



**Annual Report of the
St. Mary's County
Police Accountability Board
Calendar Year 2023**

Adopted: December 21, 2023

Nickolas Cromwell, Chair

Leslie Everett, Vice Chair

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Introduction

By law, a Police Accountability Board in Maryland must adopt, by December 31st of a given year, an annual report that: (a) identifies any trends in the disciplinary process of police officers of the county and (b) makes recommendations on changes to policy that would improve police accountability in the county.¹ This document is the annual report adopted by the St. Mary's County Police Accountability Board ("the Board") for calendar year 2023. The Report also includes other information the Board feels will be of benefit to the Commissioners of St. Mary's County and the citizens of St. Mary's County in understanding the Police Accountability Board's role, mission, and work, and to provide a greater context of its recommendations and activities over the last calendar year.

Mission & Functions of the Board

Per the Board's by-laws, "the purpose of the Body is to forward complaints of police misconduct to the appropriate law enforcement agency, to advise the Commissioners of St. Mary's County on all matters relating to local law enforcement and matters of policing, to appoint civilian members to charging committees and trial boards, to review outcomes of disciplinary matters considered by charging committees, and, on a yearly basis, to identify trends in the disciplinary process of police officers in the county and to make recommendations on changes to policy that would improve police accountability in the county."

An important duty of the Police Accountability Board is the appointment of two members of the five-person Administrative Charging Committee for St. Mary's County; additionally, the chairperson of the Police Accountability Board, or another member of Board, must serve on the Administrative Charging Committee. The Board is also responsible for appointing the civilian member of any Trial Board formed should an officer appeal any discipline recommended as a result of the Administrative Charging Committee's review of a disciplinary matter.

Complaints of police misconduct may be sent to the Board by filling out a standardized form accessible on the Board's webpage on the County website, and all inquiries of any nature may be sent to the Board at pab@stmaryscountymd.gov. The email is monitored daily by supporting staff. Complaints directed against a member of the St. Mary's County Sheriff's Office, the only local law enforcement agency in St. Mary's County, are forwarded to that organization for investigation. Any complaint received pertaining to a different agency will be forwarded to the appropriate Police Accountability Board or state agency.

In addition to receiving complaints from members of the public to forward for investigation and review, the Board must also serve as an advisory board to the Commissioners of St. Mary's County on matters of police discipline and police relations within St. Mary's County. Though the Board has no power to implement policy changes unilaterally, Maryland law tasks the Board with making recommendations to the Commissioners that the Board believes would further police relations within the County if implemented. To that end, the Board endeavors to be in constant

¹ Md. Public Safety § 3-102(a)(4)

contact with members of local law enforcement and members of the public to monitor local sentiment.

Membership of the Board

Buren W. Kidd was appointed to the PAB this year, with a term of office beginning July 1. He replaces departing member Joseph Van Kirk.



Nickolas J. Cromwell, Chairperson

1st Term: July 1, 2022 – June 30, 2025

Mr. Cromwell is a veteran and has served a combined thirty-seven years in active and civilian military service. Mr. Cromwell has served as chief executive officer of two corporations, has served on the St. Mary's County Sheriff's Office's Citizen Advisory Board. He is also chairperson of the St. Mary's County Administrative Charging Committee.



Leslie Everett, Vice Chairperson

1st Term: July 1, 2022 – June 30, 2025

Ms. Everett is a certified Human Resources professional and currently serves as Director of Human Resources for a locally owned land development and property management company.



Yolanda M. Dowleyne, Member

1st Term: July 1, 2022 – June 30, 2025

Mrs. Dowleyne is a retired veteran of the United States Army with 22 years of service.



Frank E. Kauffman, Member

Partial Term: July 1, 2022 – June 30, 2024

Following service in the United States Navy, Mr. Kauffman entered law enforcement. His experience includes law enforcement for the City of Richmond, Virginia, thirty years with the Naval Criminal Investigative Service, five-and-a-half years as a District Court Commissioner for St. Mary's County.



Buren W. Kidd, Member

1st Term: July 1, 2023 – June 30, 2026

Buren "Chip" Kidd lives in St. Mary's County with his lovely wife, Amanda, and their six children. He holds BA, MS, and JD degrees, and is a member of the Maryland Bar and the St. Mary's County Bar Association. He currently practices law with the U.S. Department of Agriculture.



John W. Lydon, III, Member

Partial Term: July 1, 2022 – June 30, 2024

LTC (Ret) Lydon served 22 years in the US Army as a Military Police Officer. He received his commission through the Missouri Western State College ROTC program while serving as a Police Officer on the St. Joseph, MO police department. Upon retiring, John spent 18 years in s public education including working with special needs children, serving as a high school Senior Army Instructor, and as a Program Mentor with Western Governors University.



Dr. Linda W. Lymas, Member

Partial Term: July 1, 2022 – June 30, 2024

A former principal of Great Mills High School, Dr. Lymas is a career educator. Retired from that role since 2013, she currently serves as the CEO for, and is founder of St. Mary's Food Bank. Dr. Lymas is a past president of the Lexington Park Rotary Club and current Assistant Governor for Rotary's District 7620. In 2002, Dr. Lymas was recognized by Governor Parris Glendening for her contributions to instructional leadership in Maryland schools.



Thomas Phelan, Member

1st Term: July 1, 2023 – June 30, 2026

Mr. Phelan served 27 years in the Navy as a pilot and test pilot, and currently works for a defense contractor supporting Patuxent River.



Charles F. Shilling, Member

1st Term: July 1, 2023 – June 30, 2026

Mr. Shilling is the CEO of Shilling & Associates, a consulting firm to property management having operated in 21 states, and he maintains a Forensic Expert status in certain states within his field. In his volunteer life, he has 40 years of service provided within our Maryland Criminal Justice System, has served on numerous Governor Tasks Forces, and has been recognized on local, state, and international basis for his volunteer work for Victim Rights. In 2022, he was selected as Maryland's Citizen of the Year.

Formation of the Police Accountability Board

The St. Mary's County Police Accountability Board was created by Commissioners of St. Mary's County through Ordinance 2022-15, pursuant to the duty created by the General Assembly in 2021² requiring each county and Baltimore City to establish a Police Accountability Board within its jurisdiction. Police Accountability Boards are new creations in Maryland, and there was no model enacting resolution to follow. With relatively few requirements of the structure or composition of a Police Accountability Board, individual jurisdictions were left to create Police Accountability Boards which could be tailored to each jurisdiction's circumstances.

In St. Mary's County, the Commissioners of St. Mary's County chose to create a Police Accountability Board with a minimum membership of five voting members: one chairperson, and

² 2021 Ch. 59, Maryland Police Accountability Act of 2021.

one member from each Commissioner district. Additionally, the Commissioners in their enacting legislation retain an option to appoint an additional four voting members who may hail from any part of St. Mary's County, making the Board an up-to nine-member body. The Sheriff of St. Mary's County is entitled to appoint an *ex officio*, non-voting member of the Police Accountability Board. This *ex officio* member's role is to provide advice, knowledge, and insight to the members of the Board. The Commissioners chose to appoint its initial members to staggered terms, ensuring that only a third of the Board's membership alters year-over-year.

By law, members of a Police Accountability Board must be civilians. No actively serving police officer may be a member of the Board.

After adopting Ordinance 2022-15 on March 22, 2022, the Commissioners of St. Mary's County placed advertisements calling persons interested in serving on the Police Accountability Board to apply. Upon consideration of each member's application, interview, and background check, the Commissioners announced their appointments to the Board on June 14, 2022, meeting the Police Accountability Act of 2021's requirement to have a functioning Police Accountability Board by July 1, 2022.

Police Accountability Board Meetings

The Board held a total of five meetings in the course of 2023, on each of the following dates: February 16, May 18, August 17, November 16, and December 21. The Board has a statutory duty to meet no less than quarterly. However, an early decision was made by the Board to hold an extra meeting in November to discuss and complete the Police Accountability Board's Annual Report, due December 31, 2023, to the Commissioner's of St. Mary's County.

The Board's February meeting consisted of a legislative update from John Sterling Houser on proposed bills presented before the 2023 General Assembly session that had the potential, if enacted, to alter the way Police Accountability Boards conduct their business. Among these, the Board also discussed implementing better community outreach to citizens, overhauling the online complaint form, and extending invitations to future speakers.

At the May meeting, the Board was presented with their first Administrative Charging Committee's disposition of investigatory file #22-01 regarding a use of force allegation involving a St. Mary's County Sheriff's Office Sergeant. The remainder of the May meeting consisted of a presentation from the Natural Resources Police ("NRP"), highlighting their divisions, functions, and complaint process.

In August, St. Mary's County Sheriff, Steve Hall, presented to a joint Police Accountability Board and Administrative Charging Committee, the obligation the Office of Professional Responsibilities (OPR) has as it relates to complaints of police misconduct. That meeting also had a review of the Administrative Charging Committee's disposition on investigatory case file #22-02 concerning a St. Mary's County Sheriff Office Sergeant. The meeting concluded with the welcoming of Board member, Buren Kidd, and the election of a new vice chair, Leslie Everett, to replace outgoing vice chair, Joseph Van Kirk.

An additional Board meeting held in November saw the review of the Administrative Charging Committee's disposition for investigatory file #23-01 pertaining to a St. Mary's County Sheriff's Office Deputy, the adoption of the 2024 meeting schedule, and a discussion about the Board's recommendations to be included in this report.

The final task taken up by the Board, in its December meeting, was the adoption of this report and its recommendations. That concluded the Board's business for 2023.

Minutes of each meeting held in calendar year 2023 are attached to this report as Appendix Item D.

Reviews Conducted

The Police Accountability Act of 2021 requires a Police Accountability Board to review the outcome of disciplinary hearings held by its respective Administrative Charging Committee. This review does not include any ability to reverse or alter a finding of the Administrative Charging Committee, nor to reverse or alter any discipline imposed by the head of a local law enforcement agent. The Police Accountability Board's duty, with respect to its review, is to analyze the basis and outcomes of Administrative Charging Committee hearings to further the Board's understanding of local police matters, disciplinary trends, and community relations with local law enforcement, to better guide the recommendations it presents to the Commissioners of St. Mary's County.

The Administrative Charging Committee reviewed a total of five disciplinary matters this year, the publicly-available summaries of which are attached to this report's appendix. The Board notes that while caseload remained light through most of the year, it is steadily increasing, with a half-dozen cases currently under review by the Administrative Charging Committee.

Disciplinary Trends

As noted above, though the Administrative Charging Committee has more matters currently under review this trend appears attributable to the Police Reform Accountability Act's delayed implementation than any trend in local law enforcement.

A chart summarizing the violations of each disciplinary matter is attached as appendix A.

Recommendations

Based upon the information brought before the Board in the past calendar year, and relying on the Board's understanding of local police disciplinary processes, local law enforcement's relationship with the local community, and the local community's needs, the Board makes the following recommendation:

RECOMMENDATION #1:

State law should be clarified as to whether the definition of “police misconduct” in Public Safety Article 3-101(g) is conjunctive or disjunctive.

Conclusion

The foregoing, along with the enclosed appendices, comprise the St. Mary’s County Police Accountability Board’s Annual Report for Calendar Year 2023, and are presented in the form adopted by the Police Accountability Board on December 21, 2023.


Nickolas J. Cromwell
Chairperson

MEMBERS VOTING FOR ADOPTION OF THE REPORT:

- Cromwell
- Everett
- Dowleyne
- Kauffman
- Kidd
- Lydon
- Lymas
- Phelan
- Shilling

MEMBERS VOTING AGAINST ADOPTION OF THE REPORT:

APPENDIX A

Case Number	Nature of Violation	SMCSO Recommendation	ACC Determination	Violation Category, if Administratively Charged	ACC Voting Results
22-01	Use of Force (319.5.8)	UNFOUNDED - 319.5.8 Recommended Discipline: None	UNFOUNDED - 319.5.8 Recommended Discipline: None	_____	5-0 Approve
22-02	Violation of Constitutional Rights (319.4); Laws, Rules, and Orders (319.5.1(c))	NOT ADMINISTRATIVELY CHARGE - 319.4 - 319.5.1(c) Recommended Discipline: None	UNFOUNDED - 319.4 - 319.5.1(c) Recommended Discipline: None	_____	5-0 Approve
23-01	Violation of Constitutional Rights (319.4); Laws, Rules, and Orders (319.5.1 (c)); Intoxicants (319.5.10); Warrant Verification (606.1)	ADMINISTRATIVELY CHARGE - 606.1 NOT ADMINISTRATIVELY CHARGE - 319.4 - 319.5.1(c) UNFOUNDED - 319.5.10 Recommended Discipline: 2 Days Loss of Leave	ADMINISTRATIVELY CHARGE - 606.1 UNFOUNDED - 319.4 - 319.5.1(c) - 319.5.10 Recommended Discipline: 2 Days Loss of Leave	Category C, Level One	5-0 Approve

22-03	Violation of Constitutional Rights (319.4); Laws, Rules, and Orders (319.5.1(c)); Unreasonable and Unwarranted Force (319.5.8(m)); Contacts and Temporary Detentions, Field Interviews (420.4)	ADMINISTRATIVELY CHARGE - 420.4 UNFOUNDED - 319.4 - 319.5.1(c) - 319.5.8(m) Recommended Discipline: 15 Days Loss of Pay (120 Hours)	NOT ADMINISTRATIVELY CHARGE - 420.4 UNFOUNDED - 319.4 - 319.5.1(c) - 319.5.8(m) Recommended Discipline: None	Category D Violation	5-0 Approve
22-04	Use of Deadly Force (319.5.8)	EXONERATED	EXONERATED	_____	5-0 Approve

APPENDIX B

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**RESOLUTION ESTABLISHING THE ST. MARY'S COUNTY POLICE
ACCOUNTABILITY BOARD & ST. MARY'S COUNTY ADMINISTRATIVE
CHARGING COMMITTEE**

WHEREAS, Chapter 59 of the 2021 Laws of Maryland, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures (the "Act"), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, repealing the Law Enforcement Officer's Bill of Rights, and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county;

WHEREAS, the Act further requires that the Commissioners of St. Mary's County, Maryland (hereinafter, the "Commissioners of St. Mary's County") must: (1) establish the membership of a police accountability board; (2) establish the budget and staff for a police accountability board; (3) appoint a chair of the police accountability board who has relevant experience to the position; and (4) establish the procedures for record keeping by a police accountability board;

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board;

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

WHEREAS, the Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county;

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee,

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an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that an administrative charging committee must: (1) review the findings of a law enforcement agency's investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant;

WHEREAS, the Act establishes that, in executing its duties, an administrative charging committee may: (1) request information or action from the law enforcement agency; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct; and

WHEREAS, the Commissioners of St. Mary's County desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Mary's County that there shall be a St. Mary's County Police Accountability Board ("SMCPAB") and a St. Mary's County Administrative Charging Committee ("SMCACC") in accordance with the following:

I. Definitions.

- A. Law Enforcement Agency ("LEA"): Law Enforcement Agency shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(d), as amended hereafter from time to time.
- B. Police Officer: "Police officer" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(f), as amended hereafter from time to time.
- C. Police Misconduct: "Police misconduct" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-101(g), as amended hereafter from time to time.

II. Police Accountability Board.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-102, there shall be a St. Mary's County Police Accountability Board ("SMCPAB") to serve countywide law enforcement agencies and local law enforcement agencies.
- B. The SMCPAB shall:

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1. Hold meetings, not less than quarterly, with heads of law enforcement agencies operating in St. Mary's County and otherwise work with law enforcement agencies and the county government to improve matters of policing;
2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCPAB may deem necessary and appropriate;
3. Appoint civilian members to charging committees and trial boards;
4. Receive complaints of police misconduct filed by members of the public;
5. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees;
6. Work with LEAs and the Commissioners of St. Mary's County to:
 - a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
 - b. By December 31st each year, or such other time as the Commissioners of St. Mary's County may designate, submit a report to the Commissioners of St. Mary's County that identifies any trends in the disciplinary process of police officers in St. Mary's County and makes recommendations on changes to policy that would improve police accountability in St. Mary's County.

III. Administrative Charging Committee.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-104, there shall be a St. Mary's County Administrative Charging Committee ("SMCACC") to serve countywide law enforcement agencies and local law enforcement agencies within St. Mary's County.
- B. The SMCACC shall:
 1. Meet not less than once per month, or as needed;
 2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCACC may deem necessary and appropriate;
 3. Review the findings of a LEA's investigation conducted and forwarded to the SMCACC in accordance with State law;
 4. Make a determination that the police officer who is subject to investigation shall be:
 - a. Administratively charged; or
 - b. Not administratively charged;
 5. If the police officer is charged, recommend discipline in accordance with the LEA's disciplinary matrix established in accordance with Md. Ann. Code, Public Safety Art., §§ 3-105 and 3-106 ;
 6. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
 7. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;

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8. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
 9. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.
- C. In executing its duties, the SMCACC may:
1. Request information or action from the LEA that conducted the investigation, including, pursuant to Md. Ann. Code, Public Safety Art., § 3-104(f)(1), requiring additional investigation and the issuance of subpoenas;
 2. If the police officer is not administratively charged, make a determination that:
 - a. The allegations against the police officer are unfounded; or
 - b. The police officer is exonerated; and
 3. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

IV. Membership.

- A. Member(s) shall hold their position until their successor(s) are selected and appointed.
- B. All members of the SMCPAB and SMCACC are subject to the applicable provisions of the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
- C. Members of the SMCPAB and SMCACC shall maintain confidentiality relating to all matters before the respective Board and Committee.
- D. Members of the SMCPAB and SMCACC shall comply with the St. Mary's County Open Meetings Act, Md. Ann. Code, Local Government Art., §9-501, et seq., as amended hereafter from time to time.
- E. With regard to membership of the SMCPAB:
 1. The SMCPAB shall include a minimum of five (5) and up to nine (9) voting members selected by the Commissioners of St. Mary's County, including a Chairperson appointed by the Commissioners of St. Mary's County;
 - a. Of the voting members, at least one member shall, at the time of his or her appointment, reside in each Commissioner District.
 2. The SMCPAB shall include one (1) non-voting *ex officio* member who shall be the Sheriff of the St. Mary's County Sheriff Department or the Sheriff's designee.
 3. Applicants shall submit to a vetting process includes, at a minimum, comprehensive criminal background checks and other appropriate background research that shall determine to the satisfaction of the Commissioners of St. Mary's County each applicant's fit moral character, freedom from bias, and ability to act and make objective decisions free of outside influence.

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4. The Chairperson of the SMCPAB shall have experience relevant to the position.
 5. To the extent practicable, members of the SMCPAB shall represent and reflect the racial, gender, and cultural diversity of St. Mary's County.
 - a. In determining whether appropriate racial, gender, and cultural diversity has been achieved, the Commissioners of St. Mary's County shall rely on data available from the most recent decennial census conducted by the United States Census Bureau.
 6. Except as initially staggered, members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCPAB.
 7. Initial terms of members shall be staggered as follows:
 - a) Three (3) members shall serve an initial term of three (3) years;
 - b) Three (3) members shall serve an initial term of two (2) years.
 - c) Three (3) members shall serve an initial term of one (1) year.
 8. The Commissioners of St. Mary's County may designate one alternate member to sit on the SMCPAB in the absence of any member of the Board.
- F. With regard to membership of the SMCACC:
1. The SMCACC shall be composed of five (5) members, appointed as follows:
 1. The Chairperson of the SMCPAB, or a member of the SMCPAB designated by the Chairperson of the SMCPAB, shall serve as a Member of the SMCACC.
 2. The Commissioners of St. Mary's County shall appoint two (2) St. Mary's County civilians as members of the SMCACC.
 3. The SMCPAB shall appoint two (2) St. Mary's County civilians to the SMCACC by majority vote.
 2. The Members of the SMCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
 3. The Chairperson of the SMCACC shall serve no more than two (2) consecutive terms as the Chairperson.
 4. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCACC.
 5. Before serving as the SMCACC, every individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

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V. Resignation and Removal.

- A. Any member of the SMCPAB or SMCACC may resign at any time by providing written notice to the Commissioners of St. Mary's County.
- B. In addition to the grounds set forth above, a member of the SMCPAB or SMCACC may be removed in accordance with the following provisions:
 1. The Commissioners of St. Mary's County retains the authority to remove by majority vote any member of the SMCPAB, and to remove any member of the SMCACC based upon a recommendation of a majority vote of the SMCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
 2. The Chairperson shall notify the Commissioners of St. Mary's County if a member of the SMCPAB or of the SMCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Commissioners of St. Mary's County shall remove and replace such member.

VI. Meetings and Reporting.

- A. The SMCPAB shall meet no less than quarterly with heads of LEAs operating in St. Mary's County to:
 1. Discuss improvements that can be made to policing;
 2. Appoint civilian members to the SMCACC and trial boards;
 3. Receive complaints of police misconduct from the public; and
 4. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.
- B. Each complaint of misconduct received by the SMCPAB shall be forwarded within three (3) days of receipt by the SMCPAB to the appropriate LEA. If no meeting of the SMCPAB is scheduled within that timeframe, the Chairperson of the SMCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the SMCPAB at its next meeting.
- C. The SMCPAB and the SMCACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.
- D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.
- E. Adequate notice of all Special Meetings will be provided to SMCPAB or SMCACC members.
- F. Notice of all meetings of the SMCPAB and the SMCACC shall be in accordance with the St. Mary's County Open Meetings Act.
- G. All meetings are open to the public, except that the SMCPAB and the SMCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, *General Provisions Article*, § 3-305, or *Local Government Article*, § 9-512, as amended hereafter from time to time.

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H. Any meeting of the SMCPAB may be conducted by telephone or video conference call provided that SMCPAB members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

VII. Budget

- A. The Commissioners of St. Mary's County shall approve a budget for the SMCPAB that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCPAB supported by grant assistance from the Governor's Office of Crime Control & Prevention ("GOCCP"); and
 2. A Quarterly stipend for members in such amount as the Commissioners of St. Mary's County may deem appropriate.
- B. The Commissioners of St. Mary's County shall approve a budget for the SMCACC that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCACC supported by grant assistance from GOCCP; and
 2. A stipend for members per meeting with a per annum maximum amount per member as the Commissioners of St. Mary's County may deem appropriate.

VIII. Ethics, Rules, and Support

- A. Ethics.
1. SMCPAB and SMACC members shall abide by and fully comply with the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
 2. No member of the SMCPAB or SMCACC shall cast a vote on any matter where a conflict of interest exists.
 3. In any instance where the determination of a conflict of interest is uncertain, the SMCPAB or SMCACC may request a determination of conflict of interest from the St. Mary's County Ethics Commission, which shall not be unreasonably delayed.
- B. Rules.
1. A quorum shall consist of a majority of the voting members.
 2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the SMCACC, all meetings shall be conducted in accordance with the "Rules of Order for St. Mary's County Boards and Commissions," as amended from time to time.
 3. There shall be one vote per member of each of the SMCPAB and the SMCACC; any members serving both the SMCPAB and the SMCACC shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the St. Mary's County Public Ethics Ordinance.

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- 4. A tie vote for and against a motion means that a motion fails.
- C. Support.
- 1. The St. Mary's County Office of Law shall provide support personnel as may be required by the SMCPAB and SMCACC.
 - 2. The St. Mary's County Office of Law shall provide legal support to the SMCPAB.
 - 3. The Commissioners of St. Mary's County shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the SMCPAB and SMCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Commissioners of St. Mary's County to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.

SECTION V. This Resolution shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

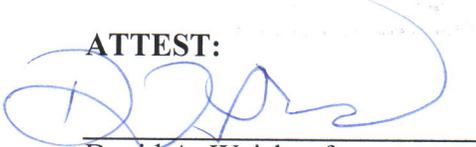
Date of Adoption: March 22, 2022

Effective Date: July 1, 2022

Subject: To Establish the St. Mary's County Police Accountability Board and St. Mary's County Administrative Charging Committee

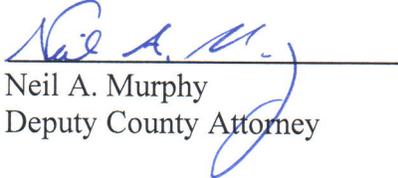
LIBER 0029 FOLIO 43

ATTEST:



David A. Weiskopf
Interim County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

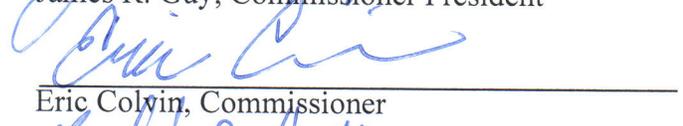


Neil A. Murphy
Deputy County Attorney

COMMISSIONERS OF ST. MARY'S COUNTY



James R. Guy, Commissioner President



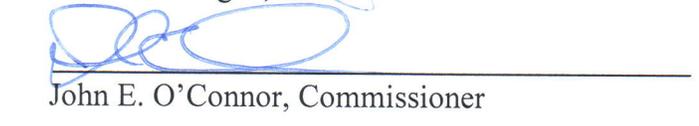
Eric Colvin, Commissioner



Michael L. Hewitt, Commissioner



Todd B. Morgan, Commissioner



John E. O'Connor, Commissioner

DOCUMENT VALIDATION

LR00029 FOLIO 4, 4

LR - Government
Instrument 0.00
Agency Name: OFFICE OF
THE CO ATTY
Instrument List: Other
Describe Other:
RESOLUTION
Ref: MM/JULIE CSMC
0029/435

=====
Total: 0.00
03/23/2022 03:26
CC18-JuJ
#15996616 CC0704 - St
Mary's
County/CC07.04.05 -
Register 05

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844

APPENDIX C

BYLAWS OF THE ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD

Article I

NAME

The name of this organization as established by the Commissioners of St. Mary's County shall be the St. Mary's County Police Accountability Board (hereinafter "Body").

Article II

PURPOSE OF THE BODY

The purpose of the Body is to forward complaints of police misconduct to the appropriate law enforcement agency, to advise the Commissioners of St. Mary's on all matters relating to local law enforcement and matters of policing, to appoint civilian members to charging committees and trial boards, to review outcomes of disciplinary matters considered by charging committees, and, on a yearly basis, to identify trends in the disciplinary process of police officers in the county and to make recommendations on changes to policy that would improve police accountability in the county.

Article III

FUNCTIONS OF THE BODY

To accomplish its purpose, the Body shall meet regularly, consider and advise on the following related:

1. Any duty or responsibility assigned to the Body by statute, public local law or ordinance;
2. Local police matters in St. Mary's County;
3. Community perceptions of law enforcement in St. Mary's County;
4. Disciplinary trends within St. Mary's County local law enforcement;
5. Ways of fostering better community relations with local law enforcement;
6. Identification of needs and the best interests of the citizens of St. Mary's County;

The Body shall report annually to the Commissioners of St. Mary's County.

Additionally, the Body shall be responsible for appointing two (2) civilian members of the St. Mary's County Administrative Charging Committee and appointing one member to any trial board which may be formed in St. Mary's County. Nominations may be proposed individually or as a slate, and a nomination must receive the vote of a majority of those members voting before the nomination can pass. A member of the Board may not nominate himself or herself if nominated, and shall recuse themselves from any vote in which they are a candidate.

Article IV

MEMBERSHIP

Section 1. Members.

Membership shall be in accordance with the legal authority governing the Body.

Section 2. Appointment.

All Body members shall be appointed by the Commissioners of St. Mary's County unless otherwise provided by the legal authority governing the Body.

Section 3. Tenure and Term of Office.

Terms of office shall be in accordance with the legal authority governing the Body.

Section 4. Voting.

Each voting member, including the Chairperson, shall be entitled to one vote on each matter submitted to a vote.

Section 5. Attendance at meetings.

Members are expected to attend all meetings. If any appointed member fails to attend three (3) consecutive regular meetings, with or without reasonable cause, or is absent from 50% of the regularly scheduled meetings during any calendar year, the Chairperson shall notify the County Administrator of the absences, for appropriate action pursuant to paragraph 7 below.

Section 6. Removal of Body Members

A member may be removed with or without cause by the Commissioners of St. Mary's County.

Section 7. Resignation.

Any member desiring to resign shall submit a resignation in writing to the County Administrator.

Section 8. Vacancies.

A vacancy, because of death, resignation, removal, disqualification or otherwise, shall be filled at the pleasure of the Commissioners of St. Mary's County.

Section 9. Compensation.

Members of the Body shall serve without compensation, excepting any stipend which may be appropriated by the Commissioners of St. Mary's County for that year's budget.

Section 10. Confidentiality.

A member of the Body must sign an agreement to maintain the confidentiality of Body matters related to individual complaints until final disposition of said complaint.

Section 11. Ethics Ordinance.

All members must adhere to the provisions of the St. Mary's County Public Ethics Ordinance.

**Article V
OFFICERS**

Section 1. Officers.

The Officers of the Body shall be a Chairperson and Vice-Chairperson.

Section 2. Chairperson of the Body.

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, the Chairperson shall (1) preside at all meetings; (2) set the agenda for the meetings; (3) appoint all committees and subcommittees authorized by the members; (4) sign any document or instrument which the members have authorized to be executed; and (5) in general shall perform all duties as may be prescribed by the members from time to time.

Section 3. Vice-Chairperson.

In the absence of the Chairperson, the Vice-Chairperson shall perform all of the duties of the Chairperson and when so acting, shall have all the powers of, and be subject to, all the restrictions upon the Chairperson. The Vice-Chairperson shall perform such other duties as from time to time may be assigned by the Chairperson or, in the alternative, requested by a majority vote of the members.

Section 5. Election of Officers.

The members shall elect a Chairperson and Vice-Chairperson from its membership every year, and it may also elect such other officers as may be necessary from its membership. Election of officers shall take place at an annual meeting to be held in the month of January.

Section 6. Term of Office.

The term of office shall be for a period of one year. Each officer shall hold office until his/her successor has been duly elected.

Section 7. Removal.

Any officer elected by the members may be removed from office by a vote of two-thirds of the members.

Section 8. Vacancies.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by a majority vote of the members for the unexpired portion of the term.

Article VI

COMMITTEES

The members may, from time to time, establish subcommittees to study specific matters and report to the full forum.

Article VII

MEETINGS

Section 1. Regular Meetings.

Regular meetings of the members shall meet as often as necessary but at least quarterly per calendar year. A schedule of regular meetings for each calendar year shall be adopted prior to the commencement of the calendar year.

Section 2. Special Meetings.

Special meetings may be scheduled by a majority vote of the members or called by the Chairperson, and shall be called by the Chairperson upon the written request of a majority of the members of the Body.

Section 3. Notice

Written or electronic notice of all meetings shall be provided to each member at least seven (7) calendar days prior to the date set for such meeting.

Section 4. Recessed Meetings.

Any regular or special meeting may be recessed upon a majority vote of the members and may be reconvened without additional notice provided that the date, time and place at which the meeting shall be reconvened is determined and announced in open session at the time of the recess.

Section 5. Open Meetings Act.

All meetings, including meetings of committees and subcommittees, shall be scheduled and conducted in accordance with the St. Mary's County Open Meetings Act. No executive session may take place except upon the advice of the Office of the County Attorney.

Section 6. Agenda.

The Chairperson shall ensure an agenda is prepared for each regular and special meeting and the agenda shall, in general, be as follows:

1. Call to Order
2. Roll call to determine the presence of a quorum
3. Presentation of minutes from the previous meeting
4. Presentation of Officers' and Committee Reports
5. Discussion of Old Business
6. Discussion of New Business
7. Adjournment

Section 7. Quorum and Voting.

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, a majority of the members established in accordance with the legal authority governing the Body shall constitute a quorum for the transaction of business at any meeting. All decisions shall be made by majority vote of the members present, including the Chairperson, at any meeting where a quorum is present and able to participate in the decision.

Article VIII

PARLIAMENTARY AUTHORITY

The “Rules of Order for St. Mary County Boards and Commissions,” as amended from time to time, shall govern meetings unless inconsistent with these bylaws and any special rules of order. If such rules are not in force and effect, and except as otherwise provided by law or direction of the Commissioners of St. Mary’s County, the rules contained in the current edition of Robert's Rules of Order Newly Revised, including the provisions of §49 entitled “Procedure in Small Boards,” shall govern; provided, however, that all motions must be stated and shall require a second. The Chairperson shall rule on all parliamentary matters. No proceeding or action shall be deemed invalid on the sole basis that the proceeding occurred or the action was taken without compliance with rules of order.

Article IX

APPOINTMENT OF ADMINISTRATIVE CHARGING COMMITTEE MEMBERS

The Body is responsible for appointing two (2) members of the Administrative Charging Committee. Before any appointment, the Body shall publicly invite applications for at least thirty (30) days prior. A majority of the Body must vote to appoint a member to the Administrative Charging Committee before such appointment is effective.

Article X

COMPLAINTS OF MISCONDUCT

The Body is responsible for receiving complaints of misconduct of a police officer employed by a local law enforcement agency. No complaint shall be accepted unless it contains the following information: (1) the name of the police officer accused of misconduct, (2) a description of the facts on which the complaint is based, and (3) contact information of the complainant or the person filing on behalf of the complainant for investigative follow-up, including a verified mailing address. Upon receipt of a complaint containing all required information shall be forwarded to the appropriate law enforcement agency within three days of its receipt. The Body may delegate any and all clerical aspects of this function to County staff.

Article XI

TRAINING AND ORIENTATION

No member of the Body shall serve without first receiving any and all training which may be required by the Maryland Police Standards and Training Commission, or any supplemental training which the Body may elect to require on its own initiative.

Article XII
AMENDMENTS

These Bylaws may be amended by a majority vote of the Body.

ADOPTED by the St. Mary's County Police Accountability Board this 13th day of July, 2022, to be effective on July 13th, 2022.

ATTEST:



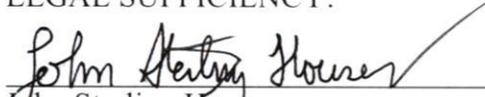
David A. Weiskopf
Interim County Administrator

By:



Nickolas Cromwell, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



John Sterling Houser
Assistant County Attorney

APPENDIX D

Police Accountability Board (Thursday, February 16, 2023)

Generated by LEGAL ACCPAB on Tuesday, February 21, 2023

Members present

Nickolas Cromwell
Michelle Dowleyne
Leslie Everett
Frank Kauffman
John Lydon
Joseph L VanKirk

John Sterling Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II

VIA ZOOM
Dr Linda Lymas

Meeting called to order at 6:30 PM

1. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair, called the February 16, 2023 meeting of the Police Accountability Board to order at 6:30pm Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action: A. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Frank Kauffman, second by John Lydon.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Joseph L VanKirk

Action: B. APPROVAL OF MINUTES

I move to approve the minutes of the December 7, 2023 Police Accountability Board as presented.

Motion by Leslie Everett, second by Frank Kauffman.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Joseph L VanKirk

3. NEW BUSINESS

New Business: A. UPDATES ON PAB/ACC REGULATIONS & NEW LEGISLATION

Proposed legislation that is currently on the House or Senate floors and would have the potential, if enacted, to alter the way Police Accountability Boards and Administrative Charging Committees would conduct their business, was presented by John Houser to board members.

Bills specifically discussed by the Board were:

HB 518/SB 409; Police Accountability Boards and Administrative Charging Committees - Municipal Corporations

SB 285; County Police Accountability Boards - Investigation of Complaints of Police Misconduct

SB 110; Public Safety - Maryland Police Training and Standards Commission

New Business: B. GOAL SETTING 2023

The Police Accountability Board discussed their 2023 goals, consisting of:

- Overhauling the online complaint form, for the purposes of refining its functionality.
- Implementing better community outreach to St. Mary's County citizens.
- Reaching out to local newspapers to get an article about the purpose of the PAB and how it operates.

Discussion: C. FUTURE SPEAKERS

The Police Accountability Board intends to extend an invitation to Sheriff Hall to a join a joint PAB/ACC meeting later this calendar year.

The Board also intends to have The Department of Natural Resources at their meeting in May.

4. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the February 16, 2023 meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by Leslie Everett.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Joseph L VanKirk

Meeting Adjourned at 7:10 PM

Police Accountability Board (Thursday, May 18, 2023)

Generated by LEGAL ACCPAB on Monday, May 22, 2023

Members present

Nickolas Cromwell
Michelle Dowleyne
Leslie Everett
Frank Kauffman
John Lydon
Dr Linda Lymas
Thomas Phelan
Charles Shilling

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II
Lt. Thomas Hedderich, SMCSO Representative

Absent

Joseph Van Kirk

Meeting called to order at 6:30 PM

1. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair, called the May 18, 2023 meeting of the Police Accountability Board to order at 6:30pm Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action, Roll Call: A. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Charles Shilling, second by Leslie Everett.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling

3. NEW BUSINESS

Presentation: A. DEPARTMENT OF NATURAL RESOURCES POLICE PRESENTATION

Acting Maj. Catherine Medellin, Field Operations Bureau Chief, joined the Police Accountability Board to give a PowerPoint presentation about Maryland Natural Resource Police's divisions, functions, and complaint process.

Discussion: B. REVIEW OF ACC CASE FILE

The Board had a chance to review and discuss the Administrative Charging Committee's (ACC) findings of investigatory file 23-01. The disposition from the ACC of case 23-01 found that the complaint was unfounded.

4. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the May 18, 2023 meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by John Lydon.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling

Meeting was adjourned at 7:00 PM

Joint Meeting of the Police Accountability Board and the Administrative Charging Committee (Thursday, August 17, 2023)

Generated by LEGAL ACCPAB on Friday, August 18, 2023

Members present from the Police Accountability Board

- Nickolas Cromwell
- Leslie Everett
- Frank Kauffman
- John Lydon
- Dr Linda Lymas
- Thomas Phelan
- Charles Shilling
- Buren Kidd

Present via Zoom
Michelle Dowleyne

Members present from the Administrative Charging Committee

- Nickolas Cromwell
- Dr Linda Lymas
- Michael Deitch
- Joyce Dyson
- Peter Wild

Staff Support Present

Gillian Bacon, Legal Assistant, II

Present via Zoom
John Houser, Assistant County Attorney

- SMCSO Sheriff Hall
- SMCSO Sgt. Ray
- SMCSO Maj. Safford
- SMCSO Victim Rights Advocate Yori Ecolano

Joint meeting of Police Accountability Board and Administrative Charging Committee called to order at 6:29 PM

1. CALL TO ORDER - POLICE ACCOUNTABILITY BOARD AND ADMINISTRATIVE CHARGING COMMITTEE JOINT MEETING

Discussion: A. SMCSO - SHERIFF HALL

Nickolas Cromwell, Chair, called the joint August 17, 2023 meeting of the Police Accountability Board and Administrative Charging Committee to order at 6:29pm in the Chesapeake Building Meeting Room, Governmental Center.

St. Mary's County Sheriff Hall, as well as SMCSO Sgt. William Ray, were present to give a presentation to both Boards regarding the role and function of the Office of Professional Responsibilities (OPR) as it relates to complaints of police misconduct, received by the Police Accountability Board and investigated by the Administrative Charging Committee.

2. ADJOURN JOINT PAB/ACC MEETING & RECONVENE AS PAB

Action: A. MOTION TO ADJOURN JOINT MEETING

I move to adjourn the joint meeting of the Police Accountability Board and Administrative Charging Committee.

Motion by Nickolas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Buren Kidd, Peter Wild, Michael Deitch, Joyce Dyson

Joint meeting of Police Accountability Board and Administrative Charging Committee adjourned at 7:21PM

Meeting of the Police Accountability Board called to order at 7:21PM

3. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair, called the August 17, 2023 meeting of the Police Accountability Board to order at 7:21PM in the Chesapeake Building Meeting Room, Governmental Center.

4. ROLL CALL

Roll Call, Roll Call: A. WELCOMING OF NEW MEMBER

Action: B. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Nickolas Cromwell, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Buren Kidd

5. NEW BUSINESS

Action: A. ELECTION OF NEW OFFICER

After a vote from the Board, Leslie Everett was selected as the vice chair of the Police Accountability Board.

I move to approve Leslie Everett as Vice Chair.

Motion by Nickolas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Buren Kidd

Discussion: B. REVIEW OF ACC DISPOSITION

The St. Mary's Administrative Charging Committee issued its disposition regarding investigatory file 22-02 on July 26, 2023.

6. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the August 17, 2023 meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Buren Kidd

Meeting adjourned at 7:37 PM.

Police Accountability Board (Thursday, November 16, 2023)

Generated by LEGAL ACCPAB on Friday, November 17, 2023

Members present

Nickolas Cromwell,
Michelle Dowleyne,
Leslie Everett,
Frank Kauffman,
Thomas Phelan,
Charles Shilling,
Bruen Kidd

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II
Lt. Thomas Hedderich, SMCSO Representative

Absent

John Lydon III
Dr. Linda Lymas

Meeting called to order at 6:30 PM**1. CALL TO ORDER**

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair, called the November 16, 2023 meeting of the Police Accountability Board to order at 6:30pm Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action: A. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Charles Shilling, second by Michelle Dowleyne.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, Thomas Phelan, Charles Shilling, Bruen Kidd

3. NEW BUSINESS

Action, New Business: A. ADOPTION OF MEETING SCHEDULE

I move to adopt the 2024 meeting schedule of the Police Accountability Board as presented.

Motion by Leslie Everett, second by Frank Kauffman.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, Thomas Phelan, Charles Shilling, Bruen Kidd

Discussion: B. REVIEW OF ACC CASE FILE

Nickolas Cromwell, Chairman, gave a brief summary of the Administrative Charging Committee's disposition of investigatory file #23-01 to the Board. The chairman along with St. Mary's County Sheriff's Office Representative, Lt. Thomas Hedderich, took questions regarding this case file from the following board members: Frank Kauffman, Michelle Dowleyne, Charles Shilling, and Bruen Kidd.

Discussion: C. 2023 ANNUAL REPORT

A draft of the Police Accountability Board's 2023 Annual Report, to be presented to the St. Mary's County Commissioners, was presented for recommendations from the Board.

4. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the November 16, 2023 meeting of the Policy Accountability Board.

Motion by Nickolas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, Thomas Phelan, Charles Shilling, Bruen Kidd

Meeting was adjourned at 7:02 PM.

APPENDIX E

[Home](#) > [Committees, Boards & Commissions](#) > [Police Accountability Board](#) > [Police Accountability Board Complaint Form](#)

St. Mary's County Police Accountability Board Complaint Form

Contact Information

 At least one form of contact must be provided.

First Name *

Middle Name

Last Name *

Street Address

City

State

Zip Code

Email *

Road Closure - LAWRENCE AV AV



St. Mary's County Government Veterans Day Operations



Phone *

() -

Incident Details

i If date, time, or location of the incident is not known, provide your best approximation.

Date and Time of Incident *

Incident Location *

City *

State *

Maryland ▼

Zip Code *

Applicable Law Enforcement Agency *

- St. Mary's County Sheriff's Department
- Maryland Natural Resource Police
- Natural Resource Police
- Unknown
- Other (please specify)

Description of Encounter *

Road Closure - LAWRENCE AV AV



St. Mary's County Government Veterans Day Operations



Law Enforcement Officer's Information

 If the name and number of the law enforcement officer is unknown, please write "Unknown".

Name *

Badge Number

ID Number

Witness Information

Witness(es) Name and Contact Information

Road Closure - LAWRENCE AV AV



St. Mary's County Government Veterans Day Operations



2500 characters remaining.

***Under the penalty of perjury, I do hereby swear and affirm that the information stated herein is true and correct to the best of my knowledge and belief.

By checking this box and typing my name below, I am signing this document electronically. I agree that my electronic signature is the legal equivalent of my handwritten signature on this document.

Electronic Signature *

Date *



Generate New Image

Enter the code from the image above.

Submit

Road Closure - LAWRENCE AV AV



St. Mary's County Government Veterans Day Operations



APPENDIX F



CONFIDENTIAL

**PER PUBLIC SAFETY ARTICLE § 3-104(H), ALL CONTENTS TO BE KEPT
CONFIDENTIAL UNTIL FINAL DISPOSITION**

Matter Number: 23-01

Date(s) Reviewed by ACC: 1/25/2023, 2/22/2023

Officer(s) Involved: Sgt. [REDACTED]

Incident Date: July 5, 2022 at 0810 hrs

Incident Location: Vicinity of La Grande Estates, Leonardtown

Complaint/Charge: [REDACTED]

Agency Review Conducted by: Sgt. William D. Ray, #131

Evidence in Investigatory File:

- Report of Investigation
- Informational Bulletin of July 1, 2022 re: [REDACTED]
- Transcript of 8/11/2022 Interview with Dep. [REDACTED]
- Transcript of 7/27/2022 Interview with Cpl. [REDACTED]
- Transcript of 8/25/2022 Interview with Sgt. [REDACTED]
- Body-Worn Camera Footage from Sgt. [REDACTED]
- Body-Worn Camera Footage from Dep. [REDACTED]

BACKGROUND

Summary of Complaint & Agency Investigation

On July 5, 2022, the St. Mary's County Sheriff's Office ("SMCSO") responded to the area of La Grande Estates in Leonardtown for the report of a stabbing. Cpl. [REDACTED], Dep. [REDACTED], and Sgt. [REDACTED] were the first to arrive on the scene. During the initial response, Sgt. [REDACTED] came into physical contact with [REDACTED]. Mr. [REDACTED] has no connection to the reported call.

On July 12, 2022, SMCSO received a complaint from [REDACTED]. Mr. [REDACTED] alleged that on July 5, 2022 "an officer came behind and pushed me as hard as he could." SMCSO determined the allegation, if sustained, would be a violation of SMCSO Standards of Conduct 319.5.1 – Laws, Rule, and Orders and promptly began investigation into the allegation. Officers [REDACTED], [REDACTED], and [REDACTED] were interviewed, and their body-worn camera ("BWC") footage reviewed. SMCSO attempted to contact Mr. [REDACTED] throughout the months of July, August, and September, but were unsuccessful in their attempts.

¹ All officers serve in St. Mary's County Sheriff's Office, unless otherwise noted.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the previous indorsements. The facts of this investigation clearly show Sgt. [REDACTED] applied the minimal amount of force necessary to address a potential threat to his fellow officer. As such, my recommendation is that the allegation of misconduct is unfounded." Steven A. Hall, Sheriff.

DETERMINATION

Discussion and Findings

The Administrative Charging Committee reviewed SMCSO's full investigatory file, including all evidence noted above, and watched the BWC footage from Sgt. [REDACTED] and Dep. [REDACTED].

The BWC footage shows the initial response of SMCSO to the reported stabbing in La Grande Estates. Shortly after officers arrived in their vehicles, Dep. [REDACTED] initiates foot pursuit of the suspect, with Sgt. [REDACTED] following a short distance behind him. During the foot pursuit Mr. [REDACTED], a bystander, appeared to verbally confront Dep. [REDACTED]. Dep. [REDACTED] turned to face Mr. [REDACTED].

At the point Dep. [REDACTED] turned to face Mr. [REDACTED], Mr. [REDACTED] was between Dep. [REDACTED] and Sgt. [REDACTED], with his back towards Sgt. [REDACTED]. Sgt. [REDACTED], still running as he approaches Dep. [REDACTED] and Sgt. [REDACTED], places both his hands on Mr. [REDACTED]'s shoulder and pushes Mr. [REDACTED] away, at which point Dep. [REDACTED] and Sgt. [REDACTED] both resume foot pursuit of the suspect. Mr. [REDACTED] does not appear to lose his balance, and does not fall. Neither officer had further contact with Mr. [REDACTED].

In Sgt. [REDACTED]'s BWC footage, Dep. [REDACTED] initiates foot pursuit at approximately timestamp 0:00:45. Mr. [REDACTED] is "shoved" at timestamp 0:00:57. Sgt. [REDACTED], who at no point ceased moving forwards, turns away from Mr. [REDACTED] at timestamp 0:00:59. The Committee notes that at timestamp 0:00:55 Mr. [REDACTED]'s arms appear, from the perspective of Sgt. [REDACTED], to be raised. Sgt. [REDACTED], in his interview, described this as appearing to be a "boxing stance."

SMCSO Standard of Conduct 319.5.1 forbids an officer to commit any violation of federal, state, local, or administrative law, rule, or regulation. Application of physical force such as that detailed above is a violation of Maryland Public Safety Article § 3-524(d) "unless, under the totality of the circumstances, the force is necessary and proportional to: (i) prevent an imminent threat of physical injury to a person; or (ii) effectuate a legitimate law enforcement objective." Furthermore, an officer must cease any use of force once the subject is under the officer's control, no longer poses an imminent threat of physical injury or death to another, or the officer determines use of force will no longer accomplish a legitimate law enforcement objective.

Here, under the totality of the circumstances, Sgt. [REDACTED]'s use of force appears justified. Noting that the use of force applied did not cause Mr. [REDACTED] to lose balance or fall, Sgt. [REDACTED] appears to have acted reasonably to de-escalate an apparent stand-off between Mr. [REDACTED] and Dep. [REDACTED], and to allow Dep. [REDACTED] and Sgt. [REDACTED] to resume foot pursuit of the subject. The Committee notes the high-pressure situation in which a split-second decision had to be made.

Outcome

For the reasons noted above, the Administrative Charging Committee finds the complaint UNFOUNDED.

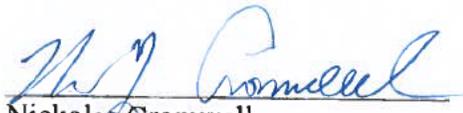
Discipline

As the complaint is deemed unfounded, the Administrative Charging Committee makes no recommendation of discipline.

Failures of Supervision Contributing to the Incident

The Administrative Charging Committee notes no failures of supervision contributing to the incident.

This constitutes the written determination of the St. Mary's County Administrative Charging Committee with respect to the above-captioned matter. The final written report is adopted on this 22 day of FEB, 2023, and will be delivered to the St. Mary's County Sheriff's Office within five (5) days.



Nickolas Cromwell

Chairperson, Administrative Charging Committee



CONFIDENTIAL

**PER PUBLIC SAFETY ARTICLE § 3-104(H), ALL CONTENTS TO BE KEPT
CONFIDENTIAL UNTIL FINAL DISPOSITION**

Matter Number: 22-02

Date(s) Reviewed by ACC: 5/24/2023, 6/21/2023, 6/28/2023, 7/26/2023

Officer(s) Involved: Sgt. [REDACTED] [REDACTED]

Incident Date: August 25, 2022 at 0620 hrs

Incident Location: [REDACTED], Great Mills, Maryland 20634

Complaint/Charge: [REDACTED], Unlawful Detainment

Agency Review Conducted by: Sgt. William D. Ray, #131

Evidence in Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office
- Incident Report, SMCSO Case # 01-22-040131, Cpl. [REDACTED] [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, [REDACTED] [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Sgt. [REDACTED]
- Supplemental Incident Report, [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Dep. [REDACTED] [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Dep. [REDACTED]
- Second Supplemental Incident Report, [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Lt. [REDACTED] [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Dfc. [REDACTED]
- Third Supplemental Incident Report, [REDACTED]
- Incident Report, SMCSO Case # 01-22-040131, Sgt. [REDACTED] [REDACTED]
- Fourth Supplemental Incident Report [REDACTED]
- Search and Seizure Warrant No. C22-358
- Still Pictures of Door Taken After Forced Entry
- SMCSO EST Operational Report
- Bodyworn-Camera Footage of:
 - o Cpl. [REDACTED] [REDACTED]
 - o Cpl. [REDACTED] [REDACTED]
 - o Cpl. [REDACTED] [REDACTED]
 - o Dep. [REDACTED] [REDACTED]
 - o Cpl. [REDACTED] [REDACTED]
 - o Cpl. [REDACTED] [REDACTED]

¹ All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.
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- Cpl. [REDACTED]
- Sgt. [REDACTED]
- Cpl. [REDACTED]
- Rearview Mirror Camera Footage of:
 - Cpl. [REDACTED] Vehicle
 - Cpl. [REDACTED] Vehicle
- Transcripts of SMCSO Interviews with:
 - [REDACTED], 8/24/2022
 - [REDACTED], 9/29/2022
 - Sgt. [REDACTED], 10/24/2022
 - Cpl. [REDACTED], 11/1/2022
 - Det. [REDACTED], 10/24/2022
 - [REDACTED], 12/05/2022
 - [REDACTED], 11/03/2022
 - [REDACTED], 12/5/2022

BACKGROUND

Summary of Complaint & Agency Investigation

On August 23, 2022, the St. Mary's County Sheriff's Office ("SMCSO") executed a search and seizure warrant at [REDACTED] [REDACTED] in Great Mills. The warrant was executed pursuant to an open criminal investigation into, *inter alia*, an alleged robbery at gunpoint by 19-year-old [REDACTED] [REDACTED] [REDACTED] was believed to reside at the [REDACTED] address.

At approximately 6:20 a.m., SMCSO personnel arrived at [REDACTED] to execute the search warrant. After a forced entry the occupants of the house were taken outside; one of the occupants, [REDACTED], grew visibly agitated while outside and began verbally sparring with the law enforcement officers at the scene. The supervising officer, Sgt. [REDACTED], directed Mr. [REDACTED] be separated from the rest of the occupants and placed in the back of a law enforcement vehicle until the search concluded. The complainant remained inside the vehicle for a span of time lasting approximately three hours.

The following day, Mr. [REDACTED] contacted SMCSO and filed a complaint against Sgt. [REDACTED] alleging that he had been unlawfully detained. SMCSO submitted its file to the Administrative Charging Committee ("ACC") on May 19, 2023. The ACC then reviewed the file to determine if Sgt. [REDACTED] conduct constituted (1) a deprivation of rights protected by the constitution or laws of the State or the United States, (2) a violation of a criminal statute, and (3) a violation of law enforcement agency standards and policies.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the recommended finding of NOT ADMINISTRATIVELY CHARGED as it relates to the following violations of Sheriff's Office Policies:

1. 319.4 Violation of Constitutional Rights
2. 319.5.1(c) Laws, Rules and Orders.

Please take note of Major Clayton Safford's caution concerning the need for confidentiality due to the pending criminal case.

Steven A. Hall, Sheriff."

DETERMINATION

Discussion and Findings

Though the evidence in this matter is voluminous, its outcome turns on a few seconds of video footage in Cpl. [REDACTED] body-worn camera ("BWC") recording.

To summarize lead-up to those few seconds: BWC recordings show SMCSO personnel arrived on [REDACTED] at approximately 6:20 a.m. to execute the search warrant. That search warrant gave SMCSO's personnel the right to search the address for evidence related to the investigation of [REDACTED] [REDACTED]. Officers knocked on the residence's front door and loudly identified themselves. After roughly a half-minute, Mr. [REDACTED] could be heard asking from inside the house if the officers had a warrant and they replied in the affirmative. Seconds after stating they had a warrant, and in the absence of any discernible response from the occupants inside, the law enforcement officers breached the door and forcibly entered the residence.

This forced entry does not appear to be a violation of Mr. [REDACTED]'s constitutional rights. Well over twenty-seconds elapsed from the time the officers first knocked and announced to the time they breached the house. Admittedly, Mr. [REDACTED] had only seconds to respond to being told there was a warrant and the officers' decision to breach. However, case law appears to justify the quick action taken by law enforcement. "The Fourth Amendment's flexible requirement of reasonableness should not be read to mandate a rigid rule of announcement that ignores countervailing law enforcement interests." *Wilson v. Arkansas*, 514 U.S. 927, 934 (1995). In the instant matter, officers stated in their interviews they heard "scuffling" on the other side of the door. Mindful of the fact the officers had no way to know what the movement on the other side of the door was indicative of – an earnest attempt to open the door on the one hand, or potential destruction of evidence or worse on the other – the split-second decision to forcibly enter seems reasonable.

Once the door was breached, the occupants of the home were ushered outside. BWC shows at least eight occupants: Mr. [REDACTED], one adult female, three adult males, two teenaged males, and one teenaged female. Mr. [REDACTED] himself was in a state of near undress, wearing only a pair of blue briefs. The family was ushered into the neighborhood cul-de-sac amidst the law enforcement vehicles while the initial search was conducted.

At first, all members of the family were civil. Shortly thereafter Mr. [REDACTED] grew visibly agitated and began using foul language, including the use of profanity, and demanding law enforcement justify their presence at his home. A decision was immediately made by the supervising officer, Sgt. [REDACTED], to separate Mr. [REDACTED] from the rest of the family and confine him to a law enforcement vehicle. Mr. [REDACTED] was taken to the backseat of Cpl. [REDACTED]'s patrol vehicle; the rest of his family remained outside, was eventually allowed back in the house to sit in the living room while the search concluded, and remained calm throughout.

Detentions of individuals in the course of executing a search warrant can be justified under three circumstances: (1) having the occupant accessible to aid in the search; (2) preventing the occupant from feeling if contraband is located; and (3) *minimizing the risk of harm to the officers*. *Dashiell v. State*, 374 Md. 85, Footnote 9 (2003) (quoting *Michigan v. Summers*, 452 U.S. 692, 702-703 (1981) (emphasis added)). In *Summers*, the Supreme Court acknowledged no “special danger” need be clearly and obviously present for a court to justify detention during execution of a search warrant; rather, the inherent nature of a search may give rise to “sudden violence or frantic efforts to conceal or destroy evidence ... [and] the risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation.” *Summers* at 702. Given Mr. ██████’s outburst, Sgt. ██████’ decision can be grounded as a reasonable effort to contain the situation, prevent Mr. ██████’s excitement from spreading to the rest of his family, and allow law enforcement to continue (and ultimately conclude) the search of Mr. ██████’s residence with a minimum of interruption and risk.

The search took over three hours; Mr. ██████ remained in the back of a patrol car for almost the entirety of the search.² Cpl. ██████ stayed with Mr. ██████ in the vehicle until Cpl. ██████ was tasked with duty elsewhere, at which point Mr. ██████ was transferred to Cpl. ██████’s vehicle. Mr. ██████ made several specific complaints about his detention. At one point, Mr. ██████’s son suffered a panic attack and was taken to the hospital; Mr. ██████ was allowed to see his son before he left but was not allowed to accompany him to the hospital. He additionally complained that his hands were handcuffed around his back until he complained to Cpl. ██████, at which time Cpl. ██████ moved his hands to his front. Mr. ██████ said he never received a copy of the warrant. He alleged both he and his wife soiled themselves because they were not allowed to use the bathroom during the detention. And finally, Mr. ██████ felt the length of his detention was unnecessarily and unreasonably long.

There is obvious room for improvement (as will be further noted below), but Mr. ██████’s prolonged detention appears to fall within the wide latitude the above-cited case law gives to law enforcement to maintain operational control while executing a search warrant, and SMCSO appears to have satisfied its other obligations under state statute. SMCSO appears to have made reasonable efforts to keep Mr. ██████ as comfortable as possible, given the situation; at no time does Mr. ██████ appear to have been left unattended for any material time; air conditioning was kept operating; Mr. ██████’s request to move the handcuffs from his back to his front was accommodated as soon as it was made. The decision to keep him at the address while his son was taken to the hospital is consistent with the second and third rationales offered by *Summers*. A copy of the search warrant was left with Mr. ██████’s wife, satisfying the requirement under Criminal Procedure Article § 1-203(a)(6) to leave a singular copy of the search warrant with an authorized occupant of the premises. And there is not sufficient evidence to conclude either Mr. ██████ or his wife soiled themselves or that SMCSO deliberately ignored either event, if it in fact happened; there is no evidence in any of the BWC footage evincing physical discomfort with Mr. ██████ consistent with his allegation, and the officers who stayed with the family said the adult female was taken to the home’s bathroom upon request as soon as the room was secure.

As to the length of the detention, Mr. ██████’s calm and reasonable behavior after the initial incident suggests it may have been appropriate to reevaluate whether his continued detention was necessary. According to his interview, Mr. ██████ apparently did not ask to be released from the back of the vehicle except to see his son and did not ask how long he would be kept in the

² In-vehicle cameras recorded the entirety of Mr. Aguilar’s confinement in the vehicle, but the extremely poor quality of the recording renders the audio unintelligible.

vehicle. Nor did he ask about his continued detention in handcuffs at the time of his transfer from Cpl. [REDACTED]'s vehicle to Cpl. [REDACTED]'s. Though it may have been provident for SMCSO to have reassessed, at some point, the continued need for Mr. [REDACTED]'s handcuffed detention, Sgt. [REDACTED]' conduct in this case falls short of a deprivation of a constitutional right, a criminal act, and a violation of agency policy. Based on Mr. [REDACTED]'s earlier conduct, it is reasonable for Sgt. [REDACTED] to have been wary of reintroducing Mr. [REDACTED] to an environment where he would have been with his family or been exposed to law enforcement officers conducting the search. Either could have served as a catalyst to provoke Mr. [REDACTED] a second time, the resolution of which would have, at a minimum, hampered the efficiency of the search and could have led to graver consequences than mere inconvenience.

Outcome

For the reasons noted above, the Administrative Charging Committee finds the complaint UNFOUNDED.

Discipline

As the complaint is deemed unfounded, the Administrative Charging Committee makes no recommendation of discipline.

Failures of Supervision Contributing to the Incident

Though the Administrative Charging Committee finds the complaint unfounded, we do think it worth highlighting that Mr. [REDACTED] appears to have acted calmly throughout most of his detention. The ACC recognizes law enforcement possesses broad discretion when it comes to maintaining the integrity of a search warrant execution and that Sgt. [REDACTED]' conduct falls within this allowable discretion. However, it seems status updates on Mr. [REDACTED] could have been taken more regularly; with more information on how he was doing, the supervising officer may have concluded continued handcuffed detention was no longer necessary.

Conclusion

This constitutes the written determination of the St. Mary's County Administrative Charging Committee with respect to the above-captioned matter. The final written report is adopted on this 26th day of July, 2023, and will be delivered to the St. Mary's County Sheriff's Office within five (5) days.



Nickolas Cromwell
Chairperson, Administrative Charging Committee



CONFIDENTIAL

**PER PUBLIC SAFETY ARTICLE § 3-104(H), ALL CONTENTS TO BE KEPT
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Matter Number: 23-01

Date(s) Reviewed by ACC: 7/26/2023

Officer(s) Involved: Dep. [REDACTED]¹

Incident Date: February 1, 2023 at 2213 hrs

Incident Location: Vicinity of St. Mary's Square, Lexington Park

Complainant: [REDACTED] & [REDACTED]

Allegations:

- 319.5.1 (c) – Conduct; Laws, Rules and Order
- 319.4 – Violation of Constitutional Rights
- 319.5.10 – Intoxicants
- 606.1 – Warrant Verification

Agency Review Conducted by: Sgt. William D. Ray, #131

Evidence in Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office
- Supplemental Incident Report, [REDACTED]
- Text from Dep. [REDACTED] to Det. [REDACTED] Confirming Ms. [REDACTED] Identity
- Mobile Data Browser Query
- Still Pictures of Ms. [REDACTED] Taken After Arrest
- Body Worn Camera Footage of:
 - o Dep. [REDACTED]
 - o Dep. [REDACTED]
 - o Dep. [REDACTED]
 - o Sgt. [REDACTED]
- Transcripts of SMCSO Interviews with:
 - o Dep. [REDACTED], 2/14/2023
 - o Sgt. [REDACTED], 2/15/2023
 - o DFC [REDACTED], 2/21/2023
 - o Dep. [REDACTED], 2/15/2023
 - o Dep. [REDACTED], 2/15/2023
 - o Sgt. [REDACTED], 5/4/2023

¹ All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.

BACKGROUND

Summary of Complaint & Agency Investigation

On February 1, 2023 Dep. [REDACTED] [REDACTED] arrested [REDACTED] [REDACTED] upon belief a warrant was out for her arrest. Ms. [REDACTED] resisted that arrest and Dep. [REDACTED] employed physical force to subdue her, ultimately placing her in the back of his patrol vehicle. A short time later Dep. [REDACTED] ascertained that no warrant was outstanding for Ms. [REDACTED]. Ms. [REDACTED] was subsequently released from custody and allowed to walk home. She refused offers for examination by emergency medical technicians and medical treatment. An administrative investigation was initiated by SMCSO to investigate the facts and circumstances of the arrest.

From the record provided by the St. Mary's County Sheriff's Office ("SMCSO"), it appears [REDACTED] [REDACTED] whom Dep. [REDACTED] also interacted with that night, made a complaint to SMCSO after the administrative investigation was underway and alleged Dep. [REDACTED] was under the influence of opiates or some other illegal substance that night.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the recommended finding of NOT ADMINISTRATIVELY CHARGED as it relates to the following violations of Sheriff's Office Policies:

1. 319.4 Violation of Constitutional Rights
2. 319.5.1(c) Laws, Rules and Orders.

I concur with the recommended finding of UNFOUNDED as it relates to the allegation of DFC [REDACTED] being under the influence of opiates while performing his duties on the night of February 1, 2023.

I concur with the recommended finding of ADMINISTRATIVELY CHARGE as it relates to Sheriff's Office Policy 606.1 Warrant Verification. The recommended discipline is Two (2) Days Loss of Leave (LOL).

I share the same concerns as Major Safford in that DFC [REDACTED] activated his Body Worn Camera (BWC) late while initiating contact with both Ms. [REDACTED] and Ms. [REDACTED]. This needs to be corrected and remedial training will be administered by DFC [REDACTED] supervision and documented via a Blue Team Training Report. Further, I have additional concerns regarding poor officer safety skills exhibited by DFC [REDACTED] (BWC video) informing Ms. [REDACTED] she was under arrest while he was engaged in conversation with an officer using his cell phone. This practice is unprofessional and not safe at a critical point when engaging with a potentially wanted subject, his attention should be focused on the subject and his surroundings.

Steven A. Hall, Sheriff."

DETERMINATION

Discussion and Findings

The Administrative Charging Committee reviewed the investigatory file and body worn camera footage in this matter. From that review, it concludes that Dep. ██████ failed to verify the warrant he believed was outstanding for Ms. ██████; had he followed proper policy, he would have seen the “warrant” was, in fact, only a criminal summons. This matter seems undisputed, and Dep. ██████ himself acknowledged the mistake on his body worn camera footage and promptly self-reported the violation of policy.

There are mitigating factors present. Two citizens had informed Dep. ██████ that Ms. ██████ had a warrant out and Dep. ██████ received a “hit” on Ms. ██████ on his Mobile Data Browser. However, agency policy is clear that Dep. ██████ should have verified the “hit” before proceeding to an arrest (“warrant information received from the MDB will **not** be considered probable cause for arrest”, SMCSO Policy 606.1 – Warrant Verification). Additionally, it appeared to the ACC that while on the phone with a higher-ranking officer at the time of the arrest Dep. ██████ was instructed to arrest Ms. ██████. These mitigating factors establish sufficient good faith on Dep. ██████ part to keep this matter from rising to the level of a violation of constitutional rights or a breach of state law; they do not, however, overcome the clear and precise instructions of agency policy. Consequently, the Administrative Charging Committee finds Dep. ██████ arrest and temporary detention of Ms. ██████ on the night in question a violation of SMCSO606.1 – Warrant Verification. That is not to say Dep. ██████ acted with malice or ill-will; if anything, the record clearly suggests the opposite. It recognizes only that Dep. ██████ failed to apply the necessary due diligence.

As to the remaining charge, there is no evidence, at all, suggesting Dep. ██████ was under the influence of opiates or any other illegal narcotic or mind-altering substance at the time of the incident. It also notes that, were this true, it would not, in and of itself, appear to be a deprivation of any of Ms. ██████’s constitutional rights, and would not fit the statutory definition of “police misconduct.”

Outcome and Discipline

For the reasons noted above, the Administrative Charging Committee finds that Dep. ██████ should be **ADMINISTRATIVELY CHARGED** for violating SMCSO Policy 606.1 – Warrant Verification. The Administrative Charging Committee concurs with the Sheriff’s recommendation that the alleged conduct is best defined as a Category B offense. Based upon Dep. ██████ disciplinary record, this will be the third Category B violation in a 36 month period, elevating the range of discipline to that prescribed for Category C, Level 1 violations. Given the mitigating factors present, including consideration of the previous offenses and their classification under the prior disciplinary system, the ACC recommends discipline of **2 DAYS LOSS OF LEAVE**.

For the reasons noted above, the Administrative Charging Committee finds the remaining violations – 319.5.1(c) Conduct; Laws, Rules and Order, 319.4 Violation of a Constitutional Right, and 319.5.10 Intoxicants – **UNFOUNDED**.

Failures of Supervision Contributing to the Incident

Based on the investigatory file and attached letter from Sheriff Hall, it appears SMCSO makes substantial efforts already to impress upon law enforcement officers the necessity to verify warrants.

Though separate from the question of whether 'misconduct' as defined by Maryland Public Safety Article § 3-101 occurred, members of the Administrative Charging Committee were extremely concerned about some elements of the conduct of the arrest. Namely, Dep. [REDACTED] was on the phone at the time of arrest and appeared to be conversing with other members of SMCSO; at what point, it appeared a voice may have told Dep. [REDACTED] to "arrest her;" it does not appear to be proper that such orders should be given over a mobile phone in these circumstances. The Administrative Charging Committee would be alarmed to see any arrest, even a lawful one, conducted in this manner; the officer's apparent distractions and demeanor, in a different circumstance, could have presented serious risks to officer safety and led to an extreme escalation of the situation. Dep. [REDACTED] may benefit from remedial patrol tactics training. From Sheriff Hall's letter it appears he takes seriously these failures by Dep. [REDACTED] to give Ms. [REDACTED] arrest his full and complete attention, and that this conduct was contrary to SMCSO's training and policies.

Conclusion

This constitutes the written determination of the St. Mary's County Administrative Charging Committee with respect to the above-captioned matter. The final written report is adopted on this 4th day of OCT, 2023, and will be delivered to the St. Mary's County Sheriff's Office within five (5) days.



Nickolas Cromwell
Chairperson, Administrative Charging Committee



CONFIDENTIAL

**PER PUBLIC SAFETY ARTICLE § 3-104(H), ALL CONTENTS TO BE KEPT
CONFIDENTIAL UNTIL FINAL DISPOSITION**

Matter Number: 22-03

Date(s) Reviewed by ACC: 9/27/2023, 10/25/2023, 11/15/2023

Officer(s) Involved: Cpl. [REDACTED] # [REDACTED]

Incident Date: November 17, 2022 at 1730 hrs

Incident Location: The Dollar Tree store, San Souci Plaza, Lexington Park

Complainant: [REDACTED]

Allegations:

- 319.4 – Violation of Constitutional Rights
- 319.5.1 (c) – Conduct; Laws, Rules, and Order
- 319.5.8 (m) – Unreasonable and unwarranted force
- 420.4 – Contacts and Temporary Detentions, Field Interviews

Agency Review Conducted by: Lt. Thomas Hedderich, #119

Evidence in Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office
- Supplemental Incident Report, [REDACTED]
- Use of Force Report, Cpl. [REDACTED]
- St. Mary's County Sheriff's Office Administrative Investigation Report
- Compliant Submission, [REDACTED]
- St. Mary's County Sheriff's Office Witness Use of Force Report, Dep. [REDACTED] # [REDACTED]
- Transcript of CAD call from [REDACTED] 11/17/23
- Body Worn Camera Footage of:
 - o Cpl. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Trp. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
 - o [REDACTED], 2/22/2023
 - o Dep. [REDACTED], 3/3/2023
 - o Dep. [REDACTED], 7/4/2023
 - o Maryland State Police Trp. [REDACTED], 7/10/2023
 - o Cpl. [REDACTED], 3/28/23
 - o Cpl. [REDACTED], 7/18/2023

¹ All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.

BACKGROUND

Summary of Complaint & Agency Investigation

On November 23, 2022, ██████████ contacted the St. Mary's County Sheriff's Office's ("SMCSO") Office of Professional Responsibilities ("OPR") and alleged that Cpl. ██████████ had used excessive force during an illegal detention of Mr. ██████████ at a Dollar Tree store in San Souci Plaza on November 17, 2022. From Mr. ██████████ complaint OPR generated the four distinct allegations noted above. An investigation was conducted by OPR and upon completion the full investigatory file was forwarded to the Administrative Charging Committee ("ACC") for its review and determination. Investigation and review have been timely completed in compliance with COMAR 12.04.09.05.C.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the recommended finding of UNFOUNDED as it relates to the following violations of Sheriff's Office Policies:

1. 319.5.8 (m) Unreasonable and unwarranted force
2. 319.4 Violation of Constitutional Rights
3. 319.5.1 (c) Violation of federal, state, local, or administrative laws, rules, or regulations

The evidence shows Corporal ██████████ learned Mr. ██████████ was not a suspect in an assault and he should have been released from custody and the handcuffs removed. Instead, Corporal ██████████ removed the handcuff key and kept him detained. It is evident that Mr. ██████████ was antagonizing Corporal ██████████ with insults. As the senior officer on scene, Corporal ██████████ is expected to set the example by maintaining professionalism and ensuring policy is followed despite the unruly (but legal) behavior of a citizen.

I concur with the recommended finding of ADMINISTRATIVELY CHARGED as it relates to Sheriff's Office Policy 420.4 Contacts and Temporary Detentions, Field Interviews. The recommended discipline is 15 Days Loss of Pay (LOP) (120 Hours).

Steven A. Hall, Sheriff."

DETERMINATION

Discussion and Findings

The evidence in the investigatory file, including all relevant video and body worn camera ("BWC") footage, show that Cpl. ██████████ investigated a reported assault at the San Souci Dollar Tree store on the night of November 17, 2023. Upon arrival, a citizen informed Cpl. ██████████ that he had been assaulted inside the store by a man dressed in black who was wielding a broom. Venturing inside the store, Cpl. ██████████ found Mr. ██████████ dressed in black, wielding a broom. After a short interaction Cpl. ██████████ asked Mr. ██████████ for his identification; Mr. ██████████ refused to provide any identification or to identify himself. Mr. ██████████ refusal to cooperate persisted, at length, and Cpl. ██████████ ultimately instructed Mr. ██████████ to put his hands behind his back. Cpl. ██████████ grasped Mr. ██████████ right wrist, pushed Mr. ██████████ against a cash register conveyor belt, and handcuffed Mr. ██████████

There is more than sufficient evidence in the record to justify Cpl. [REDACTED] conduct up to this point. Cpl. [REDACTED] had probable cause to investigate Mr. [REDACTED] for a potential assault and took steps necessary to effectuate Mr. [REDACTED] temporary detention to, at the least, continue investigation of that crime. The ACC is amply satisfied the report of the alleged assault and description of the alleged perpetrator amount to sufficiently specific and articulable facts to justify Mr. [REDACTED] temporary detention and that the force used to achieve that temporary detention was the minimum necessary to effectuate said temporary detention; body worn camera footage depicts the arrest at 17:06:45 and does not show any excessive use of force. See, e.g., *Terry v. Ohio*, 392 U.S. 1 (1968), *Little v. State*, 300 Md. 485 (1984). The ACC also notes that Mr. [REDACTED] uncooperative behavior exacerbated the situation – something which would continue throughout Cpl. [REDACTED] investigation.

Cpl. [REDACTED] subsequent investigation immediately following the detention revealed no assault took place. At this point, Cpl. [REDACTED] should have immediately released Mr. [REDACTED] from any continued detention and began to do so. Uncuffing Mr. [REDACTED] begins at roughly timestamp 17:19:39, per Cpl. [REDACTED] body worn camera footage. Mr. [REDACTED] combative and disruptive behavior continued as he was being uncuffed and Mr. [REDACTED] repeatedly asked for Cpl. [REDACTED] supervisor. As Mr. [REDACTED] belligerent behavior continued, body worn camera footage from Dep. [REDACTED] shows Mr. [REDACTED] jerking and half-turning towards Cpl. [REDACTED] at timestamp 17:19:42 and he continued to verbally berate Cpl. [REDACTED] as he was being unhandcuffed. At timestamp 17:20:11 Cpl. [REDACTED] after Mr. [REDACTED] once again demanded to speak to Cpl. [REDACTED] supervisor, ceased unhandcuffing Mr. [REDACTED] and walked him underneath the store awning. Cpl. [REDACTED] began unhandcuffing Mr. [REDACTED] again at approximately 17:20:57 and Mr. [REDACTED] was fully out of the handcuffs by 17:21:32.

The brief interlude in unhandcuffing Mr. [REDACTED] is why SMCSO recommends Cpl. [REDACTED] be administratively disciplined for violating SMCSO Policy 420.4 – Contacts and Temporary Detentions. That policy states “a person, however, shall not be detained longer than is **reasonably necessary** to resolve the deputy’s suspicion” (**emphasis added**). Any such grounds of necessity for investigative purposes disappeared once Mr. [REDACTED] was cleared of suspicion, and Cpl. [REDACTED] subsequent duty was to release Mr. [REDACTED] as immediately as was reasonable and prudent, given the circumstances. Additional SMCSO policy clarifies that “due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a[] [field interview]... shall be left to the deputy based on the **totality of the circumstances, officer safety considerations and constitutional safeguards.**” (SMCSO Policy 420.2 – Contacts and Temporary Detentions – Policy.)

With that in mind, Cpl. [REDACTED] stated in his interview on July 18 his reason for temporarily pausing removal of the handcuffs was because Mr. [REDACTED] “started pulling away ... he pulled and started walking away. So I’m kind of holding him as he’s walking away.” Neither the body worn camera footage of Cpl. [REDACTED] or Dep. [REDACTED] is entirely dispositive of the claim one way or the other. Though there is no obvious lunge or lurch forward at the time Cpl. [REDACTED] ceased handcuffing Mr. [REDACTED], the ACC does note the aforementioned jerk and half-turn when Cpl. [REDACTED] began removing the handcuffs. It also notes Mr. [REDACTED] continuing verbal assaults and outlandish statements exacerbated the interaction. In all, the situation was strained, if not outright tense, and was compounded by Mr. [REDACTED] belligerent and unpredictable behavior.

Considering the Sheriff Office Policy Manual’s invocation of “constitutional safeguards,” the ACC notes the following language from *Graham v. Connor*, one of the seminal cases on the Fourth Amendment’s guarantees of protection from use of excessive force or abuses of authority:

“The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. . . . with respect to a claim of excessive force, the same standard of reasonableness at the moment applies: **Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates the Fourth Amendment. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation.**”

Okwa v. Harper, 360 Md. 161, 200 (2000) (quoting *Graham v. Connor*, 490 U.S. 386, 396-397 (1989) (**emphasis added**)).

Though the factual record is not entirely clear and may have benefited from more targeted interviewing of Cpl. [REDACTED] over his perceived justification for prolonging Mr. [REDACTED] detention by approximately 46 seconds, the ACC does not find it practicable to ask this matter be reviewed any further. Rendering it so are both the necessity for the ACC to issue a determination within a year and a day of Mr. [REDACTED] complaint, per Public Safety Article § 3-113(c), and the likelihood that Cpl. [REDACTED] and Mr. [REDACTED] factual recall of those 46 seconds nearly 12 months after the incident took place will not shed any greater clarity than what is revealed by the body worn camera footage.

Noting the burden of proof rests on those making the allegation, the ACC cannot find by a preponderance of the evidence that Cpl. [REDACTED] temporary delay in removing the handcuffs on Mr. [REDACTED] constituted a policy violation. Accordingly, the ACC determines that Cpl. [REDACTED] should **not be administratively charged** for the fourth allegation of failure to abide by SMCSO Policy 420.4.

Outcome

For the reasons noted above, the ACC finds **UNFOUNDED** the allegations that Cpl. [REDACTED] violated SMCSO policies 319.5.8, 319.4, and 319.5.1. The ACC finds Cpl. [REDACTED] should **NOT BE ADMINISTRATIVELY CHARGED** for the allegation Cpl. [REDACTED] violated SMCSO policy 420.4.

Discipline

As the ACC has made no determination Cpl. [REDACTED] should be administratively charged, it makes no recommendation of discipline. It notes and acknowledges, however, that the St. Mary's County Sheriff's Office may impose a higher degree of discipline within the applicable range of the disciplinary matrix, per Public Safety Article § 3-105(c)(2), if it so elects.

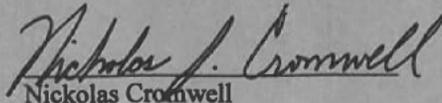
Failures of Supervision Contributing to the Incident

The ACC notes no apparent failures of supervision during the incident.

Conclusion

This constitutes the written determination of the St. Mary's County Administrative Charging Committee with respect to the above-captioned matter. The final written report is adopted on

this 22 day of Nov, 2023, and will be delivered to the St. Mary's County Sheriff's Office within five (5) days.



Nickolas Cromwell
Chairperson, Administrative Charging Committee



CONFIDENTIAL

**PER PUBLIC SAFETY ARTICLE § 3-104(H), ALL CONTENTS TO BE KEPT
CONFIDENTIAL UNTIL FINAL DISPOSITION**

Matter Number: 22-04

Date(s) Reviewed by ACC: 10/25/2023, 11/15/2023

Officer(s) Involved: Sgt. [REDACTED], # [REDACTED]¹

Incident Date: December 19, 2022 at 2131 hrs

Incident Location: 23415 Three Notch Road, California, MD 20619 (Wildewood Shopping Center; Parking Lot of Outback Steakhouse)

Complainant: Agency Initiated

Allegations:

- 319.5.8 Use of Deadly Force

Agency Review Conducted by: Lt. Thomas Hedderich, #119

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office
- Copy of St. Mary's County Sheriff's Office Policy 304
- Copy of St. Mary's County Sheriff's Office Policy 307
- Letter from St. Mary's State Attorney, Jaymi Sterling
- St. Mary's County Sheriff's Office Weapons Qualifications Report
- Toxicology Report, Sgt. [REDACTED], 12/21/22
- Taser Information Report
- Still Pictures of Sgt. [REDACTED] Handgun
- Course Report for Annual Firearms Classroom, Sgt. [REDACTED]
- Supplemental PowerPoint for Annual Firearms Classroom
- Involved Officer Interview Workbook
- Aerial Photo of Wildewood Shopping Center
- St. Mary's County Sheriff's Office Public Safety Statement
- Notice of Investigation, Sgt. [REDACTED], 12/20/23
- Body Worn Camera Footage of:
 - o Cpl. [REDACTED] # [REDACTED]
 - o Cpl. [REDACTED] # [REDACTED]
 - o Sgt. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
 - o Lt. [REDACTED] 12/23/2022
 - o Cpl. [REDACTED], 12/23/2022
 - o Sgt. [REDACTED], 1/5/2023

Evidence in Criminal Investigation File

¹ All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.

- Officer Involved Shooting PowerPoint
- Arrest Report
- Arrest Warrant
- Crime Scene Personnel Log
- St. Mary's County Sheriff's Office K9 Utilization Report
- St. Mary's County Sheriff's Office Vehicle Tow/Storage Card
- Search and Seizure Warrant
- St. Mary's County Crime Scene Lab Report
- Property Record Forms, CCN [REDACTED]
- Incident Reports from:
 - o Lt. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Det. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Cpt. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Sgt. [REDACTED] # [REDACTED]
 - o Lt. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Sgt. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Dep. [REDACTED] # [REDACTED]
 - o Sgt. [REDACTED] # [REDACTED]

BACKGROUND

Summary of Complaint & Agency Investigation

On December 19, 2022, Sgt. [REDACTED] responded to the parking lot of the Sleep Inn Hotel at 23428 Three Notch Road, California, MD 20619 to assist in a stolen vehicle investigation. The stolen vehicle was located in the hotel parking lot and the suspect in its theft, [REDACTED], was located in the hotel lobby by Lt. [REDACTED]. The suspect fled the hotel and was pursued on foot by Lt. [REDACTED], Sgt. [REDACTED], and K-9 Officer Cpl. [REDACTED]. Mr. [REDACTED] fled across Route 235 into the Wildewood Shopping Center. After a prolonged foot pursuit across the shopping center Mr. [REDACTED], while brandishing a knife, appeared to make a start for a parked vehicle that had its headlights on in the Outback parking lot. At that moment Sgt. [REDACTED] fired at Mr. [REDACTED]. Mr. [REDACTED] was struck and incapacitated. Medical aid was immediately rendered to Mr. [REDACTED]. Immediately after the incident Sgt. [REDACTED] was transported to OPR and served his Notification of Investigation related to this matter.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the recommended finding of EXONERATED as it relates to the Use of Deadly Force by Sergeant [REDACTED] on December 19, 2022.

Based on the evidence provided, I do not recommend any additional violations of policy for Sergeant [REDACTED]. This was a dynamic chain of events of an armed suspect and the measures taken by all deputies involved, to include the immediate medical attention given to the suspect by the deputies after the use of deadly force, is what I and the community expect of our personnel.

Please take note of the need for confidentiality of this matter even after final disposition is made, due to the pending criminal case.

Steven A. Hall, Sheriff.”

DETERMINATION

Discussion and Findings

The sole allegation in this matter is whether Sgt. [REDACTED] use of potentially deadly force against Mr. [REDACTED] was justified. We unequivocally determine it was and that no breach of law or SMCSO policy occurred.

Though the Fourth Amendment protects any pretrial detainee from the use of excessive physical force, potentially lethal force to seize or incapacitate a suspect is permissible in circumstances where a reasonable observer would conclude the suspect's actions pose immediate threat to the safety of officers or the public and that such force is the minimum necessary to eliminate such danger. See *Graham v. Connor*, 490 U.S. 386, 396 (1989). In this matter, a reasonable police officer could readily conclude that lethal force was justified in the moment Sgt. [REDACTED] discharged his firearm: Mr. [REDACTED] was actively fleeing arrest, had been fleeing arrest for some time prior, had refused numerous commands to stop, was armed with a knife, had refused numerous commands to drop the knife, and chose to dash towards a vehicle that appeared to be occupied with his knife still in hand. Those are more than sufficient grounds for Sgt. [REDACTED] to conclude, in that moment, Mr. [REDACTED] posed an immediate threat to the public.

That the car was not, in fact, occupied at that moment is not of consequence to the analysis. The sole governing criterion is whether it appeared to a reasonable officer that there was a threat to public safety. The vehicle in question, as is clearly seen in the involved officers' body worn camera footage, had its lights on and appeared to be running. Given those indicia it was reasonable for the officer to make a split-second determination the car was occupied and that Mr. [REDACTED], making a break for the car with a knife in hand, posed a danger to its occupants.

Neither is there any suggestion that the officers, by that time, had any less forceful means they could reasonably employ to stop Mr. [REDACTED]. Mr. [REDACTED] refused to acknowledge any command issued by the officers. Attempts to incapacitate Mr. [REDACTED] by taser and police K9 both failed, through no fault of Sgt. [REDACTED] or his fellow officers. Firing at Mr. [REDACTED] appeared to be Sgt. [REDACTED] only remaining recourse to neutralize Mr. [REDACTED] and for the reasons noted above he was justified to employ it.

Outcome

For the reasons noted above, the Administrative Charging Committee finds Sgt. [REDACTED] **EXONERATED** of the allegation of use of deadly force in violation of SMCSO policy, state law, or constitutional law.

Discipline

As there is no finding Sgt. [REDACTED] be administratively charged, the Administrative Charging Committee does not recommend any discipline of the exonerated officer.

Failures of Supervision Contributing to the Incident

The Administrative Charging Committee finds no failures of supervision contributing to this incident.

Conclusion

This constitutes the written determination of the St. Mary's County Administrative Charging Committee with respect to the above-captioned matter. The final written report is adopted on this 15 day of NOV, 2023, and will be delivered to the St. Mary's County Sheriff's Office within five (5) days.



Nickolas Cromwell
Chairperson, Administrative Charging Committee