

Workgroup to Address Police Reform and Accountability in Maryland

Delegate Vanessa E. Atterbeary, Chair

Agenda

Thursday, August 27, 2020

1:00 p.m.

Zoom

“Law Enforcement Representatives”

I. Chair’s Opening Remarks

II. Presentation by Maryland Chiefs and Sheriffs Association

- Chief David C. Morris, Riverdale Park Police Department
- Chief Melissa R. Hyatt, Baltimore County Police Department
- Baltimore Police Commissioner Michael S. Harrison
- Karen Kruger, Legal Counsel, Chiefs Association
- Charles County Sheriff Troy Berry, Incoming Sheriff’s Association President

III. Presentation by Fraternal Order of Police

- Frank D. Boston, III, Attorney
- Vince Canales, President, Maryland State Fraternal Order of Police
- Michael E. Davey, Attorney

IV. Presentation by Department of State Police

- Colonel Woodrow W. Jones III, Superintendent

V. Presentation by Sonia Y. W. Pruitt, retired Captain, Montgomery County Police Department, and past chairperson, National Black Police Association

VI. Presentation by Maryland Troopers Association

- Byron B. Warnken, Attorney
- Rebecca L. Smith, Attorney

VII. Presentation by State Law Enforcement Officers Labor Alliance

- Brian Gill, President

VIII. Chair's Closing Remarks and Adjournment

Maryland Fraternal Order of Police
Documents For Police Reform and Accountability Work Group
August 27, 2020

Letters from FOP Lodges	Pages
Maryland State Lodge	2
Baltimore County Lodge 4	3 - 5
University of Maryland Police Lodge 23	6 - 7
Anne Arundel County Lodge 70	8 - 9
Prince George's County Lodge 89	10 - 11
Prince George's County Lodge 112	12
 Additional Documents Provided by Lodge 89	
General Order: Sections of Importance	13
Citizen Complaint Oversight Panel Combined Annual Report (2016-17)	14 - 85
Citizen Complaint Oversight Panel Quarterly Report (January - March 2019)	86 - 115
Citizen Complaint Oversight Panel Quarterly Report (April -September 2019)	116 - 151
LEOBR PowerPoint Presentation	152 - 165
LEOBR Fact Sheet	166-167



ISMAEL VINCENT CANALES
STATE PRESIDENT

MARYLAND STATE LODGE
FRATERNAL ORDER OF POLICE®

1506 LESLIE ROAD, BALTIMORE, MD 21222



KENNETH SCHUBERT
SECRETARY
EARL KRATSCH
TREASURER

August 25, 2020

Dear Chairperson Vanessa Atterberry and Distinguished Members of the Police Reform and Accountability in Maryland Workgroup,

On behalf of the over twenty-thousand active and retired law enforcement officers represented by the Maryland Fraternal Order of Police, I would like to extend our sincere appreciation for the work you and the members of this workgroup are doing regarding policing in our great State. We look forward to participating in these conversations and to provide insight and guidance on behalf of our members.

As law enforcement advocates, we have actively engaged in discussions over the past few years regarding police and criminal justice reform. We provided testimony and when necessary attempted to educate members of the delegation on the facts or potential unintended consequences surrounding certain pieces of proposed legislation. Additionally, when possible we compromised and/or proposed amendments to bills in an effort to bridge the divide in order to create meaningful solutions for all.

We welcome this opportunity again to participate in these current round of discussions. We are committed to being good stewards of the public trust as we work towards reaffirming, where necessary, the public's faith in their law enforcement professionals.

Sincerely,

Ismael Vincent Canales
President
Maryland Fraternal Order of Police



BALTIMORE COUNTY LODGE NO. 4
FRATERNAL ORDER OF POLICE

INCORPORATED

CORPORATE OFFICES • 9304 HARFORD ROAD • BALTIMORE, MARYLAND 21234
(410) 668-0004 • (410) 668-0046 • FAX (410) 668-8126
www.foplodge4.org

DAVID M. ROSE
LODGE PRESIDENT

DONNA M. PATTERSON
LODGE SECRETARY

Hon. Del. Vanessa Atterbeary
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

Delegate Atterbeary,

The attached letter was sent to me by retired Major Russin. He was the chief's designated chairperson for hearing board's in the Baltimore County Police Department for several years.

In his letter, he explains from a hearing board chairperson's perspective, the necessity of due process for law enforcement officers and how the LEOBR does not impede justice or the ability to discipline and terminate officers if necessary.

I feel this perspective from a longstanding member of the command staff is important for your committee members to read.

Thank you,

Dave Rose
President
Baltimore County
Fraternal Order of Police Lodge #4



President David Rose
Fraternal Order of Police
Baltimore County Lodge #4
9304 Harford Road
Baltimore, MD 21234

August 13, 2020

Dear President Rose,

I am writing to you in response to a recent article in the Baltimore Sunpaper in which it was stated that the Maryland legislature is being lobbied to abolish the Maryland Law Enforcement Officers Bill of Rights. I served in the Baltimore County Police Department for more than forty years, retiring in 2011 with the rank of Major. During the last four years of my career, my duties included serving as the department's trial board chairman.

In my experience reviewing cases that were being presented for trial board hearings, only the most serious offenses rose to the level of a trial board. Recommended punishment for less serious offenses were routinely being accepted by defendant officers negating the need for a trial board. One of the reasons for this was that trial boards were not bound by previous disciplinary recommendations. Essentially, a defendant officer had to roll-the-dice at a trial board. If the officer was found guilty of the charges by the trial board, the board could increase or decrease the previously recommended punishment. As with any legal or legislative process, its efficacy of the process relies heavily on the integrity and professionalism of the trial board members.

As a result of the trial boards which I conducted, defendant officers were terminated, resigned prior to termination, or received substantial loss of leave. In no case did the Law Enforcement Officers Bill of Rights impede justice.

Recent events in Milwaukee have received instant and ongoing media scrutiny and commentary. Political leaders are being pressured by social justice activists and the media for police reform. Careful consideration and thought must not be replaced by political expediency and acquiescence to public and media pressure. The more inflammatory the situation, the more careful consideration and thought are required. Even now, additional information is continuing to come forward in the Milwaukee incident that calls into question some of the early

public and media conclusions. If we are to continue to be a country of law and justice, due process and not mob rule must be preserved.

The Law Enforcement Officers Bill of Rights does not impede the pursuit of justice, but rather prevents an irrational or emotional response to a sometimes-inflammatory situation. In Ferguson, Missouri, Michael Brown was reportedly shot, while standing with his hands up. We now know that that was not the truth. In inflammatory situations, it takes time for the facts to be gathered and revealed. Due process prevents mob rule and preserves justice. Justice is based on the truth and not on ill-informed inflamed emotion.

Legislators take months or even years of debate to enact laws. If they don't get it right after prolonged debate, they have the opportunity to later amend them, while enjoying sovereign immunity along the way. Police officers are then asked to enforce these laws with, at times, only seconds to make critical decisions. The very least that they deserve from legislators and the public they serve, is due process in the scrutiny of their actions. The Law Enforcement Officer's Bill of Rights provides that due process.

Randall B. Russin

Major

Baltimore County Police Department - Retired



FRATERNAL ORDER OF POLICE

UNIVERSITY OF MARYLAND POLICE · LODGE #23, INC.
MAILING ADDRESS · P.O. BOX 459 · COLLEGE PARK, MD 20740
(301) 405-3555 FAX (301) 314-9552

August 19, 2020

Maryland House of Delegates
Special Committee on Police Reform & Accountability
Department of Legislative Services
Legislative Services Building
90 State Circle
Annapolis, MD 21401

Members of the Committee:

My name is Chris Fiora and I am the Immediate Past President of the University of Maryland Police Department (UMPD), Fraternal Order of Police (FOP) Lodge 23, College Park, Maryland. I write to you today to present the view of our Lodge members regarding police reform specifically as it applies to the Law Enforcement Officers Bill of Rights (LEOBR).

LEOBR has a legislative history derived from the many jurisdictional labor laws throughout the State of Maryland. In an effort to consolidate those numerous labor laws into one consistent method of protecting employees (officer's) rights, LEOBR was created. With one system for police departments to investigate *administrative violations of departmental policy*, an officer is provided with administrative rights consistent with Maryland administrative law. Administrative violation investigations require that a complaint is filed against an officer; an unbiased and complete investigation is conducted; findings are documented; and, management makes a decision on discipline. Any change to LEOBR, that does not provide one method of conducting administrative investigation will lead to a plethora of independent labor laws and interpretations that will result in confusion and denial of an employee's administrative rights. Moreover, our belief is that any public dissemination of an administrative investigations is not a fruitful endeavor for the public or the law enforcement profession.

On a personal note, as a retired Federal Law Enforcement Officer who conducted numerous internal administrative investigations I can tell you that your current system, LEOBR, works efficiently and effectively. However, there are times when the process does not work due to management's untimely response in the discipline process. As a member of Lodge 23, I have personally been involved in LEOBR actions against UMPD that have resulted in severe discipline or removal from office because management was timely and informed so that officers with issues did not return to the street as a police officer.

The membership of Lodge 23 is keenly aware of the circumstances of today's law enforcement profession and respectfully requests that any consideration of changing the LEOBR be conducted in a transparent manner where Lodge 23 and its executive board have an opportunity to openly discuss the issues before your committee. We look forward to engaging the committee in meaningful dialogue that benefits police officers and the communities we serve.

Respectfully,
Chris Fiora
Immediate Past President, Lodge 23
Fraternal Order of Police
P.O. Box 459
College Park, MD 20742

AN ORGANIZATION OF POLICE PROFESSIONALS



**ANNE ARUNDEL COUNTY
FRATERNAL ORDER OF POLICE[®],
MARYLAND LODGE #70**

1311 GENERALS HIGHWAY, CROWNSVILLE, MARYLAND 21032
1-410-987-1723, FAX 410-923-0788

O'Brien Atkinson
PRESIDENT

Kala Jennings
SECRETARY

August 20, 2020

Delegate Venessa E. Atterbeary
Workgroup to Address Police Reform and Accountability in Maryland
Annapolis, Maryland 21401

Dear Delegate Atterbeary and esteemed workgroup members,

Thank you all for your service and hard work on this very important issue. I have enjoyed witnessing your professionalism, and the professionalism of your group, in this new virtual capacity we all find ourselves in. I was markedly underwhelmed at the testimony of the Maryland Police Training and Standards Commission, who your group relied on for “expert” testimony. Conversely, I have been impressed with the presentation, concerted lobbying efforts, and campaigns of activists, and activist groups, who are creating a narrative that calls for the defunding or dismantling of police departments and the repeal of police officer protections like we have here in the great state of Maryland.

We appreciate you looking at all sides of this discussion and looking to improve the enforcement of law and order in our state. As a member of the Maryland State Lodge Fraternal Order of Police and representative of over 1,040 active and retired police officer members in Anne Arundel County, I stand ready to assist you in your mission to review and improve the procedures currently laid out in the Law Enforcement Officers’ Bill of Rights. In the meantime, please consider the information provided from our lobbyist, Mr. Frank Boston, and our other representatives who appear before you. There is so much that has to be considered when making further modifications to our longstanding Bill of Rights. We look forward to working collaboratively on the issues.

One easy, but thoughtless thing to do, would be to recommend repealing the Maryland Law Enforcement Officers’ Bill of Rights as has been discussed. To repeal the Law Enforcement Officer’s Bill of Rights would do a great disservice to the citizens of the State of Maryland. This law was initially passed to better protect the citizens, by protecting good law enforcement officers from overzealous or unreasonable police chiefs and sheriffs.

This need for a uniform level of procedural protections and the gravity of the potential harm to police officers, and ultimately the citizens we have all sworn to protect, was recognized by the

Maryland General Assembly who first enacted the LEOBR and it truly does what it was intended to do. It does not do most of what many police chiefs, activists, and elected officials say, or are told it does.

It is no surprise that today the Baltimore City Police Commissioner blames the Law Enforcement Officer's Bill of Rights for the continued mismanagement of his police department. This Bill of Rights was instituted in Maryland almost fifty years ago specifically because Baltimore City's Police Commissioner, at that time, was firing police officers who only committed the offense of disagreeing with the Commissioner.

The LEOBR does not protect the jobs of bad cops or officers who are unfit for duty. If a police officer breaks the law, they have no more rights or protections from criminal prosecution than any other citizen. It prevents agencies from punishing good police officers who speak up against poor policies, incompetent leadership, and other issues that plague law enforcement and hurt our communities. If a law enforcement officer were to point out that a policy is a poor practice or even illegal, they could be fired the next day for failing to have their boots properly polished or "for the good of the agency."

The LEOBR does not limit the authority of the Chief to regulate the competent and efficient operation and management of a law enforcement agency by any means including transfer and reassignment. Whistleblower laws are NOT enough to protect police officers--for example, without LEOBR: a police officer who raises a legitimate issue in opposition of a police chief's decision is still subject to termination for even the most minor offenses. It is then up to the police officer to prove that the minor rule infraction was not the real reason for the termination--a very difficult argument to make to any trier of fact.

In reality, the LEOBR makes sure police officers are disciplined when they do something wrong and prevents discipline, including termination, when the officer has done nothing wrong. It ensures the agency will complete a full and unbiased investigation and present facts to support the termination of the police officer. The legal standard is low: preponderance of the evidence (or more likely than not) that the officer violated a rule or law.

Sincerely,



O'Brien Atkinson, IV
President, Anne Arundel County FOP 70

-- BUILDING ON A PROUD TRADITION --



FRATERNAL ORDER OF POLICE

Prince George's County Lodge 89, Inc.

P.O. Box 510
Lothian, MD 20711
(301) 952-0882

August 20, 2020

Angelo L. Consoli, Jr.
President

Dear Chair Atterbeary and Distinguished Members of the Workgroup to Address Police Reform and Accountability in Maryland,

On behalf of the hard-working officers of the Prince George's County Police Department I would like to take this opportunity to thank you for giving the FOP an opportunity to participate in this process. We stand prepared to collaboratively work on the issues surrounding the topic of police reform. While we all recognize the fact that there are areas where we can improve policing in Maryland, we must be cautious and calculated moving forward. We must ensure that we don't let the lack of the proper knowledge on actual policies and procedures, false information, and years of misunderstanding about the LEOBR to allow for changes just for the sake of making changes. If we were to do so, then we would ultimately do more harm to policing in Maryland than the good that is expected from the reforms that are currently sought.

I would like to provide this workgroup with documents that FOP 89 recently provided to members of the Prince George's County Delegation that accepted our invitation to attend our Department's Training and Education Division for an interactive Judgement Enhancement Training (shoot don't shoot) as well as LEOBR information session. I believe this training was well received and allowed those in attendance the ability to learn a lot about our Department, our training, and our policies. It also gave them the opportunity to place themselves in the position of a police officer while performing live simulated scenarios. I would like to extend the offer for this opportunity to all the members of this workgroup. Do not hesitate to contact me to set it up if it is desired.

The attached documents from me include:

- Recent Citizen Complaint Oversight Panel reports. This includes a yearly report that covers two years and 2 quarterly reports. The yearly report includes within it a historical account of the CCOP as well as the County Legislation for the CCOP. The quarterly reports are full of a lot of information and give a brief description of each complaint. These reports show firsthand how our internal affairs process is transparent. All Internal Affairs Investigations are given to the CCOP for review and comment. This ensures that the investigation was complete, fair, and impartial. The report also gives statistical analysis of the types of complaints and the findings. You can see how many of the IAD findings are concurred by the CCOP. With our early warning system and internal complaint tracking, our Department's Management can easily identify a problem officer and more importantly has the ability to identify the potential that an officer is in need of early intervention.

- Documents pertaining to the LEOBR. This includes a quick facts sheet, a flow chart of the administrative investigation process, and a power point presentation on the LEOBR.

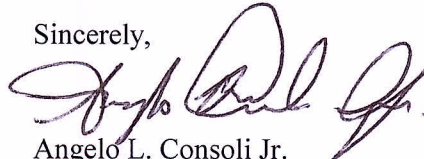
PAGE TWO

- Document with a link to the General Orders of the Prince George's County Police Department. The form also lists the sections of the General Orders that members of this workgroup would be interested in reading. These General Orders will show the training, policy, and mandates that all officers must obey. These are a great source of our current policies and training. It will clearly show that many of the topics that have been discussed by groups seeking reform are already a part of our training and policy. A look at our use of force policy and deadly force policy will also show that we have a much more extensive policy in place than most people believe to be true.

I am confident that if the members of this workgroup were to look at the information I have provided they will get a much better understanding of the policies, oversight, and disciplinary process that is in place on our Department. This will show that a lot of the change that is being asked for is already in place and in a lot of instances has been for many, many years.

My thanks again to this workgroup for allowing this opportunity to be heard.

Sincerely,



Angelo L. Consoli Jr.
President, FOP Lodge 89



FRATERNAL ORDER OF POLICE®

PRINCE GEORGE'S COUNTY, MD,

LODGE #112

P.O. BOX 686

UPPER MARLBORO, MD, 20773

www.fop112.us

William R. Milam

President

August 12, 2020

House Police Reform and Accountability Workgroup
6 Baden Street
Annapolis, Maryland

Dear Workgroup Members,

I want to start by commending the formation of this workgroup and expressing our gratitude for having the Fraternal Order of Police a part of this important discussion. At a time when legislators from around the country, some in our own state, are blindly calling for the defunding of law enforcement agencies and the repeal of basic due process protections afforded to law enforcement officers, this group is engaging with citizens and law enforcement to develop a strategy that works for all Marylanders.

While some legislators are more interested in disparaging the work of our members and profession, this group has a chance to be a standard-bearer for what reimagining policing could look like. While "Defund the Police" might be a trendy phrase intended to score political points, for those of us who have dedicated or sacrificed our lives in the service and protection of others, it is a sad reflection of misguided innuendo from folks without a real plan for change.

The work of this group is important, and I urge you to pursue your mandate in a thoughtful manner. Consider the ramifications of repealing or retracting basic laws that afford police officers due process. Consider similar measures that have recently occurred around the country and the collateral effects of those actions. Consider the fact that law enforcement morale is low, recruitment and retention rates are plummeting, and crime is skyrocketing in places where legislatures have quickly passed thoughtless police "reforms." Then, consider the years of work in which Maryland's law enforcement community has engaged to help strengthen relations within our communities.

This is not, and should not be, an "Us vs. Them" conversation. We want to serve and protect our communities and are interested in practical solutions to help reach that end.

Respectfully,

William R. Milam
President

Representing the Professional Deputy Sheriffs of Prince George's County, Maryland



Prince George's County Police Department General Orders

<https://www.princegeorgescountymd.gov/DocumentCenter/View/16570/General-Orders-Manual-PDF>

Above is the link to the PGPD General Orders (GOs) that is publicized on the County Website.

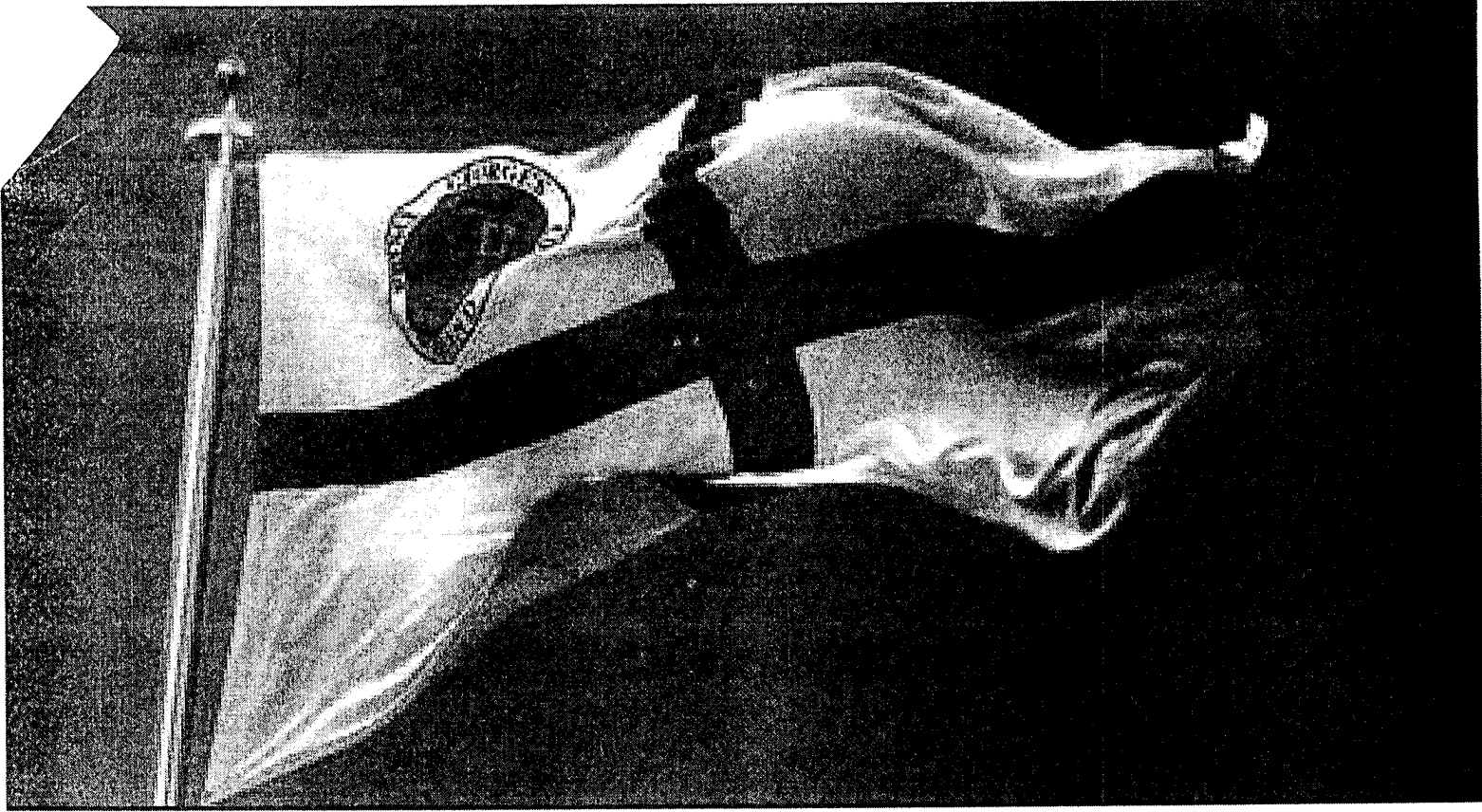
Below are the sections of the GOs that we feel cover the topics of interest to this delegation.

VOLUME I

- 2. ADMINISTRATIVE HEARING BOARDS
- 3. COMMITTEES, COUNCILS, & PANELS
- 4. COMPLAINTS
- 11. DISCIPLINE
- 12. DISCRIMINATION & SEXUAL HARASSMENT
- 14. EMPLOYEE EARLY IDENTIFICATION SYSTEM (EIS)
- 22. INTERNAL INVESTIGATIVE PROCEDURES
- 25. MOBILE DATA COMPUTERS (MDC)
- 26. MOBILE VIDEO SYSTEM (MVS)/MOBILE DATA COMPUTERS (MDC)
- 32. PROTOCOL
- 35. TRAINING & EDUCATION

VOLUME II

- 4. ARREST, TRANSPORT, & PROCESSING
- 19. CRIMINAL ARREST WARRANTS, SEARCH WARRANTS, & RAIDS
- 22. DEPARTMENTAL PROGRAMS
- 23. DOMESTIC VIOLENCE, STALKING, & HARASSMENT
- 26. EMERGENCY PETITIONS & RESPONSES TO INDIVIDUALS WITH MENTAL DISORDERS
- 29. FIELD INTERVIEWS
- 35. IMMIGRATION PROCEDURES
- 38. JUVENILE PROCEDURES
- 57. TRANSGENDER PERSONS, INTERACTIONS
- 58. USE OF FORCE
- 59. WEAPONS



CITIZEN COMPLAINT OVERSIGHT PANEL

Prince George's County, Maryland

2016 & 2017 Combined*

ANNUAL REPORT



Rushern L. Baker, III
County Executive

2016 & 2017

Combined Annual Report

***Citizen Complaint Oversight Panel
9201 Basil Court, Suite 466
Largo, Maryland 20774***

301-883-5042 Phone

301-883-2655 Fax

Click below to visit our webpage

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

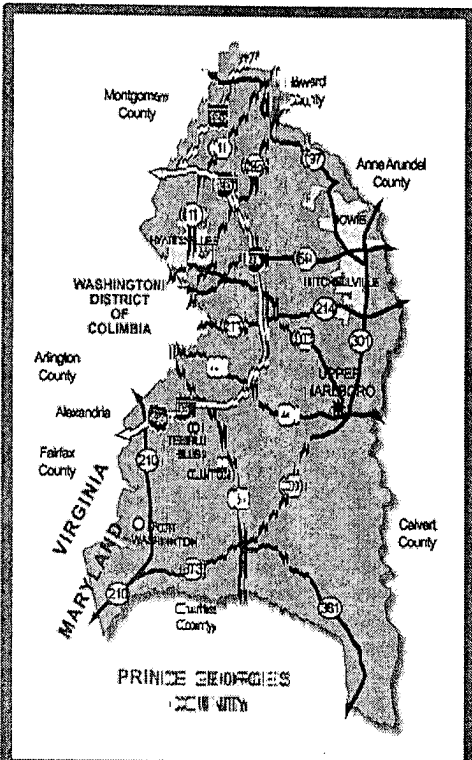


Table of Contents

Letter from the Chair

Overview 1

History
Panel Responsibilities
Panel Composition
Complaint Classification
Recommendation Types

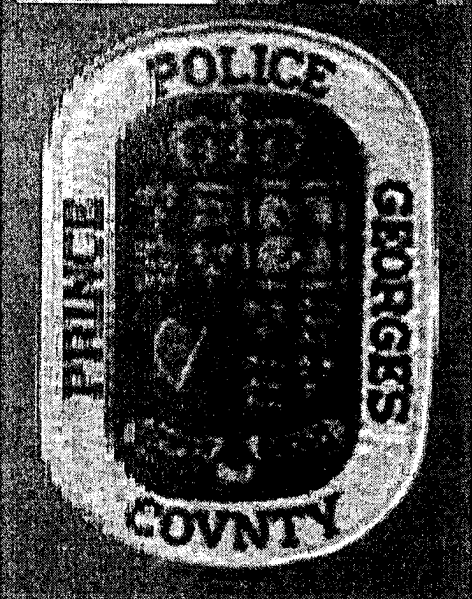
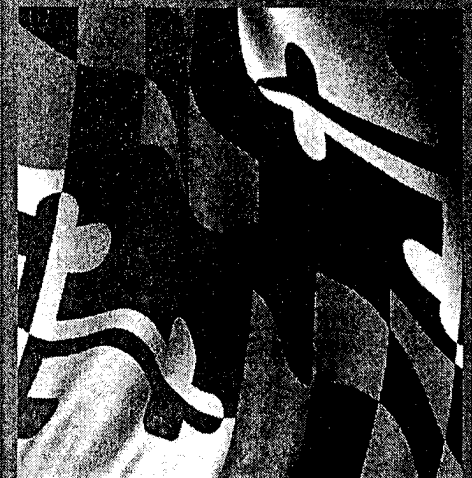
Workload with Charts 6

Outreach 20

Issues 22

Additional Information 32

- A. *Glossary of Terms*
- B. *Enabling Legislation*
- C. *Complaint against Police Practices Form*
- D. *Complaint Process*



LETTER FROM THE CHAIR



Dear Citizens and Residents:

Since its establishment in 1990, the Prince George's County Citizen Complaint Oversight Panel (CCOP) has been part of a police accountability process that ensures anyone with a complaint regarding the conduct of an officer of the Prince George's County Police Department is able to formally submit that complaint, that their complaint is treated and investigated properly, and that there is independent oversight of the investigative process. As such, the Panel is a separate county government entity, independent of the police department comprised of citizens from throughout the county who dedicate their time to complete that mission.

For the past 28 years, the Panel has worked to ensure that police operations in Prince George's County are accountable and transparent to the citizens. As community-police relations continue to grip the national consciousness and the actions of the Prince George's County Police Department are placed under increased scrutiny, our role as a Panel needs to meet that challenge as well. It is crucial that the Panel maintains an independent and objective position that is non-apologetic in this process. Our primary mandate is to ensure that complaints against officers of the Prince George's County Police Department are thoroughly and impartially investigated. But we also need to do more to ensure that the community in Prince George's County knows about the CCOP's work and has access to its overall findings in a timely and transparent manner.

The Panel can and must do more to ensure the second part of that charge. This combined 2016-2017 Annual Report is the first step in that process. Due to long-term technical problems related to data extraction, the CCOP reluctantly had to adjust the publication of the annual report. As the problem continued to persist into early 2018, the Panel adjusted its internal processes and worked diligently over the past several months to compile the data manually as best as possible to assure that our reporting would not fall further behind. Therefore, we are publishing this combined report for 2016 and 2017. As we work out the technological challenges that hindered our most recent reporting periods, we will issue addendums to this combined report in the near future.

Nonetheless, I can attest to the earnest and diligent work that the CCOP members have put into their efforts to facilitate an accountability process that earns the confidence of the public and the police. Our primary goal is to mitigate unnecessary acts of force, violence and other incidents of misconduct. But we need to do more to communicate that to the public. Our annual reports provide valuable insights on police conduct to County residents and visitors. We will continue to evaluate our reporting process to ensure that we are accountable and transparent.

As part of our efforts to strengthen information sharing with the community, I have been working with my fellow Panel members and staff to develop a more vibrant outreach strategy. After all, the CCOP was instituted as a response to the public's call for better oversight of policing in our community. As such, we need to ensure that our work is as accessible as possible to our community.

Sincerely,

Dale A. Crowell
Chairman

HISTORY

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



OVERVIEW

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

Prince George's County Legislation CB-59-2001, effective January 10, 2002, significantly expanded the CCOP's powers and gave the CCOP the authority to conduct its own investigations and to issue subpoenas through the County Council. While investigative authority was given to the CCOP, the CCOP's budget did not include

funding for this initiative. CB 59-2001 also expanded the scope of investigations reviewed by the CCOP. The CCOP now reviews all complaints filed against a member of the PGPD for violation of any law or regulation, whether brought by a citizen, superior officer or any source, all discharge of firearms, and all in-custody deaths that may have resulted from an officer's use of force. It also reviews disciplinary documents and hearing board reports.

The CCOP has the authority to make recommendations regarding policy changes, supervision, operational procedures, training and recruitment. These recommendations, as well as case review findings and comments, are submitted to the Chief of Police. The CCOP's authority is limited to officers of the Prince George's County Police Department. Park, state, or local municipal police forces, as well as the Sheriff's Department, are not included under the CCOP's jurisdiction.

PANEL RESPONSIBILITIES

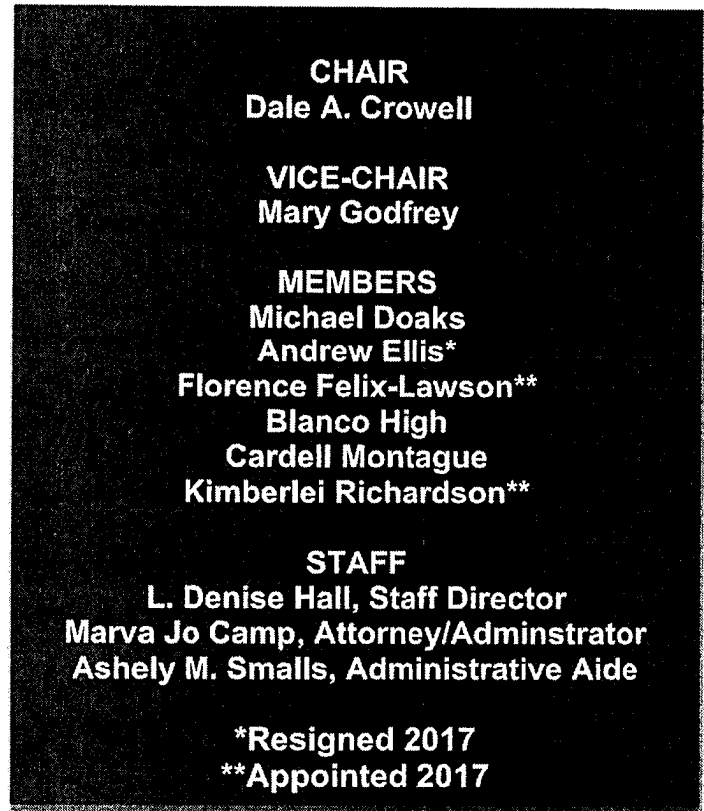
The CCOP's specific responsibilities include:

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

- Issuing an annual report to the public.

PANEL COMPOSITION

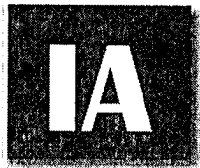
The CCOP is comprised of seven members appointed by the County Executive and confirmed by the County Council. The CCOP members must be Prince George's County residents and broadly representative of County demographics. The CCOP members cannot be employees or elected officials of any non-federal jurisdiction,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



INVESTIGATIVE CLASSIFICATIONS

All incoming complaints are assigned to the following investigative categories:

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



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



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

Note: The Field Case (FC) classification for investigations has been eliminated. In 2014, the Department began assigning complaints designated as FC cases for IA or SI investigations.

RECOMMENDATION TYPES

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

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

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

Sustained

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

Non-Sustained

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

Exonerated

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

Unfounded

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

Additional Actions:

- **Add Allegation(s)** – The Panel’s review uncovers evidence of conduct that the Panel determines warrants a charge, but was not among the allegations listed in the investigation. The Panel outlines the

allegation, makes a recommendation that they be added and recommends a finding.

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

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

WORKLOAD 2016 & 2017

The charts and information on the following pages provide various statistical data on cases referred to the CCOP from IAD for Calendar

Year 2016 and 2017. The data reflects the distribution of IAD investigations referred to the CCOP by type, findings, CCOP's recommendations and, in some cases, by County Councilmanic districts. The data is categorized in two major areas, investigations and allegations. Investigations refer to the number of case files referred to the CCOP for

review. Allegations refer to the number of individual incidents of alleged misconduct investigated in each case. One case file can include multiple allegations of misconduct.

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

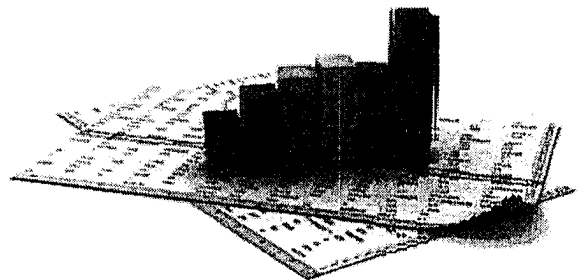
Between 1991, the year it conducted its first investigation, and 2001, the year its authority was expanded, the CCOP reviewed 763 investigations. Since 2001, the CCOP has

9,818
Allegations
2001 to 2017

reviewed. Since 2001, the CCOP has reviewed 2,888* investigations for a grand total of 3,651* investigations reviewed since 1991.

2,888
Investigations
2001 - 2017

The CCOP began reporting the number of allegations reviewed in 2001. Since 2001, a total of 9,818



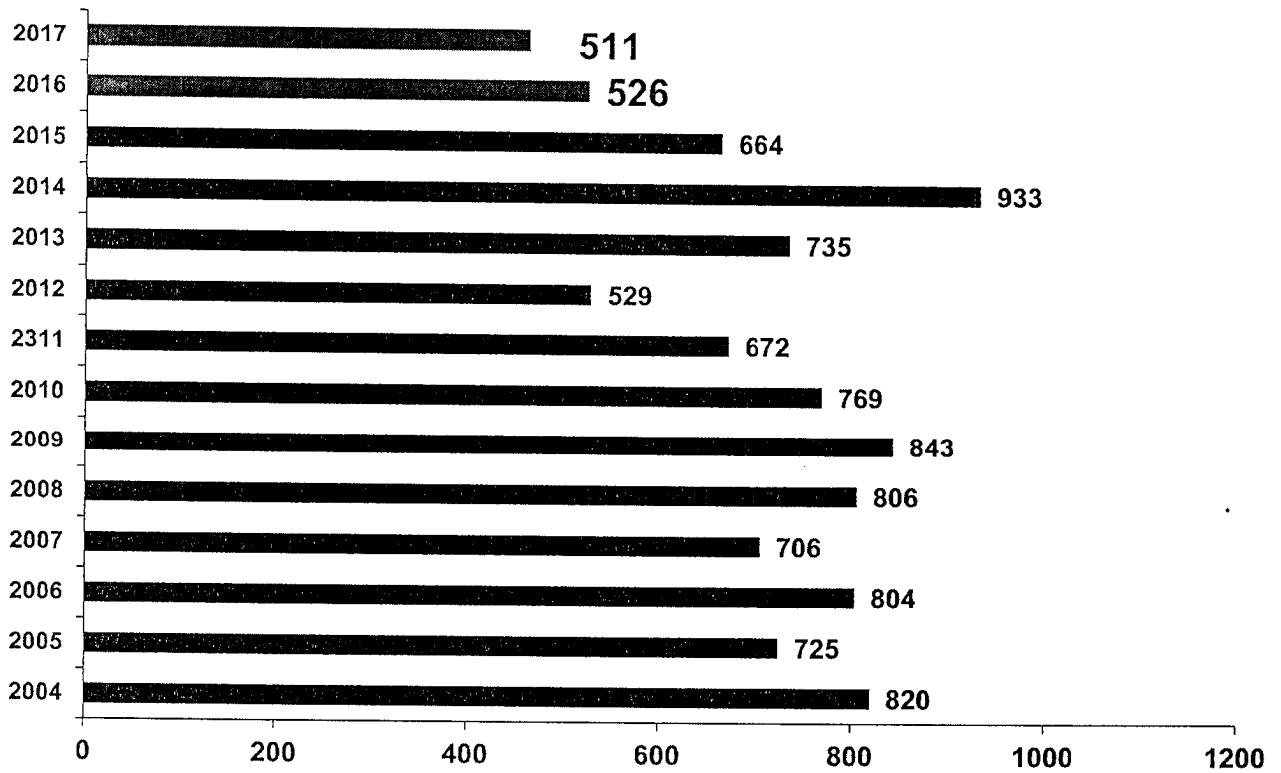
allegations have been reviewed.

There is not a one-to-one correlation in the number of complaints received by the PGPD and the number of investigations the CCOP reviews in a given year. It should be noted that investigations referred to the CCOP in a given year also include investigations completed for complaints filed in prior years. As a result, the data reported by the CCOP represents its workload for the completed investigations referred for the CCOP's review during the reporting period and is in no way illustrative of the number or level of complaints received by the PGPD during that same period.

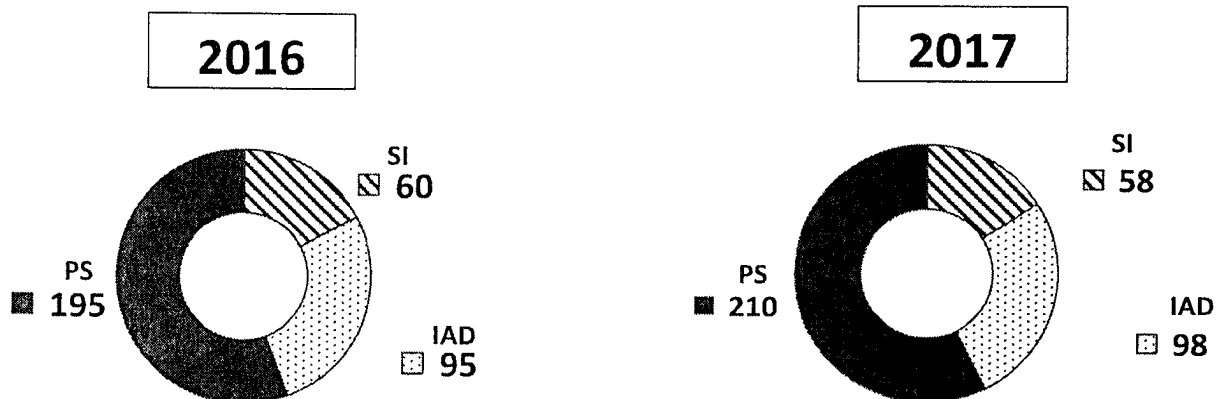
INCOMING WORKLOAD for 2016 and 2017

2017	105	IA and SI Completed investigations
	406	Incoming Complaints (including 206 PS)
2016	155	IA and SI Completed investigations
	371	Incoming Complaints (including 187 PS)

HISTORICAL PERSPECTIVE OF WORKLOAD

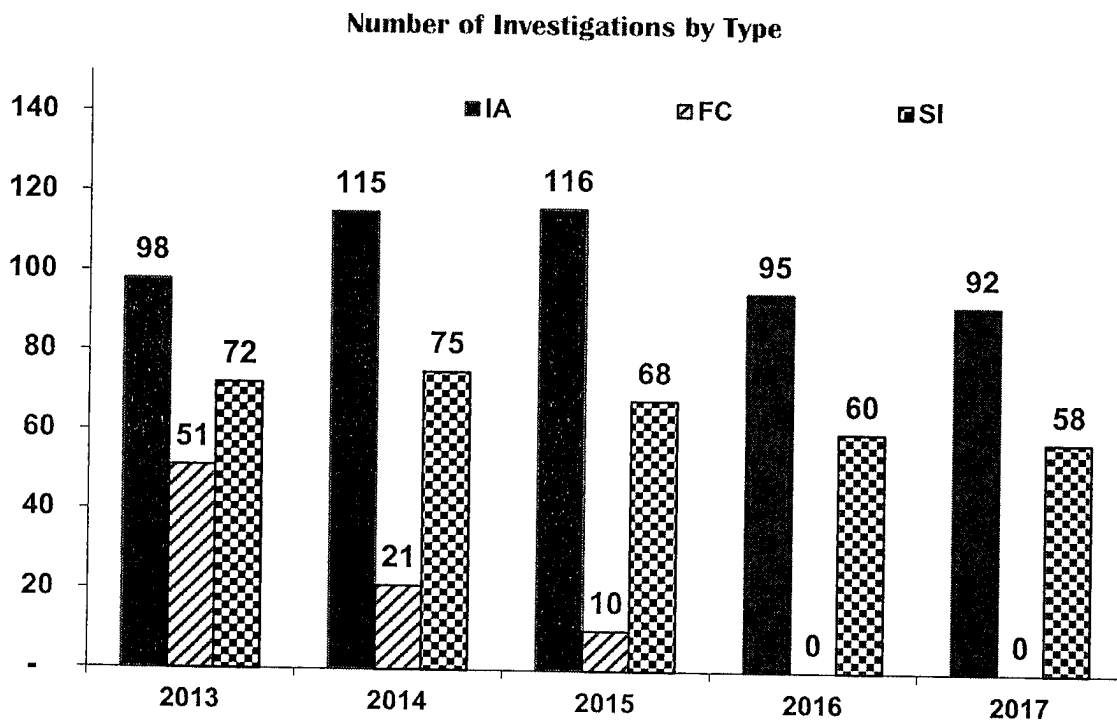


Incoming Complaints by Classification



The bulk of the Panel's effort is on reviewing SI and IA investigations, collectively referred to as Internal Affairs Division (IAD) investigations. Supervisory (PS) investigations normally deal with personnel and administrative issues and are reviewed, processed and tracked by staff. A historical distribution of investigations received by the CCOP for a five-year period (2013-2017), by type, is shown below.

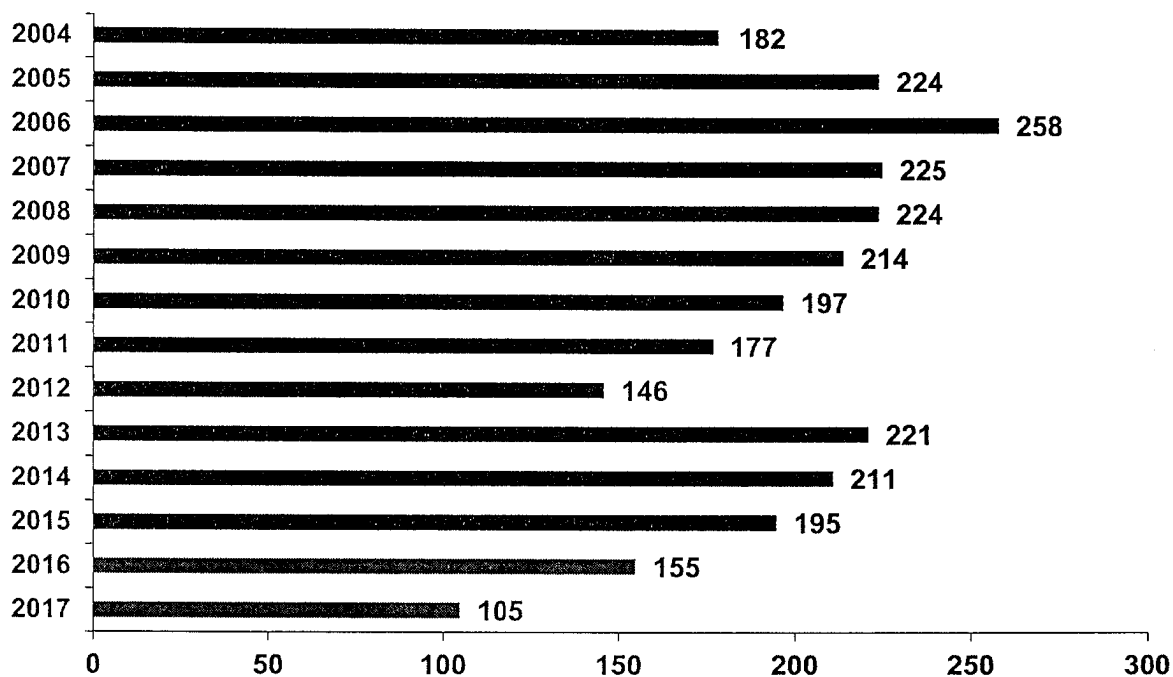
Note: The Field Case (FC) classification for investigations has been eliminated. In 2014, the Department began assigning complaints designated as FC cases for IA or SI investigations'



While the number of SI cases remained relatively consistent, the number of IA investigations had greater fluctuation over the 5-year period shown above.

The chart below illustrates a historical perspective for the number of investigations reviewed by the CCOP for a longer period, 2004 – 2017. During 2006, the peak year in this period, the number of investigations was 258. However, there has been a 59% decline since that year. The number investigations reviewed for 2016 was 105.

Number of Investigations Reviewed by Year



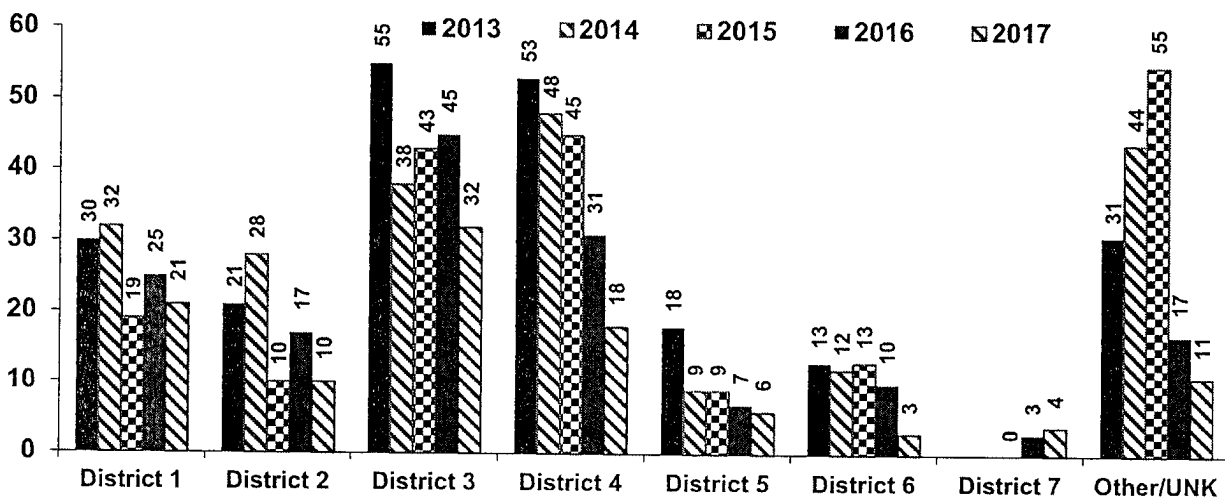
Below is the distribution of investigations by police district. As in previous years, District 3, District 4 and the category “Other” had the highest number of cases. The “Other” category refers to incidents involving officers assigned to the Department’s headquarters and to special teams and investigative units/assignments. These same districts also had the

largest decrease in complaints originating for officers assigned to their command.

Since 2013, District 3 decreased by 42%, from 55 investigations to 32; District 4 by 66%, from 53 to 18 and “Other” by 65%, from 31 to 11. These districts and assignments also cover the largest concentrations in the County.

Note: District 7 is a recently established district located in southern Prince George’s County and stats for this district were not available prior to 2015.

Number of Investigations Reviewed by District

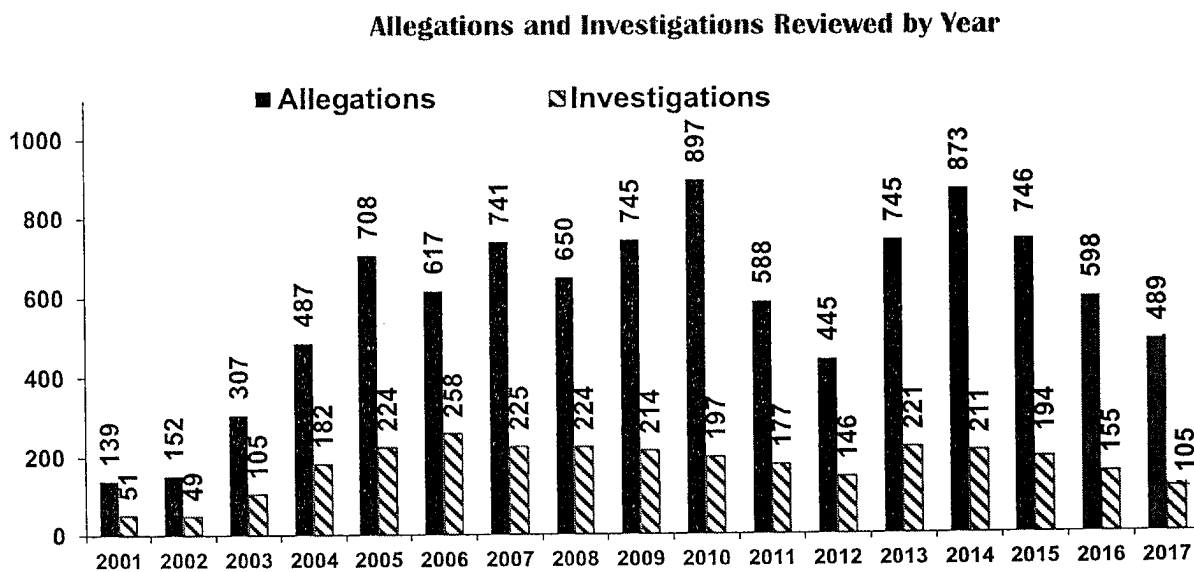


ALLEGATIONS

The number of investigations reviewed is not the sole indicator of the CCOP’s review workload. Much like a jury, the Panel must review, discuss,

and deliberate each charge or allegation presented in an investigation. Therefore, the total number of allegations is a better indicator of that workload.

The CCOP’s legislative authority was expanded in 2001, when the Panel reviewed only 139 allegations. By 2010, the peak year for allegations, this number was 897. This represented a 545% increase since the Panel’s authority was expanded. As shown in the chart below, since 2010, the pattern for the number of allegations referred to the CCOP has varied widely.



In 2016, the CCOP reviewed and deliberated a total of 598 allegations. In 2017, there were 489 allegations. For statistical purposes, all allegations are divided into the nine categories outlined below.

Attention to Duty - Failure to perform duties as prescribed.

Conduct Related - Unbecoming conduct and unreported misconduct.

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

Ethics/Credibility - False Statements and Misrepresentation of Facts.

Discharges/Firearms Related- Intentional and accidental discharges of a firearm by an officer, not as a use of force.

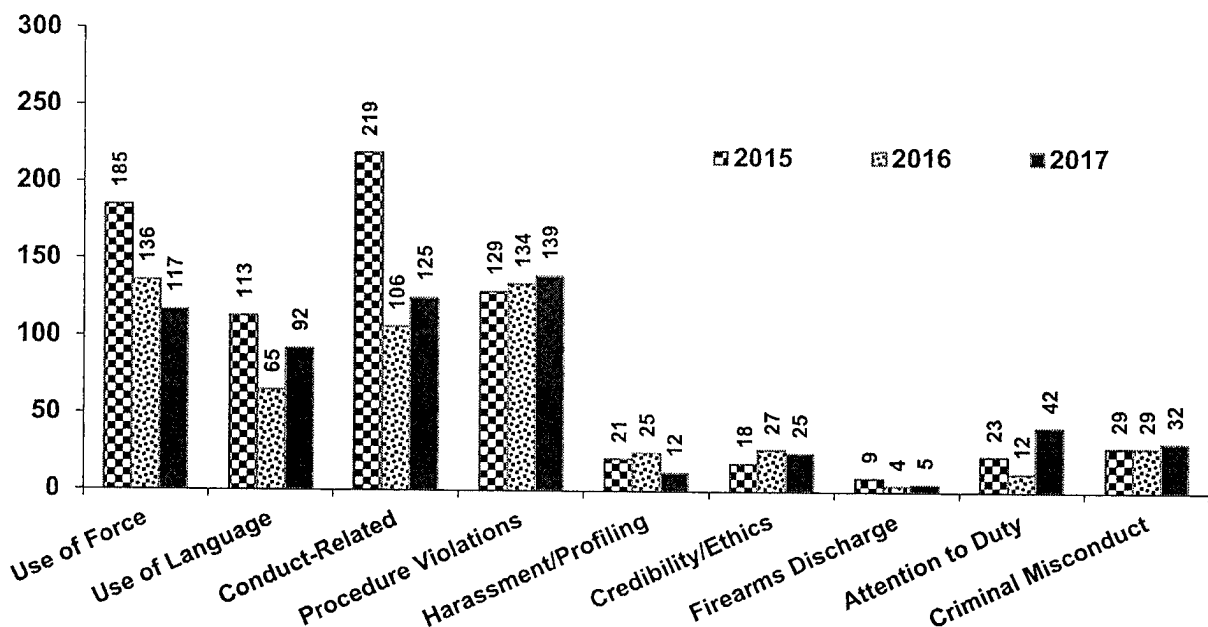
Harassment/Discrimination - Acts of unwarranted verbal or physical threats or demand, and any acts of misconduct related to a person’s race, creed, color, national origin, gender or religion.

Procedure Violation - Failure to adhere to procedures as outlined in the police General Order Manual or Standard Operating Procedures.

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

Use of Force –Excessive, unnecessary, and aggressive use of force.

Allegation Distribution by Type



The above chart gives a visual perspective of the distribution of allegations since 2015. There have been some notable decreases, across the board, in the distribution of allegations reviewed by the CCOP. Most notable was in the Conduct-Related category. These allegations decreased by 56%, from 219 in 2015 to 97 in 2017. Other noteworthy decreases include: Use of Force allegations decreased by 52%, from 185 in 2015 to 89 in 2017; Discharge of Fire Arms allegations decreased by 44%, from 9 in 2015 to 5 in 2017; and Harassment /Profiling allegations decreased by 43%, from 21 in 2015 to 12 in 2017. However, Attention to Duty allegations increased by 57%, from 23 in 2015 to 36 in 2017. The chart below shows a comparative distribution of allegations from 2015 to 2017.

Comparative Distribution of Allegations by Type

Allegations	2015	%	2016	%	2017	%	Chg 2015- 2017
Use of Language	113	15%	67	11%	89	18%	-21%
Use of Force	185	25%	156	26%	89	18%	-52%
Conduct-Related	219	29%	128	21%	97	20%	-56%
Procedure Violations	129	17%	145	24%	117	24%	-9%
Harassment /Profiling	21	3%	25	4%	12	2%	-43%
Ethics/ Credibility	18	2%	27	5%	18	4%	0%
Discharge of Firearm/Not Use of Force	9	1%	6	1%	5	1%	-44%
Attention to Duty	23	3%	15	3%	36	7%	57%
Criminal Misconduct	29	4%	29	5%	26	5%	-10%
Total	746		598	100%	489		

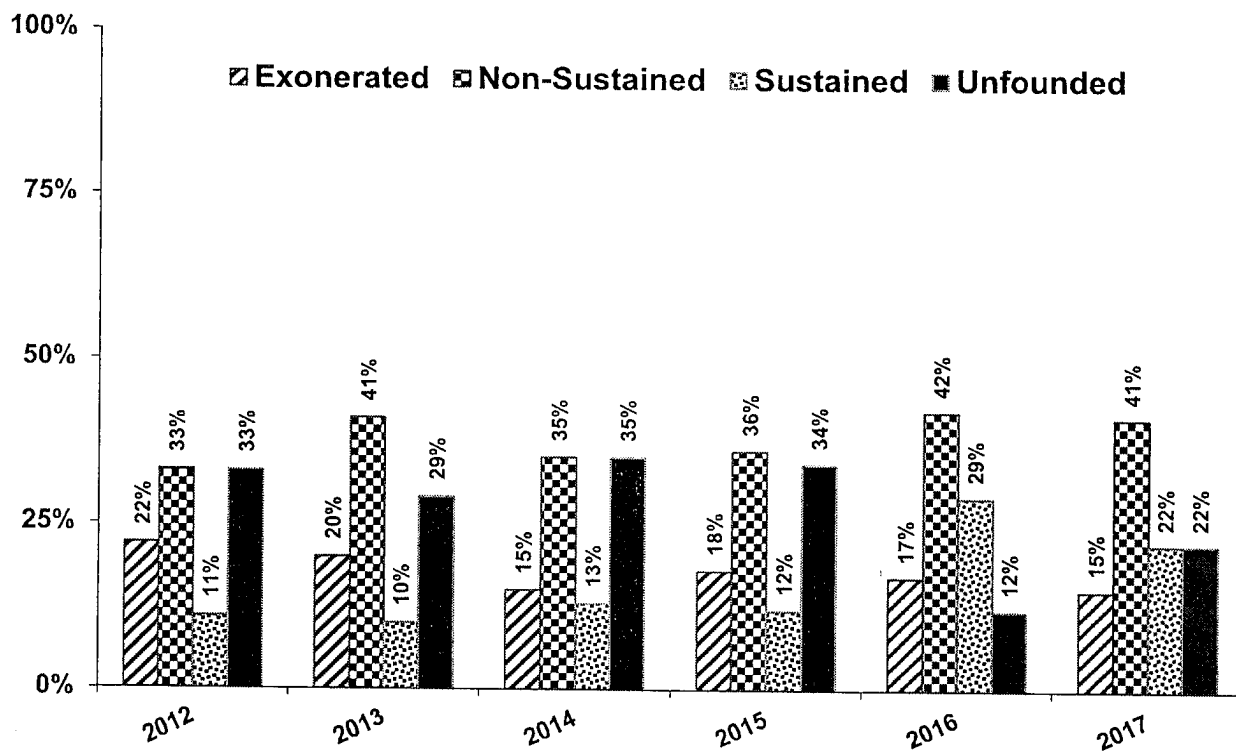
In 2016 and 2017, Conduct-Related, Use of Force, Use of Language, and Procedure Violation allegations were the most frequently reviewed allegations. This follows a historical trend. In 2016, the CCOP reviewed 156

(26%) Use of Force allegations; 128 (21%) Conducted-Related allegations; and 145 (24%) Procedure Violation allegations. In 2017, the Panel reviewed 97 (20%) Use of Force; 89 (18%) Conducted-Related; and 117 (24%) Procedure Violation allegations.

IAD RECOMMENDATIONS

When the Internal Affairs Division completes its investigations, the investigators make recommendations regarding the findings for each allegation in the case. For definition of each recommendation type, please see page 8.

HISTORICAL DISTRIBUTION OF RECOMMENDATIONS



As shown in the chart above, the relative distribution of IAD recommendations was consistent from 2012 to 2015. Non-Sustained was the most frequently recommended finding and Sustained, the least frequently recommended.

This followed a mostly historical pattern. However, this pattern changed for both 2016 and 2017, when the percentage of recommendations to sustain allegations was higher than recommendations to exonerate and, higher or equal to recommendations to unfound.

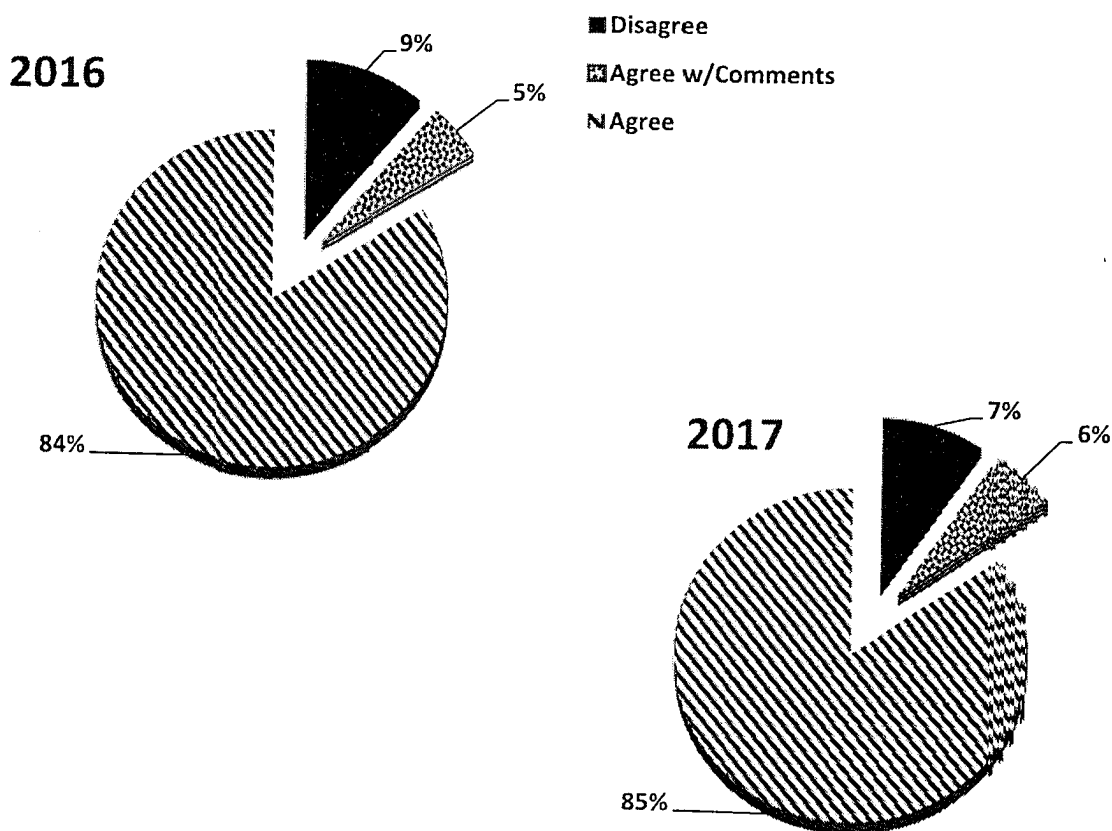
This is a significant change. The Panel considers this a possible indication of a future trend. Also, it is consistent with the improvements the Panel has noticed in the quality and thoroughness of the investigations it has reviewed over the past four years.

CCOP RECOMMENDATIONS

In 2016, IAD referred 590 allegations. Based on its reviews, the CCOP recommended an additional eight. In 2017, the IAD referred 482 allegations and CCOP recommended an additional seven.

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

When the CCOP disagrees with IAD recommendations, identifies additional allegations, or has comments regarding questionable aspects of an investigation, the CCOP submits a letter detailing its findings to the Chief of Police or response. In 2016, the CCOP disagreed with IAD findings, rendered comments or recommended additional allegations in 14% of the investigations reviewed by the CCOP. In 2017, the rate was 13%. This is a slight decrease from prior years, when this rate clustered at 18%-20%.



The CCOP takes pride in the part it plays in assuring that the Department holds officers fully accountable for their conduct. The Panel

has noted several improvements in the scope and quality of IAD investigations. The Panel believes this is due, in part, to its diligence and insistence on impartiality and thoroughness. Investigations were more thorough and broader in scope and investigators were more diligent in delineating and fully charging officers.

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

CASE PROCESSING TIME FRAME

When the number and/or complexity of investigations and allegations increased, the CCOP adjusted its meeting schedule. The Panel now meets 4-5 evenings per month to review and discuss cases. Additionally, some members spend non-meeting hours in the CCOP office reviewing case files, videotapes and other evidence to prepare for review meetings.

Even with special efforts, however, the CCOP was sometimes unable to meet the legislatively mandated time of no more than 40 work days to complete case reviews and prepare recommendations to the Chief. In 2016 and 2017, the Panel was able to review, deliberate, and rendered its

opinion to the Chief within the legislatively mandated time of no more than 40 work days approximately 90% of the time.

OUTREACH

Key to the CCOP's mission is its mandate to strengthen the relationship between the police and the community. The CCOP's efforts

to achieve this are normally concentrated in three main areas:

*Community Relations
Partnership Building
Improved Training for Panel Members*

In 2016 and 2017, the CCOP participated in limited outreach. The CCOP continued to inform the public of its services via its web page found on the Prince George's County Government's web site located at www.princegeorgescountymd.gov.

The CCOP's web pages offer a complete step-by-step guide to the complaint process. The 1072 Complaint Form, in both English and Spanish, can also be downloaded from the site. The site also provides an email link to the CCOP, as well as links to PDF versions of the CCOP's current and prior annual reports. The CCOP's annual report is published online only. Click the All Archive link to see prior reports not shown in list.

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

Panel members continued to be available to provide information on the CCOP and citizen/police interaction at various professional and community meetings. The CCOP office continued to provide outreach materials upon request. In 2017, the Panel provided technical assistance to the Charles County NAACP, as they considered implementing a form of civilian oversight in their jurisdiction. The Panel Chair and Staff Director attended a listening session in Chesapeake Beach, Maryland.

Additionally, the Panel Chair participated on the Department's Equality for Promotions, Discipline, and Practices Panel with other community leaders and officials. This body was charged with handling issues arising from complaints of discrimination and civil rights violations from officers with the Department. The Panel's Staff Director also provided a presentation to this group and answered questions about CCOP's observations.

The CCOP maintains membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE). Since its focus is on the work of similar oversight groups across the United States, NACOLE is of particular interest and significance to the CCOP, and has become a valuable resource. As a result, the CCOP instituted a modified version of

its recommended training program for civilian oversight panels. A major component of this program includes participation in NACOLE's training provided at its annual conference. The focus of the NACOLE conference is to provide a national debate on civilian oversight and policing in the United States.

In 2017, all seven Panel members participated in Judgmental Shooting Training at the Police Department's training center. The Panel also conducted five meetings with various Police Department representatives between 2016-2017 to discuss patterns, trends and issues. Some of the concerns discussed included case processing time frames, patterns related to MVS uses, problems with secondary employment in "rent jobs", alcohol usage, and judgement. See the issue section below for more details on the Panel's concerns regarding these issues.

ISSUES

Each year, the CCOP's annual report outlines critical issues related to the Panel's complaint review responsibilities, the PGPD policies and training, as well as community and citizen relations. The issues noted below for 2016 and 2017 were of concern to the Panel. They represent both issues that have been raised in previous years, as well as ongoing issues that have gained more attention during the most recent year.

Officers Involved in Scenarios Related to “Rent Deals”

Issue: In 2016 and 2017, the CCOP noticed a pattern of officers involved in complaints that arose from incidents that took place at the officer’s place of residence. In particular, this was related to officers who receive “rent deals”. This is a scenario where an officer received a discounted rent for living quarters by the owner or manager of a rental property. As part of this arrangement, the officer acts as an enforcement agent and helps the owner or manager of the property to maintain order and public safety.

RECOMMENDATION: The Panel recognizes the benefits of such arrangements to a community. It is helpful to have individuals living in a community who can respond to disturbances or help maintain public safety. The Panel also acknowledges that there is nothing in the General Orders Manual that prohibits such an arrangement with the Department’s officers. However, the Panel also notes that the General Order Manual does not contain any provision that addresses this type of arrangement. Considering the fact that such an arrangement does provide a benefit of sorts to an officer, while simultaneously benefiting the surrounding community, the Panel recommends that the Department develop a provision to include in the General Orders Manual that helps clarify the rules and responsibilities of officers who partake in such an arrangement. Specifically, while a “rent deal” is not necessarily secondary employment, the benefits received by an officer and the actions taken by that officer with such a deal are somewhat akin to secondary employment. Therefore, the Panel believes it would help the Department to clarify the duties and responsibilities of an officer participating in such an arrangement.

De-Escalating Situations and Training for Inherent Bias

ISSUE: As in previous years, the Panel reviewed several incidents where the actions of the officer quickly and seemingly unnecessarily escalated a situation resulting in a use of force or other actions taken by the officer against a citizen. Additionally, there have been cases where citizens interacting with police officers stated that they believed that they experienced biased treatment from officers. The conduct of officers towards all of the residents of the county reflects strongly on the reputation of the Department and should be the most exemplary form of interaction with the county's residents and visitors

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

The Panel also recommends that the Department enhance its existing training related toward inherent or implicit bias. This is not a critique necessarily directed at any single specific action or situation

encountered by the Panel in 2016 or 2017, but instead a reflection of the need in these times of heightened societal concern about policing that the Department enhance its efforts to assure that its officers strengthen positive interaction with residents and visitors to the county and work together with the community to enhance public safety.

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

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

RECOMMENDATION: Since 2011, the CCOP has continued to recommend that the department develop a long-term plan to provide operational video monitoring equipment in all departmental vehicles used for patrol. The CCOP continues to make this recommendation. Additionally, the CCOP recommends that officers be given periodic training to remind them of the necessity and benefit of properly functioning video monitoring equipment. The Panel also believes that the use of body cameras would also prove helpful and recommends the Department implement this type of program as soon as possible.

As in past years, the CCOP has been advised that as fleet vehicles are retired they are replaced with vehicles that are equipped with the technology to do audio and video recording of required stops. This replacement cycle will continue as vehicles are retired and new vehicles are acquired. The CCOP continues to call for more vehicles in the fleet to have updated MVS and projections on when the older vehicles will be phased out and the rest of the fleet will receive updated MVS.

Additionally, as in 2015, the Panel has been advised that a pilot project for body cameras was in the final stages of planning and would be implemented in the near future. The Panel would like to receive regular updates on this pilot project and recommends that any evidence collected from these body cameras in cases investigated by the Department be included in any reviews conducted by the Panel.

Also, the Panel recommends that the Department work at its fullest deliberate speed to implement the widespread use of body cameras throughout the entire department.

Videotaping of Officers by the Public

ISSUE: Officers should realize that they are subject to being videotaped by members of the public at all times, while working or operating a county vehicle or while taking official police actions. The PGPD adopted an internal policy on videotaping by members of the public in 2016 which stated that officers were not allowed to interfere with the videotaping of police activities carried out in the public domain so long as such videotaping did not interfere with the police carrying out their

duties. Nevertheless, the CCOP has continued to review incidents where officers attempted to confiscate or confiscated cellular phones of members of the public who were attempting to videotape them, which is a constitutionally protected right. Officers enjoy no expectation of privacy while performing police duties and should assume that they are being videotaped at all times while working. Often, videotaped footage of officers by citizens shows that the officer was acting in a proper manner.

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

Questionable Judgment, Ethics, and Misrepresentation of Facts

ISSUE: As noted in previous annual reports, the overall number of specific cases involving this broader category related to proper judgment is relatively small. The conduct does not involve or reflect the actions of the clear majority of officers, who instead conduct themselves in a highly professional manner. Nonetheless, the Panel's review of cases in 2016 and 2017 did reveal a continuing trend from 2012, 2013, 2014, and 2015 where it noted some glaring cases of officers exercising questionable judgment, a lack of attention to duty, or situations that could cast doubt on their ethical behavior or the proper representation of facts.

RECOMMENDATION: The Panel continues to recommend that the Department review its training and orientation related to ethics and proper behavior and that all officers—from newly sworn officers to longtime experienced officers and commanders—maintain the highest level of ethics and sound judgment that the community depends upon for proper law enforcement and public safety. The Panel will continue to schedule meetings with the Department to discuss best practices used nationally and would advise the Department to seriously consider bolstering the training related to ethics for new recruits, veterans, and command staff.

Investigative Process and Timeliness of Review

ISSUE: The Panel recognizes that investigations have overall become more thorough and broader in scope and investigators are more diligent in delineating and fully charging officers. However, the CCOP notes that during the second half of 2017, some investigations have continued to reach the Panel with little time left for a thorough review by members or even after the appropriate deadline established by the Law Enforcement Officers Bill of Rights (LEOBR) has passed.

RECOMMENDATION: The Panel understands the challenges the Department has when new investigators begin their responsibilities as there will be periods of adjustment. Working closely with the Department, the Panel has established an enhanced marking and monitoring process to keep the deadlines of both the 30-day review period established for the Panel as well as the one-year deadline established by LEOBR in the forefront of the review process. It is anticipated that with this improved process, cases will be fully reviewed and returned to the Department with

enough time for it to take any disciplinary actions related to the investigations.

Consumption of Alcohol and Use of County Vehicles

ISSUE: While the Panel recognizes that the number of cases involving officers consuming alcohol and subsequently using county vehicles has not increased dramatically in 2016 and 2017 compared to levels of previous years, a particular technical issue in interpreting the General Orders Manual continues to create challenges. Specifically, there appears to be some technical ambiguity relating to two provisions that address the consumption of alcohol and the use of official vehicles. Volume I, Chapter 10, Section 2 addresses the prohibited uses of county vehicles. In this section, it specifically notes that no officer may drive a county vehicle after consuming alcohol. Meanwhile, Volume II, Chapter 22 of the General Orders Manual states that officers may not drive a county vehicle while under the influence of alcohol or other impairing substances. The challenge arises when trying to determine which measure is the most appropriate to apply to investigations involving the consumption of alcohol and driving county vehicles. Additionally, neither policy delineates what would be a permissible period of time between the consumption of alcoholic beverages and operating a county vehicle, nor the amount of consumed alcohol. There have been some cases where the lack of clarity on these issues made it difficult for the Panel to assess and come to a consensus on what was reasonable given the facts of the case. The lack of specificity regarding the time allowed and quantity of alcohol consumption permitted could result in the uneven application of the rule and inconsistency in the severity of sanctions recommended for officer behavior.

RECOMMENDATION: The Panel notes that the Department, for several years, has applied the more stringent of the two provisions of the General Orders Manual (Volume I, Chapter 10, Section 2) when conducting investigations. While the Panel recognizes the Department's position to enforce the stricter of the two contradictory provisions, it recommends that the Department clarify the issue with a revision to the General Orders that establishes a clear and enforceable standard to help eliminate any ambiguity about the issue.

Officers Working Secondary Employment in Bars and Night Clubs

ISSUE: The Panel has continued to review some cases in 2016 and 2017 involving Prince George's County Police Officers working secondary employment in bars and nightclubs where the officer's actions appear to have blurred the lines between acting as an employee of the establishments versus carrying out actions as a sworn police officer. Such actions as screening or searching patrons entering an establishment, removing patrons that fail to leave promptly when an establishment closes or controlling parking as well as ingress and egress in private parking lots are typically actions performed by private personnel hired by such establishments. The Panel has noted, in a few instances, that officers have carried out such employee-related activities and then exerted police actions up to and including the use of force and the arresting of persons. In at least one instance what might have been a simple request to leave an establishment resulted in a use of force resulting in broken bones and an arrest because a patron failed to follow the orders of the officer promptly.

RECOMMENDATION: The Panel notes that the Department has a clear and established policy governing secondary employment which specifies the procedures for obtaining approval for secondary employment as well as reporting on the actual time of performance of secondary employment as a routine matter. This policy has noticeably reduced the overall number of secondary employment violations compared to previous years. However, it appears that considerable latitude remains regarding the actions of officers when performing secondary employment, particularly in nightclubs and bars. It is the Panel recommends that additional specificity be considered in defining what roles officers should perform when working for such establishments. For example, if officers are only to act as keepers of the peace (that is not as general employees) then those actions should be a limiting factor for other non-peace keeping activities. Consequently, if officers are permitted to manage vehicular egress upon the closure of a facility then it is recommended that those actions be specified.

Additional Information

**Glossary of Terms
Enabling Legislation
Complaint Form (1072)
Complaint Process**

GLOSSARY

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

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

Use of Force:

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

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

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

Use of Language:

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

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

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

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

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

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

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

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

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

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

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

CCOP - The Citizen Complaint Oversight Panel

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

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

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

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

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

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

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

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

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

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

REPORT/REPORT OF INVESTIGATION

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

LEGISLATION

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1990

Bill No. CB-25-1990

Chapter No. 30

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

Introduced by Council Members Bell, Mills and Pemberton

Co-Sponsors

Date of Introduction June 12, 1990

BILL

AN ACT concerning

Citizen Complaint Oversight Panel

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

BY repealing:

SUBTITLE 2. ADMINISTRATION.

Section 2-231,

The Prince George's County Code

(1987 Edition, 1988 Supplement).

BY adding:

SUBTITLE 2. ADMINISTRATION.

Section 2-231,

The Prince George's County Code

(1987 Edition, 1988 Supplement).

SUBTITLE 18. POLICE.

Sections 18-186.01 through
18-186.08, inclusive,
The Prince George's County Code
(1987 Edition, 1988 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince
George's County, Maryland, that Section 2-231 of the Prince George's
County Code be and the same is hereby repealed.

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 8. Discrimination by Law Enforcement
Officers.

[Sec. 2-231.]

SECTION 2. BE IT FURTHER ENACTED that new Sections
2-231 and 18-186.01 through 18-186.08, inclusive, be and the same
are hereby added to the Prince George's County Code to read as
follows:

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 8. Discrimination by Law Enforcement
Officers.

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

(a) Notwithstanding the provisions of Section 2-230, if a
complaint pursuant to Section 2-229 involves a member of the Prince
George's County Police Department the Human Relations Commission
shall complete its investigation, conduct a public hearing before
three members of the Law Enforcement Panel of the Commission, in

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

7 SUBTITLE 18. POLICE.

8 DIVISION 5. POLICE DEPARTMENT.

9 Subdivision 3. Citizen Complaint Oversight
10 Panel.

11 Sec. 18-186.01. Legislative Findings.

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

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

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

1 the investigation was complete, thorough, and impartial.

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

8 Sec. 18-186.02. Definitions.

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

11 (1) "Abusive language" means harsh, violent, profane or
12 derogatory language which would demean the dignity of any person.

13 "Abusive language" includes, but is not limited to, profanity, and
14 racial, ethnic or sexist slurs.

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

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

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

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

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

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

1 the Prince George's County Police Department.

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

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

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

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

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

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

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

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

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

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

9 Sec. 18-186.04. Citizen Complaints.

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

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

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

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

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

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

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

13 Sec. 18-186.05. Investigation of Complaints.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The investigation and hearing by the Human Relations

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

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

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

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

22 (1) Sustain the complaint;

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

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

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

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

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

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

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

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

1 (g) The Panel shall report its comments and recommendations in
2 writing to the Chief Administrative Officer in each case upon the
3 closing of the case by the Chief of Police.

4 (h) The Panel shall make public an annual report of its
5 activities.

6 SECTION 3. BE IT FURTHER ENACTED that if any section,
7 subsection, paragraph, sentence, clause, or phrase of this Act
8 should be declared invalid for any reason whatsoever, such decision
9 shall not affect the remaining portions of this Act, which shall
10 remain in full force and effect, and for this purpose, the
11 provisions of this Act are hereby declared to be severable.

12 SECTION 4. BE IT FURTHER ENACTED that this Act shall take
13 effect forty-five (45) calendar days after the date it becomes law.

14 Adopted this 3rd day of July, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

15
16
17 BY: Jo Ann T. Bell
18 Jo Ann T. Bell
Chairman

19 ATTEST:

20 Jean M. Schmitt
21 Jean M. Schmitt, CMC
Clerk of the Council

22 APPROVED:

23 DATE: July 12, 1990

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

26 EFFECTIVE: AUGUST 27, 1990

27 KEY: _____

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1994

Bill No. CB-44-1994

Chapter No. 56

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

Introduced by Council Member Pemberton

Co-Sponsors _____

Date of Introduction June 14, 1994

BILL

AN ACT concerning

Citizen Complaint Oversight Panel

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

BY repealing and reenacting with amendments:

SUBTITLE 18. POLICE.

Section 18-186.03.

The Prince George's County Code

(1991 Edition, 1992 Supplement).

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

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

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

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

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

* * * * *

SECTION 2. BE IT FURTHER ENACTED that individuals appointed to fill vacancies in terms beginning in 1994 or 1995, who have already served one or more consecutive terms of one year or two years may serve three consecutive terms provided that the total amount of consecutive service shall not exceed eight years.

SECTION 3. BE IT FURTHER ENACTED that of the four positions becoming vacant in 1995, two shall be filled for terms of four years, expiring in 1999, and two shall be filled for terms of only two years, expiring in 1997. ~~Thereafter, no more than three positions shall expire in any one year.~~

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law and shall be retroactive to January 1, 1994.

Adopted this 19th day of July, 1994.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

F. Kifwan Kineland
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: August 2, 1994

BY:

Parris N. Glendening
County Executive

KEY:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2001 Legislative Session

Bill No. CB-59-2001
Chapter No. 51
Proposed and Presented by Council Members Estep, Bailey and Russell
Introduced by Council Members Estep, Bailey and Russell
Co-Sponsors _____
Date of Introduction October 16, 2001

BILL

1 AN ACT concerning

2 Citizen Complaint Oversight Panel

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

7 BY repealing and reenacting with amendments:

8 SUBTITLE 2. ADMINISTRATION.

9 Sections 2-229 and 2-231,

10 The Prince George's County Code

11 (1999 Edition, 2000 Supplement).

12 SUBTITLE 18. POLICE.

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

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

15 The Prince George's County Code

16 (1999 Edition, 2000 Supplement).

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

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 8. Discrimination by Law Enforcement Officers.

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

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

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

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

* * * * *

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

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

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 * * * * * * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 [(1) Sustain the complaint;

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

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

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

29 (5) Remand the complaint for further investigation to the Internal Affairs Division.]

30 (1) Sustained. A preponderance of the evidence proves that the alleged act or acts
 31 occurred and that the act or acts violated Department policy or procedure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) Final disposition of a complaint.

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

Adopted this 6th day of November, 2001.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Ronald V. Russell
Ronald V. Russell
Chairman

ATTEST:

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

APPROVED:

DATE: 26 NOV 2001

BY: Wayne K. Curry
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

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

COMPLAINT FORM



**PRINCE GEORGE'S COUNTY POLICE DEPARTMENT
COMPLAINT AGAINST POLICE PRACTICES**

Headquarters:
7600 Barlowe Road
Palmer Park, MD 20785
301-772-4778

Internal Affairs Division
6707 Groveton Drive
Clinton, MD 20735
301-856-2660

TODAY'S DATE: _____

YOUR NAME: _____
(LAST) (FIRST) (MIDDLE) (DATE OF BIRTH)

YOUR ADDRESS: _____
(STREET)

(CITY, STATE, ZIP CODE) (PHONE NUMBERS)

WHERE CAN YOU BE REACHED DURING THE DAY? _____
(ADDRESS) (PHONE NUMBERS)

IF YOU ARE VISITING THE WASHINGTON AREA, WHERE CAN YOU BE CONTACTED IN THIS AREA?

(ADDRESS) (PHONE NUMBERS)

WHEN AND WHERE DID THE INCIDENT THAT YOU ARE COMPLAINING ABOUT OCCUR? _____
(DATE & TIME)

(ADDRESS OF INCIDENT OR DESCRIBE LOCATION/AREA IN DETAIL)
LIST THE NAME(S) OF THE OFFICER(S) INVOLVED IF YOU KNOW THEM
1) _____ ID# _____ 2) _____ ID# _____
3) _____ ID# _____ 4) _____ ID# _____

ARE THESE OFFICERS FROM THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT OR FROM SOME OTHER AGENCY? PRINCE GEORGE'S COUNTY POLICE _____ OTHER (PLEASE LIST) _____
PLEASE LIST ANY IDENTIFICATION OF THE OFFICER(S) THAT YOU KNOW (CAR NUMBER, PHYSICAL DESCRIPTION, ETC.) _____

LIST THE NAME(S) AND ADDRESS(ES) OF ANY WITNESS(ES) TO THE EVENT YOU ARE COMPLAINING ABOUT
1) _____ 2) _____

WHAT IS YOUR COMPLAINT? PLEASE DESCRIBE WHAT HAPPENED IN YOUR OWN WORDS. (USE EXTRA PAPER, IF NECESSARY, AND ATTACH TO THIS FORM)

PLEASE READ THE REVERSE SIDE OF THIS FORM

YOUR SIGNATURE _____ WITNESS TO YOUR SIGNATURE _____

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

THE FOLLOWING INFORMATION IS PROVIDED FOR COMPLAINTS OF EXCESSIVE FORCE OR POLICE BRUTALITY. THIS INFORMATION IS NOT INTENDED TO DISCOURAGE LEGITIMATE COMPLAINTS AGAINST POLICE OFFICERS. THE VALIDITY OF A THOROUGH INVESTIGATION DEPENDS UPON TIMELY AND TRUTHFUL INFORMATION.

Maryland Public Safety Code, 3-104 (C) (1) (I-IV) and 3-104 (D) and 2016 MD Legislation HB1016

A complaint against a law enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint is sworn to under penalty of perjury by one of the following: the aggrieved person; a member of the aggrieved person's immediate family; any person with firsthand knowledge obtained as a result of the presence at the alleged incident; someone who has a video recording of the incident, that, to the individuals knowledge, is unaltered, or; by the parent or guardian in the case of a minor child. An investigation which could lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken unless the complaint is filed within 366 days of the alleged brutality.

Maryland Public Safety Code, 3-113

Any person who knowingly makes a false statement, report or complaint in the course of an investigation or any proceeding conducted under the provisions of this subtitle is subject to the same penalties as provided in Maryland Criminal Law Code Annotated, 9-501. (1977, ch. 366.)

Maryland Criminal Law Code Annotated, 9-501

Any person who makes a false statement, report or complaint, or who causes a false statement, report or complaint to be made, to any peace or police officer of any county, city or other political subdivision of this State, knowing the same, or any material part thereof, to be false and with intent to deceive and with intent to cause an investigation or other action to be taken as a result thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or be imprisoned not more than 6 months, or both.

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

I do solemnly declare and affirm under penalty of perjury that I have read or have had read to me the foregoing laws pertaining to this complaint and that the contents of this document are true and correct to the best of my knowledge and belief.

SIGNATURE

(DATE)

WITNESS SIGNATURE

(DATE)

Witness Address:

Witness Phone:

**Prince George's County Police Department
Complaint Against Police Practices
Form Completion Instructions**

After the Adobe PDF form is downloaded onto your computer screen:

For complaints NOT INVOLVING police brutality:

- 1) Print a copy of page 1
- 2) Fill out the form completely with as much detail as possible
- 3) Incomplete information may delay the investigation
- 4) Make 2 extra copies of the completed form
- 5) The completed original and one copy may be hand delivered to any County Police station
 - The Police Department will take possession of the original form and 1 copy
 - You should keep 1 copy for your records
- 6) Or mail the original and 1 copy to:

**Prince George's County Police
Internal Affairs Division
6707 Groveton Drive
Clinton, Maryland 20735**

OR

**Prince George's County Government
Citizen Complaint Oversight Panel
9201 Basil Court, Room 466
Largo, Maryland 20774**

For complaints INVOLVING police brutality:

- 1) Print 3 copies each of pages 1 and 2
- 2) Fill out all 3 copies of page 1 completely with as much detail as possible
- 3) Incomplete information may delay the investigation
- 4) Cause the completion of all 3 copies of page 2 by:
 - A witness
- 5) You can hand deliver 2 of the completed copies of pages 1 and 2 to any County Police station
 - You should keep 1 copy of page 1 and 2 for your records
- 6) Or mail 2 of the completed copies of pages 1 and 2 to:

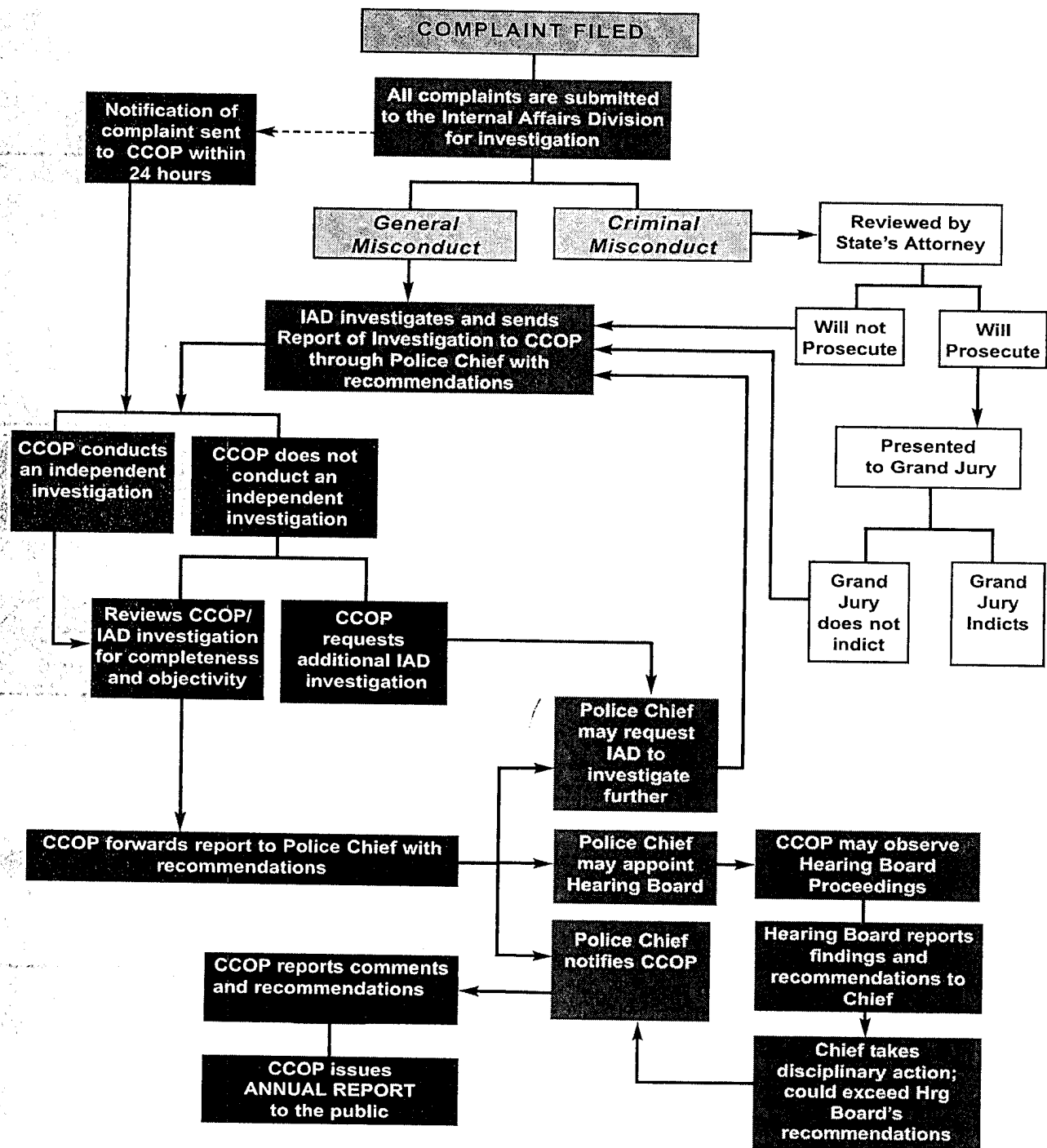
**Prince George's County Police
Internal Affairs Division
6707 Groveton Drive
Clinton, Maryland 20735**

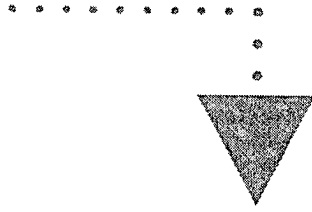
OR

**Prince George's County Government
Citizen Complaint Oversight Panel
9201 Basil Court, Room 466
Largo, Maryland 20774**

COMPLAINT PROCESS

Complaint Processing



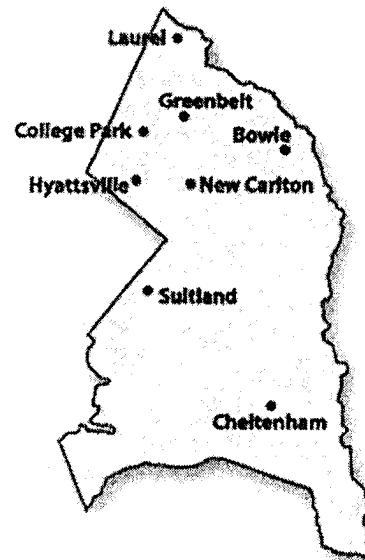


Prince George County Government

Citizen Complaint Oversight Panel

January 2019 - March 2019

QUARTERLY SNAPSHOT



Angela D. Alsobrooks
County Executive

Message from Chair

Dear Citizens and Residents:

The Prince George's County Citizen Complaint Oversight Panel (CCOP) has been part of a police accountability process in Prince George's County for more than 30 years. We ensure that anyone with a complaint regarding the conduct of an officer of the Prince George's County Police Department is able to formally submit that complaint, that their complaint is treated and investigated properly and that there is independent oversight of the investigative process. As such, the Panel is a separate County government entity, independent of the police department and comprised of citizens from throughout the County who dedicate their time to complete that mission.

Our primary mandate is to ensure that complaints against officers of the Prince George's County Police Department are thoroughly and impartially investigated. Our primary goal is to mitigate unnecessary acts of force, violence and other incidents of misconduct.

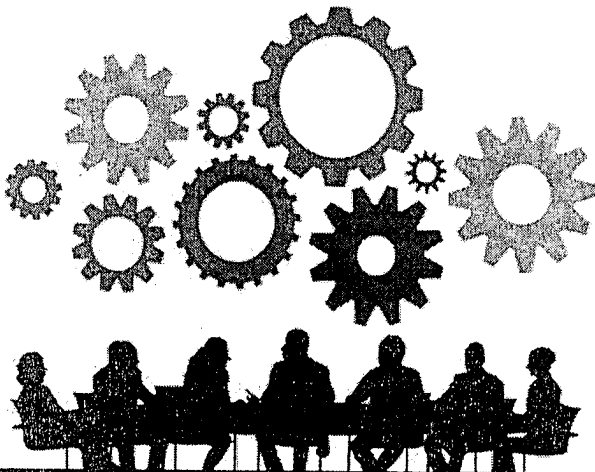
Our reports provide valuable insights on police conduct to County residents and visitors. We have changed to a snapshot format, focused on core data. Beginning with this report, we will publish these snapshots on a quarterly, as well as publish an annual report.

Continuous improvement, a more transparent accountability process and public engagement are our objectives! Thank you for your interest in the Citizen Complaint Oversight Panel.

Sincerely,

Dale A. Crowell

*Dale A. Crowell
Chairperson*



CCOP meets once per week to review Internal Affairs investigations.

Inside

- **Statistical Data**
- **Case Recommendations**
- **Quarterly Highlights**
- **Issues and Concerns**
- **Case Summaries**
- **Important Info**

Panel Composition

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

PANEL MEMBERS

Dale Crowell, Chair

Mary Godfrey, Vice Chair

Florence Felix-Lawson

Blanco High

Cardell Montague

Kimberlei Richardson

Vacancy

LEGAL COUNSEL

Marva Jo Camp, Esq

STAFF

L. Denise Hall

Staff Director

Ashley Smalls

Administrative Aide

1st Quarter 2019

Workload

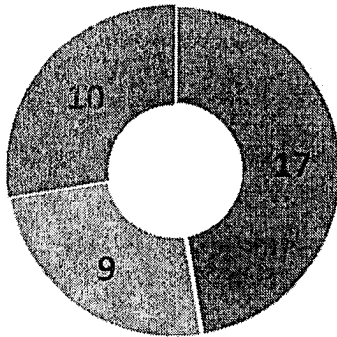
CCOP normally processes investigations in the two major categories below:

Special Investigations (SI) - Investigations that allege a criminal act or could result in a criminal charge or investigation, such as domestic violence, DWI/DUI, theft, unauthorized access to a criminal data base, uses of force that result in injury and all discharges of firearms. A special investigation team within the police department investigates these complaints.

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

Police Supervisory Investigations (PS) - Complaints initiated by police supervisory staff regarding an officer's performance of or failure to perform his assigned administrative duties. They are also related to citations received by officers for violations of traffic laws.

36 Investigations Received



- Internal Affairs
- Special Investigations
- Missing Evidence

Note that the category “Missing Evidence” was added this quarter. During 1st Quarter 2019, the CCOP received a number of investigations that were missing evidence/items. This has not been an issue in the past, but was noteworthy for this quarter, as it had a direct impact on the number of reviews the Panel completed, as compared to prior periods.

Of the 36 investigative files the CCOP received this quarter, 10 were missing audio and/or video evidence. In each case, a letter was sent to the CCOP advising the Panel that the specific evidence could not be duplicated and instructed that if Panel members needed to see this evidence, they must come to the Internal Affairs Division office to view the evidence.

The CCOP found this request unusual and burdensome. The files were returned to the Department with a request that the missing evidence be provided to the CCOP and under the normal referral process. The Department has agreed to secure and provide copies of this evidence in the usual manner. Those files, with copies of missing evidence, are scheduled to be returned to the CCOP during the next quarter.

44.1%
Internal Affairs
Investigations

26.5%
Special
Investigations

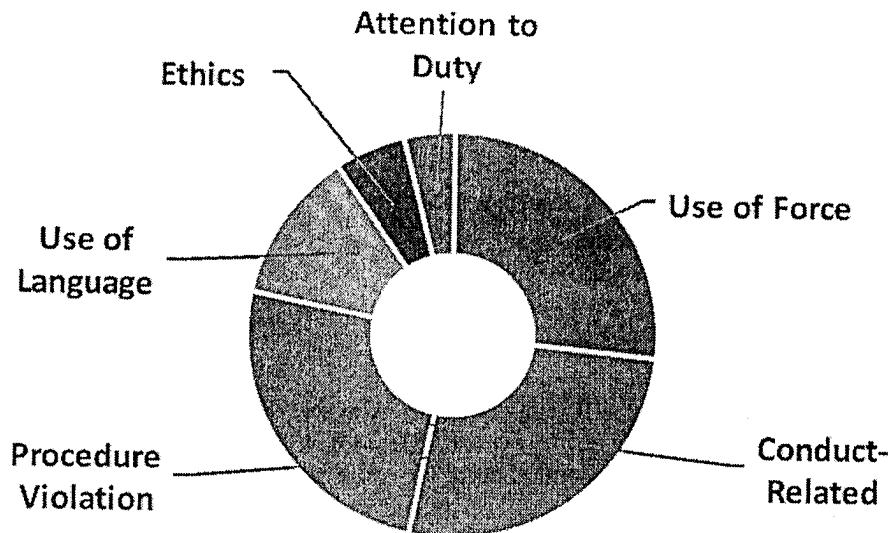
29.4%
Missing Evidence*

1st Quarter 2019

Allegations by Type

Allegations	Count	%
Use of Force	33	26.6%
Procedure Violation	33	26.6%
Conduct-Related	31	25.0%
Use of Language	15	12.1%
Ethics	7	5.6%
Attention to Duty	5	4.0%
TOTAL	124	100.0%

Distribution of Allegations



This quarter, the CCOP deliberated a total of 122 allegations referred in 26 complete investigations and CCOP recommended an additional five (5), for a total of 127 allegations reviewed by the CCOP. For statistical purposes, all allegations are divided into the nine categories outlined below. Their distribution is illustrated in the chart and table below.

- **Attention to Duty** - Failure to perform duties as prescribed.
- **Conduct Related** - Unbecoming conduct and unreported misconduct.
- **Criminal Misconduct** – Administrative charge for misconduct not successfully prosecuted in courts.
- **Ethics Violation** - False Statements and Misrepresentation of Facts.
- **Firearms Charges** -Intentional and accidental discharges of a firearm by an officer.
- **Harassment/Discrimination** - Acts of unwarranted verbal or physical threats or demand, and any acts of misconduct related to a person’s race, creed, color, national origin, gender or religion.
- **Procedure Violation** - Failure to adhere to procedures as outlined in the police General Order Manual or Standard Operating Procedures.
- **Use of Language** -Abusive, discriminatory or inappropriate use of language.
- **Use of Force** – Non-firearms related excessive, unnecessary, and aggressive use of force.

1st Quarter 2019

Recommendations

The following recommended dispositions are referred by Internal Affairs for each allegations investigate. The CCOP either agrees with the Internal Affairs recommendation or recommend a different disposition, using these same disposition types.

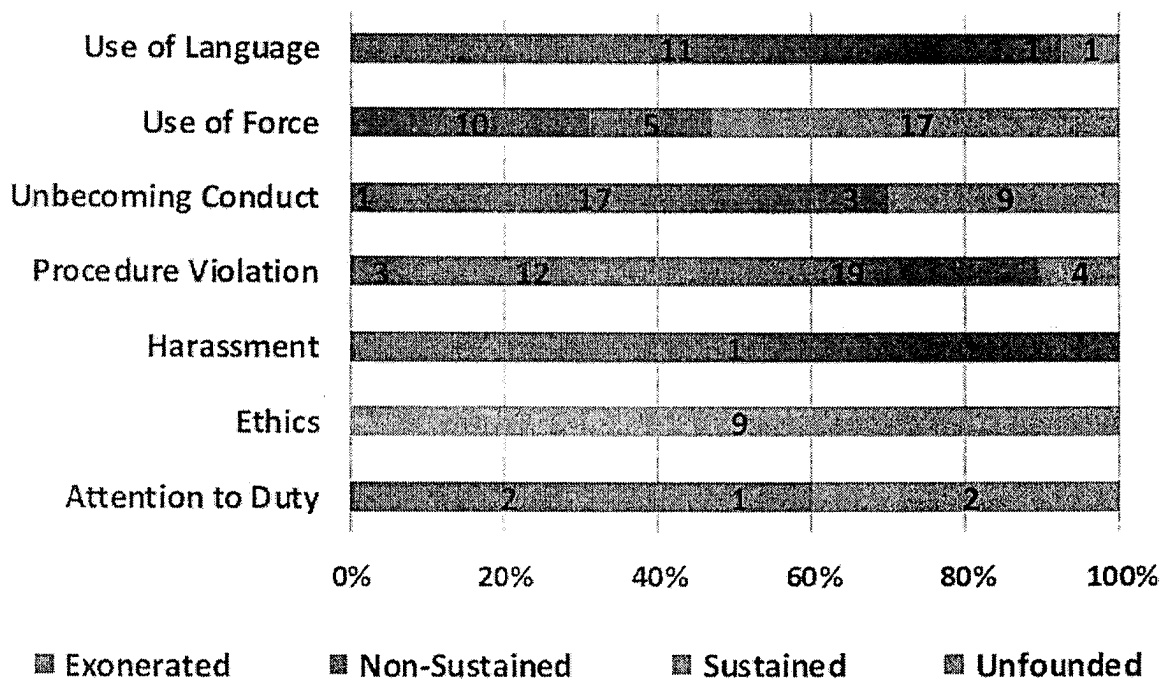
Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure;

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

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

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

Recommendations by Allegations



10.9%
Exonerated

37.5%
Non-Sustained

32.8%
Sustained

32.8%
Unfounded

1st Quarter 2019

Case Recommendations

Allegations referred for the CCOP's review are grouped into the eleven categories shown below, based on the nature of the incident associated with or that resulted in the allegation being investigated.

Arrest— Subsequent to or during the arrest or detention of a subject.

Dispatched to Scene—The allegation is related to an encounter that occurred when officer was dispatched to a scene.

Domestic— The officer reported to or was the subject of a domestic incident.

Firearms Related — The incident resulted in the intentional or unintentional discharge a firearm, improper handling or storage of a firearm, or failure to follow protocol related to the use of a firearm.

Investigative Stop/Patrol Duty— The allegation occurred during an investigation stop or during the officer's normal patrol duties.

Internal Incident— Originated by a superior or other officer or are actions that occurred internally

(i.e., in office spaces, classrooms, inside district stations, etc.).

Off-Duty— Alleged misconduct occurred when the officer was off-duty and not on secondary employment.

Other Duties or Assignment - Alleged misconduct occurred while the officer was assigned to special teams or other duties.

Search or Warrant— Subsequent to the search of a subject and/or his property. Also includes allegations related to the execution of warrants, of all types.

Secondary Employment— Allegation occurred during the officer's secondary employment assignment.

Traffic Stop—Related to a traffic stop or traffic incident.

EXONERATED

Case #	Allegations	IAD Recommendations	CCOP Recommendations	Related Incident
IA 17-55	Attention to Duty	Exonerated	Agreed	Traffic Stop
IA 17-55	Attention to Duty	Exonerated	Agreed	Traffic Stop
IA 17-67	Use of Force	Exonerated	Agreed	Internal
IA 17-67	Use of Force	Exonerated	Agreed	Internal
IA 17-68	Procedure Violation	Exonerated	Agreed	Traffic Stop
IA 17-70	Unbecoming Conduct	Exonerated	Agreed	Internal
IA 18-25	Use of Force	Exonerated	Agreed	Dispatched to Scene
IA 18-25	Use of Force	Exonerated	Agreed	Dispatched to Scene
IA 18-54	Procedure Violation	Exonerated	Agreed	Internal
IA 18-54	Procedure Violation	Exonerated	Disagreed	Internal
SI 17-37	Use of Force	Exonerated	Agreed	Traffic Stop
SI 17-37	Use of Force	Exonerated	Agreed	Traffic Stop
SI 17-37	Use of Force	Exonerated	Agreed	Traffic Stop
SI 17-53	Use of Force	Exonerated	Agreed	Investigative Stop
SI 17-53	Use of Force	Exonerated	Disagreed	Investigative Stop
SI 17-53	Use of Force	Exonerated	Disagreed	Investigative Stop

CCOP DISAGREES: The CCOP disagreed with three of the IAD recommendations to exonerated allegations. In IA 18-54, the CCOP found that there was sufficient evidence to prove that the respondent had violated the Department's Social Media Policy and recommended that the Procedure Violation allegation be sustained. For SI 17-37, the CCOP found that that both respondents used excessive force by applying close fist strikes to the involved citizen, after he was taken to the ground and held down. The Panel recommended that the Use of Force allegations related to the closed fist strikes be sustained.

Non-Sustained

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 17-42	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-42	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-42	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-42	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-55	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-55	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-64	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-68	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 17-68	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
IA 17-68	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 17-69	Use of Language	Non-Sustained	Disagreed	Dispatched to Scene
IA 17-69	Use of Language	Non-Sustained	Disagreed	Dispatched to Scene
IA 17-70	Unbecoming Conduct	Non-Sustained	Agreed	Internal
IA 17-70	Unbecoming Conduct	Non-Sustained	Agreed	Internal
IA 18-04	Procedure Violation	Non-Sustained	Added	Traffic Stop
IA 18-04	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-10	Use of Force	Non-Sustained	Agreed	Traffic Stop
IA 18-10	Use of Force	Non-Sustained	Agreed	Traffic Stop
IA 18-10	Use of Force	Non-Sustained	Agreed	Traffic Stop
IA 18-10	Use of Force	Non-Sustained	Agreed	Traffic Stop
IA 18-10	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-15	Use of Language	Non-Sustained	Agreed	Dispatched to Scene
IA 18-25	Procedure Violation	Non-Sustained	Agreed	Domestic
IA 18-25	Procedure Violation	Non-Sustained	Agreed	Domestic
IA 18-25	Procedure Violation	Non-Sustained	Agreed	Dispatched to Scene
SI 17-37	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
SI 17-37	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
SI 17-37	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
SI 17-64	Unbecoming Conduct	Non-Sustained	Disagreed	Internal
SI 17-64	Unbecoming Conduct	Non-Sustained	Disagreed	Internal
SI 17-64	Use of Language	Non-Sustained	Agreed	Internal
SI 17-69	Unbecoming Conduct	Non-Sustained	Agreed	Domestic
SI 17-69	Unbecoming Conduct	Non-Sustained	Agreed	Domestic
SI 17-69	Unbecoming Conduct	Non-Sustained	Disagreed	Domestic
SI 18-06	Attention to Duty	Non-Sustained	Agreed	Internal
SI 18-30	Unbecoming Conduct	Non-Sustained	Agreed	Secondary Employment

Non-Sustained (Cont.)

CCOP DISAGREED: The CCOP disagreed with five IAD recommendations to non-sustain allegations. In IA 17-69, the respondent engaged in a very public argument where they allegedly used profanity. IAD recommended that the Use of Language allegations be non-sustained. The CCOP disagreed, as there were witnesses to the argument and uses of profanity. In SI 17-64, the CCOP found sufficient evidence to establish that the respondent attempted to influence or alter the testimony of a complainant and that the respondent used inappropriate language or actions to intimidate and harass complainants. The Panel recommended that the two Unbecoming Conduct allegations for this alleged behavior be sustained. In SI 17-69, the CCOP found that there was sufficient evidence to prove that the Respondent was intoxicated while in possession of a firearm and that he failed to secure his issued firearm as required by the specific sections of the Department's General Order and recommended that the two allegations be sustained.

Sustained

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 17-21	Procedure Violation	Sustained	Agreed	Internal
IA 17-21	Procedure Violation	Sustained	Agreed	Internal
IA 17-21	Procedure Violation	Sustained	Agreed	Internal
IA 17-21	Procedure Violation	Sustained	Agreed	Internal
IA 17-42	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 17-42	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 17-42	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 17-64	Unbecoming Conduct	Sustained	Agreed	Traffic Stop
IA 18-04	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 18-04	Procedure Violation	Sustained	Added	Traffic Stop
IA 18-46	Procedure Violation	Sustained	Added	Domestic
IA 18-46	Procedure Violation	Sustained	Added	Domestic
SI 17-69	Unbecoming Conduct	Sustained	Agreed	Domestic
SI 17-69	Unbecoming Conduct	Sustained	Agreed	Domestic
SI 17-69	Unbecoming Conduct	Sustained	Agreed	Domestic
SI 18-05	Procedure Violation	Sustained	Agreed	Dispatched to Scene
SI 18-06	Procedure Violation	Sustained	Agreed	Internal
SI 18-06	Procedure Violation	Sustained	Agreed	Internal
SI 18-06	Procedure Violation	Sustained	Agreed	Internal
SI 18-30	Procedure Violation	Sustained	Agreed	Secondary Employment

CCOP ADDED ALLEGATIONS: The CCOP agreed with all of the IAD recommendations to sustain allegations. The Panel also recommended adding two allegations with dispositions of sustained. Both of the additional allegations were for Procedure Violations. The first was related to the Respondent's violation of the General Order section regarding right to video record officers and the second was for the Respondent's failure to submit a require report for a pat down and frisk he conducted during a field interview.

Unfounded

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 17-42	Use of Force	Unfounded	Agreed	Traffic Stop
IA 17-42	Use of Force	Unfounded	Agreed	Traffic Stop
IA 17-42	Use of Force	Unfounded	Agreed	Traffic Stop
IA 17-42	Use of Force	Unfounded	Agreed	Traffic Stop
IA 17-55	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
IA 17-55	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
IA 17-55	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
IA 17-55	Use of Language	Unfounded	Agreed	Traffic Stop
IA 17-55	Use of Language	Unfounded	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Unfounded	Agreed	Traffic Stop
IA 17-64	Procedure Violation	Unfounded	Agreed	Traffic Stop
IA 17-69	Unbecoming Conduct	Unfounded	Agreed	Dispatched to Scene
IA 17-69	Unbecoming Conduct	Unfounded	Agreed	Dispatched to Scene
IA 18-01	Ethics	Unfounded	Agreed	Traffic Stop
IA 18-01	Ethics	Unfounded	Agreed	Traffic Stop
IA 18-01	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
IA 18-01	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
IA 18-03	Ethics	Unfounded	Agreed	Internal
IA 18-03	Procedure Violation	Unfounded	Agreed	Internal
IA 18-04	Unbecoming Conduct	Unfounded	Disagreed	Traffic Stop
IA 18-04	Unbecoming Conduct	Unfounded	Disagreed	Traffic Stop
IA 18-09	Unbecoming Conduct	Unfounded	Agreed	Domestic
IA 18-09	Unbecoming Conduct	Unfounded	Agreed	Domestic
IA 18-09	Use of Force	Unfounded	Agreed	Domestic
IA 18-09	Use of Force	Unfounded	Agreed	Domestic
IA 18-25	Attention to Duty	Unfounded	Agreed	Domestic
IA 18-25	Attention to Duty	Unfounded	Agreed	Domestic
IA 18-46	Ethics	Unfounded	Agreed	Domestic
SI 17-24	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
SI 17-24	Unbecoming Conduct	Unfounded	Agreed	Traffic Stop
SI 17-24	Use of Force	Unfounded	Agreed	Traffic Stop
SI 17-24	Use of Force	Unfounded	Agreed	Traffic Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop

Unfounded (Cont.)

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-53	Use of Force	Unfounded	Agreed	Investigative Stop
SI 17-55	Ethics	Unfounded	Agreed	Internal
SI 17-55	Ethics	Unfounded	Agreed	Internal
SI 17-55	Ethics	Unfounded	Agreed	Internal
SI 18-30	Unbecoming Conduct	Unfounded	Agreed	Secondary Employment

CCOP DISAGREED: The CCOP disagreed with two of the IAD recommendations to unfound allegations. In IA 18-04, the CCOP disagreed with the unfounded recommendations for the Unbecoming Conduct allegation for both respondents. These allegations were for the respondents allegedly laughing and joking about the complainant's arrest. The unfounded recommendations imply that there was sufficient evidence to prove that this behavior did not occur. However, Panel found that the record did not establish this, especially since the officers failed to record the stop. The Panel recommended that these allegations be non-sustained.



SOME INTERSTING FACTS

- Use of Force, *Procedure Violation*, and *Conducted-Related* allegations represented over 78.2% of all the allegations referred to the CCOP.
- Traffic stops were the most likely officer interactions resulting in Use of Force allegations this quarter. Of the 124 allegations reviewed, 57 (46%) were incidental to a traffic stop.
- Traffic stop related allegations accounted for 13 or 39.3% of all Use of Force allegations; 14 or 42.4% of all Procedure Violations; 31 or 48.3% of all Conduct-Related Allegations and 11 of 73.3% of all Use of Language allegations.
- Approximately 20% of the allegations reviewed were related to domestic violence calls. This included four (4) Uses of Force, Unbecoming Conduct, five (5) Procedure, one (1) Ethics and two (2) Attention to Duty violations.
- Of the 33 Use of Force allegations, fourteen (14) were a part of one investigations (SI-17-53), involving four officers who responded to a loitering incident. The Involved Citizen resisted arrest and allegedly spat on the officers, who struck in the face.
- While there were allegation related to the actual discharge of a firearm, five (5) Procedural Violations were for the mishandling or improper security of firearms and six (6) Unbecoming Conduct allegations were for firearms-related.
- Four of the 124 allegations reported were not referred by IAD, but were recommended as additional allegations after the Panel’s reviews found evidence to support additional charges added to investigations. This includes Procedure Violations for failure to record traffic stops, failure to issue citations, improper handling of citizen video recording a stop and failure to verify legality of a license plate.
- **Exonerated, Non-Sustained and Unfounded** are the most frequent dispositions for allegation referred to the CCOP for review.

Allegations	Exonerated	Non-Sustained	Sustained	Unfounded	CCOP Agreed w/ IAD	%
Attention to Duty	2	1	0	2	5	100%
Ethics	0	0	0	7	7	100%
Procedure Violation	3	10	17	3	28	85%
Unbecoming Conduct	1	12	4	14	26	84%
Use of Force	10	4	0	19	31	94%
Use of Language	0	13	0	2	13	87%
TOTAL	16	40	21	47	110	89%

SOME INTERSTING FACTS (Cont.)

- During this reporting period, the CCOP agreed with 88.7% of the IAD recommendations for disposition for the 124 allegations reviewed by the CCOP

	Exonerated	Non-Sustained	Sustained	Unfounded	Total
CCOP Agreed	13	35	17	45	110
CCOP Disagreed*	3	5	4	2	14
Total Allegations	16	40	21	47	124
Agreed Rate	81.3%	87.5%	81.0%	95.7%	88.7%
* The CCOP added 4 allegations in 2 investigations and these are counted as disagrees.					

* Please review the case listing and the Case Summaries for specific details on the allegations and findings..

1st Quarter 2019

Issues and Concerns

The CCOP noted several issues and concerns during its review of investigations this reporting period. Upon completion of its reviews, the CCOP immediately relays its issues and concerns to the Chief of Police in recommendation letters for each case reviewed. For those that the Panel deem to be urgent, the Panel will discuss them in adhoc meetings with the Chief and his executive staff.

Some of the issues may have appeared in prior years. However, the fact that they are repeated in this report is not an indication that they are not

being addressed. Their inclusion in subsequent reports, indicates that the issue or concern is still pending resolution or response. They will continue to be included until the CCOP receives a response.

INVESTIGATION MISSING EVIDENCE

ISSUE: The CCOP received a significant number of investigations that were missing evidence/items. This has not been an issue in the past, but was noteworthy for this quarter, as it had a direct impact on the number of reviews the Panel complete, as compared to prior periods. The files were returned to the Department with a request that the missing evidence be provided to the CCOP forthwith and under the normal referral process.

Of the 36 investigative files the CCOP received this quarter, 10 were missing audio and/or video evidence. In each case, a letter was sent to the CCOP advising the Panel that the specific evidence could not be duplicated and instructed that if Panel members needed to see this evidence, they must come to the Internal Affairs Division office to view the evidence.

The CCOP found this request unusual and burdensome. The files were returned to the Department with a request that the missing evidence be provided to the CCOP and under the normal referral process. The Department has agreed to secure and provide copies of this evidence in the usual manner. Those files, with copies of missing evidence, are scheduled to be returned to the CCOP during the next quarter.

STATUS: The Department has agreed to provide the evidence in the usual manner. Some files, were returned to the CCOP during the 2nd Quarter.

ESCALATING INCIDENCES OF MISCONDUCT BY INDIVIDUAL OFFICERS

ISSUE: For Example, the CCOP noted that a Respondent in an investigation exhibited a disturbing pattern of misconduct, in which allegations against the officer were sustained. One occurred on July 6, 2017, just two weeks before the investigation under review, when the Respondent was found guilty of *Criminal and Unbecoming Misconduct* for reckless driving - exceeding 124 mph in another state. A second offense occurred two months prior, when an allegation of *Use of Language* was sustained against the Respondent use of profanity against his supervisor, while in a public space and in view of citizens and other officers. The CCOP has concerns regarding what appears to be escalating incidences of misconduct by the Respondent. The Panel is requested information or a briefing on the actions being taken by the Department

Issues and Concerns (Cont.)

to address this escalating pattern of behavior, not only for this respondent, but when it is observed in other officers, as well.

STATUS: Pending

PROPERTY PROTOCOL

ISSUE: The CCOP's reviews indicated some uncertainty and ambiguity regarding the proper protocol for handling confiscated property. The CCOP recommended that the protocol be clarified, so it can be properly enforced.

STATUS: Pending

USE AND SAFETY OF ASSIGNED FIREARMS

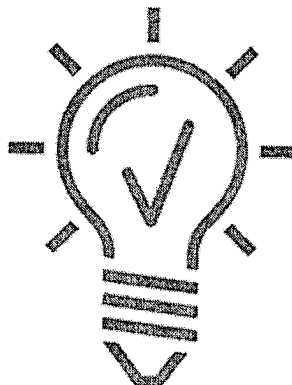
ISSUE: The CCOP reviewed two investigations related to the use and/or security of officers' assigned firearms. In one investigation, an officer failed to properly secure his rifle. However, there was not discharge or injury related to this incident. In another, an officer failed to secure his firearm and it was improperly handle by his girlfriend. Again, there was no discharge or injury. The CCOP is concerned that this may not always be the case,

STATUS: Pending

SOCIAL MEDIA POLICY

ISSUE: The Panel reviewed an investigation that involved the use an officer use of his personal social media. The question was if in the officer's posting , which was clearly offensive and disparaging, the public could be readily identified as an officer of the Prince George Police Department. The Department's current Social Media Policy prohibits "Any online activity or electronic transmission conducted on-duty or off-duty that may reflect poorly on the Department is strictly prohibited." The panel concern is that if the officer could not readily be identified as a member of the PGPD, the post may not have violated the Department's social media policy. There needs to be guidance in this regard.

STATUS: Pending



1st Quarter 2019

Outreach, Education & Training

One of CCOP's objectives is to strengthen the relationship between the police and the community. The CCOP's efforts to achieve this are normally concentrated in three main areas:

Community Relations—No activities conducted this quarter

Partnership Building— The Panel established a partnership with Prince George Community College to assess and improve how the Panel collects, reports and analyzes its statistical data. The first meeting with key campus partners was held in February 2019. One of the tasks assigned during this meeting was to research the best practices of other oversight agencies and identify practices that could be incorporated in the CCOP reporting process. A recommendation made by the college staff was to simplify the reporting to key data and highlight and minimize the amount of text in the report.

Improved Training for Panel— The Panel did not participate in training this quarter.

1st Quarter 2019

Case Summaries

IA 17-21

The Complainant alleged that Respondent #1 attached prohibited equipment to his departmental issued cruiser and failed to properly secure his rifle. Respondent #2 removed the prohibited property, but failed to ensure the property was submitted to the Property Unit.

Respondent #1

Firearms (Security) – The Panel agreed with the finding of Sustained.
Procedure Violation – The Panel agreed with the finding of Sustained.
Procedure Violation – The Panel agreed with the finding of Sustained.

Respondent#2

Procedure Violation – The Panel agreed with the finding of Sustained.

IA 17-42

The Complainant alleged that the Respondents used force. He further alleged that Respondent #1 used inappropriate language and failed to identify himself while conducting a traffic stop.

Respondent #1

Use of Force – The Panel agreed with the finding of Unfounded.
Use of Language – The Panel agreed with the finding of Non-Sustained.
Procedure Violation – The Panel agreed with the finding of Sustained.
Procedure Violation – The Panel agreed with the finding of Sustained.
Procedure Violation – The Panel agreed with the finding of Sustained.

Respondent #2

Use of Force – The Panel agreed with the finding of Unfounded.
Use of Language – The Panel agreed with the finding of Non-Sustained.
Procedure Violation – The Panel agreed with the finding of Non-Sustained.

Respondent #3

Use of Force – The Panel agreed with the finding of Unfounded.
Use of Language – The Panel agreed with the finding of Non-Sustained.

Respondent #4

Use of Force – The Panel agreed with the finding of Unfounded.
Protocol (Attention to Duty) – The Panel agreed with the finding of Exonerated.
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

Respondent #2

Use of Language – The Panel agreed with the finding of Non-Sustained.
Protocol (Attention to Duty) – The Panel agreed with the finding of Exonerated.

Respondent #3

Use of Language – The Panel agreed with the finding of Unfounded.
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

Respondent #4

Use of Language – The Panel agreed with the finding of Unfounded.
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

IA 17-55

The Complainant alleged that Respondent #4 cursed at her while she was inside her vehicle and inappropriately touched her body while taking her into custody.

Respondent #1

Use of Language – The Panel agrees with the finding of Non-Sustained.
Protocol (Attention to Duty) – The Panel agrees with the finding of Exonerated.
Unbecoming Conduct – The Panel agrees with the finding of Unfounded.

Respondent #2

Use of Language – The Panel agrees with the finding of Non-Sustained.
Protocol (Attention to Duty) – The Panel agrees with the finding of Exonerated.

Respondent #3

Use of Language – The Panel agrees with the finding of Unfounded.
Unbecoming Conduct – The Panel agrees with the finding of Unfounded.

Respondent #4

Use of Language – The Panel agrees with the finding of Unfounded.
Unbecoming Conduct – The Panel agrees with the finding of Unfounded.

IAD 17-64

The Complainant stated that the Respondents encountered him on a traffic stop. The Complainant alleged that Respondent #2 touched his genitals twice, while searching inside his underwear. During the incident, Respondents #1 and #3 were alleged to have told the Complainant to “shut up” and used profanity. Respondent #1 failed to record the audio portion of the incident and Respondent #3 failed to complete a Handcuff and Release Report.

Respondent #1

Use of Language - The Panel agreed with the finding of Non-Sustained
Protocol - The Panel agreed with the finding of Unfounded.
Procedure Violation - The Panel agreed with the finding of Unfounded.

Respondent #2

Unbecoming Conduct - The Panel agreed with the finding of Sustained
Procedure Violation - The Panel agreed with the finding of Non-Sustained
Protocol - The Panel agreed with the finding of Sustained

Respondent #3

Protocol - The Panel agreed with the finding of Non-Sustained
Procedure Violation - The Panel agreed with the finding of Non-Sustained

IA 17-66

The Complainant alleged that the Respondent told her, "You don't want to bump me again" and engaged in conduct that she considered harassment. The Respondent alleged that the Complainant bumped him with a chair.

Unbecoming Conduct - The Panel DISAGREED with the finding of Exonerated.
Harassment – The Panel agreed with the finding of Unfounded
Unbecoming Conduct – The Panel agreed with the finding of Sustained.

The Complainant alleged that when she attempted to move a chair from an area where the

Respondent was sitting, the Respondent would not move. She further alleged that she advised the Respondent twice that the chair might bump him as she tried to get it around him. When the Respondent did not move, she proceeded to roll the chair past him. As she did, the Respondent allegedly said, "You don't want to bump into me again." The Complainant perceived this to be a threat. The Complainant stated that she believed this was a reaction to her having reported him earlier in the year for blocking the driver's side door of her car, in a handicap space. The Complainant is a civilian employee in District IV.

In a memo, a Lieutenant stated that this was a matter that should not be handled by the Internal Affairs and that nothing in the complaint or interview warranted any type of investigation. The Lieutenant recommended that the complaint be administratively closed. However, a completed investigation was done and recommendations for the allegations investigated were made.

The G.O.M., VOLUME I, CHAPTER 32, PROTOCOL, Section 4, states that hostile or disrespectful behavior towards fellow employees, such as, disrespectful/hostile/combative communications (written/verbal) may be viewed as unbecoming conduct. The Respondent admitted that he specifically said, "You don't want to bump into me again." The use of these exact words implies an explicit threat of further undesirable actions. This is both hostile and combative. Therefore, the CCOP recommended that Allegation #1, Unbecoming Conduct, for this Respondent be Sustained.

The CCOP found that the incident with the chair did not demonstrate harassment. Therefore, the Panel agreed with the finding of Unfounded for Allegation #2, Harassment. However, the Panel was concerned that other occasions of harassment by Respondent, as outlined by Respondent #1, were not fully investigated.

IA 17-67

The Complainant alleged that the Respondents grabbed, pushed, kicked, and kneed her son and damaged property in her residence.

Use of Force - The Panel agreed with the finding of Use of Force Exonerate

Use of Force - The Panel agreed with the finding of Use of Force Exonerated

IA 17-68

The Complainant alleged that the Respondent stopped her for a traffic infraction, spoke to her in a rude manner, violated her civil rights and cursed at her during the stop.

Use of Language – The Panel agreed with the finding of Non-Sustained.

Procedure Violation – The Panel agreed with the finding of Exonerated.

Protocol Violation – The Panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The Panel agreed with the finding of Non-Sustained.

The CCOP noted that the Report of Investigation stated that the Respondent Officer was given a training memo for not having deployed his audio MVS. However, the investigative files did not contain a copy of the training memo.

IA 17-69

While working a store event, the Respondents allegedly engaged in a verbal argument, in public view.

Respondent #1

Unbecoming Conduct – The Panel agreed with Unfounded

Use of Language – The Panel DISAGREED with Non-Sustained

Respondent #2

Unbecoming Conduct – The Panel agreed with Unfounded

Use of Language – The Panel DISAGREED with Non-Sustained

The CCOP agreed with the findings regarding Use of Language for the Respondents. However,

the CCOP disagreed with the findings on Unbecoming Conduct for both Respondents. The record contained sufficient evidence to show that these Respondents engaged in a very public verbal argument, which reflected poorly on themselves, the Department and the County.

IA 17-70

The Complainants alleged that the Respondent made disparaging comments about his character during a training session, which the Complainant was teaching.

Unbecoming Conduct- The Panel agreed with the finding of Exonerated.

Unbecoming Conduct- The Panel agreed with the finding of Non-Sustained.

Unbecoming Conduct- The Panel agreed with the finding of Non-Sustained.

IA 18-01

The Complainant alleged that the Respondents took money belonging to him during a traffic stop. The Complainant also alleged that the Respondents damaged his vehicle during this traffic stop.

Respondent #1

Ethics Violation – The Panel agreed with the finding of Unfounded.

Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

Respondent #2

Ethics Violation – The Panel agreed with the finding of Unfounded.

Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

IA 18-03

An anonymous complaint was sent to IAD alleging the Respondent was a safety issue to her squad; that she was often toned by dispatch; played a game on her phone all day; made inappropriate statements to the squad; made officers leave the squad; was paid for days she wasn't at work and worked overtime, while injured.

Ethics – The Panel agreed with the finding of Unfounded.

Protocol – The Panel agreed with the finding of Unfounded.

IA 18-04

The Complainant alleged that, during a traffic stop, Respondent #2 told him "I was going to let you go, but you had to act like a smart ass." The Complainant also alleged that his vehicle was damaged during impound and his sunglasses are missing.

Respondent #1

Procedure Violation – The Panel agreed with Sustained

Unbecoming Conduct – The Panel Disagreed with Unfounded

Respondent #2

Procedure Violation – The Panel agreed with Sustained

Unbecoming Conduct – The Panel Disagreed with Unfounded.

Use of Language – The Panel agreed with Non-Sustained

The CCOP ADDED the following allegations:

Procedure Violation - The Panel Recommended adding this allegation

Procedure Violation - The Panel Recommended adding this allegation

The CCOP agreed with the sustained findings in this case for both Respondents and for the Non-Sustained allegation for Respondent #2. However, there was also an Unbecoming Conduct allegation for laughing and joking about the Complainant's arrest, the CCOP disagreed with the unfounded recommendation for that allegation. The record does not establish that this did not occur—especially since the Officers' failed to record the stop. The CCOP recommended that finds that these two allegations should be Non-Sustained.

The CCOP found multiple issues in this case. First, and most importantly, the officers failed to verify the legality of the Complainant's license. The record shows that Respondent #1 after placed the

Complainant in custody, he spoke with Respondent #1 about the status of Complainant's Texas license, showing he was unclear as to whether the Involved Citizen's license was valid.

Second, the CCOP recommended an additional allegation for Respondent #2 for failing to link multiple violations for traffic citations and criminal arrest. Per GOM June 2018 edition, Volume II, Chapter 55, Traffic Law Enforcement, Section V (Procedures), Subsection 2 (Multiple Violations), Traffic Citations and Criminal Arrests, to establish probable cause in court, Officers making traffic stops that lead to an arrest should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should be cited for the unsafe lane change. In this case, the Officers failed to cite the Involved Citizen for his traffic violation before taking him into custody and arresting him. Because the Officers failed to give him a traffic citation, the criminal arrest and subsequent citation cannot be established, per this section. The CCOP found that the Respondent failed to proceed on a valid, articulable cause and, instead, pursued an invalid reason to arrest the citizen that led to the search.

IA 18-09

The Respondent reported to a domestic incident between the Complainant and the Involved Citizen. The Complainant alleged that the Respondents assaulted him and were verbally abusive. Respondent #1 stated there was no physical contact with the Complainant and both Respondents deny using inappropriate language. The Complainant later refused to cooperate with the investigation and refused to provide details of the incident. After multiple attempts, the investigator was unable to obtain statements from the Involved Citizen and citizen Witnesses.

Respondent #1

Use of Force – The Panel agreed with Unfounded.

Unbecoming Conduct – The Panel agreed with Unfounded.

Respondent #2

Use of Force – The Panel agreed with Unfounded.

Unbecoming Conduct – The Panel agreed Unfounded.

IA 18-10

The Complainant alleged that the Respondents kicked and punched him during a traffic stop. The Complainant further alleged that Respondent #4 cursed at him, spat in his face and ripped his shirt and jacket.

Respondent #1

Use of Force – The Panel agreed with the finding of Non-Sustained.

Respondent #2

Use of Force – The Panel agreed with the finding of Non-Sustained.

Respondent #3

Use of Force – The Panel agreed with the finding of Non-Sustained.

Respondent #4

Use of Force – The Panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The Panel agreed with the finding of Non-Sustained.

Use of Language – The Panel agreed with the finding of Non-Sustained

IA 18-15

The Complainant alleged that the Respondent used inappropriate language towards him and was discourteous while on the scene of a breaking and entering.

Use of Language – The Panel agreed with the finding of Non-Sustained.

IA 18-25

The Complainant alleged he was arrested without cause by the Respondents. The Complainant also alleged that his personal property was damaged and that Respondent #2 told him that he was going to leave him in an alley, which the Complainant considered threatening.

Respondent #1

Use of Force – The Panel agreed with the finding of Exonerated.

Protocol (Attention to Duty) – The Panel agreed with the finding of Unfounded.

Protocol (Courtesy) – The Panel agreed with the finding of Non-Sustained.

Respondent #2

Use of Force – The Panel agreed with the finding of Exonerated.

Protocol (Attention to Duty) – The Panel agreed with the finding of Unfounded.

Protocol (Courtesy) – The Panel agreed with the finding of Non-Sustained.

Protocol (Courtesy) – The Panel agreed with the finding of Non-Sustained.

The Panel noted that the Report of Investigation stated that a Police Witness Officer and Respondent #1 failed to activate their microphones during this stop and that a training memo regarding this failure was forwarded their commander for corrective action. However, a copy of this memo was not included in the investigative file referred for the CCOP's review.

IA 18-46

The Complainant alleged that he was stopped for no reason and given false warnings related to the traffic stop and that the Respondent stole property from his vehicle. He stated that although he did not physically see the Respondent take the property, the property in question could be clearly seen in the vehicle, on the video he recorded of the incident, but was missing when the officer left the scene.

Ethics – The Panel agreed with Unfounded.

The Panel ADDED the following allegations:

Protocol - The Panel Recommended adding and sustaining this allegation.

Procedure Violation -- The Panel Recommended adding and sustaining this allegation.

The CCOP agreed with the finding for the Ethics allegation presented in this investigation. However, the Panel recommended adding and sustaining two additional allegations for Protocol and Procedure Violations.

First, the CCOP recommended adding and sustaining an allegation of Protocol Violation for the Respondent, for violation of General Order, Volume I, Chapter 32, Protocol, Section 8, which states that "Citizens have the right to observe, video record (with or without a simultaneous audio recording), and/or photograph the actions (such as a Terry stop or an arrest) of any Departmental employee so long as the bystanders' actions do not: [p]lace the safety of any Officer, victim, Witness, suspect, or the bystander themselves, in peril; [i]nterfere with the execution or performance of an Officer's official duties; [v]iolate the law." In this case, the record shows that the Respondent turned off the Complainant's cell phone that was sitting in the console of the Complainant's vehicle while the phone was turned on and streaming Facebook Live. No exceptions to this General Order rule applied since the Complainant was already out of the vehicle and not interfering with the Respondent's duty.

Second, the CCOP recommended adding and sustaining an allegation of Protocol Violation for the Respondent for violation of General Order violation of Volume II, Chapter 29, Field Interviews, Stop and Frisk (Terry Frisk). The rule provides that an Officer shall submit a Field Interview Record prior to the end of the shift when an Officer conducts a pat down or a frisk for a weapon regardless of whether an arrest is made. In this case, the Respondent stopped and frisked the Complainant but, did not submit a Field Interview Record prior to the end of the shift.

IA 18-54

The Complainant alleged that the Respondent posted an inappropriate comment on social media, while representing himself as a Prince George's County Officer.

Procedural Violation (Social Media Policy) – The Panel agreed with Exonerated.

Procedural (Social Media Policy) – The Panel DISAGREED with Exonerated.

The CCOP agreed with the findings for Allegation #1, but disagreed with finding for Allegation #2. The CCOP found that the Respondent was in violation of the Social Media Policy that prohibits "Any online activity or electronic transmission conducted on-duty or off-duty that may reflect poorly on

the Department is strictly prohibited.” The CCOP also found that the Respondent’s statement on Facebook that he was “sexually assaulted by Hillary Clinton...I said it so it must be true,” easily identified him, to the public, as a Prince George’s County Officer and disparaged a classification of individuals—namely sexual assault victims.

The CCOP also found that the substance of the comments and subsequent responses violated Volume 1, Chapter 32, A, Social Media, V, Subsection 1, which prohibits the transmission of messages that criticizes any person, group or classification of individuals in a manner that is destructive and discriminatory, or harms the reputation of a group or organization. Therefore, the CCOP recommended that Allegation #2, Social Media Policy, be Sustained.

SI 15-32

The Respondent was involved in a custody dispute. The Respondent’s mother took his service weapon and shot the Involved Citizens and then fled the scene on foot. One of the Involved Citizens survived and identified the Respondent’s mother as the shooter. The Respondent was also investigated in this incident.

Violation of Law (x2) – The Panel agreed with the finding of Unfounded.
Violation of Law (x11) – The Panel agreed with the finding of Sustained.
Ethics (x2) – The Panel agreed with the finding of Unfounded.
Ethics (x12) – The Panel agreed with the finding of Sustained.

SI 17-24

The Involved Citizen alleged that the Respondents stopped him and impounded his vehicle without cause, after they illegally searched the vehicle. He also alleged that the same Respondent stopped him again. He alleged that Respondent #2 struck him with his car and that he was assaulted, which resulted in him being hospitalized. He further alleged that the Respondents left him at the hospital, without announcing that he was under arrest or providing explanation for the stop or his arrest.

Respondent #1
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.
Use of Force – The Panel agreed with the finding of Unfounded.

Respondent #2
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.
Use of Force – The Panel agreed with the finding of Unfounded.

SI 17-37

The Respondents conducted a traffic stop on a vehicle operated by the Involved Citizen. Upon approaching the vehicle, the Respondents stated that they observed the Involved Citizen reaching in his waistband and at the floor board area and they detected the smell of marijuana. They ordered the occupants to exit the vehicle and the Involved Citizen actively resisted pat down attempts. The Involved Citizen was found to be in possession of a handgun. While attempting to gain control of the weapon, the Respondents struck the Involved Citizen in his upper body and face with closed fists. When the handgun was recovered and secured, the Involved Citizen was placed under arrest.

Respondent #1
Use of Force – The Panel agreed with the finding of Exonerated.
Unbecoming Conduct– The Panel agreed with the finding of Non-Sustained.

Respondent #2
Use of Force – The Panel agreed with the finding of Exonerated.
Unbecoming Conduct - The Panel agreed with the finding of Non-Sustained.

Respondent #3
Use of Force – The Panel agreed with the finding of Exonerated.
Unbecoming Conduct – The Panel agreed with the finding of Non-Sustained.

SI 17-53

The Involved Citizen was stopped for consuming an alcoholic beverage and loitering. The

Involved Citizen provided officers with a false name and was arrested. The Involved Citizen resisted arrest and allegedly spat on the Officers. The Involved Citizen was struck in the face by Officers and sustained a fracture of the orbital bone.

Respondent #1

Use of Force – The Panel agreed with the finding of Exonerated.

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Unfounded.

Respondent #2

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel DISAGREED with the finding of Exonerated.

Respondent #3

Use of Force – The Panel agreed with the finding of Exonerated.

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel DISAGREED with the finding of Exonerated.

Respondent #4

Use of Force – The Panel agreed with the finding of Unfounded

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Unfounded.

The Involved Citizen was stopped for consuming an open alcoholic beverage and loitering near a local liquor store. The Involved Citizen provided Officers with a false name, date of birth and social security number. Respondent #1 attempted to verify this information and determined that it was false. Respondent #1 advised the Involved Citizen that he was under arrest and the Involved Citizen became irate. A struggle ensued and the Involved Citizen resisted attempts to be handcuffed. The Involved Citizen was taken to the ground and handcuffed. He then resisted attempts to place him the police cruiser and spat in the Respondent's face. At that time, he was simultaneously struck in the upper body/face area by Respondent #2 and Respondent #2, causing severe injuries that required three levels of treatment at two different hospitals. Medical records show that the Involved Citizen had a fracture of the right orbital bone.

The CCOP disagreed with the findings of exonerated for the Use of Force Allegation #4 (Punching Complainant while he was handcuffed) for both Respondent #2 and #3. The Panel found that the use of force applied by the closed fist strikes to the Involved Citizen's face was an excessive response, as the Involved Citizen was handcuffed at the time.

SI 17-55

The Complainant alleged that the Respondent committed perjury when he testified that about an Officer abusing a detained and restrained suspect. The Complainant alleged that the Respondent lied under oath in his testimony regarding Officer taken by the Officer when the Officer delivered strike to the suspect's body. The Complainant also alleged that the Respondent made other false statements during his testimony.

Ethics – The Panel agreed with the finding of Unfounded.

Ethics – The Panel agreed with the finding of Unfounded.

Ethics – The Panel agreed with the finding of Unfounded.

SI 17-56

It was alleged that the Respondent was selling a dog online that he adopted from a shelter that has a policy against selling adopted dogs. Involved Citizen #2, a director of a local animal rescue shelter, was notified that a dog adopted by the Respondent was being offered for free in a Facebook ad. Involved Citizen #2, asked Involved Citizen #1, a shelter volunteer, to go to the Respondent's listed address and inquire about the dog. Involved Citizen #1 went to the address and left a note saying she was interested in the dog. Involved Citizen #1 advised that she

told the Respondent that she was looking for a dog for her nephew and did not advise the Respondent that she was associated with the animal shelter. The Respondent requested that Involved Citizen #1 not come back to his home or contact him or he would pursue trespassing charges. Involved Citizen #1 perceived this as intimidation and an argument ensued. The Respondent applied for and obtained a Criminal Summons for Trespassing against Involved Citizen #1. Involved Citizen #1 alleged that the Respondent perjured himself when applying for Summons in an unspecified manner. The Investigator recommended that each of these allegations be exonerated.

Unbecoming Conduct – The Panel DISAGREED with a finding of Exonerated.
Unbecoming Conduct – The Panel DISAGREED with a finding of Exonerated.

Based on the investigative report, CCOP found that the exonerated finding should not apply. The officer was not acting in his official capacity as a police officer when the summons for trespassing against Involved Citizen #1 was requested, and the actions taken by the Respondent to obtain the Summons were done as a private citizen. There was also no evidence to suggest that the Respondent perjured himself while obtaining the Summons. Accordingly, the CCOP found that Allegations #1 and #2, Unbecoming Conduct should both be Unfounded.

SI 17-64

Complainant #1 stated that conversations with the Respondent Officer regarding a traffic stop conducted by another Officer were inappropriate and intimidating. The Respondent allegedly pressured the Complainants regarding their version of events involving the other officer and his trial. Both Officers were witnesses who brought the incident to the attention of the Department. According to the Complainants, the Respondent labeled them the “rat squad” and asked if they were sure they wanted to go forward with the complaint.

Use of Language (Inappropriate) – The Panel agreed with Non-sustained.
Unbecoming Conduct – The Panel DISAGREED with Non-sustained.
Unbecoming Conduct - The Panel DISAGREED with Non-sustained.

The CCOP agreed with the findings related to the Use of Language allegation. However, CCOP disagreed with findings for Allegations #2 and #3.

With regards to Allegation #2, Unbecoming Conduct, the Respondent attempted to influence or alter the Complainants’ testimony. The CCOP found that sufficient evidence established that the Respondent attempted to influence the Complainants’ testimonies. The Respondent’s own testimony revealed that his questioning caused Respondent #2 to become agitated and question the propriety of his line of questioning. The CCOP found that the Respondent questioning under these particular circumstances served to influence the Complainants’ upcoming testimony against other Officer—who was, in fact, convicted during a criminal trial.

The CCOP also found a witness testimony probative of its disagreement and provided sufficient proof that the Respondent intended to influence the testimonies. Therefore, the CCOP recommended that Allegation #2 be sustained.

In regards to Allegation #3, Unbecoming Conduct (Inappropriate language or actions designed to intimidate and harass the Complainants), the CCOP found sufficient evidence to prove that the Respondent did use in inappropriate language. The CCOP referred to the referenced testimony in support of its disagreement with the findings for this allegation. Therefore, the CCOP recommended that this allegation be sustained.

SI 17-69

The Involved Citizen and the Respondent were in a relationship. The Involved Citizen advised that when she broke up with the Respondent, that the Respondent was upset over the break up. She stated that the Respondent left the home and returned with a large quantity of alcohol, which he began to drink. She promptly took the alcohol and poured out, before the Respondent could stop her. She alleged this further upset the Respondent and she subsequently found him in the bedroom holding a weapon that he pulled from its holster. The Involved Citizen advised that she pushed the gun back into the holster and took it from the Respondent. This further upset the Respondent and he grabbed the Involved Citizen by the throat and pushed her into a night stand, causing her to hit her head. The

Involved Citizen also alleged other incidences of abuse and that the Respondent had threatened to send a sex video of her to her ex-boyfriend.

- Unbecoming Conduct – The Panel agreed with the finding of Non-sustained.
- Unbecoming Conduct – The Panel agreed with the finding of Sustained.
- Unbecoming Conduct – The Panel DISAGREED with the finding of Non-sustained.
- Unbecoming Conduct – The Panel agreed with the finding of Non-sustained.
- Unbecoming Conduct – The Panel agreed with the finding of Sustained.
- Unbecoming Conduct – The Panel agreed with the finding of Sustained.

The CCOP agreed with Allegations #1, 2, 4, 5 and 6. However, the Panel disagreed with Allegation #3 (Unbecoming Conduct for being inebriated while in possession of a firearm, having it secured by Involved Citizen). Specifically, guidance for the disposition of Allegation #3 can be found in Volume II, Chapter 58, Section 7 (Firearms), which states that Officers are responsible for the safe handling...and security of all assigned firearms. In the Respondent's interview, he admitted that he regularly leaves his gun on the nightstand or on the bed next to him, thus leaving it improperly secured. Section 7, Firearms and Intoxicants further states that Officers shall not be armed while under the influence of alcoholic beverages...that may render them incapable of effectively using a firearm. In this case, the Respondent admitted that he was intoxicated in the bedroom. Therefore, the CCOP Recommended that Allegation #3 be sustained.

The CCOP also noted that the Respondent has exhibited a disturbing pattern of misconduct, in which allegations against the Officer were sustained. One occurred on July 2017, just two weeks before the current incident, when the Respondent was found guilty of *Criminal and Unbecoming Misconduct* for reckless driving - exceeding 124 mph in another state. A second offense occurred two months prior, when an allegation of *Use of Language* was sustained against the Respondent use of profanity against his supervisor, while in a public space in view of citizens and other Officers.

The CCOP had concerns regarding what appeared to be escalating incidences of misconduct by the Respondent. The Panel request information or a briefing on the actions being taken by the Department to address this escalating pattern of behavior, not only for this Respondent, but when it is observed in other Officers, as well.

SI 18-05

The Emergency Service Team (EST) was assisting the Pawn Unit with a search warrant. After making entry, EST began searching the building. The Respondent entered a small crawl space in the basement of the building and unintentionally discharged his firearm.

Procedure (Discharge of Firearm) – The Panel agreed with the finding of Sustained.

SI 18-06

It is alleged that Respondent #1 failed to properly submit a recovered firearm into property and failed to transport that firearm to the Firearms Examination Section within the required timeframe. It is also alleged that the Respondent failed to complete a 24-Hour Fusion Center Report in the required timeframe and then backdated the report to the date of recovery. It is also alleged that Respondent #2, who is assigned to another district station, acted as a supervisor and approved the property submission at a later date.

Respondent #1

- Procedure Violation (Report and Records) – The Panel agreed with the finding of Sustained.
- Procedure Violation (Property and Evidence) – The Panel agreed with the finding Sustained.

Respondent #2

- Procedure Violation (Property and Evidence) – The Panel agreed with the recommendation of Sustained.
- Protocol (Attention to Duty) - Procedure Violation (Property and Evidence) – The Panel agreed with the recommendation of Non-Sustained.

The CCOP agreed with the findings as they relate to Respondent #1, as well as the Procedure Violation (Property and Evidence) for Respondent #2. However, the Panel is unclear on why Allegation #2-Protocol (Attention to Duty), for Respondent #2 was non-sustained. The ROI summary seems to indicate that Respondent #2's approval of property records outside of her chain of command was a violation.

However, there appears to be some uncertainty and ambiguity regarding the proper protocol. Therefore, the CCOP recommended that the protocol be clarified, so it can be properly enforced. In the absence of such clarity, the CCOP agreed with the finding of Non-Sustained of Allegation #2 for Respondent #2.

SI 18-30

The Respondent was working secondary employment when he observed a fight. The Involved Citizen ran from the building. The Respondent gave chase. As he was in pursuit, a gun fell from the Involved Citizen's person. A Witness retrieved the gun and gave it to the Respondent. Another Witness indicated that the Respondent took the Involved Citizen to the ground by slamming him on the grass. The Involved Citizen was apprehended and transported to the hospital, where he was diagnosed with an orbital fracture.

Unbecoming Conduct – The Panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

Firearms Security– The Panel agreed with the finding of Sustained.

Ethics Violation – The Panel agreed with the finding of Unfounded.

Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

1st Quarter 2019

Important Information

REPORTS

- Annual reports are issued within 180 days after the end of a calendar year.
- Beginning with the 1st quarter of 2019, quarterly reports will be posted to the CCOP website within 45 days after the end of the quarter.

CONTACT INFO: The CCOP's office has moved. Our new location is
9200 Basil Court
Suite 406
Largo, MD 20774

Telephone #: 301-883-5042

Fax #: 301-883-2655

Email Address: ccop@co.pg.md.us

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

ENABLING LEGISLATIONS

- CB 25 -1990 Established the CCOP
- CB 44 -1994 Amended the terms of the Panel members
- CB 59 -2001 Expanded the Authority of the CCOP

CCOP MEETINGS

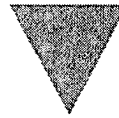
Due to privacy and personnel issues, regular CCOP Panel meetings are closed to the public. Beginning in 2019, the CCOP will periodically conduct public meetings. These public meetings will not include discussions or reviews of individual investigations, situations or officers. They will include open discussions and feedback for the trends, issues and concerns noted by the Panel and included in its reports to the public. These meeting dates will be announce on the County's website and the CCOP's webpage.

COMPLAINT FORM

The Complaint Against Police Practices (#1071) form is found on the CCOP's and Police Department's webpages on the County's website. Form can be obtained from your district police station, your local library or contacting the CCOP directly. *All complaint forms involving the use of force or brutality must be notarized.*

REQUESTS FOR CCOP TO ATTEND EVENT

If you would like for a representative of the CCOP to participate in a community event or attend a meeting, please contact us on 301-883-5042. Please allow two weeks for your request to be processed and a response

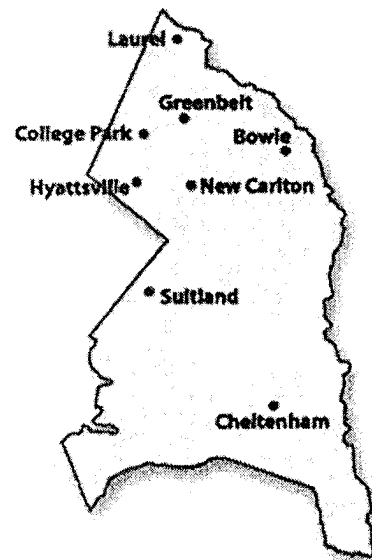


Prince George County Government

Citizen Complaint Oversight Panel

April 2019 – September 2019

QUARTERLY SNAPSHOT



Angela D. Alsobrooks
County Executive

Message from Chair

Dear Citizens and Residents:

The Prince George's County Citizen Complaint Oversight Panel (CCOP) has been part of a police accountability process in Prince George's County for almost 30 years. We ensure that anyone with a complaint regarding the conduct of an officer of the Prince George's County Police Department is able to formally submit that complaint, that their complaint is treated and investigated properly and that there is independent oversight of the investigative process. As such, the Panel is a separate County government entity, independent of the police department and comprised of citizens from throughout the County who dedicate their time to complete that mission.

Our primary mandate is to ensure that complaints against officers of the Prince George's County Police Department are thoroughly and impartially investigated. Our primary goal is to mitigate unnecessary acts of force, violence and other incidents of misconduct.

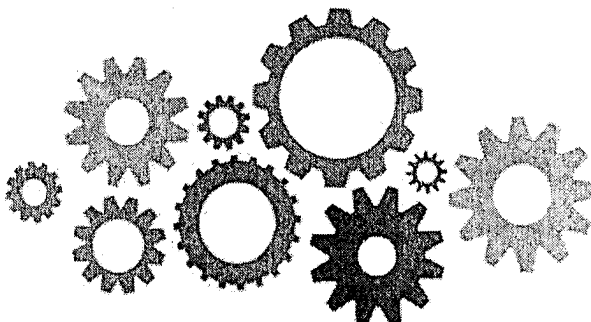
Our reports provide valuable insights on police conduct to County residents and visitors. We have changed to a snapshot format, focused on core data.

Thank you for your interest in the Citizen Complaint Oversight Panel. Continuous improvement, a more transparent accountability process and public engagement are our objectives and we are constantly looking for ways to improve our reports to the public.

This is the last report published under my tenure as a member and chair of the Citizens Complaint Oversight Panel. Effective June 30, 2019, I have resigned as a member of this body. It has been a great honor to serve the citizens of Prince George's County in this capacity and I know that the great work of this panel will continue. Thank You!

Sincerely,

Dale A. Crowell

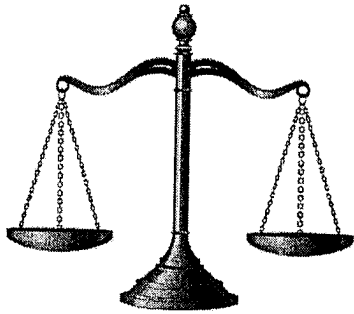


CCOP meets once per week to review Internal Affairs investigations.

Inside

- **Statistical Data**
- **Case Recommendations**
- **Quarterly Highlights**
- **Issues and Concerns**
- **Case Summaries**
- **Important Info**

CCOP OVERVIEW



CB-25-1990

Provided for objective citizen participation in the complaint process and strengthen existing procedures for handling complaints made by citizens against members of the Prince George's County Police Department (PGPD) for allegations of excessive force, harassment, and/or abusive language.

ENABLING LEGISLATION

CB-59-2001

Significantly expanded the CCOP's powers and gave the CCOP the authority to conduct its own investigations and to issue subpoenas through the County Council. It also expanded the scope of investigations reviewed. To include all complaints filed against a member of the PGPD for violation of any law or regulation, whether brought by a citizen, superior officer or any source, all discharge of firearms, and all in-

ENABLING LEGISLATION

The CCOP has the authority to make recommendations regarding policy changes, supervision, operational procedures, training and recruitment. The CCOP's authority is limited to officers of the Prince George's County Police Department. Park, state, or local municipal police forces, as well as the Sheriff's Department, are not included under the CCOP's jurisdiction.

PANEL RESPONSIBILITIES

The CCOP's specific responsibilities include:

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

Panel Composition

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

PANEL MEMBERS

Dale Crowell, Chair*

Mary Godfrey, Vice Chair *

Florence Felix-Lawson

Blanco High

Cardell Montague

Kimberlei Richardson

Vacancy

LEGAL COUNSEL

Marva Jo Camp, Esq

STAFF

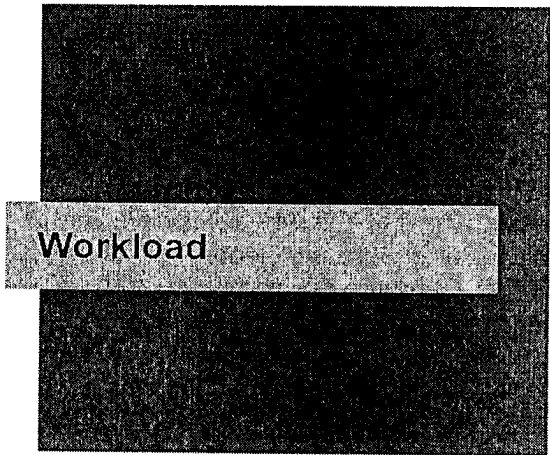
L. Denise Hall

Staff Director

Ashley Smalls

Administrative Aide

* Resigned effective June 30, 2019

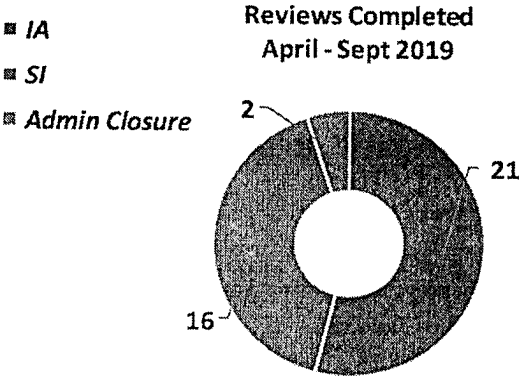


For the period April 1— September 30, 2019, the CCOP reviewed 39 investigations containing 178 allegations. Of these, two investigations were administratively closed prior the CCOP’s review for various reasons, such as resignation of the officers.

The number of investigations reviewed by the CCOP’s does not reflect the number or level of complaints received by the Prince George’s Police Department (PGPD) during a reporting period. The data reported by the CCOP represents the CCOP’s workload, as it relates to investigations completed by the PGPD and referred to the

CCOP for review. Investigations and allegations reviewed by the CCOP, in a given year, will also include investigations completed for complaints filed in prior years.

39
Cases Reviewed



53.9%
Internal Affairs
Investigations

41.0%
Special
Investigations

5.0%
Administrative
Closures

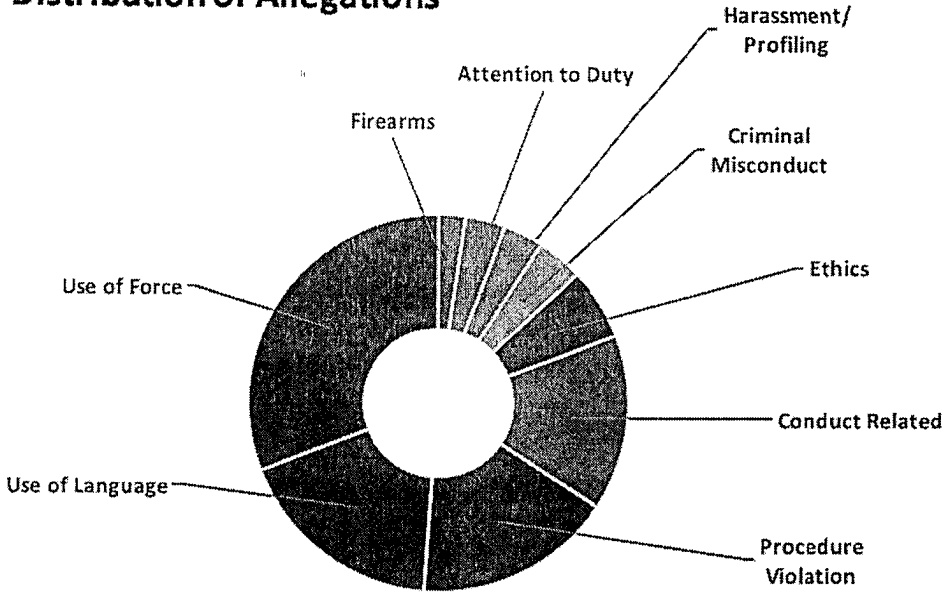
The CCOP only reviews investigations completed by the Internal Affairs Division (IAD) and referred to the CCOP for review in the two major classifications below. Complaints that do not involve misconduct and will not require complete IAD investigations are routed for special inquiry.

- **Special Investigations (SI)** - Investigations that allege a criminal act or could result in a criminal charge or investigation, such as domestic violence, DWI/DUI, theft, unauthorized access to a criminal data base, uses of force that result in injury and all discharges of firearms. A special investigation team within the police department investigates these complaints.
- **Internal Affairs Investigations (IA)** - Investigations alleging use of abusive, derogatory or inappropriate language, most uses of force that do not result in injury and certain other types of misconduct.

Allegations by Type

Allegation	2019 Q2/Q3	Year -to-Date
Attention to Duty	8	13
Conduct Related	27	58
Criminal Misconduct	7	8
Ethics	11	18
Firearms	4	4
Harassment/ Profiling	6	6
Procedure Violation	28	61
Use of Force	55	88
Use of Language	32	47
	178	303

Distribution of Allegations



This reporting period, the CCOP deliberated a total of 176 allegations referred in 37 complete investigations, excluding the two administrative closures. The CCOP recommended an additional two (2), for a total of 178 allegations reviewed by the CCOP. For statistical purposes, all allegations are divided into the nine (9) categories outlined below. Their distribution is illustrated in the chart above and category definitions are below.

- **Attention to Duty** - Failure to perform duties as prescribed.
- **Conduct Related** - Unbecoming conduct and unreported misconduct.
- **Criminal Misconduct** – Administrative charge for misconduct not successfully prosecuted in courts.
- **Ethics Violation** - False Statements and Misrepresentation of Facts.
- **Firearms Charges** -Intentional and accidental discharges of a firearm by an officer.
- **Harassment/Discrimination** - Acts of unwarranted verbal or physical threats or demand, and any acts of misconduct related to a person’s race, creed, color, national origin, gender or religion.
- **Procedure Violation** - Failure to adhere to procedures as outlined in the police General Order Manual or Standard Operating Procedures.
- **Use of Language** -Abusive, discriminatory or inappropriate use of language.
- **Use of Force** – Non-firearms related excessive, unnecessary, and aggressive use of force.

Recommendations

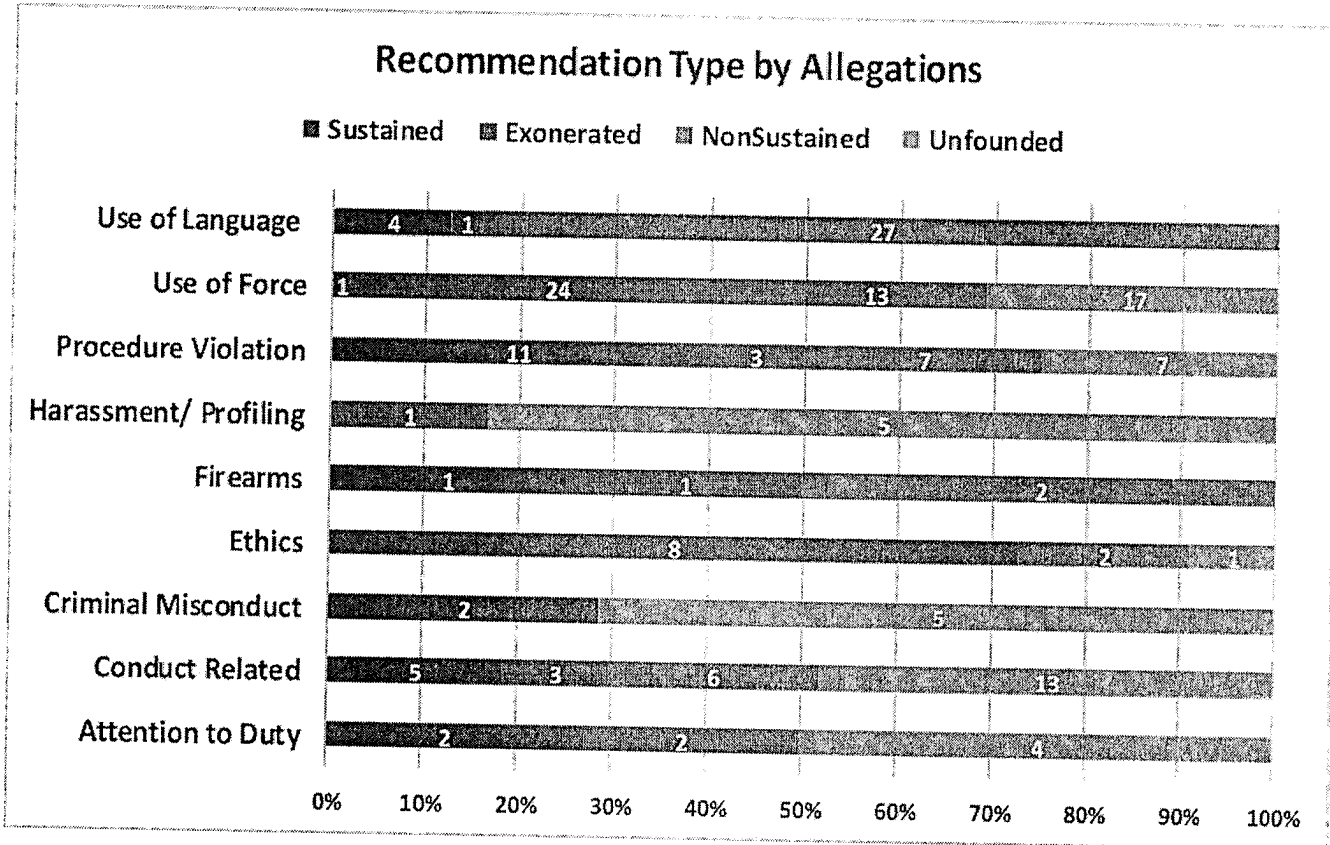
The following recommended dispositions are referred by Internal Affairs for each allegations investigate. The CCOP either agrees with the Internal Affairs recommendation or recommend a different disposition, using these same disposition types.

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

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

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

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



19.9%
Exonerated

32.0%
Non-Sustained

19.1%
Sustained

29.8%
Unfounded

Case Recommendations

Allegations referred for the CCOP's review are grouped into the eleven categories shown below, based on the nature of the incident associated with or that resulted in the allegation being investigated.

Arrest— Subsequent to or during the arrest or detention of a subject.
Dispatched to Scene—The allegation is related to an encounter that occurred when officer was dispatched to a scene.

Domestic— The officer reported to or was the subject of a domestic incident.

Firearms Related — The incident resulted in the intentional or unintentional discharge of a firearm, improper handling or storage of a firearm, or failure to follow protocol related to the use of a firearm.

Investigative Stop/Patrol Duty— The allegation occurred during an investigation stop or during the officer's normal patrol duties.

Internal Incident— Originated by a superior or other officer or are actions that occurred internally

(i.e., in office spaces, classrooms, inside district stations, etc.).

Off-Duty— Alleged misconduct occurred when the officer was off-duty and not on secondary employment.

Other Duties or Assignment - Alleged misconduct occurred while the officer was assigned to special teams or other duties.

Search or Warrant— Subsequent to the search of a subject and/or his property. Also includes allegations related to the execution of warrants, of all types.

Secondary Employment— Allegation occurred during the officer's secondary employment assignment.

Traffic Stop—Related to a traffic stop or traffic incident.

EXONERATED

Case #	Allegations	IAD Recommendations	CCOP Recommendations	Related Incident
IA 17-48	Unbecoming Conduct	Exonerated	Agreed	Traffic Stop
IA 18-07	Harassment	Exonerated	Agreed	Traffic Stop
IA 18-13	Attention to Duty	Exonerated	Agreed	Traffic Stop
IA 18-16	Unbecoming Conduct	Exonerated	Agreed	Traffic Stop
IA 18-18	Attention to Duty	Exonerated	Agreed	Subsequent to an Arrest
IA 18-19	Use of Force	Exonerated	Disagreed	Traffic Stop
IA 18-28	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
IA 18-31	Procedure Violation	Exonerated	Agreed	Investigative Stop/Patrol Duty
SI 17-30	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-36	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-36	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-36	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-77	Use of Force	Exonerated	Agreed	Subsequent to an Arrest
SI 17-77	Use of Force	Exonerated	Agreed	Subsequent to an Arrest

Non-Sustained (Cont.)

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
SI 18-52	Use of Intoxicants	Non-Sustained	Agreed	Internal Investigation
SI 18-52	Use of Intoxicants	Non-Sustained	Agreed	Internal Investigation
IA 18-17	Use of Language	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-18	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-24	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-31	Use of Language	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
IA 18-04	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-07	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-11	Use of Language	Non-Sustained	Disagreed	Dispatched to Scene
IA 18-13	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-20	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-29	Use of Language	Non-Sustained	Agreed	Investigative Stop
SI 18-25	Use of Language	Non-Sustained	Agreed	Traffic Stop
SI 18-25	Use of Language	Non-Sustained	Agreed	Traffic Stop
SI 18-27	Use of Language	Non-Sustained	Agreed	Traffic Stop

Sustained

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 18-23	Ethics	Non-Sustained	Agreed	Traffic Stop
IA 18-23	Ethics	Non-Sustained	Agreed	Traffic Stop
SI 18-52	Firearms and Intoxicants	Non-Sustained	Agreed	Internal Investigation
SI 18-52	Firearms and Intoxicants	Non-Sustained	Agreed	Internal Investigation
SI 17-19	Notification to Public Safety Communications	Non-Sustained	Agreed	Secondary Employment
IA 18-23	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
IA 18-31	Procedure Violation	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
IA-18-32	Procedure Violation	Non-Sustained	Agreed	Traffic Stop
SI 17-19	Procedure Violation	Non-Sustained	Agreed	Secondary Employment
IA 18-11	Unbecoming Conduct	Non-Sustained	Agreed	Dispatched to Scene
IA 18-12	Unbecoming Conduct	Non-Sustained	Agreed	Internal Investigation
IA 18-07	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
IA 18-07	Unbecoming Conduct	Non-Sustained	Agreed	Traffic Stop
IA 18-29	Unbecoming Conduct	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
SI 18-25	Unbecoming Conduct	Non-Sustained	Disagreed	Off Duty
IA 18-16	Use of Force	Non-Sustained	Agreed	Traffic Stop
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Non-Sustained	Agreed	Subsequent to an Arrest
SI 18-52	Use of Intoxicants	Non-Sustained	Agreed	Internal Investigation
SI 18-52	Use of Intoxicants	Non-Sustained	Agreed	Internal Investigation
IA 18-17	Use of Language	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-18	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-24	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-28	Use of Language	Non-Sustained	Agreed	Subsequent to an Arrest
IA 18-31	Use of Language	Non-Sustained	Agreed	Investigative Stop/Patrol Duty
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
SI 17-36	Use of Language	Non-Sustained	Disagreed	Subsequent to an Arrest
IA 18-04	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-07	Use of Language	Non-Sustained	Agreed	Traffic Stop
IA 18-11	Use of Language	Non-Sustained	Disagreed	Dispatched to Scene

Sustained (Cont.)

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 18-20	Attention to Duty	Sustained	Agreed	Traffic Stop
SI 16-59	Attention to Duty	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 17-19	Compliance with Order	Sustained	Agreed	Secondary Employment
SI 16-59	Criminal Misconduct	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 16-59	Criminal Misconduct	Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-22	Failure to Appear	Sustained	Agreed	Internal Investigation
SI 18-17	False Statement Violation	Sustained	Agreed	Firearms Related
SI 18-17	False Statement Violation	Sustained	Agreed	Firearms Related
SI 18-17	False Statement Violation	Sustained	Agreed	Firearms Related
SI 18-17	False Statement Violation	Sustained	Agreed	Firearms Related
SI 18-17	Firearms Storage Require-	Sustained	Agreed	Firearms Related
SI 17-19	Integrity	Sustained	Agreed	Secondary Employment
SI 18-17	Integrity Violation	Sustained	Agreed	Firearms Related
IA 18-22	Misrepresentation of	Sustained	Agreed	Internal Investigation
IA 18-22	Misrepresentation of	Sustained	Agreed	Internal Investigation
SI 17-36	MVS (Required Use)	Sustained	Agreed	Subsequent to an Arrest
IA 18-04	Procedure Violation	Sustained	Added	Traffic Stop
IA 18-04	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 18-04	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 18-14	Procedure Violation	Sustained	Agreed	Subsequent to an Arrest
IA 18-23	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 18-24	Procedure Violation	Sustained	Agreed	Traffic Stop
IA 18-31	Procedure Violation	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 16-59	Procedure Violation	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 17-19	Procedure Violation	Sustained	Added	Secondary Employment
SI 16-59	Unbecoming Conduct	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 16-59	Unbecoming Conduct	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 18-52	Unbecoming Conduct	Sustained	Agreed	Internal Investigation
SI 18-52	Unbecoming Conduct	Sustained	Agreed	Internal Investigation
SI 16-59	Use of Force	Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-17	Use of Language	Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-31	Use of Language	Sustained	Agreed	Investigative Stop/Patrol Duty
SI 16-59	Use of Language	Sustained	Agreed	Investigative Stop/Patrol Duty
IA 18-12	Use of Language	Sustained	Agreed	Internal Investigation

Unfounded

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 18-07	Attention to Duty	Unfounded	Agreed	Traffic Stop
IA 18-11	Attention to Duty	Unfounded	Agreed	Dispatched to Scene
SI 18-52	Attention to Duty	Unfounded	Agreed	Internal Investigation
SI 18-52	Attention to Duty	Unfounded	Agreed	Internal Investigation
IA 18-20	Biased Based Profiling	Unfounded	Agreed	Traffic Stop
SI 18-20	Criminal Misconduct	Unfounded	Agreed	Domestic
SI 18-20	Criminal Misconduct	Unfounded	Agreed	Domestic
SI 18-20	Criminal Misconduct	Unfounded	Agreed	Domestic
SI 18-20	Criminal Misconduct	Unfounded	Agreed	Domestic
SI 18-20	Criminal Misconduct	Unfounded	Agreed	Domestic
SI 17-19	Extra Duty Employment Violation	Unfounded	Agreed	Secondary Employment
IA-18-32	Harassment	Unfounded	Agreed	Traffic Stop
SI 18-04	Harassment	Unfounded	Agreed	Internal Investigation
SI 18-04	Harassment	Unfounded	Agreed	Internal Investigation
IA 18-28	Impounds & Vehicles	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Impounds & Vehicles	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Impounds & Vehicles	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Impounds & Vehicles	Unfounded	Agreed	Subsequent to an Arrest
SI 17-19	Misrepresentation of Fact	Unfounded	Disagreed	Secondary Employment
IA 17-48	Procedure Violation	Unfounded	Agreed	Traffic Stop
IA 17-48	Procedure Violation	Unfounded	Agreed	Traffic Stop
IA 18-29	Stalking/Harassment	Unfounded	Agreed	Investigative Stop/Patrol Duty
IA 18-09	Unbecoming Conduct	Unfounded	Agreed	Domestic
IA 18-09	Unbecoming Conduct	Unfounded	Agreed	Domestic
SI 18-20	Unbecoming Conduct	Unfounded	Agreed	Domestic
IA 18-04	Unbecoming Conduct	Unfounded	Disagreed	Traffic Stop
IA 18-04	Unbecoming Conduct	Unfounded	Disagreed	Traffic Stop
IA 18-17	Unbecoming Conduct	Unfounded	Agreed	Investigative Stop/Patrol Duty
IA 18-26	Unbecoming Conduct	Unfounded	Agreed	Investigative Stop/Patrol Duty
IA 18-28	Unbecoming Conduct	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Unbecoming Conduct	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Unbecoming Conduct	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Unbecoming Conduct	Unfounded	Agreed	Subsequent to an Arrest
SI 17-19	Unbecoming Conduct	Unfounded	Disagreed	Secondary Employment
SI 18-04	Unbecoming Conduct	Unfounded	Agreed	Internal Investigation
IA 18-18	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
IA 18-09	Use of Force	Unfounded	Agreed	Domestic
IA 18-09	Use of Force	Unfounded	Agreed	Domestic
IA 18-13	Use of Force	Unfounded	Agreed	Traffic Stop
IA 18-14	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
IA 18-14	Use of Force	Unfounded	Agreed	Subsequent to an Arrest

Unfounded

Case #	Allegations	IAD Recommendation	CCOP Recommendation	Related Incident
IA 18-14	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
IA 18-17	Use of Force	Unfounded	Agreed	Investigative Stop/Patrol Duty
IA 18-17	Use of Force	Unfounded	Agreed	Investigative Stop/Patrol Duty
IA 18-28	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
IA 18-28	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Unfounded	Agreed	Subsequent to an Arrest
SI 17-43	Use of Force	Unfounded	Agreed	Subsequent to an Arrest



SOME INTERSTING FACTS

- *Use of Force (31%), Use of Language (18%), Procedure Violation (16%), and Conducted-Related (15%)* allegations represented 80% all the allegations referred to the CCOP this reporting period.
- Non-traffic stop incidents involving arrests were the most likely officer interactions resulting in Use of Force allegations this reporting period. Of the 55 Use of Force allegations reviewed, 51 or 93% was related to this type of arrests. Of these Use of Force allegations, IAD recommended that a combined 68% be exonerated or non-sustained. The CCOP agreed with 100% of these recommendations to exonerate.
- Traffic-stop related allegations were the second highest category of contact resulting in misconduct allegations. There were 41 allegations related to traffic stops. Over 37% of these was for Use of Language and less than 10% was for Use of Force. One-Hundred percent of these traffic-stop related allegations were non-sustained and the CCOP agreed.
- Investigative//Patrol Stops accounted for 22 allegations or 12% of all allegations. Fifty percent or 11 were sustained and one exonerated. The CCOP agreed.
- Ten (10) allegations reviewed were related to domestic violence calls and all were unfounded. This included five (5) Criminal Misconduct, three (3) Unbecoming Conduct and two (2) Use of Force allegations.
- In case # IA 18-28, the Complainant alleged that during his arrest, an unknown officer called him a "b**"h, threatened him, used other profanities and pinned him to the ground, while kicking and punching him. Four officers were involved and all four were investigated. This resulted in 30 allegations for Use of Force, Use of Language, Unbecoming Conduct and Procedure Violation, that were either exonerated, non-sustained or unfounded. The COOP agreed.
- For this reporting period, the CCOP found that the majority of IAD investigations were through, impartial and the recommended dispositions were appropriate. The CCOP agreed with IAD recommendations for 94.3% of the allegations reviewed. The Panel also added and recommended sustaining two Procedure Violations.
- The chart below illustrates the distribution of allegations among categories.

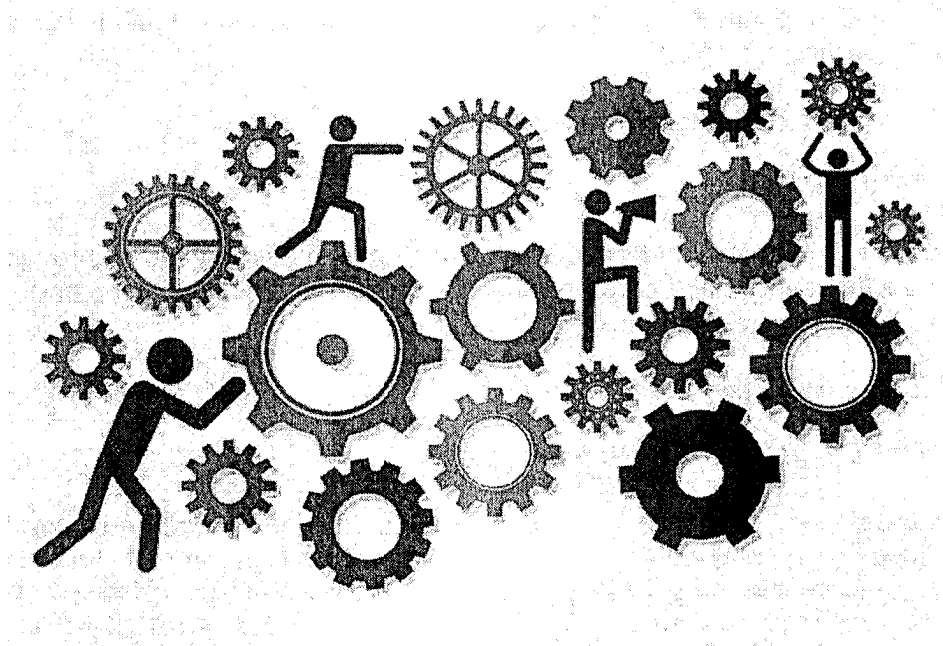
Allegations	Sustained	Exonerated	Non-Sustained	Unfounded	CCCOP AGREED	AGREED %
Attention to Duty	2	2	0	4	8	4.5%
Conduct Related	5	3	6	13	23	13.1%
Criminal Misconduct	2	0	0	5	7	4.0%
Ethics	8	0	2	1	10	5.7%
Firearms	1	1	2	0	4	2.3%
Harassment/ Profiling	0	1	0	5	6	3.4%
Procedure Violation	11	3	7	7	26	14.8%
Use of Force	1	24	13	17	54	30.7%
Use of Language	4	1	27	0	28	15.9%

SOME INTERSTING FACTS (Cont.)

- The chart below illustrates the CCOP's recommendation by type of disposition.

	Exonerated	Non-Sustained	Sustained	Unfounded	Total
CCOP Agreed	34	52	32	48	166
CCOP Disagreed*	1	5	2	4	12
Total Allegations	35	57	34	52	178
Agreed Rate	81.30%	87.50%	81.00%	95.70%	88.70%
* The CCOP added 2 sustained allegations in 2 investigations and these are counted as disagrees.					

* Please review the case listing and the Case Summaries for specific details on the allegations and findings.





Issues and Concerns

Upon completion of its reviews, the CCOP immediately relays its issues and concerns to the Chief of Police in recommendation letters for each case reviewed. For those that the Panel deem to be urgent, the Panel will discuss them in adhoc meetings with the Chief and his executive staff.

For this reporting period, the CCOP did not note any new issues or concerns. Below is a cumulative list issues and concerns for 2019. This list will remain cumulative, with periodic updated statuses.

ESCALATING INCIDENCES OF MISCONDUCT BY INVIDUAL OFFICERS

ISSUE: For Example, the CCOP noted that a Respondent in an investigation exhibited a disturbing pattern of misconduct, in which allegations against the officer were sustained. One occurred on July 6, 2017, just two weeks before the investigation under review, when the Respondent was found guilty of *Criminal and Unbecoming Misconduct* for reckless driving - exceeding 124 mph in another state. A second offense occurred two months prior, when an allegation of *Use of Language* was sustained against the Respondent use of profanity against his supervisor, while in a public space an in view of citizens and other officers. The CCOP has concerns regarding what appears to be escalating incidences of misconduct by the Respondent. The Panel is requested information or a briefing on the actions being taken by the Department to address this escalating pattern of behavior, not only for this respondent, but when it is observed in other officers, as well.

STATUS: Pending from 1st Quarter 2019

PROPERTY PROTOCOL

ISSUE: The CCOP's reviews indicated some uncertainty and ambiguity regarding the proper protocol for handling confiscated property. The CCOP recommended that the protocol be clarified, so it can be properly enforced.

STATUS: Pending from 1st Quarter 2019

USE AND SAFETY OF ASSIGNED FIREARMS

ISSUE: The CCOP reviewed two investigations related to the use and/or security of officers' assigned firearms. In one investigation, an officer failed to properly secure his rifle. However, there was not discharge or injury related to this incident. In another, an officer failed to secure his firearm and it was improperly handle by his girlfriend. Again, there was no discharge or injury. The CCOP is concerned that this may not always be the case,

STATUS: Pending from 1st Quarter 2019

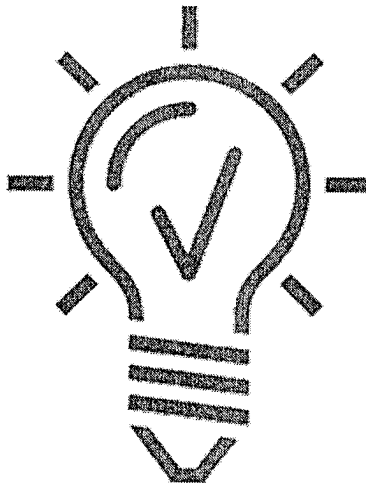
SOCIAL MEDIA POLICY

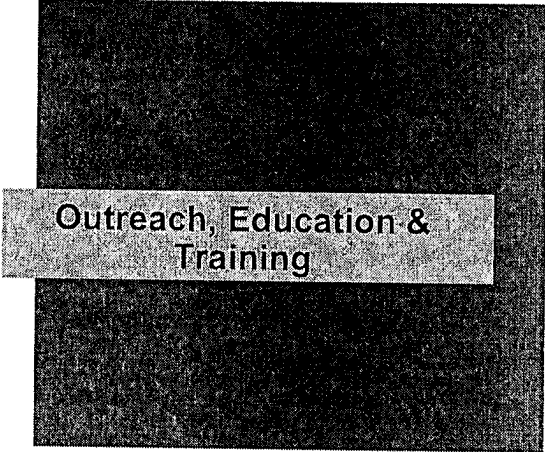
ISSUE: The Panel reviewed an investigation that involved the use an officer use of his personal social media. The question was if in the officer's posting , which was clearly offensive

Issues and Concerns (Cont.)

and disparaging, the public could be readily identified as an officer of the Prince George Police Department. The Department's current Social Media Policy prohibits "Any online activity or electronic transmission conducted on-duty or off-duty that may reflect poorly on the Department is strictly prohibited." The panel concern is that if the officer could not readily be identified as a member of the PGPD, the post may not have violated the Department's social media policy. There needs to be guidance in this regard.

STATUS: Pending from 1st Quarter 2019





**Outreach, Education &
Training**

One of CCOP's objectives is to strengthen the relationship between the police and the community. The CCOP's efforts to achieve this are normally concentrated in three main areas:

Community Relations—No activities conducted this quarter

Partnership Building— The Panel established a partnership with Prince George Community College to assess and improve how the Panel collects, reports and analyzes its statistical data. A partnership meeting scheduled for this reporting period to review changes proposed by the CCOP was postponed until 4th quarter.

Improved Training for Panel— The Panel did not participate in training this quarter.



Case Summaries

SI 16-59

The Respondent requested back-up for a subject stop. The witness officers reported that the Respondent told the Involved Citizen to "get the f**k out of my town." The Witness Officer alleged that when the Involved Citizen did not respond, the Respondent grabbed the Involved Citizen by her ears and lifted her off the ground. The Respondent then pushed and struck her on the side of her face, with an open-hand slap. When the Involved Citizen bent down to pick up a soda cup, the Respondent kicked it away. The Involved Citizen then walked away. Witness officers reported the incident to a supervisor.

Criminal Misconduct – The panel agreed with the finding of Sustained.
Criminal Misconduct – The panel agreed with the finding of Sustained.
Unbecoming Conduct – The panel agreed with the finding of Sustained.
Unbecoming Conduct – The panel agreed with the finding of Sustained.
Use of Force – The panel agreed with the finding of Sustained.
Use of Language – The panel agreed with the finding of Sustained.
Procedural Violation – The panel agreed with the finding of Sustained.
Attention to Duty – The panel agreed with the finding of Sustained.

IA 17-48

The Complainant alleged that Respondent #1 grabbed and swung her by her wrist, while she was looking for her license inside her purse. The Complainant also alleged that the Respondents yelled at her during the traffic stop.

Respondent #1
Use of Force – The panel agreed with the finding of Exonerated
Unbecoming Conduct – The panel agreed with the finding of Exonerated.

Respondent #2
Procedure Violation – The panel agreed with the finding of Unfounded.

Respondent #3
Procedure Violation – The panel agreed with the finding of Unfounded.

SI 17-19

A Witness stated that he ordered the Respondent to notify him prior to making scheduled changes or adjustments to his work schedule. The Respondent changed his schedule in the

payroll system and, then worked secondary employment. The Witness then changed the punches back to what they were previously, causing his work shift and secondary employment to overlap. The Respondent was allegedly advised by Respondent #2 to change his punches in the payroll system at secondary employment in order to not receive pay for those hours that overlapped with the county payroll system.

Respondent #1

Integrity – The Panel agreed with the finding of Sustained.

Procedural Violation – The Panel agreed with the finding of Non-sustained.

Misrepresentation of Fact – The Panel DISAGREED with the finding of Unfounded.

Notification to Public Safety Communications – The Panel agreed with the finding of Non-sustained

Compliance with Order from Superior Authority – The Panel agreed with the finding of Sustained.

Extra Duty Employment Violation - The Panel agreed with the finding of Unfounded.

Respondent #2 Walter

Unbecoming Conduct – The Panel DISAGREED with the finding of Unfounded.

Additional Allegation – Respondent #1

Procedure Violation - The CCOP recommended adding and sustaining this allegation for the Respondent's, violation of Volume I, Chapter 18, Section 5 (Procedures) Subsection (2), which states, that officers shall not work more than 16 hours per day during their regular tour of duty.

COMMENTS

The CCOP disagreed with the finding for the allegation of Unbecoming Conduct for Respondent #2. The CCOP recommended that the allegation be Unfounded. On page 16 and 19 of his testimony, Respondent #2 unequivocally stated that he (Respondent #2) made the decision to change the secondary employment hours. There is no evidence in the record, nor any testimony to support the allegation that Respondent #1 ordered him to change his hours.

With regards to Respondent #1, the CCOP disagreed with the finding for allegation #3, Misrepresentation of Facts. The CCOP finds that this allegation should be sustained. There had been an incident a month prior to this incident, where Respondent #1 had been counseled about changing his time without prior authorization. In that incident, Respondent #1 moved his time with the County back one hour to accommodate his hours at his secondary employment.

In this case, Respondent #1 intentionally omitted the fact that he wanted leave from his County post to work his secondary employment, since he was doing so without authorization. The CCOP found that this omission was material and an intentional misrepresentation of the facts surrounding the reason why he needed leave, when he left his post at the County, without authorization to work his secondary employment.

The CCOP also found that a Procedure Violation allegation should be included in this case, with a disposition of sustained. Volume I, Chapter 18, Section 5 (Procedures) Subsection (2) states that officers shall not work more than 16 hours per day during their regular tour of duty. This includes regular scheduled tours of duty, overtime, SLEE, or a combination of the aforementioned hours.

The CCOP found that Respondent #1 was in violation of this section. This respondent admitted to starting work at his County post at 11:00 am. He worked through 9:00 pm, when he

left to begin his secondary employment, where he originally logged in at 11:00 pm and worked through 6:00 am the next morning. This combination of work amounts to a total of 19 hours. This was in violation of the abovementioned GOM section. The fact that Respondent #1 did not have authorization to begin work at 11:00 am does not exempt him from the 16-hour requirement.

SI 17-30

The Respondent was working secondary employment at an apartment complex. While on the property, the Respondent observed a fight. The Respondent reported take action and attempted to take the Involved Citizen into custody. While being taken into custody, the Involved Citizen attempted to flee by running out of the building. The Respondent gave chase and caught the Involved Citizen. The Involved Citizen was subsequently arrested and transported to the hospital for injuries he had sustained during the fight. The Involved Citizen was diagnosed with an orbital fracture.

Use of Force – The Panel agreed with the finding of Exonerated.

SI 17-36

The Respondents were patrolling, as a two-man unit, when they conducted a traffic stop for a seatbelt violation. The vehicle was occupied by the Involved Citizen and witness. The officers alleged that during the stop, they detected an odor of marijuana emanating from the vehicle and began conducting pat-downs of the occupants. During the pat-down of the Involved Citizen, the citizen removed his hands from his head and placed them inside the front of his waistband. The Respondents stated that they gave the Involved Citizen verbal commands, but the Involved Citizen refused to comply. The Involved Citizen continued to resist, after being taken to the ground. An object the Respondent believed to be gun, was felt in the Involved Citizen's waistband. A Taser was deployed and the Involved Citizen was taken into custody and transported to the hospital.

Respondent #1

Use of Force – The Panel agreed with Exonerated

Use of Language – The Panel DISAGREED with Non-Sustained

MVS (required Use) – The Panel agreed with Sustained

POF Respondent #2

Use of Force – The Panel agreed with Exonerated

Use of Language – The Panel DISAGREED with Non-Sustained

Respondent #3

Use of Force – The Panel agreed with Exonerated

Use of Language – The Panel DISAGREED with Non-Sustained

COMMENTS

The CCOP agreed with the Use of Force dispositions for all three respondents, as well as the MVS disposition for Respondent #1. However, with regards to the Use of Language allegations for all three respondents, the Panel does not agree with the investigator's summary of the incident, which that states, "the statement that was recorded on the MVS... was reasonable under the circumstances." The GOM, Volume I, Chapter 32, Section V, Use of Language states, "employees shall not use language that is discriminatory, abuse or inappropriate. This behavior diminishes public confidence, undermines the effectiveness and integrity of the Department, and will not be tolerated." The GOM provides no reasonable

circumstances for the use of language alleged in this investigation.

Additionally, the Panel remains concerned with the incomplete and unsatisfactory quality of this investigation, wherein the initial investigator failed to ask any of the respondents about the use of language. If this investigator had completed the investigation thoroughly, as required, the allegations of Use of Language would have been addressed properly. Also, a schedule follow-up interview did not occur until much late, which was after the mandated deadline regarding police complaints expired. This allowed the officers to circumvent a proper investigation and administrative findings.

Additionally, the investigative file failed to include all the follow-up interviews for other Respondents, even though the summary explicitly references these follow-up interviews. Therefore, the Panel disagreed with the finding of non-sustained for the Use of Language allegations for all three respondents, but was unable to give a recommendation for final disposition.

SI 17-43

The Involved Citizen alleged that the Respondents removed him from his home during the early morning hours, without cause, and used excessive force against him while effecting the unlawful arrest. The Involved Citizen further alleged that during the struggle to place him into custody, the Respondents kicked him in the face and body, which caused a broken nose.

Respondent #1

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Exonerated.

Respondent #2

Use of Force – The Panel agreed with the finding of Unfounded.

Respondent #3

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Exonerated.

Respondent #4

Use of Force – The Panel agreed with the finding of Exonerated.

Use of Force – The Panel agreed with the finding of Unfounded.

Respondent #5

Use of Force – The Panel agreed with the finding of Unfounded.

Use of Force – The Panel agreed with the finding of Exonerated.

Use of Force – The Panel agreed with the finding of Non-Sustained.

SI 17-77

The Involved Citizen was placed under arrest by the Respondents. The officers used force to affect the arrest, to include punches and take downs. The Involved Citizen was taken to the hospital for treatment, where it was discovered he suffered a fractured nasal bone. SIRT was notified and responded to the hospital. At the hospital, the Involved Citizen gave a verbal statement, but declined to be recorded or cooperate further with the investigation.

Respondent #1

Use of Force – The panel agreed with the finding of Exonerated.

Respondent #2
Use of Force – The panel agreed with the finding of Exonerated.

Respondent #3
Use of Force – The panel agreed with the finding of Exonerated.

Respondent #4
Use of Force – The panel agreed with the finding of Exonerated.

IA 18-04

The Complainant alleged that during a traffic stop, Respondent #2 told him "I was going to let you go, but you had to act like a smart a**." The Complainant also alleged that his vehicle was damaged during impound and his sunglasses are missing.

Respondent #1
Procedure Violation – The Panel agreed with Sustained.
Unbecoming Conduct – The Panel DISAGREED with Unfounded.

Respondent #2
Procedure Violation – The Panel agreed with Sustained.
Unbecoming Conduct – The Panel DISAGREED with Unfounded.
Use of Language – The Panel agreed with Non-Sustained.

Additional Allegation
Procedure Violation - The CCOP recommends adding and sustaining this allegation.

COMMENTS

The CCOP agreed with the sustained findings for both respondents and the Non-Sustained finding for Respondent #1's Use of Language allegation. However, for the Unbecoming Conduct allegation for both respondents laughing and joking about the Complainant's arrest, the CCOP disagreed with the Unfounded. The record does not establish that this did not occur—especially since the officers' failure to record the stop helped exacerbate the lack of evidence to either prove or disprove this allegation. The CCOP recommended that these two allegations be Non-Sustained.

The CCOP found multiple issues in this case. First, and most importantly, the officers failed to verify the legality of the Complainant's license. The record shows that *after* Respondent #2 placed the Complainant in custody, he then spoke with Respondent #2 about the status of Respondent's out-of-state license, showing he was unclear as to whether the involved citizen's license was valid.

Second, the CCOP recommended adding and sustaining an additional Procedure Violation for Respondent #2 failure to link multiple violations for traffic citations and criminal arrest. Per GOM June 2018 edition, Volume II, Chapter 55, Traffic Law Enforcement, Section V (Procedures), Subsection 2 (Multiple Violations), Traffic Citations and Criminal Arrests, it states, to establish probable cause in court, officers that make traffic stops that lead to arrest should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should also be cited for the unsafe lane change. In this case, the officers failed to cite the Involved Citizen for his traffic violation before taking him into custody and arresting him. Because the officers failed to give him a traffic citation, the criminal arrest and subsequent citation cannot be established, per this section. The officer failed to proceed on a valid,

articulable cause and, instead, pursued an invalid reason to arrest the citizen that led to the search.

IA 18-07

The Complainant alleged that during a traffic stop the Respondents harassed him by calling him a "stupid", stating he stinks and calling his car and apartment complex "raggedy." The Complainant also alleged that the Respondents stated they wanted to kill someone and that they wanted to "f**k his mom."

Respondent #1

Unbecoming Conduct – The panel agreed with the finding of Non-Sustained.

Harassment – The panel agreed with the finding of Exonerated.

Respondent #2

Unbecoming Conduct – The panel agreed with the finding of Non-Sustained.

Protocol (Attention to Duty) – The panel agreed with the finding of Unfounded.

Use of Language – The panel agreed with the finding of Non-Sustained.

IA 18-09

The Complainant alleged that the Respondents assaulted him and were verbally abusive during a domestic incident.

Respondent #1

Use of Force – The panel agreed with the finding of Unfounded.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Respondent #2

Use of Force – The panel agreed with the finding of Unfounded.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

IA 18-11

The Complainant alleged that while on a call for service, the Respondent referred to another officer as a "dumb a**." The Complainant further alleged that the Respondent failed to address her complaint.

Use of Language – The Panel DISAGREED with the finding of Non-Sustained.

Protocol (Attention to Duty) - The Panel agreed with the finding of Unfounded.

Unbecoming Conduct - The Panel agreed with the finding of Non-Sustained

COMMENTS

This investigation involved a long-standing neighbor dispute. The Complainant alleged that she was being harassing and stalking by her upstairs neighbors. The Complainant has called the police numerous time related to this, but has never had a conversation with her neighbor. The Complainant requested to be moved to another apartment. However, the landlord was unable to accommodate her request. The police advised her to get a peace order. She refused to do so.

The Respondent reported for a complaint that the Complainant's neighbor's mother was knocking hard on her door. The Complainant alleged that the Respondent was not as responsive as another officer who previously reported for her complaints and that the Respondent was on the phone while talking to her. She stated that she demanded a police report and the Respondent

advised her that the police did not do a report in instances like this and that she should “handle it herself.”

The Complainant alleged that when she informed the Respondent of information provided to her by the other officer, he referred to that officer as a “dumb a**.” The Respondent admitted to calling the officer “dumb”, but not a “dumb a**.”

The CCOP finds that the use of the terms “dumb” or “dumb a**” when referring to a fellow officer is equally offensive and inappropriate, especially when done in public or in conversation with a citizen. Therefore, the CCOP disagreed with the Non-Sustained finding for the allegation Use of Language and recommended that the allegation be sustained.

IA 18-12

The Complainant alleged that during a debriefing, the Respondent used inappropriate language and made disparaging remarks about recruit officers.

Use of Language – The panel agreed with the finding of Sustained.

Unbecoming Conduct – The panel agreed with the finding of Non-Sustained.

IA 18-13

The Complainant alleged that the Respondents conducted an illegal search of his vehicle and stated, "I can be a bad son of a b***h."

Respondent #1

Protocol (Attention to Duty) – The panel agreed with the finding of Exonerated.

Respondent #2

Use of Language – The panel agreed with the finding of Non-Sustained.

Respondent #3

Use of Force – The panel agreed with the finding of Unfounded.

IA 18-14

The Complainant alleged that the Respondent struck him with his fist with a flat hand. The Complainant also alleged that he was pushed around and his property was not accounted for after his arrest.

Use of Force – The panel agreed with the finding of Unfounded.

Use of Force – The panel agreed with the finding of Unfounded.

Use of Force – The panel agreed with the finding of Unfounded.

Procedure Violation – The panel agreed with the finding of Sustained.

IA 18-16

The Complainant alleged that the Respondent slammed her car door on the back and side of her head, while she was reaching in her vehicle to grab her personal items. The Complainant also alleged that her vehicle should not have been towed.

Use of Force – The panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The panel agreed with the finding of Exonerated.

IA 18-17

The Involved Citizen alleged that while the Respondent conducted a frisk search, he groped her private parts and used profanities. The Involved Citizen further alleged that in another incident, the Respondent also used profanity and threw the Involved Citizen in the front compartment of his police cruiser.

Use of Language– The panel agreed with the finding of Non-Sustained.

Use of Force – The panel agreed with the finding of Unfounded.

Use of Language – The panel agreed with the finding of Sustained.

Use of Force – The panel agreed with the finding of Unfounded.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

IA 18-18

The Complainant alleged that the Respondent used profanity, pushed him to the ground, kicked him in the back of the leg and jumped on his back during his arrest. The Complainant also alleged that there were damages to his front passenger window of his vehicle and there was a pool of water in his trunk, after it was impounded.

Use of Force – The panel agreed with the finding of Unfounded.

Protocol (Attention to Duty) – The panel agreed with the finding of Exonerated.

Use of Language – The panel agreed with the finding of Non-Sustained.

IA 18-19

The Complainant alleged that the Respondent grabbed him by the back of his head and squeezed it during a traffic stop.

Use of Force – The panel DISAGREED with the finding of Exonerated

COMMENTS

The CCOP DISAGREED with the finding of exonerated in this case. This investigation does not provide sufficient evidence to prove that Respondent's escort technique was appropriate and conversely, it also does not provide sufficient evidence to prove that it was inappropriate.

The evidence includes a video, which does not show an obscured view, as the investigator claimed. It does show that the Respondent held the Complainant's neck in a manner, as described by the Complainant. However, the video does not provide sufficient evidence to establish the level of force used by the Respondent and whether the Use of Force was appropriate. Therefore, the Panel recommended finds that the finding for this allegation should be Non-Sustained

IA 18-20

The Complainant stated that the Respondent encountered him on a traffic stop. The Complainant alleged he felt threatened by the Respondent's presence. The Complainant further alleged that the Respondent said "he was stupid, and he was a dumb a**" for requesting a supervisor to the scene.

Use of Language - The panel agreed with the finding of Non-Sustained.

Protocol – The panel agreed with the finding of Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Use of Language – The panel agreed with the finding of Non-Sustained.
Biased Based Profiling – The panel agreed with the finding of Unfounded.

IA 18-22

A Witness alleged that the Respondent misrepresented the facts during a failure to appear for court interview he was conducting.

Failure to Appear – The panel agreed with the finding of Sustained.
Misrepresentation of Facts – The panel agreed with the finding of Sustained.
Misrepresentation of Facts – The panel agreed with the finding of Sustained.

IA 18-23

The Complainant alleged that the Respondents stole a large sum of money he left in the back seat of a vehicle that was impounded after a traffic stop. The Complainant also alleged that Respondent #3 failed to identify herself, after being asked.

Respondent #1
Ethics – The Panel agreed with the finding of Non-Sustained.

Respondent #2
Ethics – The Panel agreed with the finding of Non-Sustained.

Respondent #3
Procedural Violation – The Panel agreed with the finding of Non-Sustained.
Procedural Violation – The Panel agreed with the finding of Sustained.

IA 18-24

The Respondent allegedly used inappropriate language and failed to activate his portable microphone during the incident.

Use of Language– The panel agreed with the finding of Non-Sustained.
Procedural Violation – The panel agreed with the finding of Sustained.

IA 18-26

The Complainant alleged that the Respondent hit her on the shoulder with her arm while walking by her.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

IA 18-27

Complainant alleged that the Respondents used inappropriate language toward him while on a traffic stop.

Respondent #1

Use of Language – The panel agreed with the finding of Non-Sustained.

Respondent #2

Use of Language – The panel agreed with the finding of Non-Sustained.

Respondent #3

Use of Language – The panel agreed with the finding of Sustained.

IA 18-28

The Complainant alleged that during his arrest, an unknown officer called him a profanity, threatened him, used other profanities and pinned him to the ground, while kicking and punching him.

Respondent #1

Use of Force (Excessive) x3 – The panel agreed with the findings of Non-Sustained.

Use of Force (Excessive) – The panel agreed with the finding of Unfounded.

Use of Force (Excessive) – The panel agreed with the finding of Exonerated.

Use of Language (Inappropriate) – The panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Impounds & Vehicles – The panel agreed with the finding of Unfounded.

Respondent #2

Use of Force (Excessive) x3 – The panel agreed with the findings of Non-Sustained.

Use of Force (Excessive) – The panel agreed with the finding of Unfounded.

Use of Language (Inappropriate) – The panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Impounds & Vehicles – The panel agreed with the finding of Unfounded.

Respondent #3

Use of Force (Excessive) x3 – The panel agreed with the findings of Non-Sustained.

Use of Force (Excessive) – The panel agreed with the finding of Unfounded.

Use of Language (Inappropriate) – The panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Impounds & Vehicles – The panel agreed with the finding of Unfounded.

Respondent #4

Harassment – The panel agreed with the finding of Exonerated.

Use of Force (Excessive) x3 – The panel agreed with the findings of Exonerated.

Use of Force (Excessive) x2 – The panel agreed with the findings of Non-Sustained.

Use of Language (Inappropriate) – The panel agreed with the finding of Non-Sustained.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Impounds & Vehicles – The panel agreed with the finding of Unfounded.

IA 18-29

The Complainant alleged that the Respondent used profanity while addressing him and has been harassing the Complainant for four years.

Use of Language – The panel agreed with the finding of Non-Sustained.

Stalking/Harassment – The Panel agreed with the finding of Unfounded.

Unbecoming Conduct – The Panel agreed with the finding of Non-Sustained.

IA 18-31

The Complainant alleged that the Respondent illegally searched and impounded his car, and without consent. Complainant stated that the Respondent used multiple profanities while addressing her.

Use of Language– The panel agreed with the finding of Sustained.

Use of Language – The panel agreed with the finding of Non-Sustained.

Procedural (Uniform & Grooming) – The panel agreed with the finding of Sustained.

Procedural (Uniform & Grooming) – The panel agreed with the finding of Exonerated.

Procedural (Officer Identification) – The panel agreed with the finding of Non-Sustained.

IA 18-32

The Complainant alleged that he was harassed by Respondent #1, who conducted a traffic stop on his vehicle. Respondent #2 arrived on scene and observed that the Complainant had heavily tinted windows. Respondent #2 stated that the Involved Citizen initially refused to roll his window down, but later complied and Respondent #1 was able to measure the tint on the window. Respondent #2 stated that he was wearing his name tag at the time of the traffic stop.

Respondent #1

Harassment – The panel agreed with the finding of Unfounded.

Respondent #2

Procedure Violation – The panel agreed with the finding of Non-Sustained.

SI 18-02

The Respondents observed the Involved Citizen standing in the middle of the street yelling at passing traffic. The officers stopped to check on the Involved Citizen's welfare and the Involved Citizen lunged at the officers, attacking them. The Respondents used force to stop the attack and place the Involved Citizen into custody.

Respondent #1

Use of Force – The panel agreed with the finding of Exonerated.

Respondent #2

Use of Force – The panel agreed with the finding of Exonerated.

Use of Force – The panel agreed with the finding of Exonerated.

SI 18-04

The Involved Citizens obtained an Interim Protective Order against the Respondent for harassment, stalking, threats of violence and misuse of telephone and electronic communication.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Unbecoming Conduct – The panel agreed with the finding of Unfounded.

Harassment – The panel agreed with the finding of Unfounded.

Harassment – The panel agreed with the finding of Unfounded.

SI 18-10

Officers responded for a violent domestic call for service. Upon their arrival they encountered the Involved Citizen, who had been in an altercation with his girlfriend. The Involved Citizen was irate and appeared to be under the influence of drugs. The decision was made to place the Involved Citizen under arrest for domestic assault against his girlfriend and infant daughter. The Respondents attempted to place the Involved Citizen in handcuffs, when he became actively resistant, striking Respondent #1 with his elbow and attempting to flee. The respondents grabbed the Involved Citizen and a struggle ensued. Both respondents delivered personal weapon strikes. The Involved Citizen continued to be extremely combative and irate and was placed in handcuffs. The Respondent alleged that once in custody, the respondents were escorting the Involved Citizen out the front door, when the Involved Citizen fell out the door and on his face and stomach. The Involved Citizen was transported to the hospital for treatment of a fractured nose.

Respondent #1

Use of Force – The panel agreed with the finding of Exonerated.

Use of Force – The panel agreed with the finding of Exonerated.

Respondent #2

Use of Force – The panel agreed with the finding of Exonerated.

SI 18-15

Officers responded for an armed person call. Once on scene, officers came in contact with the Respondent. The officers determined that the Respondent was off duty, walking his dog, when another unchained dog charged at him from a car parked in a driveway. The Respondent picked up his dog and attempted to create distance from the other dog, while yelling at the Involved Citizen to get his dog. The dog continued to attack, leaping and biting at the Respondent and his dog. The Respondent drew his service weapon and fired one round at the dog, striking it on the right hind leg. The dog was transported to the animal hospital for non-life-threatening injuries.

Use of Force – The panel agreed with the finding of Exonerated.

Use of Language – The panel agreed with the finding of Exonerated.

SI 18-17

The Respondent and Involved Citizen traveled to a resort for a weekend trip. After going to dinner and a club, the Respondent and Involved Citizen returned to their room intoxicated. Shortly thereafter, the Respondent went outside, while the Involved Citizen stayed in the room. The Respondent left his issued firearm in the holster on the table in the room. The Involved Citizen fired one round from the Respondent's service weapon, causing damage to the patio door frame and glass. The Involved Citizen texted the Respondent advising what had occurred. The Involved Citizen described the Respondent as very upset and distraught regarding the possibility of losing his job and disclosing the details to his wife. The Respondent told the Involved Citizen he would take responsibility for the incident and advised that his gun fired while he was cleaning it. After interviewing the Involved Citizen separately, it was revealed that she had fired the gun and not the Respondent. The Respondent admitted that he intended to protect the Involved Citizen by taking the blame for the accidental discharge.

Integrity Violation – The panel agreed with the finding of Sustained.

False Statement Violation – The panel agreed with the finding of Sustained.

False Statement Violation – The panel agreed with the finding of Sustained.

False Statement Violation – The panel agreed with the finding of Sustained.

False Statement Violation – The panel agreed with the finding of Sustained.

Firearms Storage Requirement – The panel agreed with the finding of Sustained.

SI 18-20

A Temporary Protective Order was obtained by the Respondent's girlfriend. The Involved Citizen documented in her Petition for Protection the Respondent's emotional abuse, reckless driving with her in the vehicle and was physical abuse. The petition did not provide any additional details concerning the allegations.

Criminal Misconduct – The panel agreed with the finding of Unfounded.
Criminal Misconduct – The panel agreed with the finding of Unfounded.
Criminal Misconduct – The panel agreed with the finding of Unfounded.
Criminal Misconduct – The panel agreed with the finding of Unfounded.
Criminal Misconduct – The panel agreed with the finding of Unfounded.
Unbecoming Conduct – The panel agreed with the finding of Unfounded.

SI 18-25

The Involved Citizen made notification that he had been involved in an incident in Ocean City. The Respondent had gone out with friends to several bars. When the Respondent awoke in the next morning, he was in a room that was not his room or in his hotel. The Respondent was alone and did not recall how he got in the room. The Respondent saw that the doorframe of the room was damaged, indicating the door had been forced open. The Respondent located the property manager and with his assistance obtained the phone number of the condo owner. The Respondent contacted the Involved Citizen and made arrangements to pay for the damage to the door.

Unbecoming Conduct – The panel DISAGREED with the finding of Non-Sustained.

SI 18-23

An arrest warrant was served on the Involved Citizen. The Involved Citizen's mother allowed officers to enter their apartment. The mother advised officers of the Involved Citizen's location in a bedroom. Officers forced entry, after knocking and announcing several times. The Involved Citizen began making furtive movements, with his hands concealed. The Respondent issued several verbal commands to show his hands. The Respondent alleged that, in fear of his life, he discharged his firearm once, striking the Involved Citizen in the torso.

Use of Force (Discharge of Firearm) – The panel agreed with the finding of Exonerated.

SI 18-52

Two separate letters were received by IAD. The two letters were are hand written and were not signed. The first letter claimed that no one in a command position cares about the favoritism and unprofessionalism that goes on in the Department. The writer alleged a district commander and assistant commander sat in their offices, drinking beer every day, in the presence of younger officers and that choice station overtime is given to the commander's husband and two female corporals, not assigned to the district. The writer also alleged that there were additional perks to being a Commander's friend. In the second letter, the writer alleged that nothing is being done about their first letter and threatened to take the allegations to the County Executive.

Respondent #1

Unbecoming Conduct – The panel agreed with the finding of Sustained.

Attention to Duty – The panel agreed with the finding of Unfounded.
Attention to Duty – The panel agreed with the finding of Unfounded.
Use of Intoxicants – The panel agreed with the finding of Non-Sustained.
Firearms and Intoxicants – The panel agreed with the finding of Non-Sustained.

Respondent #2

Unbecoming Conduct – The panel agreed with the finding of Sustained.
Use of Intoxicants – The panel agreed with the finding of Non-Sustained.
Firearms and Intoxicants – The panel agree with the finding of Non-Sustained.

Respondent #3

Departmental Vehicles – The panel agreed with the finding of Exonerated.

Respondent #4

Departmental Vehicles – The panel agreed with the finding of Exonerated.

Respondent #3

Use of Language – The Panel agreed with the finding of Unfounded.
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.

Respondent #4

Use of Language – The Panel agreed with the finding of Unfounded.
Unbecoming Conduct – The Panel agreed with the finding of Unfounded.



Important Information

REPORTS

- Annual reports are issued within 180 days after the end of a calendar year.
- Beginning with the 1st quarter of 2019, quarterly reports will be posted to the CCOP website within 45 days after the end of the quarter.

CONTACT INFO: The CCOP's office has moved*. Our new location is:
9200 Basil Court
Suite 406
Largo, MD 20774

**Please call to make an appointment before visiting the office.*

Telephone #: 301-883-5042

Fax #: 301-883-2655

Email Address: ccop@co.pg.md.us

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

ENABLING LEGISLATIONS

- CB 25 -1990 Established the CCOP
- CB 44 -1994 Amended the terms of the Panel members
- CB 59 -2001 Expanded the Authority of the CCOP

CCOP MEETINGS

Due to privacy and personnel issues, regular CCOP Panel meetings are closed to the public. Beginning in 2019, the CCOP will periodically conduct public meetings. These public meetings will not include discussions or reviews of individual investigations, situations or officers. They will include open discussions and feedback for the trends, issues and concerns noted by the Panel and included in its reports to the public. These meeting dates will be announced on the County's website and the CCOP's webpage.

COMPLAINT FORM

The Complaint Against Police Practices (#1071) form is found on the CCOP's and Police Department's webpages on the County's website. Form can be obtained from your district police station, your local library or contacting the CCOP directly. *All complaint forms involving the use of force or brutality must be notarized.*

REQUESTS FOR CCOP TO ATTEND EVENT

If you would like for a representative of the CCOP to participate in a community event or attend a meeting, please contact us on 301-883-5042. Please allow two weeks for your request to be processed and a response



LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

A BRIEF PRESENTATION REGARDING THE PROTECTIONS AFFORDED UNDER
MD CODE ANN., PUBLIC SAFETY § 3-101, ET. SEQ. (THE “LEOBR”)

What is LEOBR?

- ▶ LEOBR is a statutory section contained within the Maryland Public Safety Article.
- ▶ The purpose of LEOBR is to provide law enforcement officers with certain procedural protections in disciplinary matters.
- ▶ A “disciplinary matter” is not criminal in nature. The LEOBR does not directly apply to criminal prosecutions. Rather, the LEOBR sets forth the procedures for conducting administrative investigations into violations of departmental policy (i.e, damage to agency equipment, inaccurate and/or false reporting, conduct-related offenses, such as discourtesy or use of profanity, etc.). Additionally, LEOBR provides officers accused of policy violations the ability to contest agency findings and recommended discipline via an Administrative Hearing Board.

Additional Protections

- ▶ While the primary focus of LEOBR is to provide officers, and their respective agencies, with a framework for conducting investigations and contesting discipline, the statute does address the following secondary issues:
 - ▶ The right of an officer to engage in political activity while off-duty
 - ▶ Protection for officers involved in whistle-blower actions
 - ▶ Confidentiality of officers' personal financial information, though this is not absolute as certain investigations may require such disclosures
 - ▶ The right of an officer to participate in secondary employment, though such employment may be reasonably regulated by the employing agency

Agency Protections and Privileges

- ▶ Though the purpose of LEOBR is to protect individual officers, the statute also provides law enforcement agencies with various options for addressing even alleged misconduct.
 - ▶ The head of an agency may suspend with pay any officer who is alleged to have committed a policy violation if the suspension is in the best interests of the agency and the public
 - ▶ The heads of an agency shall suspend without pay any officer who is charged with a felony offense.
 - ▶ The agency is permitted to maintain a list of officers alleged or found to have committed violations bearing on their integrity to the extent that such violations may be used as evidence in court proceedings.
 - ▶ The agency may charge any officer making a false statement during an administrative investigation with a violation of MD Code Ann., Criminal Law § 9-501 (False Statement to a Law Enforcement Officer).

The Investigative Process: Preliminary Procedures

- ▶ A formal investigation against an officer can be initiated in a number of ways. A Complaint Against Police Practices form may be filed by a citizen with the agency's Internal Affairs Division, a supervising officer may request Internal Affairs open an investigation against a subordinate officer, or a supervising officer may conduct an investigation at the District level if the alleged offense is minor in nature.
- ▶ Once the case is opened, the officer will be notified in writing of the nature of the investigation. This notification does not provide any specific facts regarding the allegations but, instead, is required only to disclose the date, time, location and a brief description of the offense.
- ▶ Additionally, the notification will provide the officer with an order to submit to a recorded interrogation concerning the alleged offense(s).
- ▶ Upon receiving the notification, the officer is provided five (5) business days to obtain the services of counsel.

The Investigative Process: Interrogation Procedures

- ▶ Prior to the interrogation, the respondent is permitted to review any statements they have previously made in connection with the alleged violation(s).
- ▶ During the interrogation, the respondent is permitted to have counsel present.
- ▶ The interrogation should take place during the respondent's working hours unless the circumstances of the complaint demand immediate action.
- ▶ The attorney may object to any questions posed; however, the investigator may order the respondent to answer all questions regardless of objections.
- ▶ The respondent may consult with their attorney at any time during the interrogation.
- ▶ The interrogation must be audio recorded or written.

What the Respondent is NOT Entitled to Prior to an Interrogation

- ▶ Generally, all witnesses and respondents involved in an investigation are provided with a “Do Not Discuss Order”, which prohibits the parties from discussing any aspect of the alleged violations with one another.
- ▶ Respondents are not entitled to review the statements of other parties to the investigation prior to an interrogation: LEOBR does not provide respondents with the opportunity to tailor their official statements to the evidence that has already been reviewed by the investigator.
- ▶ Similarly, respondents are not entitled to review any of the evidence that has been obtained by the investigator unless that evidence contains a prior statement of the respondent.
- ▶ Respondents are not entitled to review the investigator’s questions prior to an interrogation.

Post-Interrogation Process

- ▶ Once all witnesses and respondents have been interviewed and all other relevant evidence has been obtained, the investigator prepares a “Report of Investigation” detailing their factual findings.
- ▶ The investigator will recommend the following dispositions regarding the allegations: “sustained”, “non-sustained”, “unfounded” and “exonerated.”
- ▶ Sustained = there is sufficient evidence to suggest that the respondent committed the alleged violation(s).
- ▶ Non-Sustained = there is insufficient evidence to suggest that the respondent committed the alleged violation(s).
- ▶ Unfounded = the evidence does not demonstrate a violation of policy.
- ▶ Exonerated = the evidence disproves the allegations.

Post-Interrogation Process (Cont'd)

- ▶ If allegations are sustained, the Report of Investigation is submitted through the investigator's chain of command for review.
- ▶ Ultimately, the Report of Investigation reaches the Chief's Office where a disciplinary recommendation is reached.
- ▶ The record of the investigation, as well as the disciplinary recommendation, is provided to the Citizen's Complaint Oversight Panel ("CCOP") for review. The CCOP may pose questions and make independent recommendations for discipline.
- ▶ Following CCOP review, the Chief may amend the disciplinary recommendation. Once a conclusion is reached as to the specific charges and related discipline for each, a Disciplinary Action Recommendation is issued and served on the respondent.
- ▶ The respondent may accept or reject discipline. If discipline is rejected, an administrative hearing board will be scheduled.

Limitations on Administrative Charges

- ▶ Administrative Charges must be filed against the respondent within one (1) year of the agency being notified of the allegations.
- ▶ This statute of limitations is considered met on the date that the Report of Investigation is issued.
- ▶ The one (1) year limitations period does not apply to allegations of brutality (no statute of limitations) or criminal misconduct (the one year period does not begin until the related criminal matter is dismissed by local prosecution or adjudicated in State or Federal Court).

The Administrative Hearing Board

- ▶ If a respondent rejects the disciplinary recommendation of the agency, an administrative hearing board will be scheduled for a future date.
- ▶ The administrative hearing board is composed of three (3) members: one of these members must be of the same rank as the respondent. Agencies are not required to have their own employees serve on boards and may seek the assistance of outside departments to form a board.
- ▶ For minor disciplinary infractions, agencies are permitted to create their own procedures for hearings (i.e., using one (1) person boards).
- ▶ There is no limitations period for conducting a hearing: in other words, it may be years before a hearing occurs depending upon the number of administrative cases an individual agency has.

The Administrative Hearing Board (Cont'd)

- ▶ During a hearing, virtually all evidence is admissible. Rules of evidence are relaxed to the extent that the board must only abide by the general tenet that relevant evidence should be admitted.
- ▶ The agency bears the burden of proving the respondent's guilt by a preponderance of the evidence, which is the lowest burden of proof recognized under the law.
- ▶ The board may issue subpoenas for witnesses and documentary items of evidence.
- ▶ All hearings are open to the public.
- ▶ The respondent and the agency may both be represented by counsel.
- ▶ The hearing process is very similar to any judicial proceeding: the parties are given the opportunity to present opening statements, the agency then proceeds with its case-in-chief, followed by the respondent presenting a rebuttal case.

The Administrative Hearing Board (Cont'd)

- ▶ Both parties are entitled to cross-examine live witnesses.
- ▶ At the close of the respondent's case, the agency may call upon additional witnesses in rebuttal.
- ▶ Both parties are provided the opportunity to provide closing statements prior to the Board's deliberations.
- ▶ During closed deliberations, the Board must reach a majority vote as to the disposition of the charges.
- ▶ If the respondent is found guilty of any charges, a character hearing is available. During the character hearing, the respondent may call upon witnesses and present evidence regarding their contributions to the agency, work record, and good conduct.
- ▶ Following the character hearing, the Board will deliberate a second time to consider the appropriate disciplinary recommendation.

Post-Hearing Process

- ▶ In the event of a guilty finding as to any charges, the Board is required to issue a report and recommendations to the Chief within 30 days.
- ▶ The Chief has the ultimate authority to issue final discipline and is not bound by the recommendations of the Board. However, if the Chief intends to increase the discipline recommended by the Board, they must review the entire record of the proceedings and afford the respondent the opportunity to be heard on-the-record.
- ▶ Final discipline is ultimately issued and served upon the respondent. If the respondent disagrees with the findings of the Board or the Final Disciplinary Action, they are permitted to seek Judicial Review in the Circuit Court of the county they reside in.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS
FACT SHEET

- The Law Enforcement Officers' Bill of Rights—generally referred to as the “LEOBR”—can be found in Title 3 of the Maryland Public Safety Article.
- The procedures and limitations set forth in LEOBR are designed to provide law enforcement officers with protection during administrative investigations, which includes any investigation or interrogation by the Internal Affairs Division or a superior officer that could lead to discipline.
- The LEOBR has no application to criminal proceedings, with one significant exception: anything that an officer says during an interrogation is protected and may not be used against that officer if they find themselves a defendant in a criminal proceeding related to the subject matter of the interrogation. For example, if an officer is interrogated relative to a use of force incident and is later charged criminally for the same incident, the information received during the interrogation is not considered a waiver of the officer's Fifth Amendment privilege against self-incrimination and cannot be introduced in Court.
- There is no case law that defines the term “interrogation”: the FOP has generally stood by the principle that any questioning that could lead to an officer receiving discipline, no matter how minor, should conform to the procedures outlined in LEOBR.
- Only respondents are entitled to the protections of LEOBR. If you are directed to report to Internal Affairs for questioning as a witness, the LEOBR does not apply.
- The department has the discretion to suspend any officer if the Chief determines it is in the best interests of the department and/or the public: however, suspensions must be *with pay* unless the officer is charged with a felony.
- The most important protections offered by LEOBR are as follows:
 - Any respondent subject to an investigation must be informed, in writing, of the nature of the allegations against them. Internal Affairs complies with this requirement by issuing a “Duress Order” setting forth the date, time, location, and a generalized description of the policy violation.
 - After receiving an order to submit to interrogation, the respondent has five (5) business days to obtain counsel. Shaun Owens serves as General Counsel for FOP Lodge #89 and handles all disciplinary matters for our members. If you are served with a Duress Order, you should immediately contact Shaun at (240) 478-7479. Shaun will then coordinate with the Internal Affairs investigator to schedule the interrogation.
 - During the interrogation, the respondent officer may take a break at any time to consult with their attorney.
 - During the interrogation, the respondent's attorney may object to questions posed. This does not mean that the question cannot be asked. In all likelihood, the investigator will order the respondent to answer the question. If the case results in a hearing, the respondent's attorney can argue the basis of the objection before the board and request the question and answer be omitted from the record.
- If a violation is sustained by Internal Affairs, the respondent has a right to a trial board. According to the Collective Bargaining Agreement between FOP Lodge #89 and PGPD, certain minor infractions are heard by a one-person board. More serious violations are considered by a three member panel.

- At a trial board, the department has the burden of proof, just as the State does in a criminal matter: however, the burden of proof in a trial board is preponderance of the evidence, which can be thought of as the “more likely than not” standard. It is the lowest burden of proof recognized under the law.
- It is also important to recognize that many of the rules that govern trial procedures in State and Federal Courts are not applicable to trial board proceedings. Rules of evidence are extremely relaxed and, with very few exceptions, motions based on constitutional issues—such as the suppression of involuntary statements—are inapplicable. The trial board process is best described as “quasi-judicial”, and provides the board members with the ability to apply their professional knowledge and experience to the facts of a case.

The single most important factor for every officer to remember is that the LEOBR is not an area of the law that has been subject to consistent appeal: in other words, there is very little case law that we can rely upon to interpret what certain provisions actually mean. Given this, it is necessary that officers remain vigilant in protecting their rights. If a superior officer begins to question you about a potential disciplinary issue, you should first ask for the ability to contact our FOP attorney. If that request is denied, you should document, in writing, the following:

“I, _____, believe that I am being subjected to an interrogation by [*name of the superior officer*] on [*date*] [*time*] at [*location*]. I have requested the opportunity to speak with my attorney regarding this interrogation, but that request was denied. I shall respond to my superior’s questions if given an order to do so, however I am not waiving any of the rights afforded to me by the LEOBR.”