



Police
Accountability
Board

2023

ANNUAL REPORT



**Prince George's County
Police Accountability Board
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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, gleaned 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

ABOUT US WHO WE ARE



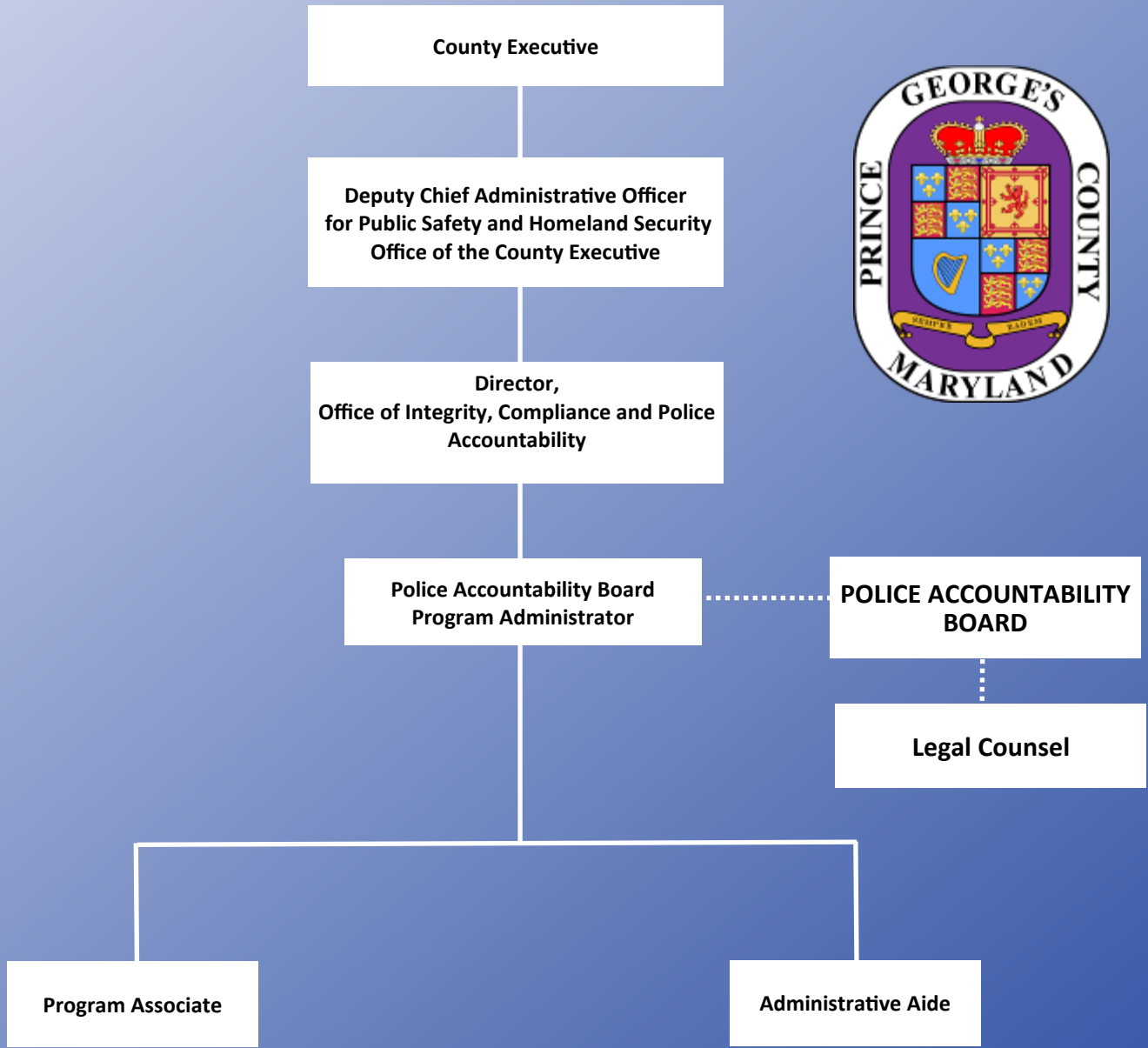
In 2021, the Maryland General Assembly passed a legislative package of police reform bills, subsequently codified as the Maryland Police Accountability Act of 2021. HB670, the most comprehensive bill contained in the Act, repealed and replaced significant provisions of Maryland's Law Enforcement Officers' Bill of Rights and mandated that each county, Baltimore City and state law enforcement establish Police Accountability Boards, effective July 1, 2022. In December 2021, County Executive Angela D. Alsobrooks established the HB670 Workgroup to implement the operational requirements of the Maryland Police Accountability Act of 2021. This

work began in earnest in January 2022. In order to meet the July 1, 2022, deadline for establishing the Prince George's County PAB, subcommittees were created to focus on planning in several key areas. In March 2022, the County Executive also introduced a legislative package of four police reform bills. After a series of public debates, the County Council enacted all four bills, including CB-21-2022, which formally established the Prince George's County PAB. Eleven members serve on the PAB.

STATUTORY DUTIES

- **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;**
- **Maintain confidentiality relating to all matters before the PAB; and**
- **Otherwise abide by all Federal, State and County laws, and develop rules of procedure not inconsistent with such laws.**

ORGANIZATION CHART



BOARD MEMBERS



Shelia Bryant, Esq. is a practicing attorney in the areas of 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.



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, mediating community and neighbourhood disputes and volunteering.



Keenon James is the Senior Director of the Everytown Survivor Network at Everytown for Gun Safety. For nearly two decades, he has committed to bridging the gap between law enforcement and the community. Mr. James served in leadership roles with President Obama's Policing Practices and Accountability Initiative; the U.S. Department of Justice, 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.

BOARD MEMBERS (Cont.)



Earl O'Neal retired after serving as a Union Representative for over 30 years. Mr. O'Neal's community involvement includes service as a Board Member with the South County Economic Development Association; 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 claims of employment discrimination and writes final agency decisions in her role 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 with regards to 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 unit in a troubled public housing facility into an on-sight educational and multi-service center with the successful

goal of increasing police presence. With over 40 years of expertise in public safety and community engagement, she believes in and has experience in police accountability oversight.



Carlo Sanchez 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, and was the former Secretary of the Prince George's County Democratic Central Committee.

Daniel Vergamini is a Lead Inspector/Team Manager in 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.

BOARD STAFF

The PAB staff has extensive experience working in police accountability and government operations. The PAB's Program Administrator has 22 years experience managing the former Prince George's County Citizen's Complaint Oversight Panel (CCOP), as well as an additional 10 years experience managing programs in various County agencies. The PAB's Program Associate has 10 years of experience working in the Office of the County Executive staff and 11 combined

years working with the County's Office of Law, Office of the State's Attorney and Police Department. The Administrative Aide has 15 years of experience providing administrative support to CCOP. For over 30 years, the PAB's Contract Attorney has served as legal advisor to various County Boards and Commissions. She also served as legal counsel to the CCOP for 5 years.



L. Denise Hall
Program Administrator



Tangi Allen
Program Associate



Ashley M. Ritter
Administrative Aide



Marva Jo Camp
Contract Attorney

PRINCE GEORGE'S COUNTY LAW ENFORCEMENT AGENCIES



Berwyn Heights



Bladensburg



Bowie



Brentwood



Capitol Heights



Cheverly



Colmar Manor



Cottage City



District Heights



Edmonston

Fairmount
Heights

Forest Heights



Glenarden



Greenbelt



Hyattsville



Landover Hills



Laurel



Morningside



New Carrollton



Mount Rainier

Prince George's
Community
CollegePrince George's
Fire MarshalPrince George's
PolicePrince George's
Sheriff

Riverdale Park



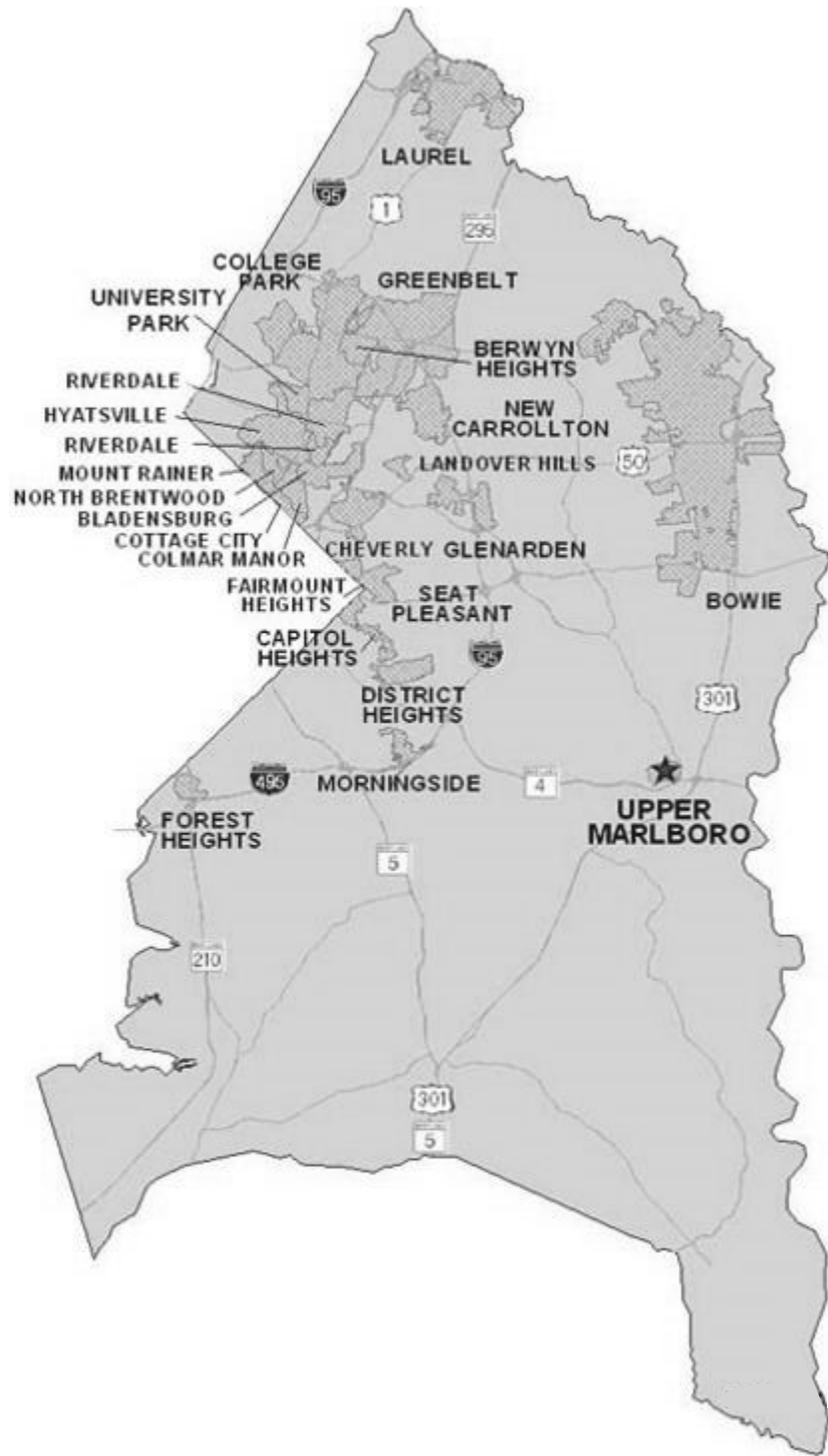
Seat Pleasant



University Park



Upper Marlboro



Prince George's County Municipalities



The Police Accountability Board (PAB or the “Board”) has been actively engaged in setting the foundational and operational structure for the Board. The 2021 state and county legislations establishing the Board and its authority set the basic parameters but left much to be decided and determined by the Board members. *See Appendix A.* The responsibilities and scope of the Board’s work depended greatly on the intent of the legislation and the needs of the community.

The Board has several mandatory duties and works diligently throughout the year to achieve all of them. The mandatory duties include accepting and processing complaints or allegations from the community of incidents involving local law enforcement. The Board

received a total of 104 complaints as of December 19th. The top three allegation categories were *unbecoming conduct, use of force, and discourtesy.*

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 judgement. 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.



The PAB currently accepts complaints from the community for 28 law enforcement agencies whose jurisdiction is within Prince George’s County. This is the largest number of agencies for any county PAB in the state. These agencies do not include law enforcement agencies with multi-county or statewide jurisdiction (e.g., Maryland National Capital Park and Planning Police or Maryland State Police). Complaints for those agencies can be reported to the statewide police accountability board.

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.

Clarification was sought regarding the designation of specific law enforcement agencies under the PAB's purview. Earlier in the year the Board requested information on the inclusion or exclusion of law enforcement agencies on the campuses of educational institutions in the county. Specifically, the Board inquired 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. In a email to the Prince George's County Inspector General dated June 8, 2023, the Maryland Police Training and Standards Commission (MPTSC) rendered an opinion 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. *See Appendix B.*



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 for the PAB.

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. The Office of the Inspector General for Prince George's County contacted the school system to advise them of the 2021 law and advise them of the law, scope, and the Board's authority. After discussion and review, Prince George's County Inspector General Anthony C. Bennett advised the PAB via a decision memo excluding the school system's law enforcement officers and community complaints from the purview of the PAB.

The PAB is one way the community can submit a complaint against an officer. Complaints may also be submitted directly to the local law enforcement agency that employs the officer(s). In either case, the complaint is turned over to the local law enforcement agency for investigation. The community should be aware that if a community complaint goes directly to the local law enforcement agency, the PAB may not have any awareness of the complaint since the law does not require local law enforcement agencies to notify the Board when they receive a complaint directly. Conversely, the PAB is required by law to forward any complaint made against an officer to the appropriate law enforcement agency within three business days of receipt of a complaint. Some local law enforcement agencies were providing the Board with copies of the complaints they received directly. The PAB was grateful for the transparency demonstrated by those agencies and their leaders including Bowie, Cheverly, Greenbelt, Hyattsville, Laurel, and Seat Pleasant. 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.

As of December 19th, the Board received 104 community complaints or allegations of officer misconduct and investigations of those complaints for 10 agencies. All the complaints received by the Board were processed and forwarded to the appropriate agency to investigate within the 3 business days required by the law. The Board, with the assistance of the PAB staff, performed with 100% compliance on this mandatory reporting requirement.

As of December 19th, the following local law enforcement agencies reported or had community complaints processed through the Police Accountability Board in 2023.

Bowie
Cheverly
District Heights
Greenbelt
Hyattsville

Landover Hills
Laurel
Prince George's Police
Prince George's Sheriff
Seat Pleasant

Complaints were received from community members from across the county. As expected, the largest number of complaints received by the Board, 65, 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.

According to the U.S. Bureau of Justice Statistics, local law enforcement agencies average thirty-three complaints per year. Receiving or reporting zero complaints for an entire year is a bit of an anomaly however that appears to be the case for at least a dozen law enforcement agencies in Prince George's County. The Board anticipated few to zero complaints for some of the agencies under their purview. For example, the Arson Investigators Unit, Fire Marshal, Prince George's County Fire and Emergency Medical Services Department has only a few officers, minimal public interactions, and a very low arrest rate. This limited community interaction translates into a very low community complaint rate. To have almost half the local law enforcement agencies in Prince George's County report no complaints or investigations of complaints that led to discipline of an officer needs to be researched further by the Board. The outcome of that research could lead to policy recommendations or potential legislative changes..



ADMINISTRATIVE CHARGING COMMITTEE

The county legislation authorized the PAB to appoint two (2) community members to the Administrative Charging Committee (ACC). The goal of the ACC is to develop uniformity, fairness, and transparency in disciplinary sanctions against officers found guilty of misconduct thereby increasing overall accountability and the community's trust in the process. The ACC reviews the findings of law enforcement agencies' investigations of external complaints and determine if the officer(s) involved is administratively charged in the matter. If charged, the ACC recommends the appropriate discipline in accordance and conjunction with the statewide disciplinary matrix. If not charged, the ACC determines if the allegations are unfounded or if the officer is exonerated.

The county legislation designated the chair of the PAB or the chair's designee serve on the ACC alongside the two (2) PAB appointees and two (2) appointees of the County Executive. The PAB conducted interviews and made its two appointments to the ACC to closeout 2022. Members of the ACC received their formal training in administered by the Maryland Police Training and Standards Commission and the ACC convened its first meeting on February 23, 2023. The ACC is comprised of the following community members:

Kelvin Davall, Chair
Serenity Garnette
Cardell Montague
William (Bill) Scott
Natalie Stephenson

ADMINISTRATIVE HEARING BOARD

The Board is required by law to appoint at least one (1) member of the community to serve on the county's Administrative Hearing Board (AHB). The AHB is a 3-person panel, comprised of a member of the community, officer of equal rank, and an administrative judge. If an officer files an appeal to the discipline decision adjudicated by the Administrative Charging Committee (ACC),

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.

As the legislation nor the County Code address a criteria for making AHB member selections, the PAB is working to develop and implement a process. The Board continues to seek

community participation on the AHB. The Board has a goal to create a pool of at least ten (10) community members to participate on AHB panels. The Board has posted announcements on the PAB's webpage (*See Appendix C*) and communicated with the county's municipalities to promote the opportunity for community members to apply. Community members interested in applying should follow the process outlined in the announcement on the PAB webpage, <https://www.princegeorgescountymd.gov/boards-commissions/police-accountability-board>.

Law enforcement agencies have individual agency processes for assigning an officer of equal rank; and the county has entered into a memorandum of agreement with the Office of Administrative Hearings, so an administrative judge can be assigned to each panel.

During 2023, the Board made the following appointments to the AHB:

James Freeny
Reginald Lawson
Leslie Kaunitz
Janna Parker



The Board plans community engagement in the upcoming year to assist with educating the community on the Board's role as well as

resources. The goal is to ensure all communities have an available partner in police accountability for their community.

In addition to the responsibility of accepting complaints, the Board is responsible for creating opportunities for the community to be a part of the police accountability process. The following describes how the Board engaged and educated the community on the Board activities and actions.

The Board is specifically tasked in the legislation with “seek community feedback on policing and provide information about policing matters to the community.” Community input can be shared with the Board via the PAB’s webpage. Community members can submit an inquiry or send feedback to the Board anytime. The community was also given the opportunity to provide input to the Board during its regular meeting. The meeting agenda set aside time for community input or comments. The Board encourages the community to use the available methods to share their input. Community organizations interested in receiving an overview presentation of the PAB’s role, responsibilities, and potentially serve as a partner for community input with the PAB are encouraged to contact the Board to discuss further details.

Board members also engaged with the community by attending in person events. The Board will increase its community engagement in 2024 to include listening sessions, meetings with homeowners’ associations, civic

associations, and community stakeholder groups. The following events were attended by PAB member(s) as community engagement:

June 1, 2023
PAB Member Lafayette Melton
Alpha Kappa Alpha Sorority, Incorporated, Psi Epsilon Omega Chapter’s “Getting Your Seat at the Table”: a community presentation and discussion about commission and board appointments and the role of the PAB.

July 10, 2023
PAB Chair Kelvin Davall
Citizens’ Police Academy graduation
Overview of the PAB during the cohort’s graduation ceremony.

July 28, 2023
PAB Member Shelia Bryant
District III Coffee Chat
Overview of the PAB during a community policing advisory meeting.

October 10, 2023
PAB Member Earl O’Neal
Prince George’s County Chapter NAACP
Overview of the PAB during the organization’s monthly meeting.

October 20, 2023
PAB Member Shelia Bryant
District II Coffee Chat



The Police Accountability Board is working to develop and implement a comprehensive strategy for our community outreach work. The

community's voice is vital to achieving transparency, accountability, and collaboration with local law enforcement. Community engagement and education is a top priority and will help build the Board's policy recommendations as well as dialogue with local law enforcement on operational changes.

Two members of the Board have participated in a ride-along with the county police department. The Board members have logged ten (10) hours accompanying officers on service calls. This experience has educated the Board members on the situations that officers encounter and the real time decision-making for officers.

PAB members and staff attend the Police Chiefs Association of Prince George's County Monthly meeting to provide update and hear presentation regarding new process and technology.



Agency operating policies and general orders set the tone for how law enforcement officers engage the community. Each agency develops

and implements its policies and general orders, ensuring they are not in conflict with state or county laws. On November 13, 2023, the PAB sent a letter to Prince George's County Police Department's Police Chief Malik Aziz (*See Appendix D*) to request information and policies related to officer behavior intervention, discipline, and remediation.

The Board also requested a meeting with the chief to discuss the policies, his general orders, and steps that the department is taking to reduce the instances of officer misconduct. The PAB anticipates meeting with Chief Aziz in January 2024. The PAB plans to send similar letters and meet with the police chiefs for the municipal police departments in the county starting in early 2024.

Additionally, the PAB hosted a "Coffee Chat with the Chiefs" on July 12, 2023, where chiefs or their representative from Greenbelt, Laurel, and Prince George's County police departments were present. The meeting was another opportunity to convey the implementation of the Police Accountability Act and emphasize collaboration and cooperation.



TRAINING

In 2023, members of the Board and staff participated in the following training conferences:



Maryland Municipal League Conference
Ocean City, Maryland
June 25 -28, 2023

Hundreds of Maryland city and town officials gathered to learn about and discuss municipal issues and network with fellow city and town officials. This provided an excellent opportunity for PAB members and staff to network with local officials and administrators.



Maryland Association of Counties Conference
Ocean City, Maryland
August 16 -19, 2023

The conference theme was “Where the Rubber Meets the Road” and the focus was on how county government delivers for Maryland’s communities. This conference covered a wide range of county services and the top policy issues of the day.



National Association for the Oversight of Law Enforcement Annual Conference
Chicago, Illinois
November 12 -16, 2023

The conference theme was “Building Better Oversight” Sessions focused on the momentum of the last three years, speakers shared information on strengthening the work of police, jail, and prison oversight, and participants were able to share innovations in oversight and law enforcement that will push civilian oversight forward in this continued era of reform.

Prior to attending the conferences, the PAB chair and co-chair reviewed the conference agendas and identified the sessions the PAB members and staff should attend. The members and staff met to determine how event and session attendance would be divided.

INVESTIGATIONS

As of November 30th, the Administrative Charging Committee (ACC) reviewed 176 investigations. The cases reviewed were received from 12 local law enforcement agencies. A total of 41 cases resulted in sustained charges while 25 cases were determined to be non-sustained, 37 unfounded, and 24 exonerated an officer of the allegations. Twenty-nine cases were either administratively closed or were not subject to the ACC’s review as the allegations occurred during a gap period in the legislation.

In June the ACC submitted to the Board six potential policy recommendations. *See Appendix E.* The recommendations were in response to the ACC’s review of cases and the Board’s responsibility to make policy recommendations to improve

policing. The Board reviewed the recommendations in August. Board questions about the basis of the recommendations and data were submitted. To date, no action has been taken and the Board continues to review the recommendations made by the ACC.

HEARING BOARDS

The Administrative Hearing Board convened its first administrative hearing board (AHB) on December 14, 2023. This AHB was initiated by the Laurel Police Department. The board upheld most of the decisions levied by the ACC, with the exception one. The ACC charged the officer with a sustained offense of untruthfulness during an official proceeding. Based on the State Disciplinary Matrix (*See Appendix G*) the mandatory discipline for this offense is termination.

The City of Laurel/Laurel PD felt the officer, who gave the statement during an investigation of an off-duty incident, was correcting a statement given during a prior interview. However, the ACC felt the officer still provided a statement that constituted an untruthful act. As a result, the City/Laurel Police Department and the officer, via his attorney, negotiated a lesser charge of Conduct Unbecoming. This was based on the officer’s clear disciplinary history and work ethics.

This plea took termination off the table, and lesser discipline of a demotion and loss of two weeks pay was negotiated. The AHB convened in a closed session to discuss the agreement, and accepted the terms of the negotiation.

This possibly sets the precedent that plea deals can be made prior to the start of the AHB. If so, the AHB will have the option of agreeing with the terms of deals or rejecting them and continuing with the full trial.

HB670 prohibits the heads of law enforcement agencies from reducing the charges and discipline recommended by the ACC. However, it is unclear if this restriction also includes decisions rendered by the AHB. This is a gray area that should be addressed by legislation.

At the time of this report, four additional administrative hearings have been scheduled for early 2024 and a request to assign a civilian member to a state police hearing board was received.

COMPLAINT INTAKE

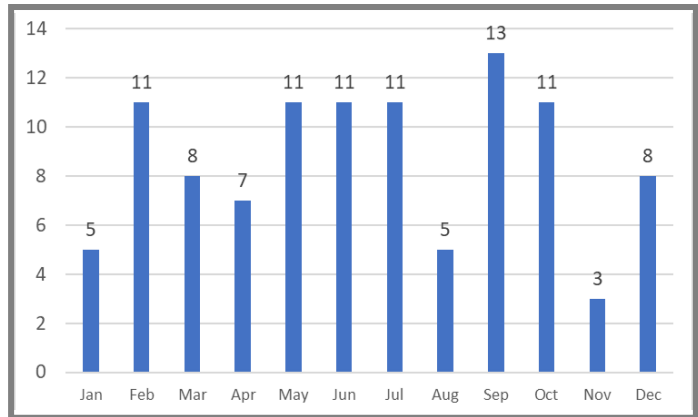
Mandate

“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.”

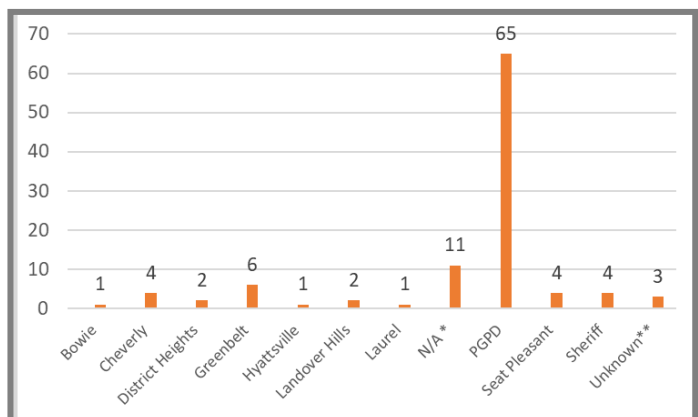
The PAB staff received 104 incoming complaints involving officers in 10 identified County LEAs, during the period January 1, 2023 to December 19, 2023. The charts to the right represent complaints submitted directly to the PAB. However, they may also include complaints that LEAs received directly, then 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 determined to involve a law enforcement agency not under the county PAB's jurisdiction."

Complaints Received Monthly

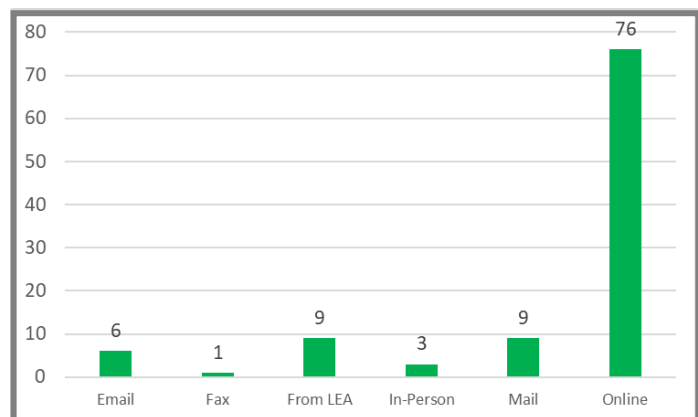


Law Enforcement Agencies



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

Source of Complaint



CASE REVIEW PROCESS

The Maryland Police Accountability Act of 2021 requires county Police Accountability Boards to review, on or at least quarterly, the disciplinary outcomes submitted by the Administrative Charging Committee (ACC). It also requires PABs to submit an annual report that includes identifying disciplinary trends and recommendations to improve police accountability. 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).

The Prince George's County PAB developed a process to review disciplinary outcomes submitted by the ACC, which included examining cases to identify disciplinary trends based on the statewide Disciplinary Matrix. The review process encompasses discussing ACC case reviews quarterly during a regularly scheduled Board meeting in the first month of a quarter and designating a subcommittee to track trends, recommendations, and proposed actions for the Annual Report. Board members reviewed a sample of cases to test the process and discussed cases at the regularly scheduled meetings.

To track trends for the annual report, community engagement, and other activities, the PAB selected the following data points/variables to conduct statistical testing for analysis:

- *Respondent's First and Last Name- Aims to identify if officers have duplicated (e.g., one officer with more than one complaint) disciplinary actions.*
- *Respondent's Rank- Aims to identify if a correlation exists between officer rank and disciplinary actions.*
- *Years on the Force/In Service- Aims to identify if a correlation exists between years of service and disciplinary actions or if it is a predictor.*
- *Law Enforcement Agency (LEA) Case Number- Aims to identify if the ACC reviewed duplicated cases from certain LEAs.*

- *Jurisdiction(s)- Aims to identify if a correlation exists between local jurisdictions and disciplinary actions or if it is a predictor.*
- *Division(s)- Aims to identify if a correlation exists between the LEA division and disciplinary actions or if it is a predictor.*
- *Charges- Aims to identify if a correlation exists between charges (e.g., ethics, procedure violation, use of force, etc.) and disciplinary actions or if it is a predictor.*
- *Case Type- Aims to identify if a correlation exists between the case type (e.g., bias/harassment, criminal misconduct, domestic violence, use of force (excessive), etc.) and disciplinary actions or if it is a predictor.*
- *Investigator- Aims(s) to identify if specific investigators investigate cases more than others.*
- *ACC Disposition- Aims to identify if a correlation exists between the ACC and LEA dispositions.*
- *Date Complaints Filed with the LEA- Aims to track the frequency of complaints.*
- *Date Sent to the PAB- Aims to track the time from the complaint disposition to submission to the PAB.*
- *Date Presented to the PAB- Aims to track the time presented for review.*

References

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.

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.

PAB RECOMMENDATIONS

The analysis of complaint data is a mandatory duty of the Board and a crucial aspect of the ability to provide recommendations to improve matters of policing and transparency within the County. There are several factors that impacted the Board's ability to begin reviewing complaints, including the establishment of secure storage and organization of case information, and the creation of an internal procedure for case evaluation. Each step of the process had to be identified, analyzed, and addressed by Board members and staff to create an overall procedure that allows the Board to have accurate information and effectively interpret the complaint data. The goal of this

Board is to analyze complaint data to identify trends in policing, gaps in data collection, and areas for improvement and increased transparency in county and municipal law enforcement agencies.

The Board would like to recommend the development of a state-level uniform complaint system for police misconduct investigations by law enforcement agencies.

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.

Looking forward, the Board intends to focus on recommendation areas within four categories, **Policy**, **Policing**, **Transparency**, and **Tools & Resources**, as explained in the following charts. Focusing on these areas will allow the Board to create a wholistic view of policing in the County, improve the Board's engagement with stakeholders, and provide data-supported recommendations to

- ◆ **Policy** includes matters such as, but 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, mental health and wellness for officers.
- ◆ **Transparency** includes matters such as, but not limited to, data collection, complaints reporting, media and press interactions.
- ◆ **Tools & Resources** includes matters such as, but not limited to, budget items, equipment, systems.

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

lawmakers and policy makers as they work to improve policing in Prince George's County. The Board reviewed the state and county legislation governing the law enforcement officer complaint and discipline processes.

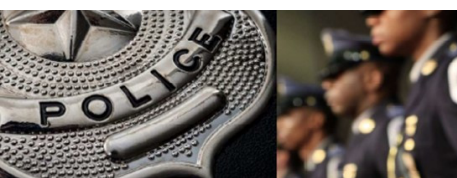
As with any new legislation, the implementation and practical application in our community often brings to light the need to clarify parts of the law to meet the intention of the law. After reviewing the legislation, the Board submitted a series of questions and recommendations to the County Executive and County Council to consider. The Board's legislation and policy questions can be found in Appendix F.

Working with the county elected leaders, the Board is seeking support from the county's state delegation to address gaps in the current state legislation. Once the amendments have passed in the state legislature, the county legislation can be amended and clarified as well.

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.

Officer Allegations

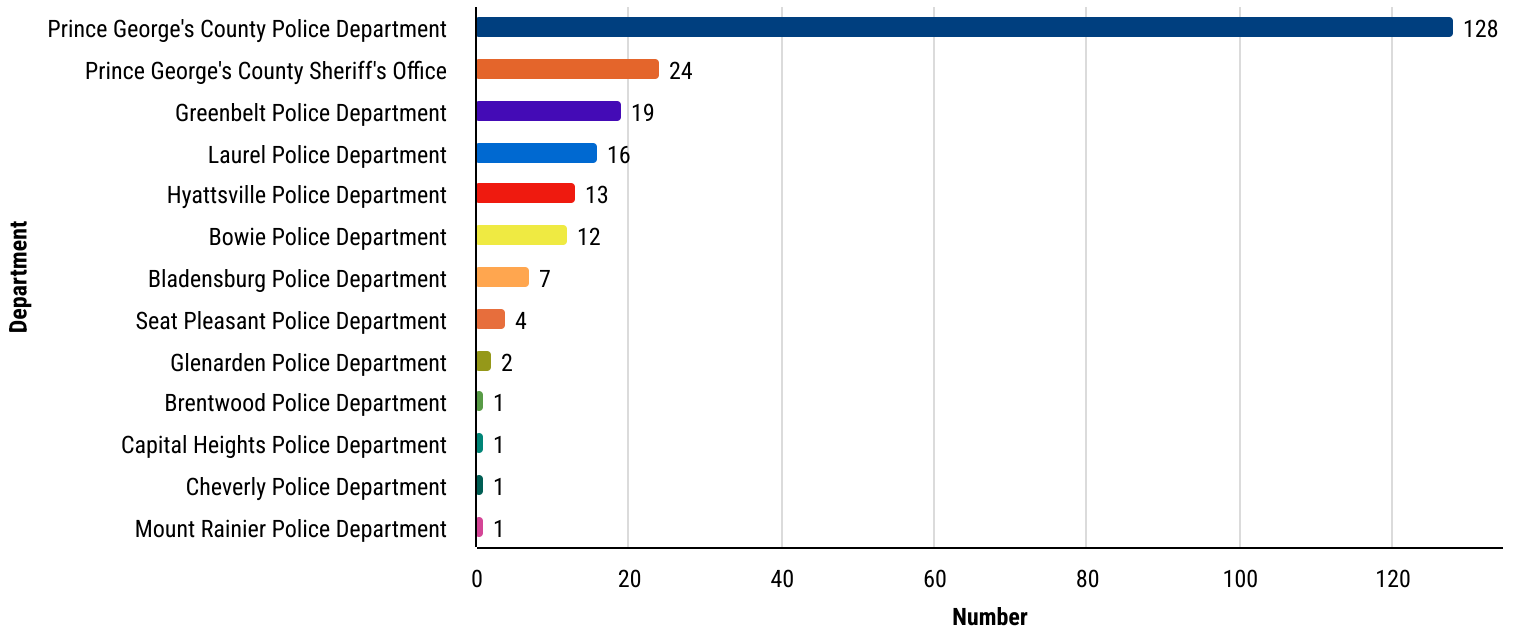
Allegation Category	Number
Unbecoming Conduct	35
Use of Force	30
Discourtesy	25
Other- Protocol	19
Attention to Duty	17
Other- Procedural	17
Criminal Misconduct	14
Video: BWC/MVS/In-Car	13
Minor Traffic	8
Discrimination	5
Language	5
Other- Unspecified	5
Bias-Based Profiling (Race)	4
Conformance to Laws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



2023 Case Data Analysis: Police Agency Complaints

Police Department Complaints

The Prince George's County Police and Sheriff's Departments, Greenbelt, Laurel, and Hyattsville Police Departments represented 87% (n = 200) of all complaints by agency. The Prince George's County Police Department represented 56% of all complaints, which one would expect because it is the largest.



Measures of Central Tendency: Officer Allegations

Measures of central tendency are summary statistics representing the main point or the most typical value of a dataset. In other words, they represent the averages of datasets. The most common measures of central tendency are the mean, median, and mode.

-The mean is the average of all numbers in a dataset. So, the average for officer allegations was 7.

-The median is the middle number in a dataset. So, the middle number of officer allegations was 3.

-The mode is the number in a dataset that occurs most often. So, the number of allegations that occurred most often was 1 (e.g., Failure to Report Use of force, Unjustifiable Towing a Vehicle, etc.).

Mean	7.205882353
Median	3.5
Mode	1
Sum	245
Count	34

Note: Officer allegations throughout this report reflect a duplicated count meaning one officer could have more than one allegation.

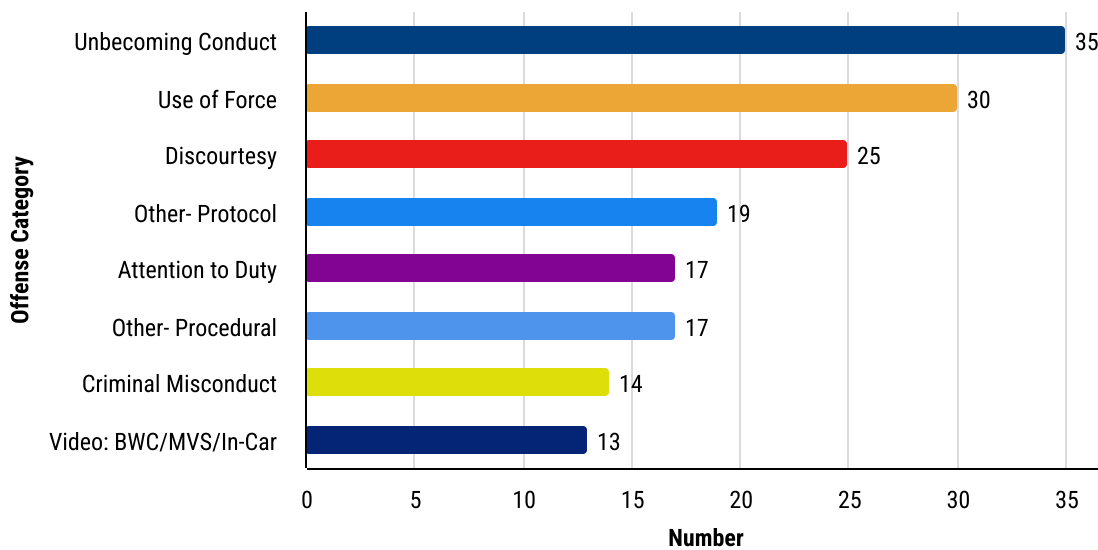


2023 Case Data Analysis: 
Officer Allegations and Case Dispositions

Officer Allegations

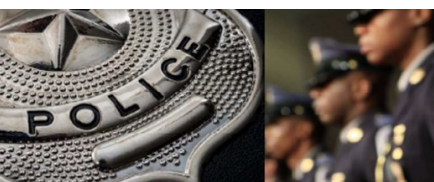
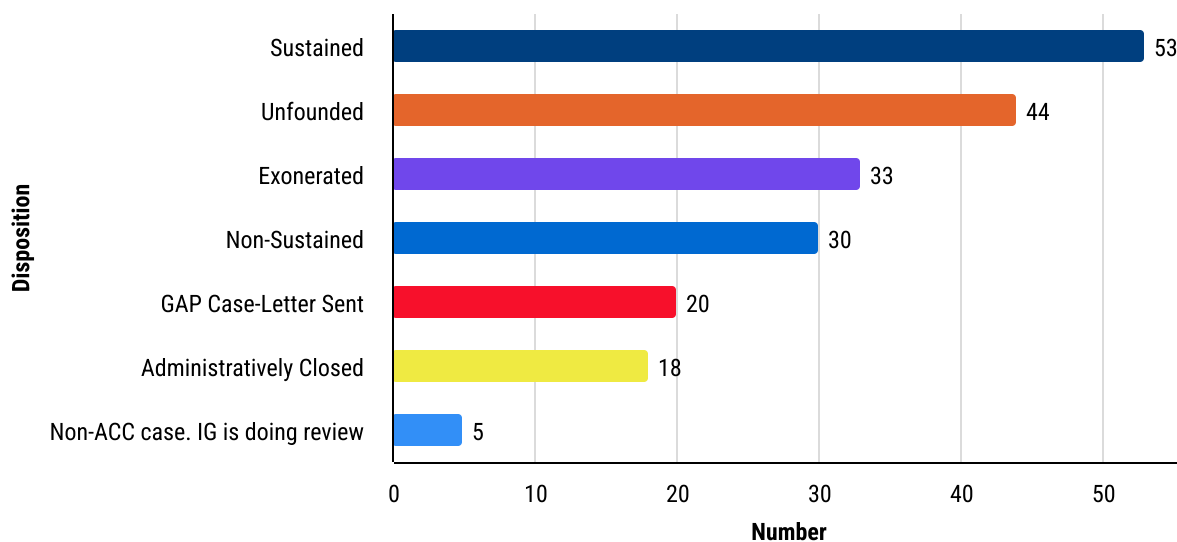
Unbecoming Conduct, Use of Force, Discourtesy, Other- Protocol, Attention to Duty, Other- Procedural, Criminal Misconduct, and Video: BWC/MVS/In-Car represented 69% (n = 170) of all allegations against officers.

Unbecoming Conduct and Use of Force, the two highest categories, represented 27% (n = 65) of all allegations against officers.

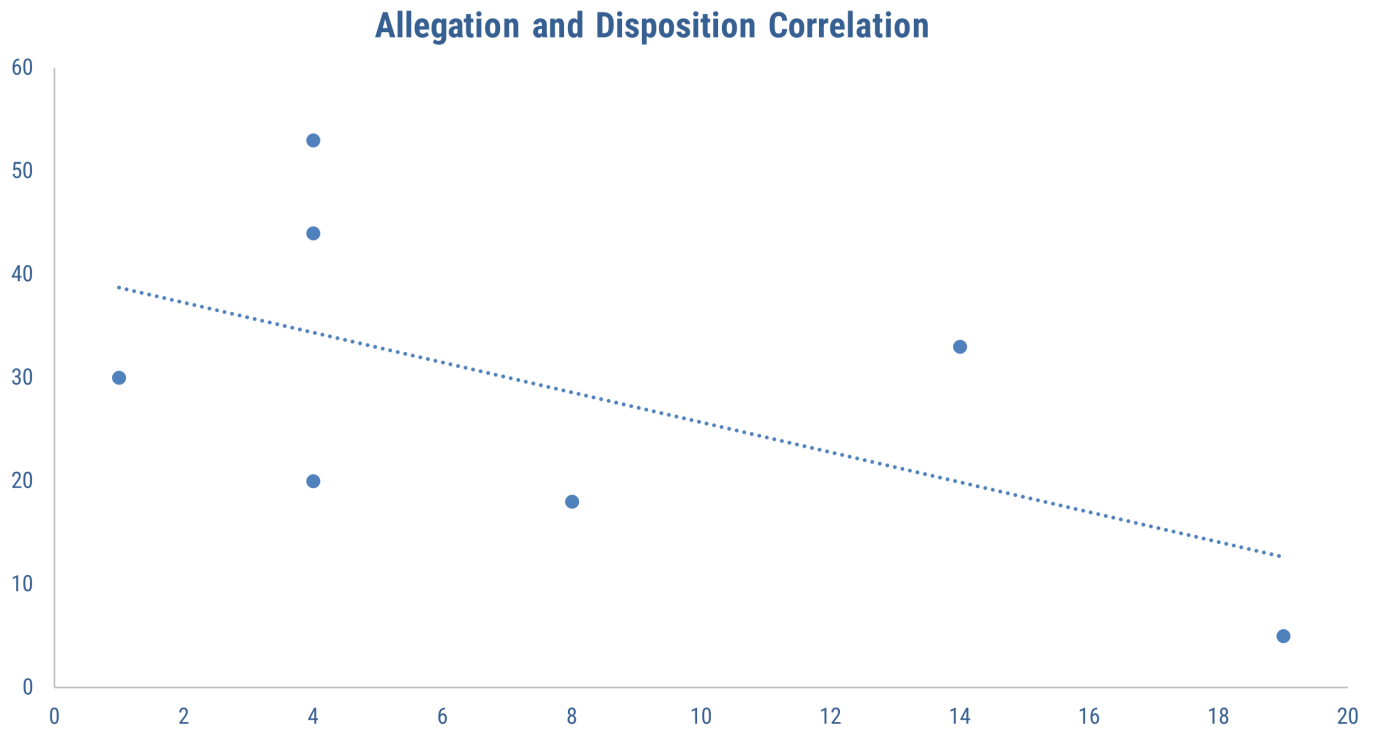


Case Dispositions

Sustained, Unfounded, Exonerated, and Non-Sustained represented 79% (n = 160) of all dispositions. Sustained and Unfounded comprised 48% (n = 97) of all dispositions.



**2023 Case Data Analysis: 
 Allegation and Disposition Correlation**



Pearson Correlation Result #1

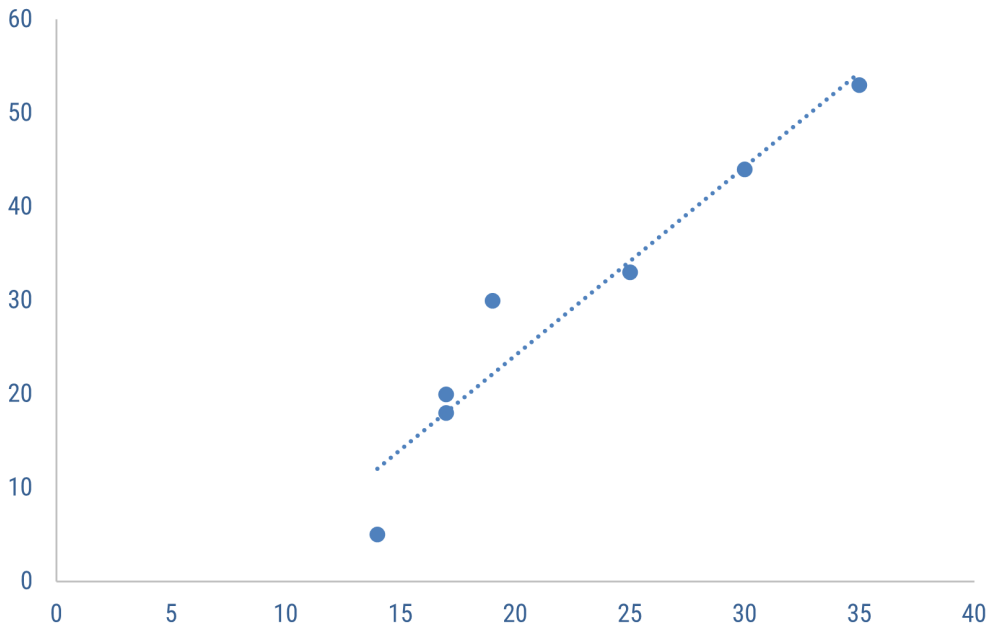
To determine whether the relationship existed between allegations against officers and the case dispositions, and, if so, what the strength and direction were, the PAB conducted a Pearson Correlation (r). The test measures the strength of the linear relationship between two variables with a value between -1 and +1. A -1 result means a negative linear correlation exists, whereas +1 equals a positive linear correlation. While the test shows if a relationship exists and to what extent, it does not equal causation.

Based on a random sampling of the allegations, there was a negative indirect relationship between the sample and the case disposition ($r = -0.57$). Noted in the scatterplot above, a negative indirect relationship means that one variable is lower and the other is higher. The randomly sampled allegations were lower than the case dispositions in this case. This result is helpful because it will allow the PAB to track relationships between these two variables to see if they change over time. Further, the PAB can request additional information to determine what variables contribute to and predict these results.



2023 Case Data Analysis: 
 Allegation and Disposition Correlation

Highest Allegations and Disposition Correlation



Pearson Correlation Result #2

To determine whether the relationship existed between the allegations against officers and the case dispositions, and, if so, what the strength and direction were, the PAB conducted a Pearson Correlation (r). The test measures the strength of the linear relationship between two variables with a value between -1 and +1. A -1 result means a negative linear correlation exists, whereas +1 equals a positive linear correlation. While the test shows if a relationship exists and to what extent, it does not equal causation.

Based on sampling the highest number of allegations, there was a strong positive direct correlation between the sample and the case disposition ($r = -0.9$). Noted in the scatterplot above, there is almost a perfect relationship between the allegations and the case disposition, which one would expect because the sample only includes the highest number of all dispositions. This result is helpful because it will allow the PAB to track relationships between these two variables to see if they change over time. Further, the PAB can request additional information to determine what variables contribute to and predict these results.



PAB 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.

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) ad-

ditional 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 vacant

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.

Board MEETINGS



The Board meets on the 2nd and 4th Wednesday of each month. In-person Board meetings are held at 9200 Basil Court, Largo, Maryland 20774, in one of two conference rooms on the 4th floor. Each space has been equipped with Smart technology and accommodations to facilitate public sessions, via an online platform or in-person.

The PAB will accommodate public comments via the chat feature in ZOOM. Questions or comments may also be sent to the PAB at pgpab@co.pg.md.us.

The public may register to speak at an open meeting by calling 301-883-5042 or emailing pgpab@co.pg.md.us, at least 24 hours prior to a scheduled meeting.

The open portion of meetings will be recorded. Additionally, a part, or all, of a meeting may be conducted in closed session. The Board may vote in an open session, pursuant to its Rules of Procedure and in accordance with the Maryland Open Meetings Act, Md. Code Ann., General Provisions §3-305, to go into closed session for any enumerated purpose.

Agendas and minutes from Board meetings can be accessed at the link below:

<https://www.princegeorgescountymd.gov/government/about-pgc/agendas-minutes#center-1327907500>

APPENDICES

Appendix A: Enabling Legislation

Maryland Police Accountability Act of 2021

Prince George's County Police Accountability Act

Appendix B: Officers Covered by HB670

Email from Maryland Police Training and Standards Commission (MPTSC)

Appendix C: Administrative Hearing Board Advertisement**Appendix D: Letter to PGPD Police Chief Malik Aziz****Appendix E: Recommendations from the ACC****Appendix F: Legislation and Policy Questions to County Executive and County Council****Appendix G: Statewide Disciplinary Matrix****Appendix H: Complaint Intake**

Process

Flow Chart

Complaint Form

Appendix I: Maryland Attorney General Letter Defining "Police Misconduct"

APPENDIX A

Links to Enabling Legislations

Maryland Police Accountability Act of 2021

<https://mgaleg.maryland.gov/mgawebwebsite/Legislation/Details/hb0670/?ys=2021rs>

Prince George's County Police Accountability Act

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

APPENDIX B
MPTSC Clarification Email
Regarding Officers Covered by HB670

From: Wayne R. Silver -DPSCS- <wayne.silver@maryland.gov>
Sent: Thursday, June 8, 2023 7:47 AM
To: Bennett, Anthony C.
Subject: Re: ACC & PAB Oversight questions - Prince George's County

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Morning Director Bennett,

The police reform act applies to all police officers in the State of Maryland that are certified by the Police Training and Standards Commission, a state agency. Those officers who are employed by statewide agencies or bi-county agencies fall under the authority of the statewide ACC, not the counties in which their office(s) may be located or where they conduct business. Those police forces of universities that are part of the University System of Maryland are considered statewide agencies subject to the authority of the statewide ACC. Bi-county agencies such as Metro Transit Police and Md. National Capitol Park Police would also be subject to the statewide ACC. Moreover, the county where alleged misconduct of a state or bi-county police officer took place must supply the civilian for any trial board that may be necessary for such a case.

Regards,

Wayne R. Silver

Executive Director, Maryland Police Training and Standards Commission
Department of Public Safety and Correctional Services
6852 Fourth St
Sykesville, MD 21784
410-875-3605
wayne.silver@maryland.gov

APPENDIX C
Administrative Hearing Board Advertisement

Prince George's County POLICE ACCOUNTABILITY BOARD (PAB)

Open Call

The PAB 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.

Administrative Hearings are like an appeal. They are held at the request of law enforcement officers who exercise their right to contest findings and disciplinary decisions made by the Administrative Charging Committee or a law enforcement agency.

A separate hearing board is assembled for each officer who contests findings or disciplinary decisions. They cover countywide and local law enforcement agencies in Prince George's County. It is their duty to review the evidence, determine the credibility of the witnesses, resolve any conflicts that may arise during the hearing, and determine the weight of the evidence when rendering a final disposition for the "appeal." An AHB is comprised of:

- An administrative law judge;**
- An officer of equal rank as the officer requesting the hearing; and**
- A civilian, who is not a member of the Administrative Charging Committee or the PAB.**

The Prince George's County Police Accountability Board is responsible for appointing one or more individuals to serve as civilian members of the AHB. 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



This is an open call and will remain open as the PAB works to identify and fill civilian AHB positions. Please refer to the PAB's webpage on the County's website for updates. The individuals selected will receive mandatory training from the Maryland Police Training and Standards Commission and undergo a background check. Additional training may be required by the County and State. This position will require travel around the County. This is not a full-time position. It is a contractual position. The individuals selected will receive an hourly stipend for their participation on a hearing board. Duties and qualifications are subject to change.



Angela D. Alsobrooks
County Executive

APPENDIX D
Letter to
Prince George's County Police Department's
Police Chief Malik Aziz



Police Accountability Board

9200 Basil Court, Suite 406
Largo, Maryland 20774

Angela D. Alsobrooks
County Executive

November 13, 2022

Malik Aziz
Chief of Police
Prince George's County
8801 Police Plaza
Upper Marlboro, MD 20772

Dear Chief Malik Aziz:

In April 2021, the Maryland General Assembly passed legislation titled the **Maryland Police Accountability Act**. This legislation, among other things, established Police Accountability Boards in each county. The Board is responsible for meeting with the heads of local law enforcement agencies, providing recommendations to improve policing practices and policies, and to facilitate greater transparency and accountability of law enforcement officers in their county.

The Prince George's County Police Accountability Board would like to learn more about your department's current policies and practices as they relate to certain aspects of your disciplinary procedures. Your insight on the policies and the context that surrounds them are a crucial part of the Board's ability to make recommendations and can only be achieved through close collaboration and communication with you and the department. Specifically, the Board would like to know:

1. What are the current policies regarding the determination for suspension of an officer?
2. How does the department handle officers who have been disciplined or suspended multiple times?
3. How does an officer's history of discipline impact their presence on patrol and interactions with community members/civilians?
4. Are current policies and procedures regarding discipline effective in deterring negative actions/behaviors by officers? Are there any specific policies in place that directly led to a marked decrease in such behavior?
5. In what way does the department actively work to deter negative behaviors by officers which may be dangerous to the safety of the community?
6. Does agency policy encourage and/or incentivize whistleblowers/officers coming forth to report the misconduct of their peers? If so, what are the specific policies, and have you been able to gauge their effectiveness?
7. What policies and practices are currently in place to protect whistleblowers from retaliation? If any, have these policies led to measurable changes in the number or frequency of officers coming forward to report misconduct?

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

Chief Aziz
Page 2

The Board requests written responses to the questions above, along with any additional relevant documents, by December 15th, 2023, and an in-person meeting during the month of January, based on schedule availability. During the meeting we will discuss these questions as well as hear from you on matters related to the Board's oversight. Please contact Ms. Denise Hall, Program Administrator, at ldhall@co.pg.md.us or 301-883-6535, to coordinate the meeting date. We look forward to the opportunity to work closely with your department to serve the residents of the county.

Respectfully,

Police Accountability Board
Prince George's County

APPENDIX E
Recommendations from ACC



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT ADMINISTRATIVE CHARGING COMMITTEE (301) 883-4293

June 15, 2023

Re: Administrative Charging Committee Policy Recommendations

Dear Prince George's County Police Accountability Board:

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 Trial 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-eight law enforcement agencies that are impacted by this legislation including the two largest agencies, the Prince George's 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 with the PAB to improve policing in the County. The ACC began reviewing cases on February 23, 2023. Based on the review of these cases, the Committee makes the following recommendations:

- *Annual Sensitivity, Emotional Intelligence, and Anger Management training for all officers to mitigate instances of bias,*
- *Ensuring that Departments make efforts to keep officers knowledgeable and aware of changes to State laws relating to the rights of citizens to own and carry guns,*
- *Continuous and ongoing review of body worn camera policies to ensure that officers become more familiar with the expectations,*
- *Clarification of punishment for supervisors who fail to perform adequate inventory checks, especially in relation to missing weapons and/or ammunition,*
- *Departmental review of School Resource Officer (SRO) Program polices to ensure that SRO initiated trainings for students are approved by both the Departments and schools, and*
- *Departmental review of property inventory process, including paperwork and Prison Property Sheet completion and audits.*

Our Committee members have completed extensive training and are assisted by administrative support to facilitate the execution of our assigned duties. Civilian oversight can eliminate the perception of prejudice and injustice, ensure that all involved receive a fair and impartial hearing, and build trust between law enforcement and our communities.

If you have any questions, please contact our administrative office at (301) 883-4293.

Sincerely,

The Administrative Charging Committee

Cardell Montague
Kevin Davall
Natalie Stephenson
Serenity Garnette
William Scott

The Administrative Charging Committee

APPENDIX F
Legislation and Policy Questions
Sent to County Executive and County Council



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. Dernoga
Chair, Prince George's County Council
1301 McCormick Drive
County Council, 2nd Floor
Largo, Maryland 20774

Dear County Executive Alsobrooks and Chair Dernoga:

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

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

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



Angela D. Alsobrooks
County Executive

Police Accountability Board

9200 Basil Court, Suite 406
Largo, Maryland 20774

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 "Bill").

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" be defined as a formal allegation of dissatisfaction regarding a law enforcement agency employee's conduct, police services provided or not provided, a law enforcement agency's policies or practices in general, or an allegation of police misconduct or 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 mutual agreement." What defines a "small" law enforcement agency should be clarified. Additionally, the small agencies in Prince George's County, 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 matter." 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 review. 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

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

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 George's County and the Prince George's 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, or both.

Recommendations for Changes and Additions

1. 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 Charging Committee." The Administrative Hearing Board is not included 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.
2. Sec. 2-534(c) of the Bill states the PAB shall "receive complaints of police misconduct filed by members of the public. . ." The PAB recommends:
 - a. Removal of the cited language so that all police misconduct complaints, not just the ones filed by the public, are submitted to the PAB.
 - b. Adding language that clearly explain if the work of the PAB is exclusively for "police misconduct" complaints.
 - c. 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 staff level personnel, they are excluded from the provisions of the legislation. The PAB recommends adding language or provisions that will cover misconduct complaints against a police chief, sheriff, or other command level personnel.
4. 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 (i.e. MSP or MNCPP Police).
5. 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 proceeds..."
 - 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.

Questions

1. 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 sustained)
 - b. Will there be information on the cases/complaints that originated internally or submitted directly to the law enforcement agency?
 - c. What compels law enforcement agencies to submit the necessary information for review?
 - d. What happens if an agency does NOT comply with the requirements of Sec. 2-534e?
2. 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..."
 - a. What staff/personnel resources are assigned to the PAB to carry out "investigative powers?"
 - b. 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?)

3. 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."
 - a. Does this section apply to all complaints regardless of the disposition?
 - b. Does this review occur before, during, or after the investigation?

4. 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?

5. 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?

APPENDIX G

Statewide Disciplinary Matrix

https://mdle.net/pdf/Commission_Approved_Uniform_Disciplinary_Matrix.pdf

APPENDIX H
Complaint Intake

Process
Flow Chart
Complaint Form

COMPLAINT INTAKE

WHO CAN FILE A COMPLAINT

- An alleged victim of police misconduct;
- Any individual having personal knowledge of alleged police misconduct;
- Any person filing the complaint on behalf of either person described above; or
- A person who is in possession of or has access to a video or audio recording that captures the alleged police misconduct.

INFORMATION TO BE INCLUDED IN THE COMPLAINT

All complaints of police misconduct filed with the PAB must include the following information:

- The name of the officer(s) accused of alleged misconduct;
- A description of the facts on which the complaint is based; and
- Contact information of the complainant or a person filing on behalf of the complainant.
- You may also include any documentation, video or audio recordings, or other materials that may constitute potential evidence related the complaint.

WHERE TO FILE THE COMPLAINT

A complaint may be completed electronically on the PAB's webpage. Complaints can also be downloaded and print a copy of your completed Complaint Form and

- email pgpab@co.pg.md.us,
- Fax to 301-883-2655, or
- Mail to 9200 Basil Court, Suite 406, Largo, Maryland 20774

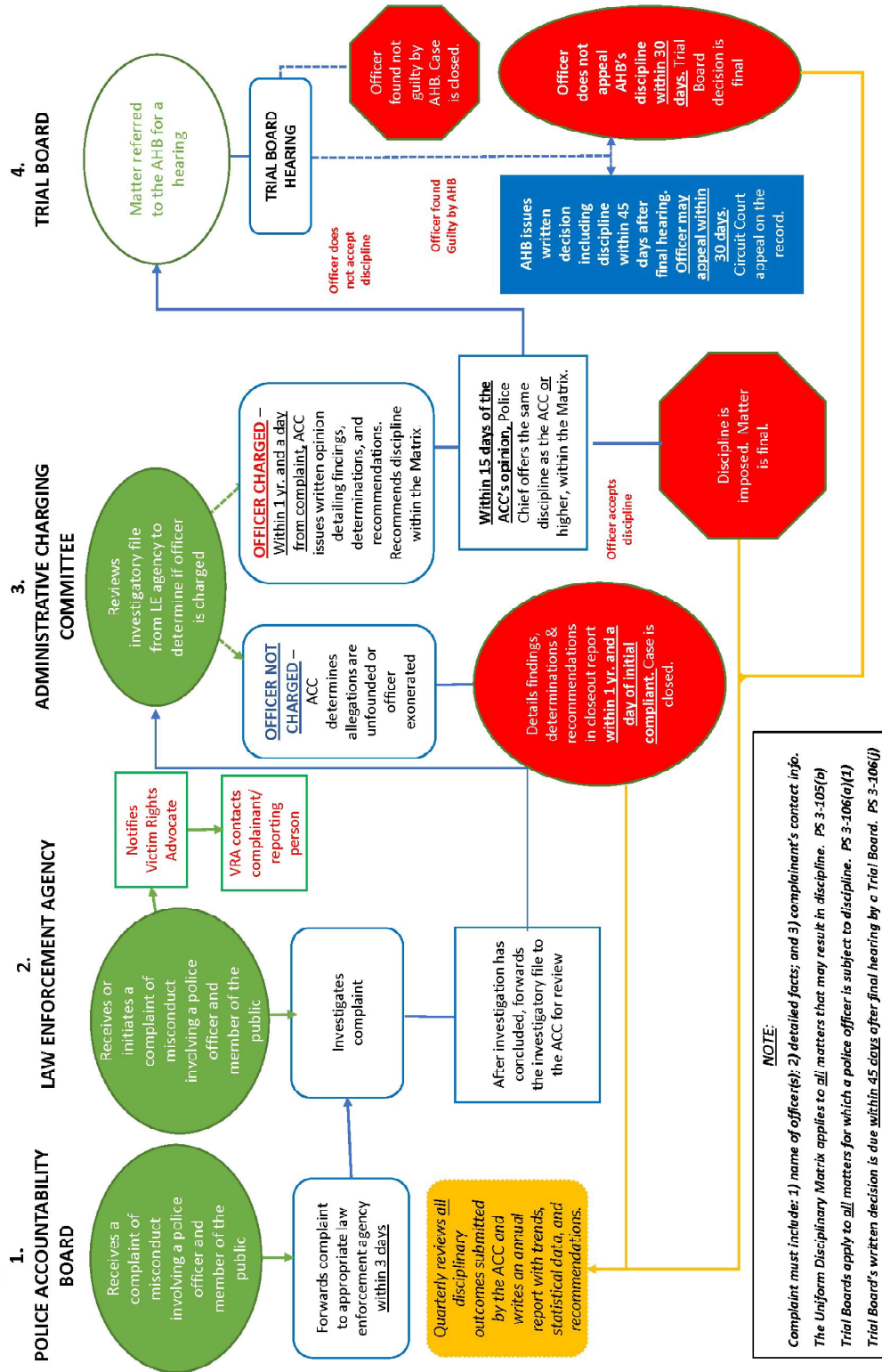
For assistance or to request that a complaint form be sent to you via mail or email, please call the PAB on 301-883-5042.

WITHDRAWING THE COMPLAINT

A complaint of misconduct may be withdrawn, *in writing*, up to the time the complaint has been transferred to the appropriate law enforcement agency for review. If a complainant wants to withdraw the complaint *after* it has been transferred, they must contact the law enforcement agency directly to make that request.



Tracking a Complaint Through The PAB Process





Angela D. Alsobrooks
County Executive

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

Today's Date: _____

Please check box if you are filing this complaint on behalf of another person?

Name: _____
Last Name First Name Middle

Address: _____
Street City/State/Zip

Phone: Cell: _____ Home: _____ Other: _____ Email: _____

Date & Time of Incident: _____ am pm check box
Date Time

Location of Complaint Incident: _____
Street/City/Zip

List the name and Law Enforcement Agency for each officer involved in the incident.

1. _____ Agency: _____
2. _____ Agency: _____
3. _____ Agency: _____
4. _____ Agency: _____

Provide the name and address for each witness to the complaint incident.

1. _____ Address: _____
2. _____ Address: _____
3. _____ Address: _____
4. _____ Address: _____

What is your complaint? Please describe what happened in your own words. (Supplemental Sheet on next page)

Complainant Signature

Received by

Date

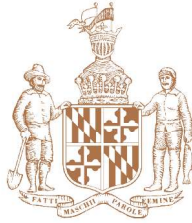
Date sent to LEA(s): _____

APPENDIX I
Maryland Attorney General Letter
Regarding Definition of “Police Misconduct”

ANTHONY G. BROWN
ATTORNEY GENERAL

CANDACE McLAREN LANHAM
CHIEF OF STAFF

CAROLYN A. QUATROCKI
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JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 18, 2023

The Honorable Michael A. Jackson
Maryland General Assembly
3 West Miller Senate Office Building
Annapolis, Maryland 21401

Dear Senator Jackson:

You have requested advice about the definition of “police misconduct” in Public Safety Article (“PS”), 3-101(g) which reads as follows:

“Police misconduct” means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

- (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
- (2) a violation of a criminal statute; and
- (3) a violation of law enforcement agency standards and policies.

You ask whether this definition is conjunctive or disjunctive. That is, must an officer’s or agency’s conduct meet all three subparts to constitute “police misconduct,” or does conduct fall within the scope of the definition if it meets any one of the three subparts? In my view, the latter interpretation is correct. Even though the word “and” links the three subparts, the General Assembly clearly intended the definition to set out three independent categories of police misconduct.

Generally, “[o]r” has a *disjunctive* meaning while ‘and’ has a *conjunctive* meaning.” *SVF Riva Annapolis LLC v. Gilroy*, 459 Md. 632, 642 (2018) (emphasis in original). However, “[t]his rule is not absolute.” *Id.* at 643. “[A]nd’ and ‘or’ may be used interchangeably when it is reasonable and logical to do so.” *Id.* (quoting *Little Store, Inc. v. State*, 295 Md. 158, 163 (1983)).

More specifically, where used in a statute, “and” must be interpreted to mean “or” when such interpretation is “necessary to effectuate the obvious intention of the legislature.” *Comptroller v. Fairchild Indus., Inc.*, 303 Md. 280, 286 (1985); see

Wheeling v. Selene Finance LP, 473 Md. 356, 385 (2021) (interpreting “and” to have a disjunctive meaning in a section of the Real Property Article). When analyzing whether “and” has a conjunctive or disjunctive meaning under this doctrine, courts employ the familiar tools of statutory interpretation, including consideration of the plain language, the surrounding context, and the purpose and legislative history of the statute. *See Fairchild Indus., Inc.*, 303 Md. at 286; *Wheeling*, 473 Md. at 385.

Consideration of these factors makes clear that the General Assembly intended PS § 3-101(g) to set out three alternative categories of police misconduct, not a list of three required elements. First, the word “includes” introduces the list of three subparts. It is a standard practice of the General Assembly to link a definitional list of alternatives with “and” where the list is introduced by “includes.” Department of Legislative Services, Maryland Style Manual for Statutory Law, at 36 (2018) (“DLS Manual”) (instructing that “[i]n a definition, if the conjunctions ‘and’ and ‘or’ seem equally appropriate, use ‘or’ following ‘means’ and ‘and’ following ‘includes,’” and providing an example of a list of alternatives joined by “and”);¹ *see, e.g.*, Commercial Law Article, § 14-901(e)(2) (linking alternative categories of food products with “and” after “includes”); Criminal Procedure Article, § 1-101(c)(2) (similar, for types of “charging documents”); Insurance Article, § 20-504(a)(2) (similar, for examples of add-on automobile insurance); Criminal Law Article, § 3-602(a)(4)(ii) (similar, for examples of sexual abuse). When a definitional list is structured this way, the typical conjunctive/disjunctive distinction between “and” and “or” does not apply; rather, both words are “equally appropriate” for linking the alternatives. DLS Manual at 36.²

Indeed, when the General Assembly uses this structure for a definitional list, it would often defy logic to read “and” to create a conjoined set of elements, because listed categories generally do not fit together as a scheme of requirements. *See, e.g.*, Com. Law § 14-901(e)(2) (using “and” to link “meat,” “milk,” “poultry,” and “beverage” in a list to define “food” or “food product”). This holds true for PS § 3-101(g). The three subparts do not address different aspects of prohibited conduct, such as the mental state and act or omission that typically make up the definition of a crime. Instead, they list three separate sources of law that, when violated, may give rise to police misconduct. To

¹ Available at <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024900/024943/20210087e.pdf>. The DLS Style Manual sheds light the General Assembly’s drafting practices. *See, e.g., Elsberry v. Stanley Martin Co., LLC*, 482 Md. 159, 184 (2022) (relying on the manual in interpreting a statute); *Clark v. State*, 473 Md. 607, 620 (2021) (same).

² In contrast, to create a set of additive elements in a definition, the standard legislative drafting practice is to employ “and” without “includes.” *See* DLS Manual at 19; *e.g.*, Alcoholic Beverages Article, § 1-101(b)(1) (“‘Alcoholic beverage’ means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that: (i) contains at least one-half of 1% of alcohol by volume; and (ii) is suitable for beverage purposes.”); PS § 1-101(c)(1) (“‘Law enforcement officer’ means an individual who: (i) in an official capacity is authorized by law to make arrests; and (ii) is a member of one of the following law enforcement agencies . . .”).

read the list as three independent predicates for misconduct is natural; to read them together as conjoined elements strains common sense.

Moreover, the legislative purpose and history of § 3-101(g) confirm that it must be read to set out alternative types of misconduct. If interpreted as a restrictive set of three required elements, the definition would cover criminal conduct only (because “violation of a criminal statute” would be a required element). But the Legislature obviously did not intend this result. Section § 3-101(g) was enacted in 2021 as part of the Maryland Police Accountability Act, 2021 Md. Laws, ch. 59. The purpose of that Act, in relevant part, was to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”)—which previously governed procedure for police misconduct matters—and replace it with a Statewide system of police discipline that would improve accountability to the public. *Id.* at 1, 4; Fiscal & Policy Note, H.B. 670 at 1 (“Fiscal Note”) (explaining that the bill “repeals [LEOBR] and establishes provisions that relate to a statewide accountability and discipline process for police officers”); *id.* at 4-6 (discussing creation of Police Accountability Boards, Administrative Charging Committees, and Trial Boards with civilian members). LEOBR itself governed charges of police misconduct that were not criminal in nature. *Maryland-National Capital Park & Planning Comm’n v. Anderson*, 395 Md. 172, 183-84 (2006) (explaining that LEOBR applied to “any inquiry into [a police officer’s] conduct which could lead to the imposition of a disciplinary sanction”) (internal quotation marks and citation omitted); *see, e.g., id.* at 178-80 (concerning a noncriminal misconduct case involving the violation of a vehicle pursuit policy); *Baltimore City Police Dep’t v. Robinson*, 247 Md. App. 652, 658-59 (2020) (concerning a noncriminal misconduct case for violation of an evidence control policy). Nowhere in the Maryland Police Accountability Act or its legislative history is any indication that the General Assembly intended to replace LEOBR with a sharply curtailed mechanism for police discipline that would apply to criminal misconduct only.

Instead, the legislation and its history indicate the opposite. The new statewide disciplinary system focuses largely on noncriminal forms of misconduct. In fact, in many cases where criminal charges are filed or where a criminal conviction results, the Act authorizes the chief of the law enforcement agency to impose discipline directly, without going through the charging committee or trial board process. PS § 3-107(b)-(c); *see* Final Report of the Workgroup to Address Police Reform and Accountability in Maryland, at 6 (Dec. 2020) (recommending that “[o]fficers convicted of a misdemeanor or who received a probation before judgment do not receive a trial board hearing. The chief decides punishment in this instance.”);³ Fiscal Note at 13 (explaining that the Act addresses the Workgroup’s recommendations). To interpret PS § 3-101(g) as covering only criminal misconduct would frustrate the legislative purposes of replacing LEOBR with a statewide accountability system and of standing up new procedural mechanisms clearly designed to cover noncriminal forms of misconduct. Such a conjunctive

³ Available at https://dlslibrary.state.md.us/publications/OPA/TF/WAPRA_2020.pdf.

The Honorable Michael A. Jackson
April 18, 2023
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interpretation would therefore be improper. *See Wheeling*, 473 Md. at 385-86 (reading “and” disjunctively where a conjunctive reading would frustrate statutory purpose).

In summary, PS § 3-101(g) must be interpreted to set forth a disjunctive list of categories of police misconduct in order “to effectuate the obvious intention of the legislature.” *Comptroller v. Fairchild Indus., Inc.*, 303 Md. 280, 286 (1985).

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Benson Brantley". The signature is written in a cursive style with some capital letters.

Sandra Benson Brantley
Counsel to the General Assembly



**Prince George's County
Police Accountability Board**