

From The Ground Up: Implementing Civilian-Led Police Accountability

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Maryland Police Accountability Act of 2021

- Body-Worn Cameras
- No-Knock Warrant Restrictions
- Use of Force Standard
- Discipline Records are Public
- Overhaul of Police Discipline

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- Body-Worn Cameras
- No-Knock Warrant Restrictions
- Use of Force Standard
- Discipline Records are Public
- **Overhaul of Police Discipline**

Maryland Police Accountability Act of 2021

- Repealed the "Law Enforcement Officer's Bill of Rights" (LEOBR)
- Created Civilian-Centered Process:
  - Police Accountability Boards
  - Administrative Charging Committees
  - Trial Boards

Maryland LEOBR

- First in United States: 1974
- Why:
  - Confusion over 5th Amendment protections against self-incrimination
  - Federal LEOBR Failed
  - Union-supported
  - Uniform process for all police departments statewide

LEOBR Provisions

- Protections Against Summary Dismissal
- Year-long Statute of Limitations
- 5-Day Cooling Off Before Interrogation
- Police Led Investigations & Trial Boards
- Expungement if Exoneration

Maryland enacts landmark police overhaul, first state to repeal police bill of rights

2602



Del. Gabriel Acevero (D-Montgomery) speaks to a crowd gathered in support of police accountability bills March 4 in Annapolis. (Bonnie Jo Mount/The Washington Post)

MPAA

- Enacted April 2021
- Effective July 2022
- **County Governments**
  - 14 Months to implement
  - Local legislation
  - Budget (State grants available)
  - Choose and train boards

MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS

POLICE MISCONDUCT COMPLAINT PROCESS

POLICE ACCOUNTABILITY BOARD

Receives complaint from public
PSA § 3-102 (a)(3)

Forwards complaint to appropriate law enforcement agency within three days
PSA § 3-102 (d)

LAW ENFORCEMENT AGENCY

Receives complaint from public
PSA § 3-103 (a)

Investigates complaint
PSA § 3-104 (d)

LAW ENFORCEMENT AGENCY

Upon completion of investigation, forwards investigatory file to county Administrative Charging Committee
PSA § 3-104(d)

MARYLAND STATE AGENCY

Upon completion of investigation, forwards investigatory file to Maryland State Administrative Charging Committee
PSA § 3-104 (d)

ADMINISTRATIVE CHARGING COMMITTEE

Reviews investigatory file and within 30 days determines whether to charge officer or request further review
PSA § 3-113 (b)

Officer charged

Issues written opinion detailing findings and determinations; recommends discipline according to matrix; within 30 days from receipt of investigation but no longer than 1 year and 1 day
PSA § 3-104 (e) (3); § 3-113 (b), (c)

Law enforcement agency head offers discipline recommended by Administrative Charging Committee or a higher degree according to the matrix within 15 days
PSA § 3-105 (c)

Officer accepts discipline, discipline is imposed and matter is final
PSA § 105 (c) (3)

Officer not charged

Make a determination that allegations are unfounded or officer is exonerated
PSA § 3-104 (f) (2)

Issues written opinion detailing findings and determinations within 30 days from receipt but no longer than 1 year and 1 day from receipt of complaint
PSA § 104 (e) (6); 3-113 (b), (c)

Officer does not accept discipline
PSA § 105 (c) (4)

TRIAL BOARD

Matter referred to the trial board for a hearing
PSA § 105 (c) (4)

Officer seeks judicial review within 30 days
PSA § 106 (k) (1)

Trial Board hearing and decision

Officer does not seek judicial review within 30 days

Circuit Court adjudicates petition for judicial review

Trial Board decision is final

Disposition by the Administrative Charging Committee shall be completed within 1 year and 1 day after filing of a

MPAA Big Picture

- Each County must create:

Police Accountability Board	→	**Public Forum**
Administrative Charging Committee	→	**Grand Jury**
Trial Board	→	**Trial Court**

MARYLAND MATTERS

GOV & POLITICS JUSTICE

Rollout has been uneven for accountability boards required by 2021 police reform effort

BY: **WILLIAM J. FORD** - MAY 1, 2023 7:00 AM



Abbie Ellicott, right and standing, speaks to the Anne Arundel County Police Accountability Board during a listening session April 24 at Mountain Road Library. Photo by William J. Ford.

Police Accountability Boards ("PAB")

- County Gov't Chooses Members and Siz
  - Can't Be Active Law Enforcement
- Meets Quarterly w/ Law Enforcement
- Appoints Civilians to ACC and Trial Boards
- Reviews Discipline Outcomes
- Annual Report to County

PAB Examples

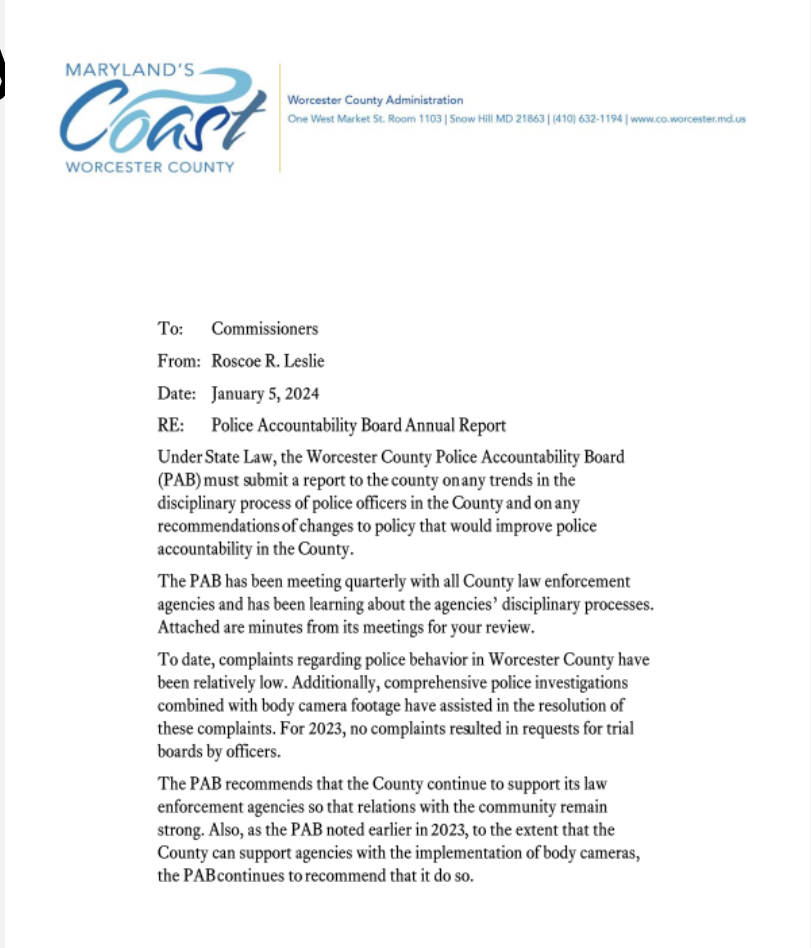
- **Worcester County**
  - 7 members
  - 3 former law enforcement, 2 business owners, 1 emergency services director, retired legal assistant
  - $100/meeting

PAB Examples



PAB Examples

- **Worcester County**
  - Annual report



MARYLAND'S Coast WORCESTER COUNTY

Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

To: Commissioners

From: Roscoe R. Leslie

Date: January 5, 2024

RE: Police Accountability Board Annual Report

Under State Law, the Worcester County Police Accountability Board (PAB) must submit a report to the county on any trends in the disciplinary process of police officers in the County and on any recommendations of changes to policy that would improve police accountability in the County.

The PAB has been meeting quarterly with all County law enforcement agencies and has been learning about the agencies' disciplinary processes. Attached are minutes from its meetings for your review.

To date, complaints regarding police behavior in Worcester County have been relatively low. Additionally, comprehensive police investigations combined with body camera footage have assisted in the resolution of these complaints. For 2023, no complaints resulted in requests for trial boards by officers.

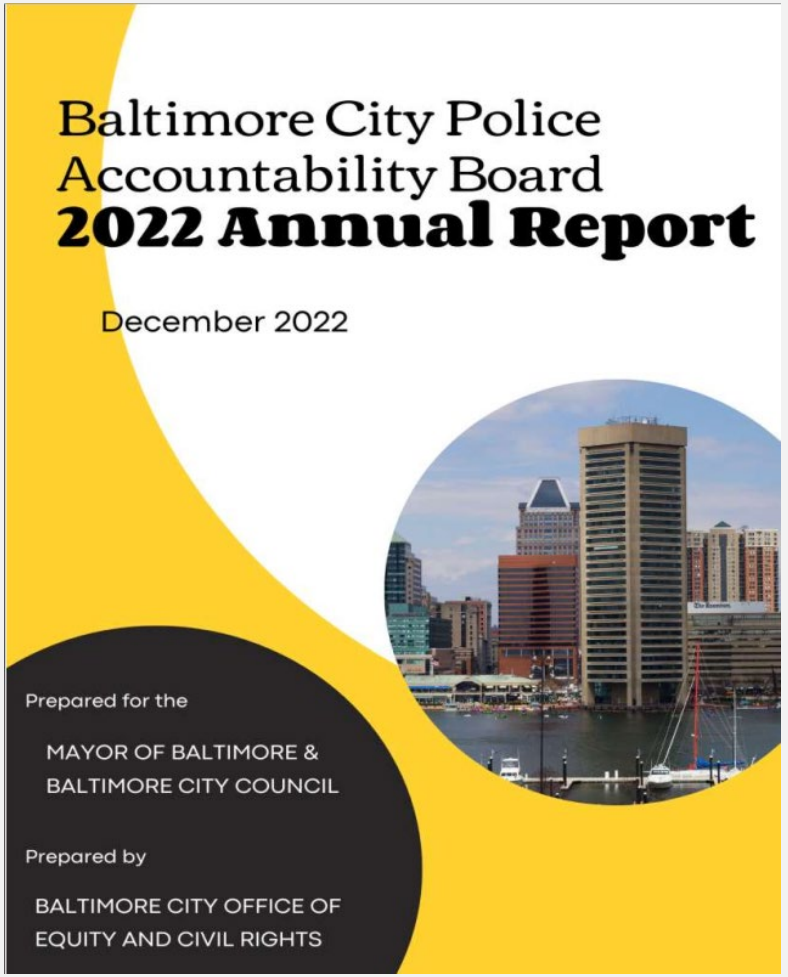
The PAB recommends that the County continue to support its law enforcement agencies so that relations with the community remain strong. Also, as the PAB noted earlier in 2023, to the extent that the County can support agencies with the implementation of body cameras, the PAB continues to recommend that it do so.

PAB Examples

- **Baltimore City**
  - 17 members
  - 4 attorneys, former Ambassador, real estate, pastor, education, non-profit, etc.
  - $10,000/year

PAB Examples

- **Baltimore City**
  - Annual report



PAB Examples

Police Accountability Board wants independence, autonomy from Baltimore City

WJZ NEWS

By Tara Lynch
Updated on: May 13, 2024 / 6:19 PM EDT / CBS Baltimore



PAB Examples

- **Caroline County**
  - 10 members; Amended to 8 members
  - Retired law enforcement and fire chief postal worker, paramedic, crisis specialist, sales parts manager, public works, and real estate inspector.
  - Uncompensated

Administrative Charging Committee ("ACC")

- **Five Members:**
  - Chair of PAB
  - 2 chosen by County
  - 2 chosen by PAB

ACC Overview

- Reviews allegations and investigations o
  "police misconduct" that "involve a member of the public"
- Complaints for **all** departments in county
- Decides to charge or not charge
- Makes recommendations according to "Model Uniform Disciplinary Matrix"

ACC Requirements

- 40 hours of State training
- Not active law enforcement
- Meets monthly or as needed
- Complete process within a year + day

Police Misconduct Defined

- Depriving of a Constitutional Right
- Violation of Criminal Statute
- Violation of agency standard or policy

“Involving a Citizen”

- Not statutorily defined
- Police Executive Research Forum proposal:
  - Would a reasonable person, knowing the facts of the reported conduct, believe that a member of the public was directly involved or impacted by the event?

Police Department Investigation of Complaint

- Complaint forwarded to agency
- Primary responsibility is still with agency
- Agency appoints Victim Rights Advocate
- Chief recommendation allowed
- Forwards to ACC
- ACC can ask for additional information and call officer to hearing
- Body Camera Footage Included

ACC Determination

- "Administratively Charge" or

"Not Administratively Charge"

- Written findings to agency
- If Charge, recommends discipline per Model Uniform Disciplinary Matrix

Model Uniform Disciplinary Matrix

- Statewide Framework through which all police discipline is imposed
- Goal: consistent and fair standards
- Six Categories of Violations (A to F)

VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	**ONE:** 1st Violation	**Formal Written Counseling**	→	**Letter of Reprimand**
	TWO: 2nd Violation in 24 Months	**Formal Written Counseling**	→	**Up to 1 Day Loss of Leave or Loss of Pay**
	THREE: 3rd Violation in 24 Months	**GO TO CATEGORY B LEVEL 1**		

Policy Violation Examples for Category A Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category B: **Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.**	**ONE:** 1st Violation	**Letter of Reprimand**	→	**Up to 2 Days Loss of Leave or Loss of Pay**
	TWO: 2nd Violation in 36 Months	**1 Day Loss of Leave or Loss of Pay**	→	**Up to 3 Days Loss of Leave or Loss of Pay**
	THREE: 3rd Violation in 36 Months	**GO TO CATEGORY C LEVEL 1**		

Violation Examples for Category B Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report

VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category D: **Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.**	**ONE:** 1st Violation	**5 Days Loss of Pay or 5 Days Loss of Leave**	→	**Up to 15 Days Loss of Pay**
	TWO: 2nd Violation in 60 Months	**10 Days Loss of Pay**	→	**Up to 20 Days Loss of Pay**
	THREE: 3rd Violation in 60 Months	**GO TO CATEGORY E LEVEL 1**		

Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category D

Violation Examples for Category D Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)
Failure to provide and/or request needed medical assistance (includes individuals not in custody)
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.
Unauthorized vehicle pursuit– with injury
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)
Failure to report an agency collision

VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.	**ONE:** ANY VIOLATION	**TERMINATION**

Violation Examples for Category F Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.
Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty
Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use
Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen
Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

ACC Process

- Findings/Recommendation sent to agenc
- If charged, agency **must discipline at same level or higher**
- If the officer accepts discipline, the case is closed and the complainant is notified
- If the officer does not accept discipline the matter is referred to a Trial Board.

Withdrawn Complaints

- Caroline County requested the Attorney General's opinion on withdrawing complaints after they have been filed
- Maryland OAG found that "as the law currently stands, the desire of a complainant to withdraw does not, for any category of complaint of polic misconduct involving a member of the public, relieve the LEA of its obligation to investigate t complaint and forward it to the ACC for a charging determination."

ACC Recap

- Review investigation
- Charge or No Charge
- Impose discipline which the Sheriff or Chief can increase but not decrease
- Accepts discipline – case closed
- Declines discipline – Trial Board

ACC Examples

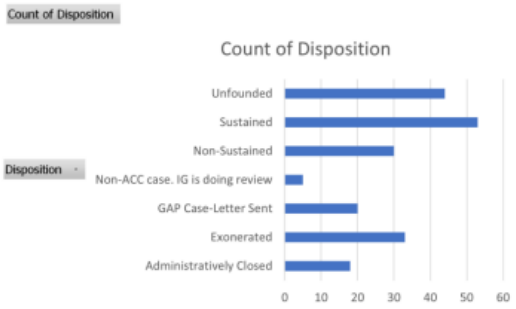
- Complaints in 2023:

--Worcester: 8

--Prince George's: 245

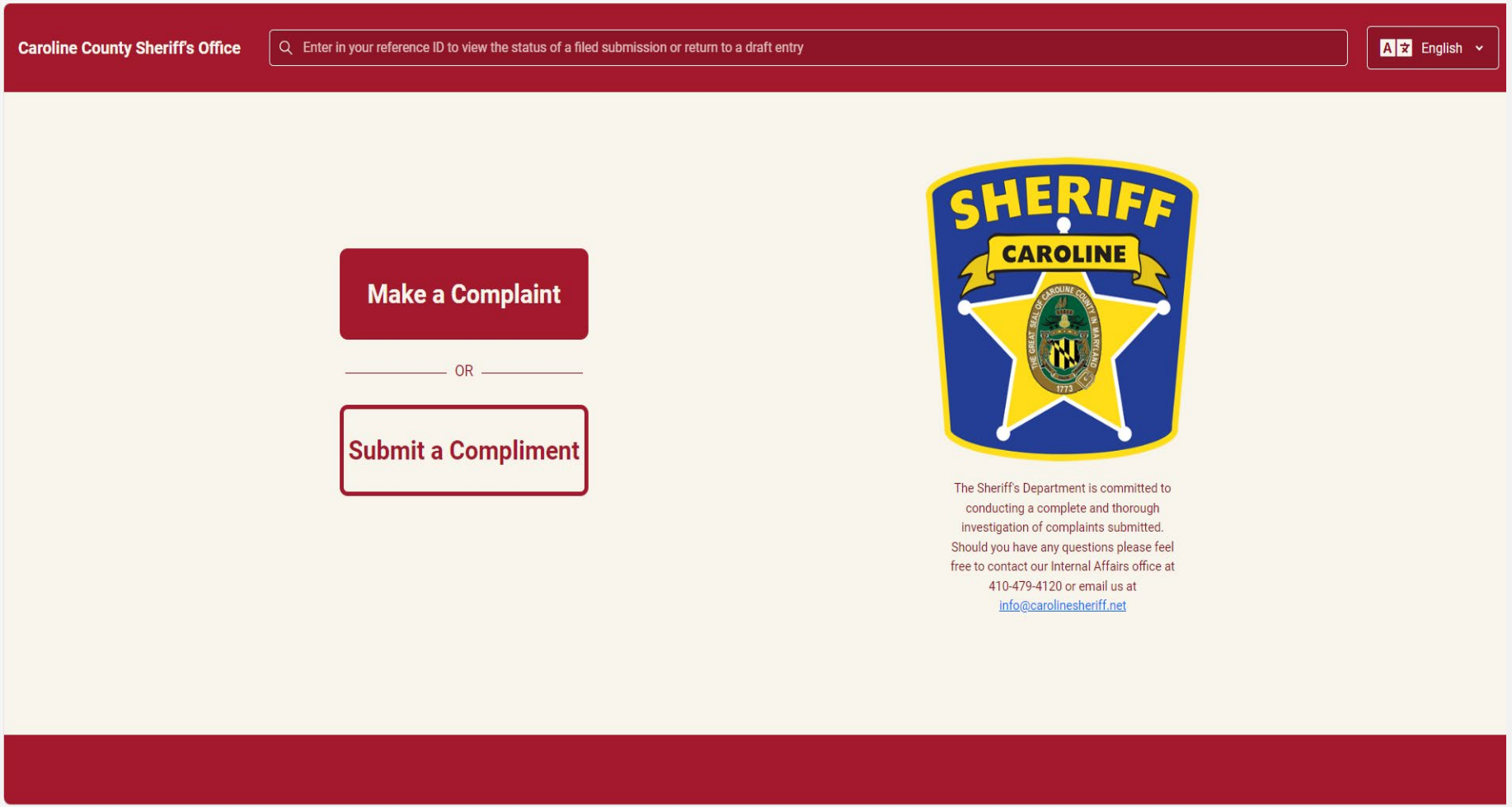
--Caroline: 15

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**

Public Portal



Complaint Tracking

CALVERT COUNTY Maryland

GOVERNMENT DEPARTMENTS RESIDENTS BUSINESS

Police Accountability Board Documents and Memorandums of Understanding

Maryland Police Training and Standards Commission Uniform Complaint Process

Contact Us

	Date Received	Complaint Number	Primary Complaint	Investigating Agency Complaint Number	Investigation Agency	Investigation Status	ACC Disposition	Complaint Disposition Date	Corrective Action
2.	Aug 1, 2024	98124	Discourtesy, Failure to perform duty, Tampering or manufacturing of evidence,		Maryland State Prosecutor's Office				
3.	Jul 28, 2024	97978 (34857)	Discourtesy, Abuse of power, Excessive use of force, Violation of rights	PSR 24-15	Calvert County Sheriff's Office (CCSO)	Forwarded For Investigation			
4.	Jul 26, 2024	97959 (34848)	Discourtesy, Violation of rights, Criminal violation	PSR 24-14	Calvert County Sheriff's Office (CCSO)	Forwarded For Investigation			
5.	Jul 22, 2024	97800	Discourtesy, Tampering or manufacturing of evidence, Abuse of power, Excessive use of force, False arrest, Violation of rights	PSR 24-13	Calvert County Sheriff's Office (CCSO)	Forwarded For Investigation			
6.	Jul 20, 2024	97799	Discourtesy, Failure to perform duty, Violation of rights	PSR 24-12	Calvert County Sheriff's Office (CCSO)	Forwarded For Investigation			
7.	Jun 25, 2024	SO97292	Failed to Conduct a Proper Investigation	PSR 24-11	Calvert County Sheriff's Office (CCSO)		Incident occurred prior to 07/01/22		
8.	Jun 14, 2024	97039	Abuse of power, False arrest, Violation of rights.	PSR 24-10	Calvert County Sheriff's Office (CCSO)	Forwarded For Investigation			
9.	Jun 10, 2024	96889	Harassment	PSR 24-09	Calvert County Sheriff's Office (CCSO)	Completed Investigation	Not Administratively Charged	2024-07-10	
10.	May 3, 2024	SO96319	Racial profiling and Improper search	PSR 24-08	Calvert County Sheriff's Office (CCSO)	Completed Investigation	Not Administratively Charged	2024-06-12	

Trial Board

- Formed as needed
- **Three Members:**
  - ALJ/ Retired Judge
  - Police of Equal Rank
  - Trained Citizen

Trial Board

- Each agency can create process
- No deference to ACC – de novo
- Subpoena power
- Open to public with exceptions
- Preponderance of evidence
- Written decision
- Appeal on the record

Recap

Police Accountability Board	→	**Public Forum**
Administrative Charging Committee	→	**Grand Jury**
Trial Board	→	**Trial Court**

Big Picture: Problems To Fix

Legal gray areas hinder police watchdogs

BY: **CAPITAL NEWS SERVICE** - MAY 8, 2024 6:37 AM



Former Howard County Police Accountability Board member Jim Gormley (right) and police accountability advocate Ted Stewart speak with reporters outside the Howard County administration building on Dec. 12, 2023. Photo by Paul Kiefer/Capital News Service.

Big Picture: Problems To Fix

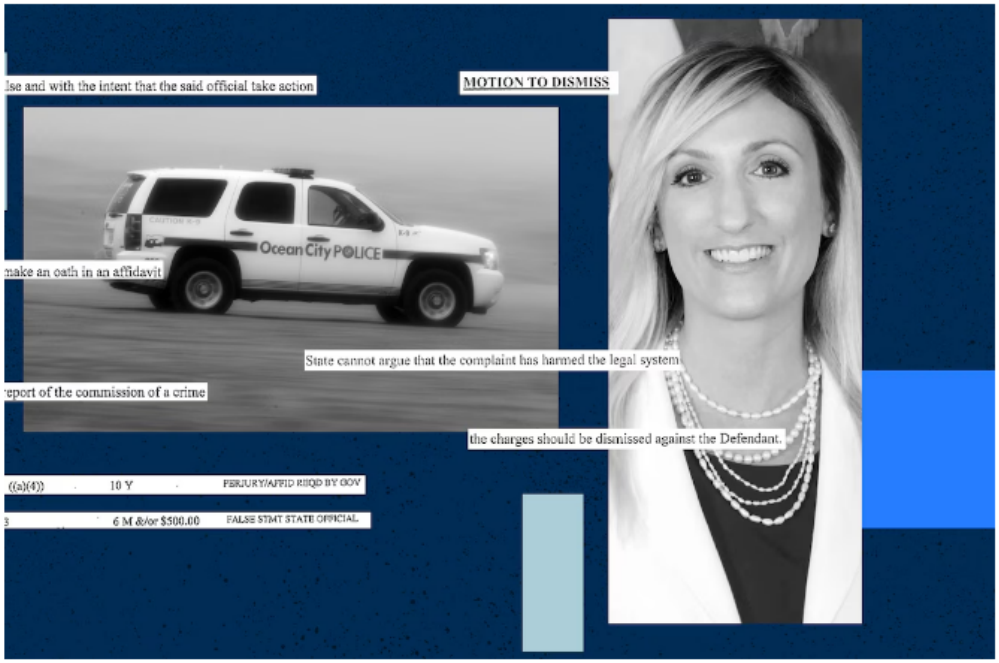
- Heavy ACC workload
- No negotiation of discipline
- No appeal mechanism for complainant
- Year-long time-frame
- No tolling for criminal investigation
- Timeline for Trial Board
- Officer right to veto Trial Board members

Unexpected

- Complaints against entire department
- Who prosecutes if ACC wants to charge, but agency doesn't want to?
- Trial Board Loophole:
  - Officer and agency stipulate to agreement
  - Avoids ACC recommendation

They filed complaints about Ocean City Police. Then they were criminally prosecuted.

Ben Conarck 5/21/2024 5:30 a.m. EDT, Updated 5/21/2024 10:18 a.m. EDT



(Original photos by Getty Images, Handout; Photo illustration by Emma Patti Harris/The Baltimore Banner)

In Maryland's coastal tourist hub, the top prosecutor is accused of trying to chill citizen complaints about police

Conclusions

- Better than expected
- Doomsday scenarios haven't occurred
- Statutory adjustments needed
- Collaborative process
- More info in → PERF Report:
  - Implementation of the MPAA - PERF Final Report (policeforum.org)

Questions?

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