is a practicing attorney in Family Law, Bankruptcy, and Estate Planning. She is a certified Inspector General and has served in this capacity while on active duty in the USMC and with the Federal Government. She was awarded a Bronze Star Medal during her tour of duty with the United States Marine Corps and retired as a Colonel. She is a member of the Executive Board of the Prince George's County NAACP.

**Andrea Coleman, PhD** is the Principal Researcher at KLK Research Group, a research firm bridging the gap between research, policy, and practice via data analysis, translational, action-oriented research, evidence-based practices, and training. Dr. Coleman previously worked in local, state, and Federal criminal and juvenile justice systems, including as a law enforcement civilian employee.





**Keenon James** is the Senior Director of the Everytown Survivor Network at Everytown for Gun Safety. He has committed to bridging the gap between law enforcement and the community for nearly two decades. Mr. James served in leadership roles with President Obama's Policing Practices and Accountability Initiative, the U.S. Department of Justice, the Office of Community Oriented Policing Services (COPS Office), and the National Organization of Black Law Enforcement Executives (NOBLE).

**Daniel Armando Jones** is a Legislative Affairs Manager for America's Essential Hospitals. He is a former congressional staffer with previous experience in molecular/cellular biology research and is an alumnus of the Congressional Hispanic Caucus Institute of Public Policy Fellowship. As a lifelong Prince Georgian, his goal is to serve the residents of the County through exemplary civilian oversight of law enforcement.





**Lafayette Melton** is a Senior Human Resources professional, diversity advocate, and change agent. He has 17 years of expertise in diversity and inclusion, leadership development, recruiting, workforce planning, coaching, and policy. His career reflects a track record of helping organizations value diversity and inclusion. He is a graduate of Cornell University's Diversity and Inclusion certificate program.

**Earl O'Neal** retired after serving as a Union Representative for over 30 years. Mr. O'Neal's community involvement includes service as a South County Economic Development Association Board Member, the Tantallon Citizens Association-Member, Maryland Business and Clergy Partnership- Board Member, and Friendly High School PTSA and Athletic Booster- Club Treasurer.





**Tamika Springs, Esq.** investigates employment discrimination claims and writes final agency decisions as an Independent Contractor with the Federal Government. She has multiple years of litigation experience in various areas of law, including administrative law, special education law, equal employment opportunity, and veterans' law. She has represented the Metropolitan Police Department regarding their disciplinary actions.

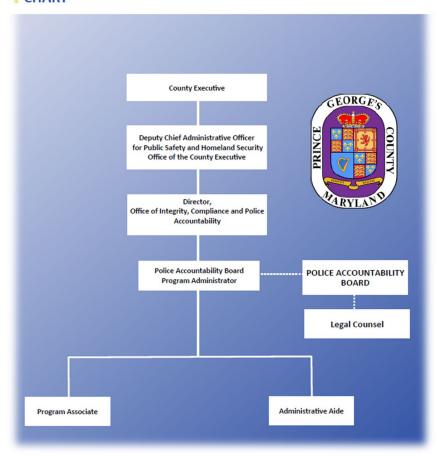
Marsha Ridley, a certified public housing manager and licensed mechanical engineer, is a Boiler Plant Engineer with the Government of the District of Columbia. During her tenure with the District Government, she converted a troubled public housing facility unit into an onsite educational and multi-service center to increase police presence. With over 40 years of expertise in public safety and community engagement, she believes in and has experience in police accountability oversight.



**Daniel Vergamini** is a Lead Inspector/Team Manager of a federal Office of the Inspector General. He has examined and provided oversight for federal programs and operations in varied federal Offices of Inspectors General for over 15 years. Mr. Vergamini served in the Army Guard and Air Force Reserves for over 21 years, including several active-duty tours. Mr. Vergamini also served on the Citizen Complaint Oversight Panel.

<u>STATUTORY DUTIES</u> – The PAB has 8 Statutory Duties that they strive to achieve/accomplish during the year. In no particular order, the duties include: Hold quarterly meetings with law enforcement agency heads and work with law enforcement agencies and local governments to improve police services; On (at least) a quarterly basis, review the disciplinary outcomes of matters submitted to the Board by the ACC Board; At least once a year on or before December 31, submit a report to the County Executive and County Council; Appoint two (2) civilian members to the Administrative Charging Committee; Appoint one or more civilian members to the AHB(s) in the County; Receive complaints of police misconduct filed by members of the public, and within three (3) business days from the date of receipt, forward complaints to the appropriate law enforcement agency for investigation; Maintain records and establish a record retention schedule in accordance with State law; and Maintain confidentiality relating to all matters before the PAB.

#### ORGANIZATION CHART



**1**OVERVIEW and HIGHLIGHTS – As of December 19, 2023, the PAB received 104 complaints. Out of those complaints, there was a pattern of *Unbecoming Conduct*, *Use of Force*, and *Discourtesy* where officers allegedly were not upholding their civil duties regarding interaction with the community. Although those three (3) categories are consistently reported, the Board has received other concerns from the public.

<u>PURVIEW</u> – As a Board, based on Maryland State and County Council legislation (*See Appendix 3*), there are twenty-eight (28) Law Enforcement Agencies (LEAs) for which concerned citizens can contact the PAB to file a complaint. Out of all of the LEAs within the state of Maryland, Prince George's County PAB has the most LEAs to observe the trends in behavior and make recommendations regarding accountability. For LEAs that serve within the County but are not under the jurisdiction of the Prince George's County PAB, those complaints would be sent to the statewide Police Accountability Board. These LEAs include the

1

<sup>&</sup>lt;sup>1</sup> "It is important to note that allegations are not always sustained or found to be true. A complete and thorough investigation of the allegation is required before judgment. The data and analysis in this report will inform the community about allegations that were sustained, non-sustained, or even exonerated an officer after the investigation and case review is completed. The complaint investigation, conducted by the law enforcement agency, and the adjudication, which includes input and participation by community members, is helping to increase accountability, transparency, and build trust in law enforcement." ~ PAB 2023 Annual Report published January 11, 2024.

Maryland National Capital Park and Planning Police, Maryland State University system LEAs, and the Maryland State Police.<sup>2</sup>

Out of the 104 complaints received by the PAB, the allegations were related to officers serving in ten (10) of the 28 LEAs. There was one (1) from Bowie, four (4) related to Cheverly, two (2) for District Heights, six (6) in Greenbelt, Hyattsville had one (1), Landover Hills two (2), Laurel also had one (1), Prince George's Police Department sixty-five (65)<sup>3</sup>, four (4) for Prince George's Sheriff Office and Seat Pleasant. The remaining fourteen (14) complaints did not apply to the LEAs, or the Agency was not identified.

The complaints are reviewed via the online form, mail, or by email (*See Appendix 4*). Once the administrative staff of the PAB received, logged, and processed the complaints, they were transferred within three (3) business days to the appropriate LEA to investigate. The process was implemented, as this is required by law. For mandatory reporting requirements, we, as a board and the administrative staff, are 100% compliant.

The law dictates the process for the PAB to report to the LEA what our office received. Some complaints are also sent directly to LEAs; However, the LEA is not required to inform the PAB about the allegations under investigation.<sup>4</sup> The PAB acknowledges and appreciates the leadership in Bowie, Cheverly, Greenbelt, Hyattsville, Laurel, and Seat Pleasant LEAs for sharing complaints they received directly. These efforts by the named LEAs show a commitment to partnership and transparency.

<sup>2</sup> "The Prince George's County PAB recognizes these agencies operate within county and interact with Prince Georgians and local community members every day. The Board is seeking solutions to increase transparency in reporting and accountability for these agencies since many engage and respond to calls for services from community members at county parks, venues, events, neighborhoods, and roadways." ~ PAB 2023 Annual Report published January 11, 2024.

<sup>&</sup>lt;sup>3</sup> "Complaints were received from community members from across the county. As expected, the largest number of complaints received by the Board, 46, were against the county's police department. Based on U.S. Bureau of Justice Statistics criteria this is expected as the county's police department has the largest number of officers, receives, and responds to the highest number of service calls and has the most community member interactions. The county's police department complaints are below the national average based on their officer corps size and community members served." ~ PAB 2023 Annual Report published January 11, 2024.

<sup>&</sup>lt;sup>4</sup> "Overall local law enforcement agencies have forwarded very few, if any, complaints that were submitted to them directly. The PAB only becomes aware of the complaints after the agency has completed the investigation, submitted the investigatory file to the Administrative Charging Committee (ACC), and the ACC has ruled on the investigation recommendation (i.e., sustained, exonerated, etc.) and proposed, if any, officer discipline. This process means it may be months or possibly over a year before the PAB is aware of an incident and complaint." ~ PAB 2023 Annual Report published January 11, 2024.

# COMPLAINT INTAKE

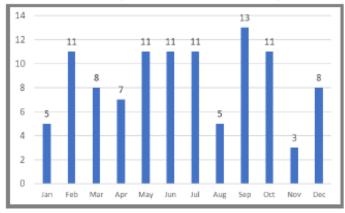
#### Mandate

"To receive complaints of police misconduct filed by members of the public, and within three (3) days from the date of receipt, forward these complaints to the appropriate law enforcement agency for investigation."

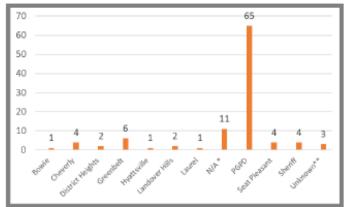
The PAB staff received 104 incoming complaints involving officers in 10 identified County LEAs, during the period January 1, 2023 to December 19, 2023. The charts to the right represent complaints submitted directly to the PAB. However, they may also include complaints that LEAs received directly, then forwarded to the PAB for tracking purposes.

All complaints received by the PAB are reflected in these charts. For some complaints, the LEA may have been unknown at the time the complaints were received or the complaints were later determinated to involve a law enforcement agency not under the county PAB's jurisdiction."

#### **Complaints Received Monthly**

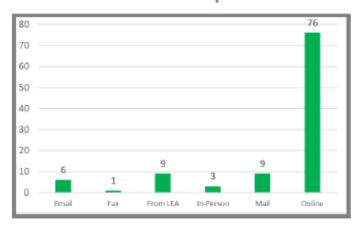


#### **Law Enforcement Agencies**



"N/A refers to complaints that do not directly involve LEAs.

#### Source of Complaint



<u>CASE REVIEW PROCESS</u> – Once the Prince George's County Administrative Charging Committee (ACC) concludes the findings for disciplinary actions, the PAB is, by law associated with The Maryland Police Accountability Act of 2021, charged with reviewing the outcome quarterly. It is at the Board's discretion to review the cases more frequently. The PAB is also responsible for submitting an annual report that will dictate the Board's collective findings for recommendations and identify trends related to police accountability in efforts to improve how the LEAs interact with citizens. <sup>5</sup>

After conducting a case study by examining a sample of cases to determine how the quarterly review process would be successful, the Board determined that the first month of each quarter would be explicitly designated to review cases. From this discussion, a subcommittee has been established to track trends and recommendations and propose courses of action to be included in the required annual report. The PAB developed and determined this process within the primacies based on the statewide Disciplinary Matrix.

Collected Data to include for tracking and reporting purposes include Respondent's (LE Officer) Full Name, LE Officer's Rank, LEA Case Number, Jurisdiction (Municipality of the LEA), Division(s), Charge(s), Case Type, Investigator, Date Complaint Filed with LEA, Date Sent to the PAB, and Date Presented to the PAB. References for the process came from Jannetta, J., Esthappan, S., Fontaine, J., Lynch, M., La Vigne, N., Vasquez, C., Kouka, E., Dwivedi, A., Paddock, E., & Obermark, D. (2019). Learning to build police-community trust. Retrieved from:

https://www.urban.org/sites/default/files/publication/100705/learning\_to\_build\_police-community\_trust\_1.pdf. and Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. Journal of Experimental Criminology, 9, 245-274.

<sup>&</sup>lt;sup>5</sup> "Identifying trends and recommending strategies to enhance accountability not only meets the statutory requirements but will also inform the community, increase transparency, and build trust between communities and the police. The lack of trust originates from various factors, including heavy police presence in marginalized communities of color, resulting in a lack of legitimacy. While communities believe police should exercise their authority to enforce laws, maintain order, and manage conflicts, they should apply procedural justice, such as encouraging citizen participation, remaining neutral when making decisions based on facts, and demonstrating dignity and respect in their interactions (Jannetta et al. 2019; Mazerolle et al., 2013)." ~ PAB 2023 Annual Report published January 11, 2024.

# **BUDGET** 2024 BUDGET

The county legislation that created the PAB requires annual funding floor for the Board's operations and its related boards, the ACC, AHB, and AHB, operations at 1% of the county's police department budget. The use of 1% of the police department's budget is adopted from the National Association of Civilian Oversight for Law Enforcement (NACOLE) as best practice. For example, similar boards/commissions in Chicago, IL, Berkley, CA, and Seattle, WA has a budget floor of 1% of the police department's budget for the local oversight board or commission.

PAB

The budgeted funding covers the PAB, ACC, and AHB administrative operations, stipends, consultants, and other necessary expenses. For fiscal year 2024, the PAB's budget is approximately .22% of the police department's budget or \$1.17 million. This is approximately a .01% increase over fiscal year 2023.

The PAB anticipates the overall workload will increase in 2024 and is grateful that two (2) additional staff positions, a Policy Analyst, and an General Clerk, have been approved. The positions will support an anticipated increase in AHB hearings, community engagement, and the PAB's increased policy review and policy recommendations authority.

\$1,179,900	Total Budget	5.0	Total FTEs*
Compensation		\$450,900	
Operations		\$580,700	
Fringe		\$147,900	
* 2 positions are vacar	nt		

Also included in the PAB's 2024 operating budget are funds for the administrative hearing boards. The PAB is responsible for securing the administrative law judges and assigning civilian members for these hearings. In the County's FY2023, funds associated with these functions were included in the ACC's budget. In FY2024, these funds were reallocated to the PAB's operating budget.

<u>PAB RECOMMENDATIONS</u> — In reflecting on the past eighteen (18) months and establishing the foundation for the PAB processes and operations, a uniform state-level complaint system for police misconduct investigations by LEAs developed by Maryland State to would best suit the needs of not only the Prince George's County PAB but all Counties across the state is the recommendation of this Board<sup>6</sup>.

The pledge by the PAB, beginning in 2024<sup>7</sup>, is that there are four (4) categories that the Prince George's County PAB will align recommendations with: *Policy*, *Policing*, *Transparency*, and *Tools & Resources*. This chart created by the PAB details how the recommendations will be broken down.

Recommendation Areas	Category
Policies	Policy
Definitions and standards	Policy
Quotas	Policy
County and State Laws	Policy
Recruitment & Screening	Policing
Mental Health and Wellness for Officers	Policing
Disciplinary Process	Policing
Mental or Behavioral Health Crises	Policing
Community Outreach & Trust	Policing
School Resource Roles	Policing
University Roles	Policing
Investigations	Transparency
Media and Press	Transparency
Transparency and Reporting	Transparency
Complaints and Reporting	Transparency
Budget	Tools & Resources
Equipment, Systems, and Resources	Tools & Resources

**Proposed Recommendation Categories** 

#### Category Legend

	Cuicgory Legenu
Policy:	includes but is not limited to state and county legislation, law
	enforcement department policies, definitions and standards,
	recruitment, and screening.
Policing:	includes matters such as, but not limited to, community outreach and trust, officers on patrol, quotas, and mental health and wellness for
	officers.
Transparency:	includes matters such as but is not limited to, data collection,
	complaints reporting, and media and press interactions.

Tools & Resources: includes matters such as, but not limited to, budget items, equipment,

and systems.

<sup>6</sup> "This uniform system will ensure all data related to misconduct cases will be collected in a consistent manner and progress the Board's ability to identify trends and eliminate gaps in data reporting across the various municipalities." ~ PAB 2023 Annual Report published January 11, 2024.

<sup>&</sup>lt;sup>7</sup> "The Board is eager to begin its analyses and provide Prince George's County-specific recommendations in 2024, to improve the way policing is done in the county, and to keep communities safe and supported." ~ PAB 2023 Annual Report published January 11, 2024.



# Police Accountability Board

9200 Basil Court, Suite 406 Largo, Maryland 20774

#### Angela D. Alsobrooks County Executive

August 10, 2023

Honorable Angela D. Alsobrooks County Executive 1301 McCormick Drive Suite 4000 Largo, Maryland 20774

Honorable Thomas E. Demoga Chair, Prince George's County Council 1301 McCormick Drive County Council, 2<sup>nd</sup> Floor Largo, Maryland 20774

Dear County Executive Alsobrooks and Chair Demoga:

The Police Accountability Board has reviewed the Maryland Police Accountability Act of 2021 and the Prince George's County Law Enforcement Accountability Bill of 2022. The Board adopted the attached recommendations for consideration by the Maryland General Assembly and the Prince George's County Council.

Any questions or request for additional information can be forwarded to L. Denise Hall, Program Administrator at ldhall@co.pg.md.us.

Sincerely,

Kelvin Davall

Chair

Police Accountability Board

Kelvi Danel

Cc: Anthony C. Bennett, Inspector General and Director, Office of Integrity, Compliance and Police Accountability Marva Jo Camp, General Counsel, Police Accountability Board

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Phone: 301-883-5042 Fax: 301-883-2655 Email: pgpab@co.pg.md.us



#### Police Accountability Board 9200 Basil Court, Suite 40 Largo, Maryland 20774

Angela D. Alsobrooks County Executive

#### Police Accountability Board Recommendations

The following are recommendations of the Prince George's County Police Accountability Board with respect to additions, changes, and clarifications, as well as questions related to the Maryland Police Accountability Act of 2021 (the 'Act') and the Prince George's County Law Enforcement Accountability Bill of 2022 (the 'Bull').

#### Recommendations for Definitions and Clarifications

Several terms or phrases used in the Act and Bill are undefined and somewhat ambiguous. It is unclear how these terms are intended to be used or defined and this could be problematic for the understanding and compliance with provisions of the legislation that contain these terms. These terms are as follow:

Complaints: While both pieces of legislation reference how complaints may be filed, investigated, and resolved, neither define what constitutes a complaint. The PAB recommends that the term "complaint" defined as a formal allegation of disastifaction regarding a law enforcement agency employee's composition of the provided or not provided, a law enforcement agency 's policies or practices in general, or an allegation of disastice misconductor excessive use of force excessive use of force.

Small Law Enforcement Agencies: Sec. 2-539 of the Bill states that. "A small law enforcement agency may use the trial board process of another law enforcement agency by untural agreement." What defines "small" law enforcement agency should be clarified. Additionally, the small agencies in Pinne George Scouth, if any, that have executed a mutual agreement under the authorization of this section need to be determined.

Final Disposition: Sec. 2-537(j) of the Bill lists as a mandatory duty of the ACC to maintain the confidentiality relating to matters being considered by the ACC "... until final disposition of the mat However, what constitutes the final disposition of the matter is not outlined or explained. The PAB recommends that "final disposition" be clearly defined.

"30 days" and Investigating Unit: Sec. 2-537(i) of the Bill requires the ACC to review and make a determination or ask for further review within 30 days after completion of the investigating unit's rev. The PAB recommends a clarification on when the 30-day clock starts, as well as a definition of the 'investigating unit' be added to this section.

Disciplinary Process: Sec. 2-534(e) of the Bill states that the PAB shall "Identify any trends in the

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Police Accountability Board Recommendations Page 2

disciplinary process of police officers..." We recommend that the term "disciplinary process" be clearly defined and explained further.

Required Quarterly Meetings: Sec. 2-534(a) of the Bill requires the PAB to hold quarterly meetings with the heads of law enforcement agencies and otherwise work with law enforcement agencies within the jurisdiction of Prince Georgée County and the Prince Georgée County government to improve matters of policing. The PAB recommends that the law clarifies or specifies if the required quarterly meeting with County government is with the County Executive, County Council, of both.

#### Recommendations for Changes and Additions

- Sec 2-534 of the Bill states that, "The proposed budget will include staff costs, independent legal counsel, and compensation for the Police Accountability Board and the Administrative Clarging Committee." The Administrative Hearing Board is not encluded in the in this provision. The PAB recommends that language requiring that the budget also include costs for the Administrative Hearing Board be added to this section.
- 34(c) of the Bill states the PAB shall "receive complaints of police misconduct filed by s of the public. . ." The PAB recommends:
- Removal of the cited language so that all police misconduct complaints, not just the ones filed by the public, are submitted to the PAB.
   Adding language that clearly explain if the work of the PAB is exclusively for "police misconduct" complaints.
   Adding a process for reviewing administrative or policy complaints that do not rise to the definition of "police misconduct."

- 3. Sec. 3-101(h) of the Act states that "Police officer" has a meaning as stated in Sec. 3-201 of the Title. Since the definition of police officer does NOT include the chief of police, sheriff, or other command triff level personal, they are excluded from the provision of the legislation. The PAB recommends adding language or provisions that will cover misconduct complaints against a police chief, theriff, or other command level personal.
- Sec. 3-102(4)(i) of the Act states that the PAB shall, on a quarterly basis, review disciplinary matters considered by the charging committees.

Language should be added to provide that the County's PAB also has access to outcomes for cases occurring in the County, as well as cases involving state or bi-county law enforcement agency personnel (e. MSP or MNCPP Police).

- Sec, 3-108(b) of the Act states that, "Each law enforcement agency shall create a database that
   enables a complainant to enter the complainant's case number to follow the status of the case as it
  - a. The PAB recommends setting a date of January 31, 2025, for the completion of the database. A date of completion will help facilitate its timely completion and availability to the public.
    b. The PAB recommends that consideration be given to assigning this database requirement to the PAB so that all complainants and case statuses can be easily tracked and maintained in one place.

Police Accountability Board Recommendations Page 3

#### Ouestions

- Sec. 2-534(e) of the Bill states, "On a quarterly basis review disciplinary outcomes of disciplinary matters resulting from both internal and external complaints."
  - a. What if there is no "disciplinary outcome" from the complaint? (i.e. complaint not sustain b. Will there be information on the cases/complaints that originated intenally or submitted directly to the law enforcement agency?

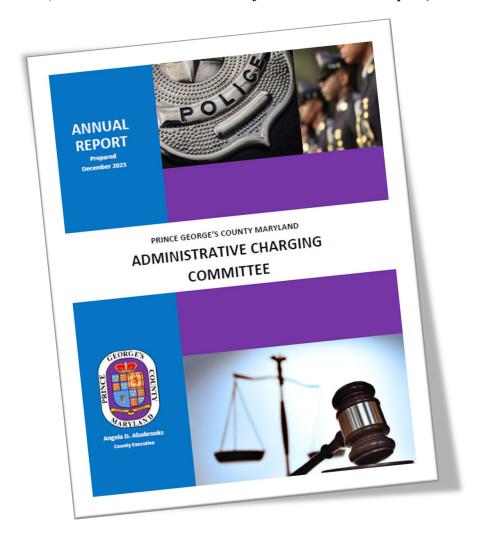
    c. What compels law enforcement agencies to submit the necessary information for review?

    d. What lappens if an agency does NOT comply with the requirements of Sec. 2-534e?
- Sec. 2-534(e) of the Bill, states that the PAB is entitled to "Issue subpoenas, interviews witnesses
  and employ any other investigative powers necessary to complete their obligation to review
  outcomes of disciplinary matters as considered by the Administrative Charging Committee..."
  - What staff/personnel resources are assigned to the PAB to carry out "investigative powers?"
     What if the matter was NOT considered by the ACC? (i.e. agency imposed sanction or officer accepted discipline before the matter was "considered" by the ACC?)
- Sec. 2-534(e) of the Bill states that the PAB is entitled to "Review body worn camera matters resulting from both internal and external complaints."
  - Does this section apply to all complaints regardless of the disposition?
     Does this review occur before, during, or after the investigation?
- Sec 2-537(a) of the Bill states that the ACC shall "Review the findings of a law enforcement agency's investigation of external complaints..."
  - Does the ACC review the findings of the law enforcement agency's investigation if the complaint originates internally?
- Sec 2.537(g) of the Bill states that the ACC shall "Issue a written opinion that describes in detail its findings, determinations, and recommendations, and forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant."
  - a. Is this opinion document a public record?
     b. If not a public document, can the opinion be forwarded to the PAB?
- 6. Sec. 3-1069(f) of the Act states that the complainant has the right to be notified of a trial board hearing."

Who is responsible for making the notification of the trial board hearing to the complainant or who does the complainant make the request of notification?

#### **ADMINISTRATIVE CHARGING COMMITTEE**

(Extractions and Summarizations from ACC Year End Report<sup>8</sup>)



<sup>&</sup>lt;sup>8</sup> Unlike the PAB, the ACC is not required by law to present an Annual Report.

#### MESSAGE FROM THE CHAIR



Kelvin Davall Committee Chair

On April 10, 2021, the Maryland General Assembly passed the Police Accountability Act of 2021. The act is comprised of five separate bills, including HB670, which authorizes the creation of a Police Accountability Board (PAB), an Administrative Charging Committee (ACC), and a Hearing Board in each county within the State of Maryland. HB670 also repealed and replaced the Law Enforcement Officer's Bill of Rights.

On July 15, 2022, the Prince George's County Council passed CB-021-2022 which contained relevant provisions of HB670. The council also passed CB-022-2022 which repealed the Citizen Complaint Oversight Panel. These laws went into effect as of August 29, 2022.

Prince George's County contains approximately twenty-nine law enforcement agencies that are impacted by this legislation including the two largest agencies, the Prince George's County Police Department and Prince George's County Office of the Sheriff. This legislation also applies to all the municipal law enforcement agencies within the County.

The ACC is committed to working to improve policing in the County. The ACC began reviewing cases on February 23, 2023. Since then, the Committee has heard over 200 cases. I am honored to serve as the Chair of the Administrative Charging Committee, and I look forward to continuing to serve the County in this capacity.

Kelvin D. Davall

Chair of the Administrative Charging Committee

#### **EXECUTIVE SUMMARY**

The Prince George's County Administrative Charging Committee is responsible for reviewing and deciding on allegations of police misconduct involving citizens that are brought before the Committee. Complaints can be filed directly with law enforcement agencies or to the Police Accountability Board. Law Enforcement agencies may also refer investigations that involve citizens. The Administrative Charging Committee plays a crucial role in ensuring fairness and justice in the administrative proceedings of law enforcement personnel. As part of the Committee's commitment to transparency, the Office tracks data for analysis and reporting to all stakeholders.

#### Mandatory Duties:

In accordance with State and local legislation and COMAR regulations, the <u>mandatory</u> duties and responsibilities of the ACC include the following:

- Review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with PS §3-104 (d) of the Act.
- Make a determination that the police officer who is subject to investigation shall be:
  - a) administratively charged; or
  - b) not administratively charged.
- If the police officer is charged, recommend discipline in accordance with the Disciplinary Matrix, established in accordance with PS §3-105 of the Act.
- 4) If the police officer is not administratively charged, make a determination that:
  - a) the allegations against the police officer are unfounded.
  - b) the police officer is exonerated; or
  - c) the allegation(s) is/are not sustained.
- Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct.
- Call a police officer to appear before an administrative charging committee and be accompanied by a representative.
- Issue a written opinion that describes in detail its findings, determinations, and recommendations.
- Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- Forward the written opinion to the head of the law enforcement agency, the police officer, and the complainant.
- 10) Ask the law enforcement agency to conduct further investigation within 30 days after the agency's investigating unit's initial investigation.
- Maintain confidentiality relating to matters being considered by the ACC, in accordance with a signed confidentiality agreement; and
- Develop rules of procedure not inconsistent with State or County law.

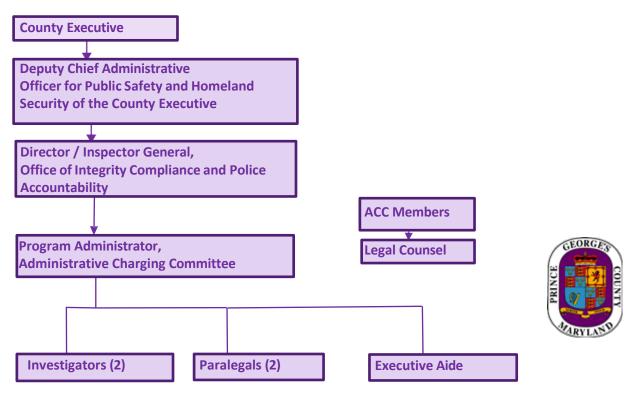
#### **Discretionary Duties:**

In accordance with State and local legislation, the ACC's <u>discretionary</u> authority includes requesting information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas.



#### **ORGANIZATIONAL STRUCTURE**

### **ACC Organizational Structure**



<u>THE ACC MEMBERS</u> – there are five (5) members with a wealth of knowledge and distinguished backgrounds. The Chair- Kelvin Davall is joined by, Vice Chair- Cardell Montague, Serenity Garnette, William Scott, and Natalie Stephenson.

Kelvin Davall, Chair – an engineer with Hewlett Packard. As a community leader, Chair Davall has deep



roots in Prince George's County and has used his skills and knowledge to serve the community in various capacities, such as working with many elected County officials to improve the quality of life for all Prince Georgians, mediating community and neighborhood disputes and volunteering throughout the County in various capacities. Chair Davall is also the current Homeowner's Association Board President of his community and has served in this capacity for over seven years. Chair Davall was born in Washington D.C. and has

considered Prince George's County home for 10 years. Chair Davall loved serving his community members and wishes to represent the citizens of Prince George's County with deserved dignity and respect. Chair Davall completed the Prince George's County Citizen Police Academy and is a former member of the Citizen's Complaint Oversight Panel. Chair Davall's goal in serving on the ACC is to provide oversight of Prince George's County law enforcement agencies and to hold officers accountable to ensure training protocols are followed when interacting with citizens. Chair Davall is proud of the community's desire to assist with improving the quality of life and making Prince George's County the best it can be.

**Cardell Montague**, Vice Chair – Montague has called Prince George's County his home for 20+ years.



Since moving to Prince George's County, he has invested his time, knowledge, and experience as a Background Investigator and Protective Service Officer into ensuring his fellow Prince Georgians feel safe in their communities and prepared for emergencies. While pursuing his Homeland Security and Emergency Management degree locally from The University of Maryland Global Campus, he volunteered with the Prince George's County

Community Emergency Response Team (CERT). After involvement with CERT, he served on the Citizen Complaint Oversight Panel (CCOP). This position allowed him to be mentored and molded into a leader from pillars of the community with diverse social, political, and professional backgrounds. Their investment did not go to waste as he continues to serve as the Vice Chair for the Administrative Charging Committee (ACC). His goal as Vice Chair is to build synergy between the various Law Enforcement agencies and citizens by ensuring all complaints are assiduously investigated. He believes this synergy will create the foundation for a safe and fair environment respected by all who call Prince George's County their home.

Serenity Garnette – Hearing Examiner with the United States Parole Commission located in Washington,



DC. As an active community member, she serves in several capacities, including the Ivy Community Charities, Alpha Kappa Alpha Sorority, and Seaton Memorial A.M.E. Church. Garnette sought to serve on the Committee in order to make a difference in her community and to positively impact the relationship between the Community and the police. She hopes to make a difference in Prince George's County through her service.

William Scott - Scott has managed Intelligence, Security, and Emergency Management programs for over



twenty years and is a combat veteran of the US Marine Corps serving in the Intelligence and Combat Arms occupational specialties. Mr. Scott is a 1997 graduate of the U.S. Naval Academy, and he currently resides in Maryland. He earned Project Manager Professional certification through the Project Management Institute (PMI) in 2008, Certified Protection Professional certification through ASIS International in 2009 and Program Management

Professional also through PMI in 2019. Mr. Scott is also a certified instructor for the PMP certification course through PMI's Authorized Training Partner program established in 2020 and delivers project management training internationally. Mr. Scott's current position at ABS Group is Senior Director, Global Government Sector for Defense Programs.

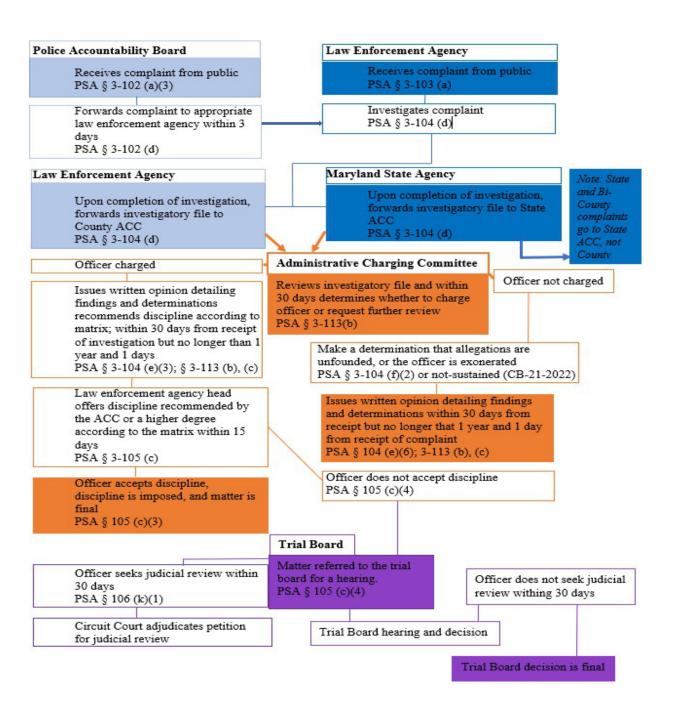
Natalie Stephenson – Stephenson, a resident of Bowie, is an experienced educator with the Prince George's



County Public Schools. She brings human relations and conflict management skills and has served on the Citizen Complaint Oversight Panel since 2021. Ms. Stephenson received both her Bachelor of Arts and Master of Education degrees from the State University of New York at Buffalo and attained a second Master of Education from Trinity Washington University.

#### LAW ENFORCEMENT AGENCIES

Complaints can either be filed with the Police Accountability Board or with law enforcement agencies. The related law enforcement agency is charged with investigating the allegation. The timeframe from the date of complaint of when the police misconduct is filed with either the law enforcement agency directly, or the PAB, until the ACC transmits its final disposition and recommendation shall not exceed one (1) year and a day. This includes the period the law enforcement agency takes to conduct its investigation. Below is a summary of the process.



#### **DISPOSITION SUMMARY**

The Administrative Charging Committee has reviewed over 200 cases, most with multiple allegations, and issued extensive written findings on each case. The Committee members and staff collaborated with other Committees and Boards across the State. The Committee also attended and created various trainings related to investigatory review. The most common allegation types received by the Committee were conduct unbecoming, discourtesy, use of force, and protocol violations. *See below*.

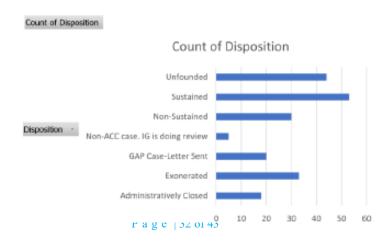
#### **Most Common Allegation Categories -** (Data as of 12/31/2023)

Conduct Unbecoming	35
Discourtesy	25
Use of Force	30
Protocol	19

The most collaborative County agencies this past year were the Prince George's County Police Department and the Prince George's County Sheriff's Department. The most collaborative municipal agencies were Greenbelt, Bowie, and Laurel Police Departments. Please see below for additional information.

Row Labels	Count of Police Agency
Bladensburg Police Department	7
Bowie Police Department	12
Brentwood Police Department	1
Capital Heights Police Department	1
Cheverly Police Department	1
Glenarden Police Department	2
Greenbelt Police Department	19
Hyattsville Police Department	13
Laurel Police Department	16
Mount Rainier Police Department	1
Prince George's County Police Department	128
Prince George's County Sheriff's Office	24
Seat Pleasant Police Department	4
Grand Total	229

#### Summary of Dispositions - (Data as of 12/31/2023):



Row Labels	Count of Allegation Category
Abuse of Position	2
Attention to Duty	17
Bias-Based Profiling (Race)	4
Complaint regarding police service	3
Conduct Towards the Public	1
Conformance to Laws	4
Constitutional Rights	4
Courtesy, Responsiveness, & Impartiality	3
Criminal Misconduct	14
Discourtesy	25
Discrimination	5
Failure to Notify PSC	1
Failure to report Use of force	1
False Statement	3
Harassment	4
Improper Discharge of Firearm	2
Language	5
Minor Traffic	8
Neglect of Duty	4
Other- Procedural	17
Other- Protocol	19
Other- Unspecified	5
Professionalism	3
Radio Procedure	2
Secondary Employment	1
Unauthorized Pursuit	3
Unbecoming Conduct	35
Unjustifiably Towing	1
Unjustifiably Towing the Vehicle	1
Unlawful Arrest	2
Unsafely Operation a Motor Vehicle	1
Use of Firearm	2
Use of Force	30
Video: BWC/MVS/In-Car	13
Grand Total	245

## **Primary Findings** - (Data as of 12/31/2023):

<u>Finding</u>	<u>Count</u>
Sustained	53
Unfounded	44
Exonerated	33
Non-Sustained	30

## Summary of Sustained Charges (Data as of 12/31/2023) -

<b>Department</b>	<u>Case</u> Number	Allegation	<b>Disposition</b>	<u>Summary</u>
Bladensburg	IA22- 002	Procedural-Failure to appear. Bodycam Procedural-Stop outside Jurisdiction	Sustained Sustained Sustained	Respondent Officer stopped a vehicle outside the town of Bladensburg and issued the driver of the vehicle several traffic violations. He did not activate his body worn camera.
Bladensburg	IA23- 001	Courtesy Bodycam	Sustained - Bodycam	Respondent Officer was accused of discourtesy during a call for service and failed to activate his body worn camera.
Bowie	CC22- 005	Bodycam	Sustained	While on the scene, the Respondent Officer failed to activate his bodycam.
Bowie	CC22- 010	Bodycam	Sustained	While on the scene, the Respondent Officer failed to activate his bodycam.
Bowie	CC22- 012	Procedural – Failure to Respond	Sustained	Respondent Officer failed to respond to a citizen email.
Bowie	CC23- 002	Courtesy	Sustained	Respondent Officer, during a call, made unprofessional comments.
Bowie	PS2022- 004	Conduct Unbecoming and Rudeness  Failure to Make Notification	Sustained Sustained	The Committee found that the Respondent Officer was rude and used insolent language with a Citizen. Respondent 2 was charged for the failure to document the insolent language complaint.
Brentwood	IA22- 001	Failing to Audibly and Visually Record	Sustained	Respondent was accused of discourtesy and unlawful towing, which was not sustained, but the Officer was charged for failing to turn on body worn camera.
Glenarden PD	22-002	Unbecoming Conduct Using Demeaning Language Unnecessary Force Resulting in Unknown or Minor Injury Harassment	Sustained Sustained Sustained Sustained	Respondent was charged for Unnecessary Force and Demeaning Language.
Greenbelt PD	C22-011	Failing to Inventory Prisoner Property	Sustained	Respondent Officer failed to inventory Complainants' property and document the inventory on the appropriate form.
Greenbelt PD	C22-019	Violation of Courtesy.	Sustained	Respondent Officer committed a policy violation of Courtesy when he referred to the Driver as "bro".
Greenbelt PD	C23-001	Criminal Misconduct Unbecoming Conduct Conformance to Laws	Sustained Sustained Sustained	The Respondent was found to have solicited a prostitute.

Greenbelt PD	C23-005	Violation of Courtesy	Sustained	Respondent Officer used derogatory, profane, and abusive language toward Complainant.
Greenbelt PD	C23-010	Violation of Body Worn Camera Violation of Vehicle Operations Violation of Vehicle Pursuit Unauthorized Pursuit	Sustained Sustained Sustained Sustained	The Respondent was charged for unauthorized pursuit.
Hyattsville PD	IA22- 008	Violation Punctuality and Attention to Duty	Sustained	Respondent Officers did not respond to service calls immediately.
Hyattsville PD	IA23- 002	Intentionally Turning Off the Bodycam Failing to Activate the Bodycam	Sustained	The Respondent turned off body worn camera and failed to reactivate it during a call for service.
Hyattsville PD	IA23- 003	Conduct Unbecoming-Neglect of Duty	Sustained	Respondent Officer failed to write an incident report for the attempted theft.
Laurel PD	IA2022- 015	Neglect of Duty	Sustained	Respondent failed to complete a report and collect necessary information during a call for service.
Laurel PD	IA2022- 016	Violation of Constitutional Rights	Sustained	Respondent was found to have violated the constitutional rights of a minor by handcuffing and fingerprinting him without probable cause.
Laurel PD	IA2022- 025	False Statement	Sustained	Respondent was found to have made false statements during an investigatory interview.
Laurel PD	IA2023- 011	Attention to Duty	Sustained	Respondent dispatched an officer in response to a stolen vehicle before checking the tow log.
PG Sheriff	22-B- 947	Unbecoming Conduct Protocol Conformance to Laws	Sustained Sustained Sustained	Respondent Officer was found to have violated Departmental policies based on his conduct during a sexual encounter with the Involved Citizen.
PG Sheriff	23-G- 985	Unbecoming Conduct	Sustained	The Respondent Officer boarded a Prince George's County Public School Bus and was discourteous to a minor child.
PG Sheriff	23-B- 1024	Procedural	Sustained	Respondent Officer was found to have violated policy by failing to document the theft of a motorcycle.
PG Sheriff	23-H- 1019	Conduct toward the Public Conformance to Laws	Sustained Sustained	The Respondent, while transporting an arrestee for a warrant, violated policy by being discourteous and failing to comply with laws.
PG Sheriff	23-X- 973	Use of Force	Sustained	Respondent Officer was found to have used excessive force in striking a restrained arrestee, while other Respondents failed to intervene.

PG Police	FCIQ- 2023-	Unbecoming Conduct Other-Protocol	Sustained – Radio	While responding to a call, the Respondent was accused of
	029	Radio Procedure	Procedure	discourtesy and was not charged but was charged for violating the Department's radio policy.
PG Police	IA2020- 021	Unbecoming Conduct	Sustained	Respondent Officer put up his middle finger to the Complainant while leaving a parking lot.
PG Police	IA2022- 033	Unbecoming Conduct	Sustained	Respondent Officer was on duty in the parking lot of the South Laurel Park and Ride where he engaged in sexual contact with the Civilian Witness.
PG Police	IA2022- 042	Unbecoming Conduct Use of Language/Discrimination Use of Language/Discrimination for use of language Use of Language/Discrimination for use of language	Sustained Sustained Sustained Sustained	In several text messages, the Respondent used questionable terms such as "Crajer" (presumed to be intended as Cracker), "Gay Karens" and "Nigga" in reference to the Complainant.
PG Police	IA2022- 047	Discourtesy (Respondent #4)	Sustained	Respondent Officer's conducted a traffic stop on Complainant's vehicle that resulted in the issuance of citations and towing of the vehicle. The Department found the allegation of Discourtesy against Respondent Officer #4.
PG Police	IA2023- 006	Use Language (Inappropriate)	Sustained	During a stop, the Respondent had a verbal confrontation with a citizen who was recording the arrest. The Respondent used inappropriate language.
PG Police	IA2023- 009	Attention to Duty	Sustained	Respondent Officer failed to complete an RMS report and failed to recover evidence in a revenge pornography case.
PG Police	IA2023- 010	Failing to activate In-Car Camera (Respondent #1)	Sustained	Respondent failed to activate his body worn camera during the entire call for service.
PG Police	IA2023- 017	Discriminatory Language Discriminatory Language Discriminatory Language Inappropriate Language Inappropriate Language Inappropriate Language	Sustained Sustained Sustained Sustained Sustained Sustained	The complaint resulted from a traffic stop, vehicle pursuit, and a foot chase. During the foot chase the Respondent used discriminatory and inappropriate language.
PG Police	IA2023- 023	Use of Force	Sustained	The complaint resulted from a call for service for a theft from auto complaint. The Respondent was found to have used force but did not notify his supervisor.
PG Police	IA2023- 029	Procedural Violation (Property and Evidence Submission)	Sustained	During a traffic stop, the Complainant attempted to turn over drugs to one of the Respondent Officers, and he

				refused to accept them. The Complainant placed the drugs on one of the Respondent's vehicles and walked away. After driving out of the parking lot, the Complainant was stopped for a traffic violation. The Respondent was found to have been discourteous during the traffic stop.
PG Police	OA2022- 003	Lethal Force Lethal Force BWC Activation BWC Activation (Respondent 2)	Sustained Sustained Sustained Sustained	Respondents discharged their firearms at the vehicle striking the Involved Citizens. The vehicle continued to flee and was pursued by one of the Respondents. As the vehicle was traveling, one of the Respondents discharged his firearm at the vehicle.
PG Police	SI2022- 015	Unbecoming Conduct (Protective Order) Unbecoming Conduct Unbecoming Conduct Unbecoming Conduct Unbecoming Conduct Unbecoming Conduct (Violation of Protective Order) Procedure Violation (Equipment) Procedure Violation (Weapons)	Sustained Sustained Sustained Sustained Sustained Sustained	Respondent was found to have verbally threatened the Involved Citizen and encouraged his fiancée to fight her. The Respondent said to her that if he was not a police officer, he would "f*ck" her up. He also threatened her father.
PG Police	SI2023- 021	Criminal Misconduct	Sustained	Respondent was found to have criminally assaulted the Involved Citizen.
PG Police	SI2022- 025	Courtesy	Sustained	Respondent touched a student (Involved Citizen) in a manner that made the Involved Citizen uncomfortable, despite her saying "No."
PG Police	SI2023- 003	Failure to Activate Body Worn Camera	Sustained	Respondent failed to activate body worn camera during a call for service.
Seat Pleasant	DA2023- 01	Operating a motor vehicle in a careless manner.	Sustained	Respondent was found to have operated a motor vehicle in a careless manner.
Seat Pleasant	IA2022- 009	Policy Violation	Sustained	Respondents failed to make notification to the registered owner of notifying her of the recovery and impound.

Of the twenty-eight (28) LEAs, 53% did submit investigations to the ACC for review. The thirteen (13) that did not include Riverdale Park (8th largest municipality); Cheverly (10th largest municipality); District Heights (11th largest municipality); Berwyn Heights (15th largest municipality); Forest Heights (16th largest municipality); University Park (17th largest municipality); Landover Hills (18th largest municipality); Edmonston (19th largest municipality); Colmar Manor (20th largest municipality); Fairmount Heights (21st largest municipality); Cottage City (22nd largest municipality); Morningside (23rd largest municipality); Upper Marlboro (24th largest municipality).

## **ADMINISTRATIVE HEARING BOARD**

(Extractions and Summarizations from the PAB and ACC Reports)



The PAB and the ACC administrative staff worked tirelessly to get the County's AHB process up and running. In May of 2023, the County's Office of Law and Office of Administrative Hearings (OAH) constructed an agreement regarding how the process for the AHB would be established. The agreement was fully executed on July 25, 2023 (*See Appendix 5*). With the agreement in place, the PAB announced the Board was accepting letters of interest and resumes for the Hearing Board's Civilian positions. The AHB panel consists of a Civilian member<sup>9</sup>, an Administrative Judge, and an Officer of Equal Rank.

The PAB desires to have at least ten (10) civilian members available to participate on an AHB panel to ensure equity when balancing the civilians' commitment to serving within the structure of their personal lives. To achieve this, the PAB has an ongoing search process, which can be found on the PAB webpage of the County's website. At the close of 2023, the PAB appointed four (4) civilians to the panel, with two (2) actively serving.



The Police Accountability Board is accepting letters of interest and resumes for Administrative Hearing Board Civilian Positions.

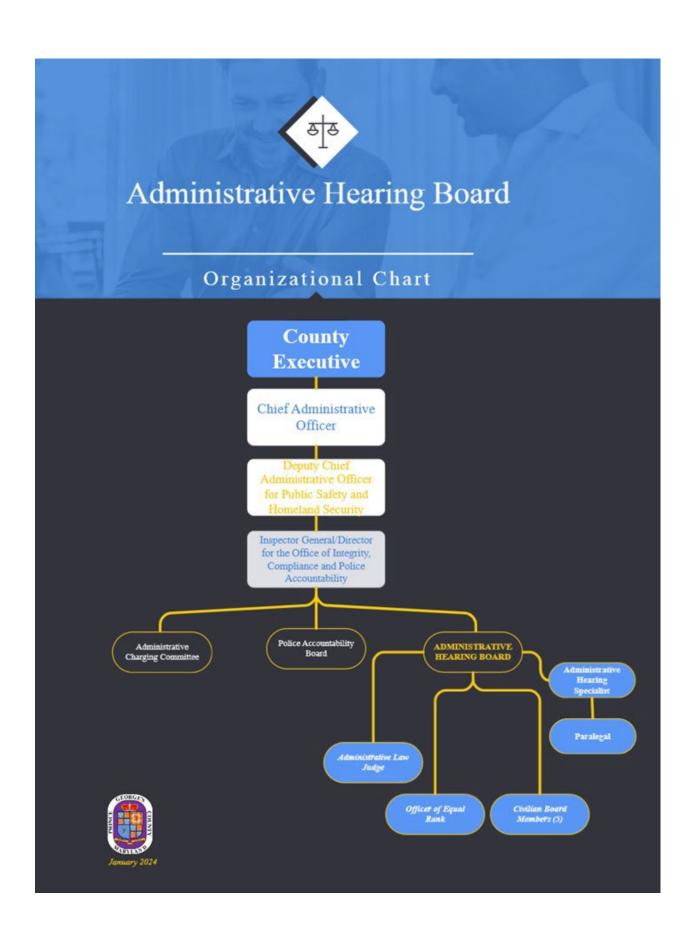
The establishment of the Administrative Hearing Board (AHB) is a direct result of the Police Accountability Act of 2021, passed by the Maryland Legislature.

Please email your letter of interest and resume to pgpab@co.pg.md.us or mail to:

Police Accountability Board 9200 Basil Court, Suite 406 Largo, Maryland 20774 Phone: 301-883-5042

During the initial process of setting up the AHB division, the PAB Program Associate, Tangi Allen, was pivotal in setting up the Process and Procedures (*See Appendix 6*). In addition, the Program Associate facilitated the trainings for the LEAs and worked closely with them and the Maryland Office of Administrative Hearings, leading the division as the interim Administrative Hearing Specialist while the selection process for the Specialist position took place.

<sup>&</sup>lt;sup>9</sup> "To increase community engagement with the police accountability process, the Board interviewed seven (7) candidates and selected four (4) community members to serve on the AHB. By selecting multiple members of the community to serve on AHB panels, the Board created an opportunity for a diverse group of community members to participate in the police accountability process. The community members are randomly selected to serve as the community representative on the 3-person AHB panel when it is convened. The selected community members reflect the wide range of lived experiences of the county's residents." ~ PAB 2023 Annual Report published January 11, 2024.



### **AHB PROCEDURE AND PROCESS:**

The proper process includes the LEA submission of the transmittal request, including vital information needed. The packet should have eight (8) to nine (9) components to be considered complete so the AHB Specialis and the OAH can ensure adequate time and scheduling for an Administrative Law Judge and the Civilian Board member. Once the packet is received, the Specialist logs the information and coordinates with the OAH, the Deputy Chief Administrative Officer for Public Safety and Homeland Security, and the Inspector General to select an Administrative Judge. Once all participating parties have been identified, the hearing is posted to the calendar and announced on the PAB's webpage.

By the close of 2023, the AHB oversaw one (1) case investigated by the ACC. The case was assigned AHB(MPAA-PGEO-01-23-29932) [ACC Case Number- Laurel PD IA2022-025]. It was the recommendation of the ACC by committee vote that the Respondent be Terminated for Making False Statements.

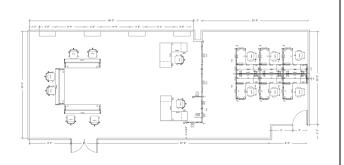
As reported by the ACC in the end-of-the-year report:

AHB Summary: The Board upheld most of the punishment levied by the ACC, with the exception of one finding. The primary charge of untruthfulness during an official proceeding was found as conduct unbecoming by the Administrative Hearing Board. The mandatory discipline for this offense is termination, based on the State Disciplinary Matrix. The City of Laurel/Laurel Police Department argued that the Respondent, who was being investigated for an off-duty incident, corrected a previous statement, which had been given earlier during the same interview (after being confronted with evidence contrary to his statements). The Department and the Respondent Officer, through his attorney, negotiated a lesser charge of Conduct Unbecoming. The result was a reversal of the termination punishment. The Board imposed the punishment that was negotiated by the Department and the Officer of a demotion and loss of two weeks of pay.

### **BUILDING A HEARING SPACE:**

The Administrative Charging Committee (ACC) successfully converted an open space within the suite into a Hearing Room for the AHB to conduct proceedings. The project was completed within ninety (90) days, with an estimated budget of under \$40 thousand. The request to convert the spacing was initiated in early April 2023. Upon approval for the project, removing old furniture and installation of furniture (cubicles, desks, hearing tables, and chairs) along with audiovisual equipment were completed by August 26, 2023.

## Markup for Redesign:







**Spacing Before Redesign** 





#### NEW AHB SPACE







### **CONCLUSION**

The Office of Integrity, Compliance, and Police Accountability's annual report underscores our unwavering commitment to accountability, transparency, and integrity within the organization and our efforts to ensure a fair and measured police reform process. Through rigorous oversight and investigations, we have diligently worked to uphold the public trust and ensure the efficient and effective use of resources. As we reflect on the past year's accomplishments and challenges, we remain steadfast in our dedication to promoting accountability and fostering a culture of compliance and ethical conduct. Looking ahead, we are poised to continue our vital role in safeguarding the integrity of our institution and serving the interests of the public we are privileged to serve. We would again like to thank the County Leadership, the County Council and most of all, the Citizens of Prince George's County for their continued trust in our efforts.

## **References**

### **OICPA Webpage:**

 $\underline{https://www.princegeorgescountymd.gov/departments-offices/integrity-compliance-and-police-accountability}\\$ 

### **PAB Webpage:**

https://www.princegeorgescountymd.gov/boards-commissions/police-accountability-board

### **ACC** Webpage:

 $\underline{https://www.princegeorgescountymd.gov/boards-commissions/administrative-charging-committee}$ 

## **Statewide Police Disciplinary Matrix:**

chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://mdle.net/pdf/Commission\_Approved\_U niform Disciplinary Matrix.pdf

# List of Appendices

Appendix 1: 2023 Timeline

Appendix 2: Speed and Red-Light Camera Reimbursement

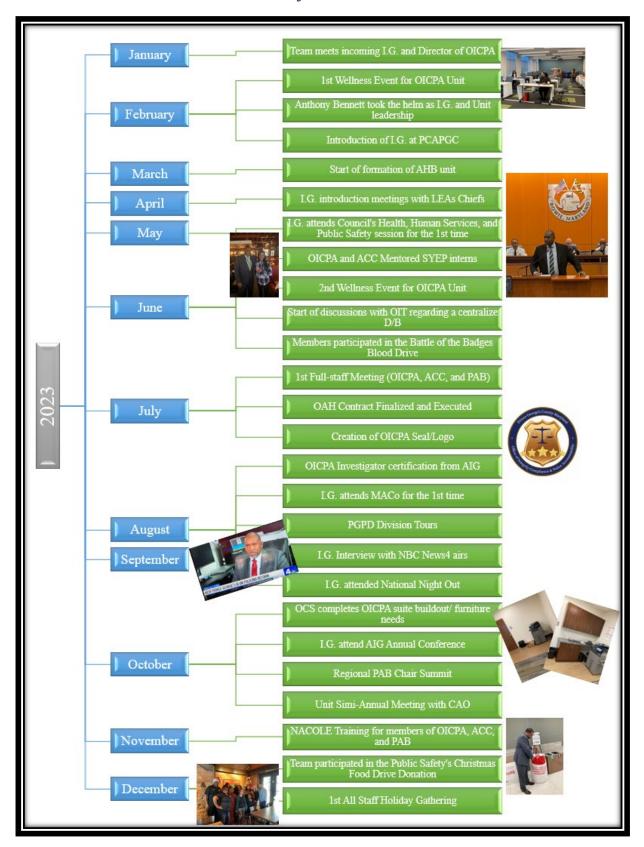
Appendix 3: Legislation (Links)

Appendix 4: PAB Complaint form

Appendix 5: OAH Contract

Appendix 6: AHB Process and Procedures

APPENDIX 1 – Timeline of OICPA Current Processes



### APPENDIX 2 - Speed and Red-Light Camera Reimbursement



September 22, 2023

Captain .	
Prince Geo	rge's County Police Department
	antile Lane Suite #108
Largo, MD	20774

RE: Prince George County Speed and Red-Light reimbursement

Dear Captain

The purpose of this letter is to provide Conduent's response to Ms. K email on 23. Based on our internal investigation of the server failure dating back to April 2023, and our continued efforts to stabilize and restore the systems operational integrity, we agree to the county's counteroffer of \$192,457.86. Additionally, we will reimburse the equipment cost for the Dragon Cams in the amount of \$40,188.00 for a total reimbursement credit of \$232,645.86. This amount is the final resolution for these two events to close out the issues between Conduent and the county. Please acknowledge your acceptance by signing below and returning to me at acconduent.com.

Reimbursement breakdown of the monetary impact for both the Speed and Red-Light Programs:

### Speed Program

- o 3729 violations not issued.
- o 3729 x \$40 = \$149,160 violation fine amounts
- \$149,160 x 80% PG County Speed collection rate = \$119,328.00 revenue the County may have lost by not issuing these violations

### Red-Light Program

- o 874 violations not issued.
- o 874 x \$75 = \$65,550 violation fine amounts
- \$65,550 x 80% PG County RL collection rate = \$52,440.00 revenue the County may have lost by not issuing these violations

### · Dragon Cam Equipment Reimbursement.

Two (2) cameras x \$3,350.00 per month x 6 months = \$40,200.00

### Additional Damages for

Negative publicity and expenses incurred = \$20,689.86

We apologize for any inconveniences will plan to process the reimbursement credits in two (2) equal installments for October and November invoices in the amount of \$116,322.93 to compensate for the potential revenue loss caused by this issue. We appreciate Prince George's County as a valued partner while we continue to work together on this program.

Thank you for your continued patience and collaboration on this matter.

Signature \_\_\_\_\_

Dated \_\_\_\_\_

Sincerely,
Director
CC. VP/GM
Prince George County Acceptance:
Frince deling county Acceptance.
Print Name

### APPENDIX 3 – Legislation (Links)

### CB-021-2022

https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=5541126&GUID=1A793184-FC50-4C4D-9CCD-1CA5E45D787B&Options=ID|Text|&Search=cb-021-2022

#### CB-022-2022

https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=5541219&GUID=03ABCCDD-EFBD-4B52-BE84-DDA7102C9A97&Options=ID|Text|&Search=cb-022-2022

### CB-023-2022

 $\frac{https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=5541220\&GUID=966C516A-E11C-46D5-93A5-EB0E084032BD\&Options=ID|Text|\&Search=cb-023-2022$ 

### CR-090-2022

 $\frac{https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=5778478\&GUID=0D00C8E3-A10D-4583-B617-4892E3C59E7B\&Options=ID|Text|\&Search=cr-090-2022$ 

### APPENDIX 4 – PAB Complaint form



### Prince George's County Police Accountability Board

### **Police Complaint Form**

(For incidents that happened on or after July 1, 2022)
If you do not have the officer(s) name(s), please provide as much identifying information as possible in your complaint details.

Email form to: pgpab@co.pg.md.us or bring to: 9200 Basil Court Suite 406 Largo, MD Phone:301-883-5042 Fax: 301-883-2655

Name:				
	Last Name	First Name	. N	1iddle
Address:	Street		City/	State/Zip
Phone: Cell:		Other:		rtate/2ip
Date & Time of Incid	lent:		am pm c	heck box
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	nd address for each w			
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s		Address:		
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### APPENDIX 5 - OAH Contract

### POLICE ACCOUNTABILITY TRIAL BOARD AGREEMENT/CONTRACT BETWEEN THE OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND

This Agreement is made between the Office of Administrative Hearings (the "OAH") and Prince George's County, Maryland (the "County") ("the Parties");

WHEREAS, Title 3 section 102 of the Public Safety Article provides that each county shall have a police accountability board to, *inter alia*, "receive complaints of police misconduct filed by members of the public";

WHEREAS, Title 3 section 101(e) of the Public Safety Article provides that the term "Law enforcement agency" is defined as it is in Title 3 section 201 of the Public Safety Article;

WHEREAS, Title 3 section 201(d)(1) of the Public Safety Article defines the term "Law enforcement agency" ("LEA") as "a governmental police force, sheriff's office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State";

WHEREAS, Title 3 subsection 106 of the Public Safety Article establishes "Trial board[s]" relating to police accountability boards and LEAs;

WHEREAS, Title 3 subsection 106(a)(1) of the Public Safety Article establishes that trial boards are responsible for "adjudicate[ing] all matters for which a police officer is subject to discipline" relating to a complaint of police misconduct filed in accordance with Title 3 subsections 102(c) and 103 of the Public Safety Article;

WHEREAS, Title 3 subsection 106(b)(1)(i) of the Public Safety Article requires "the chief executive officer of the [C]ounty" to appoint "an actively serving or retired administrative law judge . . ." to trial boards established under Title 3 subsection 106 of the Public Safety Article;

WHEREAS, Title 3 subsection 106(c)(1)-(3) of the Public Safety Article requires "The actively serving or retired administrative law judge . . ." appointed to a trial board to "be the chair of the trial board; be responsible for ruling on all motions before the trial board; and prepare the written decision of the trial board, including the findings, conclusions, and recommendations of [a majority of] the trial board";

WHEREAS, Title 9 section 1604(b)(1)(ii) of the State Government Article authorizes the Chief Administrative Law Judge of the OAH to provide an Administrative Law Judge ("ALJ") "on a contractual basis to other governmental entities" and the Chief

### AGREEMENT/CONTRACT BETWEEN OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND (cont.)

Administrative Law Judge has delegated that authority to the Director of Administration for the OAH;

WHEREFORE, in consideration of the mutual promises and covenants contained herein, the sufficiency of which is expressly acknowledged, the Parties agree as follows:

### I. Duties and Responsibilities of the Parties

- Every time the County desires to convene a trial board containing an ALJ as a
  member, the County shall request from OAH, in writing, via email to the OAH Chief
  ALJ and the OAH Executive ALJ and Director of Operations, the names of three
  (3) ALJs, one of whom may be appointed by the County to be a member of a trial
  board. OAH email addresses may be found at
  <a href="https://msa.maryland.gov/msa/mdmanual/25ind/htmi/01admin.html">https://msa.maryland.gov/msa/mdmanual/25ind/htmi/01admin.html</a> or may be
  obtained by calling OAH at (410) 229-4100. OAH shall endeavor in good faith to
  provide the names of three (3) ALJs within five (5) business days of the County's
  request. The County shall notify OAH within five (5) business days of the ALJ
  chosen to serve on the trial board.
- The County will never use a previously provided list of three (3) ALJs from OAH to appoint an ALJ and convene a trial board, but rather will contact OAH every time it desires to convene a new trial board.
- Every list of three (3) ALJs from OAH provided to the County will consist of ALJs
  who have received the requisite training under Title 3 subsection 106(d) of the
  Public Safety Article.
- 4. Every ALJ appointed to a trial board shall be the chair of the trial board, responsible for being the sole person to rule on any motions before the trial board, and being the sole person to prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the majority of the trial board, in accordance with Title 3 subsection 106(j) of the Public Safety Article.
- 5. The County or applicable LEA shall issue any notice(s) of hearing(s) before a trial board. The notices shall be timely and all trial board hearings shall be subject to the appointed ALJ's availability and schedule. The appointed ALJ's availability and schedule shall be confirmed prior to the County or applicable LEA issuing any notice(s) of hearing(s) before a trial board. At a minimum, copies of all notices shall be sent to the applicable LEA and applicable police officer accused of misconduct, members of a trial board, OAH, and the appointed ALJ. Notice(s) to OAH and the appointed ALJ may be made by email. Notices shall, at a minimum, include the name of the person requesting the hearing, the mailing address of the person

# AGREEMENT/CONTRACT BETWEEN OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND (cont.)

requesting the hearing, the email address and phone number of the person requesting the hearing or an affirmative statement that such information is unavailable, and the notice of agency action including the statement of charges and any applicable codes of conduct of the County or applicable LEA for which the hearing request has been filed.

- 6. The initial notice of hearing before a trial board shall include an insert to all recipients of a copy of the County's or applicable LEA's procedures for conducting the trial board as well as a copy of OAH's Rules of Procedures, which are located in Title 28 of the Code of Maryland Regulations (COMAR 28.02.01). The conduct of the trial board hearing shall be governed by the procedures of the County or the LEA but, in the absence of procedure(s) governing the conduct of the trial board hearing, the provisions of COMAR 28.02.01 shall take precedence and are incorporated by reference into the County's or applicable LEA's procedures. The initial notice of hearing shall indicate and confirm this.
- 7. Any trial board proceeding physically occurring at the OAH headquarters, located at 11101 Gilroy Rd, Hunt Valley, MD 21031, shall be coordinated by the County or applicable LEA by coordinating, at a minimum, the date, time, and hearing room number at the OAH with the OAH Clerk's Office.
- 8. The default location of all in person trial board proceedings involving an ALJ is the OAH, located at 11101 Gilroy Rd, Hunt Valley, MD 21031. By election of the applicable LEA or police officer accused of misconduct, the location of all in person trial board proceedings involving an ALJ may be changed. If an alternative location cannot be agreed on between the applicable LEA and police officer accused of misconduct, then the ALJ shall decide the physical location, which may include the default location, or any other location. If the location of an in person trial board proceeding involving an ALJ is not the OAH, then the applicable LEA shall be responsible for providing an appropriate location capable of accommodating the total number of people anticipated to be present (including the public) at the trial board proceeding. If necessary, the ALJ may direct the removal of any individual(s) whose conduct impedes the orderly progress of any in person trial board proceeding or restrict attendance because of physical limitations.
- 9. At the request and consent of the applicable LEA and applicable police officer accused of misconduct, all trial board proceedings involving an ALJ may be conducted remotely, if the parties consent. In the event a party desires all or portions of trial board proceedings to be conducted in person, and the parties do not agree, then the party requesting the in person proceeding must establish good cause to hold the proceeding in person. Whether the requesting party has established good cause shall be decided solely by the ALJ, considering what may establish good cause under Md.

### AGREEMENT/CONTRACT BETWEEN OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND (cont.)

Code. Regs. 28.02.01.20. In the event trial board proceedings are conducted remotely, OAH will administer and control the electronic proceedings. If necessary, the ALJ may direct the removal of any individual whose conduct impedes the orderly progress of any remote trial board proceeding or restrict electronic access because of technical limitations.

- 10. The deliberations of a trial board shall be confidential. The County or applicable LEA will instruct and impress upon the other two members of a trial board who are not an ALJ the requirement that deliberations remain confidential and that such confidentiality shall not expire or be waived.
- 11. The ALJ will announce a bench decision of the trial board at the conclusion of deliberations following a trial board hearing. In accordance with Title 3 subsection 106(j) of the Public Safety Article, within 45 days after the final hearing by a trial board, the ALJ shall issue a written decision consistent with the bench decision. The ALJ shall draft the decision of the trial board in accordance with the pertinent law and consistent with the announced trial board decision. OAH shall deliver the written decision to each party or party representative by mail or email.
- 12. The County or applicable LEA shall be responsible for scheduling a court reporter certified by a national or state certifying body to be present to record a final hearing and any dispositive motions hearing(s) of a trial board. If the County or applicable LEA fails to provide a court reporter, if possible, the OAH or ALJ may at their discretion record a final hearing and any dispositive motions hearing(s) of a trial board. If the OAH or the ALJ records a final hearing and any dispositive motions hearing(s) of a trial board, then no transcript of any hearing will be provided by OAH unless ordered and paid for by the requesting person or entity.
- 13. The OAH shall provide the record of the proceedings before a trial board, including any evidence, to the County or applicable police accountability board at the time the trial board issues the findings, conclusions, and recommendations of a majority of a trial board.

### II. Costs

- The OAH shall be compensated for the work performed at a rate of \$200 per hour of an ALJ appointed to a trial board. The OAH will not be compensated for travel time of an ALJ, though travel expenses shall be reimbursed by the County to OAH pursuant to paragraph II. 3.
- The OAH shall provide the County a written itemized bill that includes a detailed breakdown, in attorney billable-hour format, of the time expended by an ALJ relating to serving as an appointed member of a trial board, including a description

### AGREEMENT/CONTRACT BETWEEN OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND (cont.)

of the type of work performed by the ALJ (subject to the deliberative process privilege of the ALJ and trial board).

- The County shall reimburse the OAH all reasonable travel expenses, including but not limited to food, lodging, and travel expenses, pursuant to the IRS Standard for Mileage Rates and U.S. General Services Administration Per Diem Rates.
- The OAH shall provide the County with an itemized bill within thirty (30) days of when the written findings, conclusions, and recommendations of a majority of a trial board is issued.
- 5. Upon receipt of the written findings, conclusions, and recommendations of a majority of a trial board as described in paragraphs I. 4 and I. 11, and the itemized bill as described in paragraphs II. 2 and II. 4, the County shall transfer the amount set forth in the itemized bill to the OAH within thirty (30) days. If the County disputes any charge(s) in the itemized bill, the County shall respond to the OAH in writing within ten (10) days from receipt of the itemized bill. The OAH shall respond in good faith in writing to any disputed charge(s) within ten (10) days from receipt of the County's dispute and the OAH shall provide a new itemized bill as described in paragraph II. 2. The County shall then transfer the amount set forth in the new itemized bill, regardless of any remaining disputed charge(s), within ten (10) days of receipt of the OAH's new itemized bill.
- The County shall pay any court reporter costs associated with of any recording of any final hearing and any dispositive motions hearing(s) of a trial board.
- 7. The County or applicable LEA shall pay any costs associated with any request(s) for accommodation, including but not limited to an interpreter(s) or audio assistive technology equipment/software equipment or software for each of their respective witnesses.

### III. Term of Agreement

This Agreement is effective when executed by each of the Parties, has no termination date, and is terminable at will by either of the Parties.

### IV. Exclusivity of Agreement

 This Agreement is the exclusive agreement of the Parties with respect to this subject matter and supersedes all prior agreements, representations, proposals, written and oral, relating to the subject matter.

# AGREEMENT/CONTRACT BETWEEN OFFICE OF ADMINISTRATIVE HEARINGS AND PRINCE GEORGE'S COUNTY, MARYLAND (cont.)

The Parties expressly acknowledge that this Agreement is the product of mutual negotiation and state that neither party shall be construed to be the primary drafter of the Agreement.

### V. Amendment

This Agreement may be amended only by mutual agreement in writing executed by both Parties. Except for a specific provision which may be amended, this Agreement shall remain in full force and effect after such amendment subject to the same laws, obligations, conditions, rules, provisions and regulations as it was prior to any amendment.

### VI. Governing Law

This Agreement shall be governed and construed in accordance with Maryland Law.

### VII. Representation of Authority

Each party to this Agreement represents and warrants to the other that it has full right, power, and authority to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

Line day of May , 2023 By:

Danara Harvell

Director of Administration

Office of Administrative Hearings

Barry L. Stanton

Deputy Chief Administrative Officer for Public Safety

Prince George's County, Maryland

Approved for form and legal sufficiency:

A day of May , 2023 By: Kevin M. Cox
Assistant Attorney General

Rhonda L Weaver
County Attorney



### Administrative Hearing Boards Notification Procedures

Law Enforcement Officers, serving in Prince George's County, administratively charged with police misconduct may request an Administrative Hearing after discipline has been offered by their respective Police Chief, pursuant to MD Public Safety § 3-105(c)(3). An Administrative Hearing Boards Coordinator (AHBC) is responsible for notifying respective parties upon receipt of a Request for an Administrative Hearing from any Prince George's County law enforcement agency (LEA).

The notification process for a Request for an Administrative Hearing Board is as follows:

#### Office of Administrative Hearings Notification

- A Prince George's County LEA will notify, in writing, the AHBC of a Request for an Administrative Hearing on behalf of a law enforcement officer.
- Within five (5) days of an administrative hearing request, the AHBC will provide the LEA
  Point of Contact with a "Transmittal MPAA Trial Board Hearings" Form from the Office
  of Administrative Hearings (OAH).
- LEAs will submit the completed Administrative Hearing Board Transmittal Package within fifteen (15) days of notifying the AHBC.
- Transmittal Packages should be sent to the AHBC at <a href="mailto:ahb@co.pg.md.us"><u>ahb@co.pg.md.us</u></a>.
- Administrative Hearing Board Transmital Packages must include:
  - O Transmittal MPAA Trial Board Hearings Form
  - o Respondent's Mailing Address
  - o Respondent's Phone Number
  - Notice of Action
  - o Any applicable codes of conduct of the LEA
  - o 3 Proposed Hearing Dates (45 days in advance)
  - o LEA's Trial Board Hearing Rules of Procedure/Hearing Process
    - The "Date Request Forwarded To OAH" and "Civilian Trial Board Member" sections will be completed by the AHBC.

Name of RespondentRespondent's Email Address

Statement of Charges

Secured Court Reporter

- LEAs should allocate at least forty-five (45) days prior to the proposed hearing date to ensure appropriate time for processing and notifications.
- Upon receipt of an Administrative Hearing Board Transmittal Package, the AHBC will
  contact the Office of Administrative Hearings (OAH) Chief Administrative Law Judge by
  email communication, requesting the names of three (3) Administrative Law Judges (ALJ).
  The same communication will be sent to the OAH Executive Administrative Law Judge and
  Director of Operations.
  - OAH Chief Administrative Law Judge
    - Chung K. Pak, 410-229-4105, <a href="mailto:chung.pak@maryland.gov">chung.pak@maryland.gov</a>
  - o OAH Executive Administrative Law Judge and Director of Operations
    - John J. Leidig, 410-229-4175, john.leidig@maryland.gov
  - OAH Website:

https://msa.maryland.gov/msa/mdmanual/25ind/html/01admin.html



- List of All Administrative Law Judges: <a href="https://oah.maryland.gov/Aljbios.aspx">https://oah.maryland.gov/Aljbios.aspx</a>
- The AHBC will cc the following individuals on the email notifying OAH of a Request for an
  Administrative Hearing: Deputy Chief Administrative Officer for Public Safety and
  Homeland Security (DCAO), Inspector General and Director of the Office of Integrity,
  Compliance and Police Accountability (IG), Administrative Charging Committee Program
  Administrator, Police Accountability Board Administrator, OAH Chief Clerk, and
  Designated OAH Staff.
- The AHBC will attach the Administrative Hearing Board Transmittal Package to the email.
- OAH will provide the DCAO/AHBC with the names of three (3) ALJs to select from within five (5) business days of notification.
- DCAO (or IG, in DCAO's absence) will select an ALJ within five (5) days.
- The AHBC will notify the Respondent/LEA of selected ALJ.
  - The Respondent/LEA will have four (4) days to strike or waive the right to strike the selected ALJ from consideration, if applicable.
    - DCAO will choose from the remaining two (2) ALJs if the Respondent strikes the first judge from consideration.
- The DCAO/AHBC will notify the OAH of the ALJ chosen to serve on the respective Administrative Hearing Board.
- OAH will confirm the ALJ's availability and provide an OAH Case Number.
- AHBC will notify the LEA of the confirmed hearing date, ALJ, AHB Civilian and OAH
  Case Number.
- The LEA will send the Official Notice of Hearing to: OAH, ALJ, IG, AHBC,
   Respondent, AHB Civilian and Officer of Equal Rank and include the following:
  - LEAs Name, LEA Case Number, OAH Case Number, Hearing Location, Date, Time, LEA procedures for conducting the trial board, and a copy of OAH's Rules of Procedure
  - The Notice of Hearing sent to the OAH and ALJ must also include the Statement of Charges and any applicable Codes of Conduct.

### Law Enforcement Agency Notification

- The AHBC will notify the LEA's Point of Contact with the names of the Administrative Law Judge (ALJ), OAH Case Number and the Administrative Hearing Board Civilian assigned to the respective hearing upon confirmation of the ALJ's name, availability and receipt of the OAH Case Number.
- The Administrative Charging Committee (ACC) has a Hearing Room available to conduct Administrative Hearings for law enforcement agencies in Prince George's County, as needed. To request the use of the ACC Hearing Room, send an email to accommittee@co.pg.md.us. You may also request to view the Hearing Room in advance.
- LEAs will secure and pay for the attendance of a Court Reporter certified by a national or State certifying body to be present to record a final hearing and any dispositive



motions/hearings of an administrative hearing. LEAs can utilize any viable Court Reporter service. The Office of Administrative Hearings provided the following Court Reporter resource for consideration:

o CRC Salomon

2201 Old Court Road Baltimore, MD 21208

Phone: 410-821-4888 or 888-821-4888

Fax: 410-821-4889

Email: info@crcsalomon.com https://www.crcsalomon.com/

#### AHB Civilian Board Member Notification

- Upon receipt of a Request for an Administrative Hearing, the AHBC will contact Administrative Hearing Board Civilians to determine availability.
  - O AHB Civilians must be trained and approved by the Maryland Police Training and Standards Commission, Office of Ethics and Accountability, Police Accountability Board Staff and/or the Administrative Charging Committee Staff prior to serving as an AHB Civilian on Administrative Hearings. AHB Civilians will also be offered 8 hours of compensation to participate in Ride-A-Longs with law enforcement agencies in Prince George's County.
- The designated AHB Civilian will confirm receipt of the Official Notice of Hearing from the LEA with the AHBC.
- AHBC will send an Outlook meeting invitation with the date, location, time, LEA Point of Contact, signed Code of Conduct Agreement, and any pertinent information needed for the hearing.
- AHB Civilians will report to the Administrative Hearing Board location 30 minutes before
  the scheduled start time of the hearing cited on the Notification of Hearing.
  - Example: Notice of Hearing Start Time: 9:00 a.m.; AHB Civilians will report to the Administrative Hearing Board location at 8:30 a.m.
- AHBC will confirm the assigned AHB Civilian's attendance as early as five (5) days prior and no less than 24 hours before the scheduled hearing.
- AHB Civilians must provide the AHBC with three (3) days advanced notice if they are unable to serve on an assigned Administrative Hearing Board.
  - Failure to comply may result in removal.
  - AHBC will seek to assign an alternate AHB Civilian.
- In cases of emergency, AHB Civilians are instructed to contact the AHBC as soon as
  possible if they are unable to serve on an assigned Administrative Hearing Board.
  - Failure to comply may result in removal.
- AHBC will contact the LEA Point of Contact regarding any AHB Civilian scheduling updates.



### Administrative Hearing Boards

- AHBC or Designee will attend the first administrative hearing for new AHB Civilians.
- At any time, the AHBC or Designee may attend a hearing board to ensure AHB Civilians comply with the Administrative Hearing Board's Code of Conduct, Code of Ethics, protocols and expectations.
  - Failure to comply with the Administrative Hearing Board's Code of Conduct, Code of Ethics, protocols and expectations may result in removal.
- AHB Civilians should report any matters of concern regarding the Administrative Hearing to the AHBC and/or ALJ if the hearing is in progress.

#### Conflicts of Interest

- AHB Civilians will submit a Conflict of Interest Declaration, affirming in good faith, that
  they have no actual, potential or perceived conflict of interest, prior to serving on an
  Administrative Hearing Board.
- AHB Civilians must notify, in writing, the AHBC of any possible or known conflicts of interest, prior to, during or following an Administrative Hearing.
- AHB Civilians must notify the AHBC if they recognize or are familiar with any party involved in the Administrative Hearing, including, but not limited to, the Respondent Officer, witnesses, attorneys, etc., involved in the case.
- If an Administrative Hearing is in progress and the AHB Civilian recognizes or is familiar
  with any party involved in the Administrative Hearing, including, but not limited to, the
  Respondent Officer, witnesses, attorneys, etc, involved in the case, they should report this to
  the Administrative Law Judge immediately. AHB Civilians should report this to the AHBC
  as soon as reasonably possible.
- The LEA/Respondent cannot strike an AHB Civilian from serving on an Administrative Hearing Board. However, the LEA/Respondent can notify the AHBC of any conflict of interest or concern regarding an AHB Civilian assigned to serve on respective hearing.
  - o The AHBC will notify supervisors of the matter and may replace the Civilian.

### Hearing Continuances & Dismissals

- LEAs will notify the following individuals upon notification of a hearing continuance or dismal: OAH, ALJ, IG, AHBC, Respondent, AHB Civilian, Officer of Equal Rank
  - AHBC will follow up with the assigned AHB Civilian, via email and phone, to ensure notification has been received.
- If an Administrative Hearing is continued while proceedings are in progress, Administrative
  Hearing Board Members and LEA Hearing Board Staff will collaborate to reschedule a new
  date before departing the location, if possible.
- · If a date cannot be established, rescheduling will be handled by the ALJ.



### Maryland State Police Trial Boards

Maryland State Police will handle all trial board matters regarding police misconduct under their purview. The Prince George's County Administrative Hearing Boards will provide AHB Civilians for trials related to incidents occurring within Prince George's County, upon request.

### Administrative Hearing Board Guidance

Attached is the Administrative Hearing Boards Guidance document, created by the HB670 Workgroup, that covers the scope of a full Administrative Hearing Board. This document may be used as a guide, at the LEAs discretion.



Anthony C. Bennett Date
Inspector General and Director
Office of Integrity, Compliance and Police Accountability

### Office of Integrity, Compliance & Police Accountability

Prince George's County 1301 McCormick Drive, Suite B3-082 Largo, Maryland 20774

### Report Waste, Fraud, Corruption, Abuse, or Police Misconduct

 $\frac{pgcinspectorgeneralinfo@co.pg.md.us}{PGPAB@co.pg.md.us}$ 

www.princegeorgescountymd.gov 301-780-2586



February 2024