



2024

# ANNUAL REPORT

ST. MARY'S COUNTY  
POLICE ACCOUNTABILITY BOARD

**Adopted :**  
December 23, 2024

Nickolas Cromwell, Chair  
Leslie Everett, Vice Chair



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# INTRODUCTION

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By law, a Police Accountability Board in Maryland must adopt, by December 31<sup>st</sup> 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.<sup>1</sup> This document is the annual report adopted by the St. Mary's County Police Accountability Board ("the Board") for calendar year 2024. This report includes information the Board feels will benefit 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. It is the Board's hope this document will provide greater context for its activities over the last calendar year and the recommendations it makes in its report.

## MISSION & FUNCTIONS OF THE BOARD

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Per the [Police Accountability 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."

Additionally, 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 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 shall be sent to the Board at [pab@stmaryscountymd.gov](mailto:pab@stmaryscountymd.gov).<sup>2</sup> 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. Complaints may also be sent directly to the Sheriff's Office.

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<sup>1</sup> Md. Public Safety § 3-102(a)(4)

<sup>2</sup> [St. Mary's Police Accountability Board Complaint Form](#)

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 direct power to implement policy changes, Maryland law tasks the Board with making recommendations to the Commissioners that the Board believes would further police relations in the County if implemented. To that end, the Board endeavors to be in constant contact with members of local law enforcement and members of the public to monitor local sentiment.

## **MEMBERSHIP OF THE POLICE ACCOUNTABILITY BOARD**

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With one exception, all members of the Police Accountability Board who served in 2023 continued in their same capacities in 2024. Jenna Aubert was appointed to the PAB this year, with a term of office beginning July 1. She replaces departing member Frank Kauffman.



**Nickolas Cromwell, Chairperson**

**1<sup>st</sup> Term: July 1, 2022 – June 30, 2025**

*Mr. Cromwell is a veteran and has served a combined thirty-eight years in active and civilian military service. Mr. Cromwell has served as chief executive officer of two corporations and 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**

**1<sup>st</sup> 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.*



**Jenna Aubert**

**1<sup>st</sup> Term: July 1, 2024 – June 30, 2027**

*I am a retired police officer, having served with a municipal department in Prince George's County. I am passionate about community service and giving back to my community. Outside of my job as a fraud investigator for a large, multi-national insurance company, I serve as a volunteer EMT with both Leonardtown and Lexington Park Rescue Squads in my spare time.*





**Ylonda M. Dowleyne, Member**  
**1<sup>st</sup> Term: July 1, 2022 – June 30, 2025**

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



**Buren W. Kidd, Member**  
**1<sup>st</sup> 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**  
**1<sup>st</sup> Term: July 1, 2024 – June 30, 2027**

*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 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**  
**1<sup>st</sup> Term: July 1, 2024 – June 30, 2027**

*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 the 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**  
**1<sup>st</sup> 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 Shilling, Member**  
**1<sup>st</sup> Term: July 1, 2023 – June 30, 2026**

*Mr. Shilling is the CEO of Shilling & Associates, a counseling 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.*

## STRUCTURE OF THE POLICE ACCOUNTABILITY BOARD

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Per [Ordinance 2022-15](#), the Police Accountability Board must have a minimum membership of five voting members: one chairperson, and one member from each Commissioner district. Up to four additional voting members may be appointed by the Commissioners. All members serve staggered three-year terms. By state law, members of a Police Accountability Board must be civilians; no actively serving police officer may be a member of the Board.

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.

Support staffing for the Board is provided through the County Attorney's Office.

## MEETINGS

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The Board held a total of five meetings in the course of 2024, on each of the following dates: February 15, May 16, August 15, November 21, and December 19. The Board has a statutory duty to meet no less than quarterly. A 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, 2024, to the Commissioners of St. Mary's County.

The Board's February meeting consisted of analyzing the fourteen (14) publicly posted 2023 PAB Annual Reports from various Maryland Counties. The Board agreed to revisit this topic as needed, and to continue gathering additional information on the other 2023 PAB Annual Reports from across Maryland, which may not have been available at the time of this meeting. The Board also reviewed two (2) Administrative Charging Committee ("ACC") written dispositions, investigatory file 23-02 and 23-03, both issued by the ACC on December 20, 2023.

In May, the Board reviewed the following three (3) written dispositions from the ACC: 23-04, 23-05, and 23-06. St. Mary's County Deputy County Attorney, John Sterling Houser, also presented to the Board a summary of proposed legislation from the 2024 General Assembly Session that had the potential, if enacted, to alter how the PAB and ACC operate. The Board continued to gather information on the 2023 PAB Annual Reports from other Maryland counties, which included reviewing three annual reports from Cecil, Harford, and Worcester counties.

In August, the Police Accountability Board welcomed new member Jenna Aubert, who replaced departing member, Frank Kauffman. The meeting commenced with the review of two (2) newly received ACC written dispositions, investigatory files 23-07 and 23-08. The Board also

addressed the statewide implementation of the Maryland Police Accountability Act of 2021, including the possible impact the letter from the Office of the Attorney General, dated April 18, 2023, could affect how St. Mary's County determines which cases of police misconduct fall under the jurisdiction of the St. Mary's County Administrative Charging Committee. Finally, Board members were presented with The Police Executive Research Forum ("PERF") Report, which consolidated insights gathered from PERF's survey of PAB members, staff of PAB and ACC, and law enforcement; observations of PAB meetings and annual report reviews; interviews of stakeholders; and the Implementation Summit held in Annapolis in March of 2024.

An additional Board meeting held in November saw the review of the Administrative Charging Committee's disposition for investigatory files 24-01 and 24-02, the adoption of the 2025 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 2024.

Minutes of each meeting held in calendar year 2024 are attached to this report as Appendix Item B.



# **ADMINISTRATIVE CHARGING COMMITTEE**

ST. MARY'S COUNTY  
POLICE ACCOUNTABILITY BOARD

## **MISSION AND FUNCTIONS OF THE COMMITTEE**

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While the Police Accountability Board provides review and recommendations as an advisory body, the Administrative Charging Committee is charged with making disciplinary recommendations regarding alleged police misconduct. Its duties and powers are to: (1) review the findings of law enforcement agency's investigation; (2) make a determination as to whether to administratively charge a 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, determination, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

## **PROCESS FOR REVIEWING INVESTIGATORY FILES**

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The investigation and review process for a matter brought before the Administrative Charging Committee is extensive. Complaints of police misconduct may be made through the Police Accountability Board or through the St. Mary's County Sheriff's Office. Upon receipt of a complaint the allegation is investigated by the Sheriff's Office. Following completion of that investigation, the Sheriff's Office forwards a copy of the investigatory file – which includes case summaries, documentary evidence, transcripts of all associated interviews, and any associated body worn camera or other media files - to the ACC for review. The investigation file includes recommendations by the Sheriff as to whether the accused officer should be administratively charged and, if so, what discipline should be offered.

Once the investigatory file of the allegation of police misconduct is in possession of the ACC the Committee reviews the entire law enforcement agency's investigatory file. In a typical case ACC members receive all written components of a pending investigative file one to two weeks prior to their next monthly meeting. Media files are reviewed collectively at that meeting. The ACC has the authority, if needed, to request further investigation from the law enforcement agency. If the ACC is satisfied that the investigative file is complete a preliminary finding is made and staff are directed to prepare a written opinion consistent with that finding. A written opinion is presented for ratification by the ACC at its next monthly meeting. Upon adoption of a final written opinion – which will include a finding as to whether the accused officer should be administratively charged for the alleged violation and, if so, what discipline

the ACC recommends – it is transmitted to the Sheriff. If discipline is recommended it must be categorized according to the classes established by the Statewide Disciplinary Matrix. The Sheriff may elect to administer the ACC’s recommended discipline or to impose harsher discipline than that recommended. Once an officer has accepted an offer of discipline or exhausted his or her rights to challenge any adverse finding the ACC’s written determination is made publicly available.

The St. Mary’s County Administrative Charging Committee takes a literal interpretation of the definition of “police misconduct” provided in Maryland Public Safety Article § 3-101(g): “Police misconduct’ means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes: (1) depriving persons of rights protected by the constitution or laws of the State or the United States; (2) a violation of a criminal statute; **and** (3) a violation of law enforcement agency standards and policies.” (**Emphasis added**). Accordingly, the ACC does not review technical infractions. By agreement with the Sheriff’s Office, however, the ACC does review technical infractions if they arise from the same circumstances as an allegation that satisfies the three definitional elements of “police misconduct.” For example, an officer alleged to have delayed activation of a body worn camera in violation of agency policy would have that alleged violation subject to ACC review if, in the same event, the officer is alleged to have engaged in other conduct that would satisfy the definition of “police misconduct.”

All findings made in 2024 are attached as an appendix to this report.

## MEMBERSHIP OF THE ADMINISTRATIVE CHARGING COMMITTEE

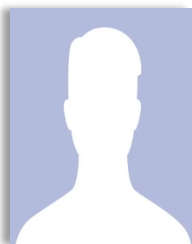
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Nickolas Cromwell, Chairperson

1<sup>st</sup> Term: July 1, 2022 – June 30, 2025

*Mr. Cromwell is a veteran and has served a combined thirty-eight 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.*



Michael R. Deitch, Member

1<sup>st</sup> Term: Aug. 18, 2022 – June 30, 2025

*As a retired police officer from New Jersey, I bring a wealth of experience in law enforcement, having developed strong skills in investigation, crisis management, and community engagement. Transitioning into cybersecurity supporting the Department of Defense, I leverage my background to identify and mitigate threats, ensuring the safety and security of digital environments. My unique combination of practical law enforcement experience and technical expertise allows me to provide valuable insights into both physical and cyber safety, making me a trusted resource for the Administrative Charging Committee.*



**Joyce I. Dyson, Member**

**1<sup>st</sup> Term: Aug. 18, 2022 – June 30, 2025**

*My name is Joyce I. Dyson. I am a retired government employee who served as an Advisory Council Board member, I ensured government policies were followed based on the situation. This responsibility helped me with decision-making on the Administrative Charging Committee.*



**Dr. Linda W. Lymas, Member**

**1<sup>st</sup> Term: July 1, 2022 – June 30, 2025**

*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 the 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.*



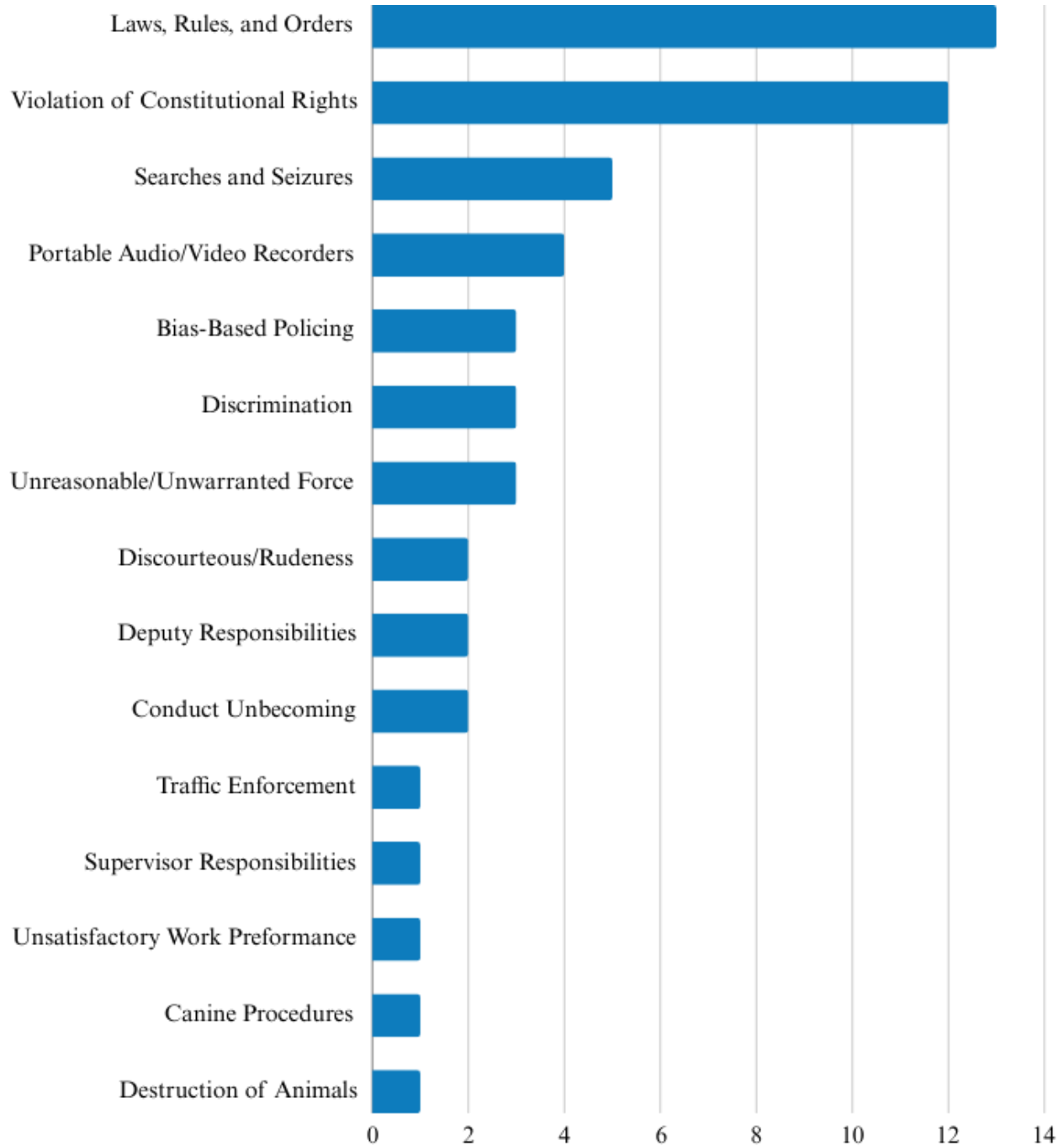
**Peter F. Wild, Member**

**1<sup>st</sup> Term: July 01, 2022 – June 30, 2025**

*Served in the US Navy from 1982-1990 as an Electronics Technician / Nuclear Reactor Operator on board 2 Submarines. Was brought to St Mary's County Maryland as a Control Technician Nuclear at Calvert Cliffs Nuclear Power plant. Joined the Maryland State Police in 1994 as a State Trooper / Master Flight paramedic and served until retirement in 2011. Worked for Charles Co Government for the Department of Emergency Services in 2008 and retired as an EMS Operations Captain in 2024. Volunteered in St Mary's Co as a Fire Fighter and Paramedic from 1990 - 2018. I am a Life Member of St Mary's Co Advanced Life Support Unit.*

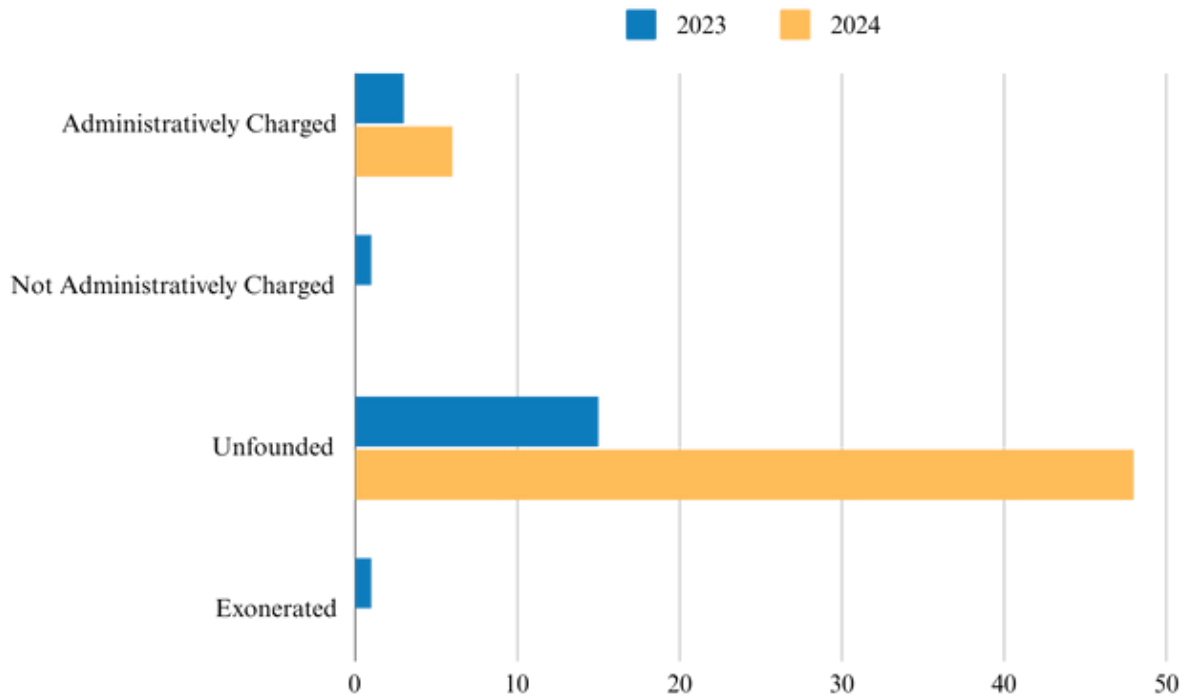
# ACC DATA AND STATISTICS BETWEEN 2023 and 2024

## Total Number Allegations Reviewed by the ACC in 2024

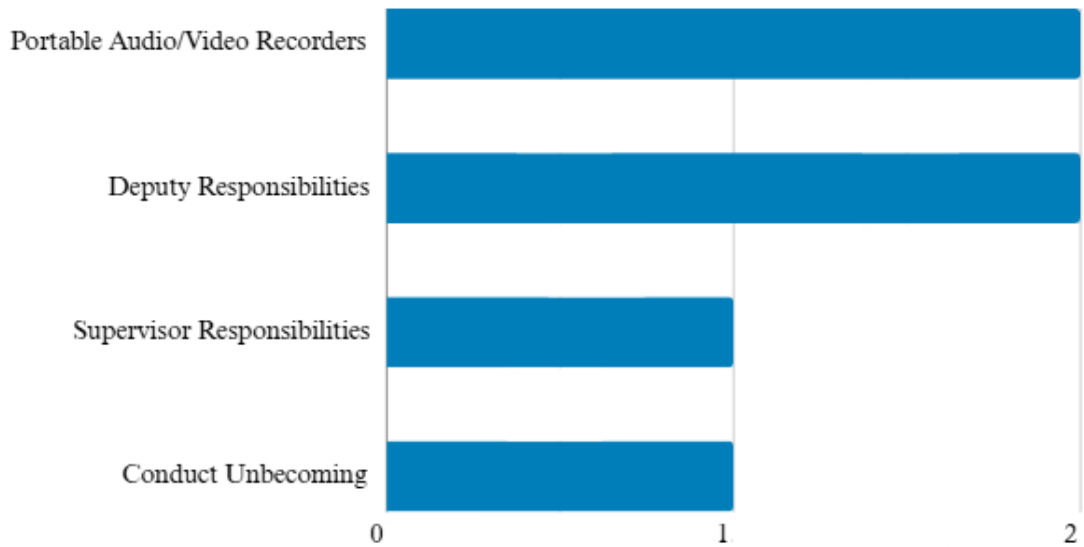




## Total Charged/Not Charged/Unfounded Findings



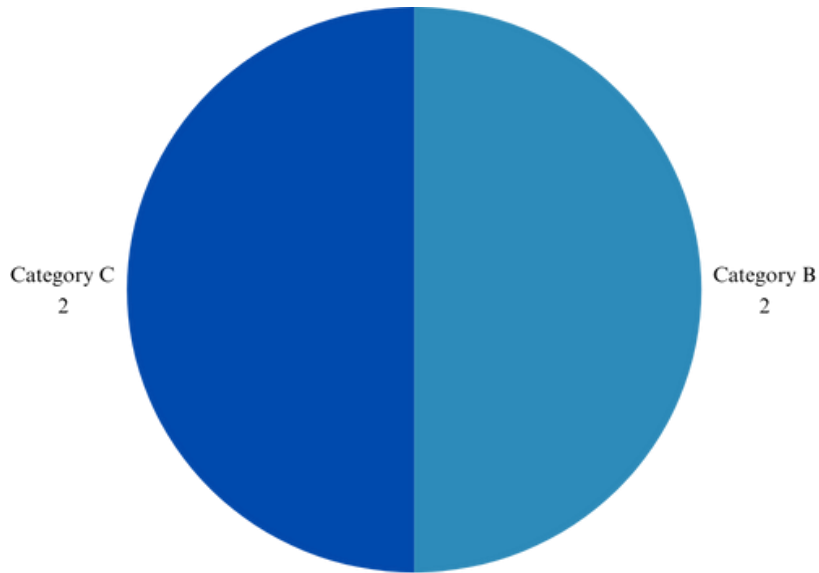
## Allegations Administratively Charged in 2024, by Subject



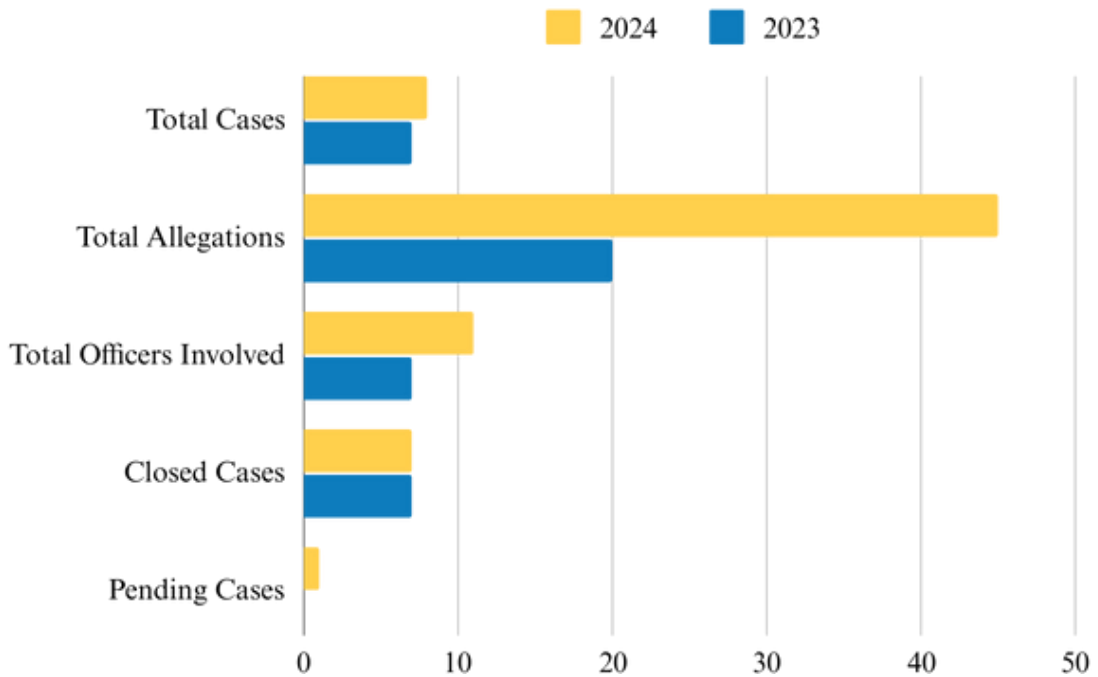
Data Range: January 1, 2023 – December 18, 2024

The previous chart, titled “Allegations Administratively Charged in 2024, by Subject,” shows a total of six (6) allegations of police misconduct. However, the ACC recommended merging discipline for two (2) of these allegations due to their close proximity and factual nexus, resulting in four (4) distinct allegations that were categorized with violations.

### Disciplinary Category of Administrative Charges



### Case File Statistics



Data Range: January 1, 2023 – December 18, 2024



# **TRENDS AND RECOMMENDATIONS**

**ST. MARY'S COUNTY  
POLICE ACCOUNTABILITY BOARD**

## **DISCIPLINARY TRENDS**

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The Administrative Charging Committee has seen roughly the same amount of overall cases as it did in the prior years. The number of total allegations grew considerably, though. Allegations are arranged according to which SMCSO policy an officer is accused of violating. The increase appears to be the product of SMCSO identifying more individual policies in a given case that are alleged to be violated, rather than an increase in the severity or degradation of discipline among officers. The nature and outcomes of the cases appear substantially the same as in prior years.

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

## **RECOMMENDATIONS**

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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 amended to provide clarity as to what cases are meant for the ACC's jurisdiction and which are not. A minority of counties take a literal view that Public Safety § 3-101(g)'s definition of "police misconduct" is a conjunctive list of required elements that must each be alleged for a case to be brought before the ACC. Among the majority of counties that view the definition as a disjunctive list, the PERF Report makes clear that there is still broad disagreement among them over what types of cases should be brought before the ACC. There is widespread disagreement over when police misconduct is considered to "involve a member of the public"; there is widespread disagreement over whether purely technical infractions should be brought. A clear, uniform definition that dispels doubt would bring greater public confidence to the system, provide law enforcement agencies and personnel more consistency and prediction over outcomes, and give Police Accountability Boards and Administrative Charging Committees a greater clarity of purpose and jurisdiction.

## CONCLUSION

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The foregoing, along with the enclosed appendices, comprise the St. Mary's County Police Accountability Board's Annual Report for Calendar Year 2024, and are presented in the form adopted by the Police Accountability Board on December 23, 2024.

*Nickolas J. Cromwell*

Nickolas J. Cromwell  
Chairperson

### MEMBERS VOTING FOR ADOPTION OF THE REPORT:

Cromwell  
Dowleyne  
Kidd  
Lydon  
Lymas  
Phelan

### MEMBERS NOT PRESENT AT THE ADOPTION OF THE REPORT:

Aubert  
Everett  
Shilling

### MEMBERS VOTING AGAINST ADOPTION OF THE REPORT:

# APPENDIX A

Case Number (ACC and OPR)	Nature of Violation	SMCSO Recommendation	ACC Determination	Violation Category, if Administratively Charged	ACC Voting Results
23-04 OPR2023-1208	Unreasonable and unwarranted force (319.5.8(m)); Violation of Constitutional Rights (319.4); Violation of federal, state, local, or administrative laws, rules, or regulations (319.5.1(c))	UNFOUNDED - 319.4 - 319.5.1 - 319.5.8(m)  Recommended Discipline: None	UNFOUNDED - 319.4 - 319.5.1 - 319.5.8(m)  Recommended Discipline: None	_____	5-0 Approve
23-05 OPR2023-3893	Bias-based policing (401.3); Discrimination (319.5.3); Violation of federal, state, local, or administrative laws, rules, or regulations (319.5.1); General Standards - Violation of Constitutional Rights (319.4)	UNFOUNDED - 319.4 - 319.5.1 - 319.5.3 - 401.3  Recommended Discipline: None	UNFOUNDED - 319.4 - 319.5.1 - 319.5.3 - 401.3  Recommended Discipline: None	_____	5-0 Approve
23-06 OPR2023-1291	Bias-based policing (401.3); Discrimination (319.5.3); Violation of federal, state, local, or administrative laws, rules, or regulations (319.5.1); General Standards - Violation	<i>Officer 1:</i> ADMINISTRATIVELY CHARGE - 319.3.2 UNFOUNDED - 319.4	<i>Officer 1:</i> ADMINISTRATIVELY CHARGE - 319.3.2 UNFOUNDED - 319.4		

	<p>of Constitutional Rights (319.4); Supervisor Responsibilities (319.3.2); Initial Investigations Deputy Responsibilities (600.3.1); Consent Required for Activation of the Portable Recorder (425.6.1)</p>	<ul style="list-style-type: none"> <li>- 319.5.1</li> <li>- 319.5.3</li> <li>- 401.3</li> </ul> <p>Recommended Discipline: Three (3) Days Loss of Leave Remedial Investigative Training</p> <p><i>Officer 2:</i> ADMINISTRATIVELY CHARGE</p> <ul style="list-style-type: none"> <li>- 600.3.1</li> <li>- 425.6.1</li> </ul> <p>UNFOUNDED</p> <ul style="list-style-type: none"> <li>- 319.4</li> <li>- 319.5.1</li> <li>- 319.5.3</li> <li>- 401.3</li> </ul> <p>Recommended Discipline: Two (2) Days Loss of Leave Remedial Body Worn Camera Training</p>	<ul style="list-style-type: none"> <li>- 319.5.1</li> <li>- 319.5.3</li> <li>- 401.3</li> </ul> <p>Recommended Discipline: Three (3) Days Loss of Leave Remedial Investigative Training</p> <p><i>Officer 2:</i> ADMINISTRATIVELY CHARGE</p> <ul style="list-style-type: none"> <li>- 600.3.1</li> <li>- 425.6.1</li> </ul> <p>UNFOUNDED</p> <ul style="list-style-type: none"> <li>- 319.4</li> <li>- 319.5.1</li> <li>- 319.5.3</li> <li>- 401.3</li> </ul> <p>Recommended Discipline: Two (2) Days Loss of Leave Remedial Body Worn Camera Training</p>	<p><i>Officer 1</i> Category C</p> <p><i>Officer 2</i> Category B</p>	<p>5-0 Approve</p>
<p>23-07 OPR2023-4147</p>	<p>Standards of Conduct; Laws, Rules, and Orders – Trespass (319.5.1); General Standards – Violation of Constitutional Rights (319.4); Searches and</p>	<p>ADMINISTRATIVELY CHARGE</p> <ul style="list-style-type: none"> <li>- 319.5.8(x)</li> <li>- 421.3</li> </ul> <p>UNFOUNDED</p>	<p>ADMINISTRATIVELY CHARGE</p> <ul style="list-style-type: none"> <li>- 421.3</li> </ul> <p>UNFOUNDED</p> <ul style="list-style-type: none"> <li>- 311.3</li> </ul>		



	Seizures – Searchers (311.3); Conduct Unbecoming (319.5.8); Portable Audio/Video Recorders Notification (421.3)	- 311.3 - 319.4 - 319.5.1  Recommended Discipline: Letter of Reprimand	- 319.4 - 319.5.1 - 319.5.8(x)  Recommended Discipline: Letter of Reprimand	Category B, Level One	3-0 Approved
23-08 OPR2023- 4696	Searches and Seizures – Searches (311.3); Standards of Conduct – Efficiency (319.5.7(b)); General Standards – Violation of Constitutional Rights (319.4); Standards of Conduct – Laws, Rules, and Orders (319.5.1)	<i>Officer 1:</i> UNFOUNDED - 319.4 - 319.5.1  <i>Officer 2:</i> UNFOUNDED - 311.3 - 319.4  Recommended Discipline: None	<i>Officer 1:</i> UNFOUNDED - 319.4 - 319.5.1  <i>Officer 2:</i> UNFOUNDED - 311.3 - 319.4  Recommended Discipline: None	_____	3-0 Approved
24-01 OPR2024- 0927	Standards of Conduct – Laws, Rules, and Orders; Assault 2 <sup>nd</sup> Degree (319.5.1); Standards of Conduct – Conduct Unbecoming (319.5.8); General Standards – Violation of Constitutional Rights	ADMINISTRATIVELY CHARGE - 319.5.8 UNFOUNDED - 319.4 - 319.5.1	ADMINISTRATIVELY CHARGE - 319.5.8 UNFOUNDED - 319.4 - 319.5.1		

	(319.4); Activation of the Portable Recorder (425.6)	- 425.6  Recommended Discipline: Two (2) Days Loss of Leave (16 Hours)	- 425.6  Recommended Discipline: Two (2) Days Loss of Leave (16 Hours)	Category C	5-0 Approved
24-02 OPR2024-1628	Laws, Rules & Orders (319.5.1); Violation of Constitutional Rights (319.4); Searches and Seizures (311.3); Canine Procedures Narcotics Searches (315.12(c)(5)); Discourteous/Rudeness (319.5.8(q)); Traffic - Conduct with the Violator (500.4.1)	UNFOUNDED  - 319.4 - 319.5.1 - 311.3 - 315.12(c)(5) - 319.5.8(q) - 500.4.1  Recommended Discipline: None	UNFOUNDED  - 319.4 - 319.5.1 - 311.3 - 315.12(c)(5) - 319.5.8(q) - 500.4.1  Recommended Discipline: None	—	3-0 Approved

# **APPENDIX B**

**Police Accountability Board (Thursday, February 15, 2024)**

Generated by LEGAL ACCPAB on Friday, February 16, 2024

**Members present**

Nickolas Cromwell  
Michelle Dowleyne  
Leslie Everett  
Frank Kauffman  
John Lydon  
Dr Linda Lymas  
Charles Shilling  
Bruen Kidd

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

**Present via Zoom**

Thomas Phelan

**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 15, 2024 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 submitted agenda.

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, Bruen Kidd

**3. NEW BUSINESS**

Discussion: A. REVIEW OF ACC DISPOSITIONS

Nickolas Cromwell, Chairman, gave a brief summary of the Administrative Charging Committee's disposition of investigatory files #23-02 (OPR2023-0982) and #23-03 (OPR2023-2233) to the Board. The chairman along with St. Mary's County Sheriff's Office Representative, Lt. Thomas Hedderich, took questions regarding these case files from the following board members: Frank Kauffman, John Lydon, III, Michelle Dowleyne, and Charles Shilling.

Discussion, New Business: B. 2023 MARYLAND PAB ANNUAL REPORTS

The Board reviewed publicly posted 2023 Police Accountability Board (PAB) Annual Reports from various Maryland Counties. The Board agreed to revisit this topic as necessary, and to continue collecting information on the other 2023 PAB Annual Reports from across Maryland, which may not have been posted at the time of this meeting.

Discussion: C. UPDATE ON LEGISLATION PERTAINING TO PAB

John Sterling Houser, Deputy County Attorney, gave the Board an overview of proposed legislation that would have the potential, if enacted, to alter the way Police Accountability Boards and Administrative Charging Committees would conduct their business.

Bills specifically presented to the Board were:

HB 533/SB 621; County Police Accountability Boards – Investigation of Complaints of Police Misconduct

SB 607 - Public Safety - Police Accountability and Discipline - Summary Punishment

#### **4. ADJOURN**

Action: A. MOTION TO ADJOURN

I move to adjourn the February 15, 2024 meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by Michelle Dowleyne.

Final Resolution: Motion Carries

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

**Meeting was adjourned at 7:21 PM.**

**Police Accountability Board (Thursday, May 16, 2024)**

Generated by LEGAL ACCPAB on Monday, May 20, 2024

**Members present**

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

John Sterling Houser, Deputy County Attorney  
Gillian Bacon, Legal Assistant, II  
Lt. Joshua Krum, SMCSO Representative

**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 16, 2024 meeting of the Police Accountability Board to order at 6:30pm Chesapeake Building Meeting Room, Governmental Center.

**2. ROLL CALL**

Roll Call, Action, Roll Call: A. APPROVAL OF THE AGENDA

I move to approve the submitted agenda.

Motion by Leslie Everett, 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, Bruen Kidd

**3. NEW BUSINESS**

Discussion: A. REVIEW OF ACC DISPOSITIONS

Nickolas Cromwell, Chairman, gave a brief summary of the Administrative Charging Committee's disposition of investigatory files #23-04 (OPR2023-1208), #23-05 (OPR2023-3893), and #23-06 (OPR2023-1291) to the Board. The chairman along with St. Mary's County Sheriff's Office Representative, Lt. Joshua Krum, took questions regarding these case files from PAB member, Charles Shilling.

Discussion, Information: B. 2024 LEGISLATIVE REVIEW FOR PAB/ACC

John Sterling Houser, Deputy County Attorney, gave the Board an overview of proposed legislation that would have had the potential, if enacted, to alter the way Police Accountability Boards and Administrative Charging Committees would conduct their business. All bills discussed died in committee and did not advance in the 2024 General Assembly Session.

Discussion: C. PAB ROSTER/MEMBER TERM DATES

The Board reviewed member term dates. The St. Mary's Police Accountability Board has three (3) staggered groups of members, with term dates expiring at different times.

**4. OLD BUSINESS**

Discussion: A. 2023 MARYLAND PAB ANNUAL REPORTS

The Board reviewed publicly posted 2023 Police Accountability Board (PAB) Annual Reports from various Maryland Counties. The Board agreed to revisit this topic as necessary, and to continue collecting information on the other 2023 PAB Annual Reports from across Maryland, which may not have been posted at the time of this meeting.

**5. ADJOURN**

Action: A. MOTION TO ADJOURN

I move to adjourn the May 16, 2024 meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by Michelle Dowleyne.

Final Resolution: Motion Carries

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

**Meeting was adjourned at 7:31 PM.**

## **Police Accountability Board (Thursday, August 15, 2024)**

Generated by LEGAL ACCPAB on Monday, August 19, 2024

### **Members present**

Nickolas Cromwell  
Leslie Everett  
John Lydon  
Dr Linda Lymas  
Charles Shilling  
Bruen Kidd  
Jenna Aubert

John Sterling Houser, Deputy County Attorney  
Gillian Bacon, Legal Assistant, II  
Lt. Joshua Krum, SMCSO Representative

### **Via Zoom**

Michelle Dowleyne

### **Meeting called to order at 6:30 PM**

### **1. CALL TO ORDER**

Call to Order: A. Call to Order

Nickolas Cromwell, Chair, called the August 15, 2024 meeting of the Police Accountability Board to order at 6:30pm Chesapeake Building Meeting Room, Governmental Center.

### **2. ROLL CALL**

Roll Call, Action, Roll Call: A. Approval of Agenda

I move to approve the submitted agenda.

Motion by Charles Shilling, second by Leslie Everett.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, Leslie Everett, John Lydon, Dr Linda Lymas, Charles Shilling, Bruen Kidd, Jenna Aubert

### **3. NEW BUSINESS**

Discussion: A. Welcoming of New Member

Jenna Aubert was appointed to the PAB, with a term of office beginning July 1. She replaces departing member Frank Kauffman.

Discussion, New Business: B. Review of ACC Disposition

Nickolas Cromwell, Chairman, gave a brief summary of the Administrative Charging Committee's disposition of investigatory files #23-07 (OPR2023-4174) and #23-08 (OPR2023-4696) to the Board. The Chairman along with St. Mary's County Sheriff's Office Representative, Lt. Joshua Krum, took questions regarding these case files from PAB member, Charles Shilling.

Discussion: C. Police Executive Research Forum Report - Implementation of the Maryland Police Accountability Act of 2021

The Board reviewed the following discussion topics:

- The Police Executive Research Forum ("PERF") Report, finalized in June of 2024.
- Updates to how the Maryland Police Accountability Act of 2021 has been implemented.
- How the letter from the Office of the Attorney General, issued on April 18, 2023, could affect how St. Mary's County determines which cases of police misconduct are within the purview of the St. Mary's County Administrative Charging Committee.

### **4. ADJOURN**



Action: A. Motion to Adjourn

I move to adjourn the August 15, 2024 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, John Lydon, Dr Linda Lymas, Charles Shilling, Bruen Kidd, Jenna Aubert

**Meeting was adjourned at 7:27 PM.**

**Police Accountability Board (Thursday, November 21, 2024)**

Generated by LEGAL ACCPAB on Tuesday, December 3, 2024

**Members present**

Nickolas Cromwell  
Michelle Dowleyne  
John Lydon III  
Dr Linda Lymas  
Thomas Phelan  
Charles Shilling  
Bruen Kidd  
Jenna Aubert

John Houser, Deputy County Attorney  
Gillian Bacon, Legal Assistant, II  
Lt. Joshua Krum, SMCSO Representative

**Absent**

Leslie Everett

**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 21, 2024 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 submitted agenda.

Motion by Charles Shilling, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, John Lydon, Thomas Phelan, Charles Shilling, Bruen Kidd, Jenna Aubert

Not Present at Vote: Dr Linda Lymas

**3. NEW BUSINESS**

Action: A. Draft 2025 Meeting Schedule

I move to accept the tentative 2025 meeting schedule of the Police Accountability Board with the adjustment change of February 13th as the proposed new February meeting date.

Motion by Michelle Dowleyne, second by Jenna Aubert.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Bruen Kidd, Jenna Aubert

Discussion: B. Review of ACC Disposition

Nickolas Cromwell, Chairman, gave a brief summary of the Administrative Charging Committee's disposition of investigatory files #24-01 (OPR2024-0927) and #24-02 (OPR2024-1628) to the Board. The Chairman along with St. Mary's County Sheriff's Office Representative, Lt. Joshua

Krum, took questions regarding these case files from the following PAB members: Charles Shilling, Michelle Dowleyne, Jenna Aubert, and John Lydon III.

Discussion: C. 2024 Annual Report

A preliminary version of the Police Accountability Board's 2024 Annual Report, set to be presented to the St. Mary's County Commissioners, was shared for feedback and recommendations from the Board.

#### **4. ADJOURN**

Action: A. Motion to Adjourn

I move to adjourn the November 21, 2024, meeting of the Police Accountability Board.

Motion by Nickolas Cromwell, second by John Lydon.

Final Resolution: Motion Carries

Yea: Nickolas Cromwell, Michelle Dowleyne, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Bruen Kidd, Jenna Aubert

**Meeting was adjourned at 7:33 PM.**

# **APPENDIX C**



**CONFIDENTIAL**

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

Matter Number: 23-04 (OPR2023-1208)

Date(s) Reviewed by ACC: 1/31/2024, 2/28/2024

Officer(s) Involved:

- Dep. [REDACTED], # [REDACTED]<sup>1</sup>
- Dep. [REDACTED], # [REDACTED]
- DFC [REDACTED] # [REDACTED]

Incident Date: February 24, 2023 at 2002 hrs.

Incident Location: [REDACTED] Leonardtown

Complainant: [REDACTED]

Allegations:

- 319.5.8 (m) – Unreasonable and unwarranted force
- 319.4 – Violation of Constitutional Rights
- 319.5.1 – Violation of federal, state, local or administrative laws, rules or regulations
- 425.6(a) – Activation of Portable Recorder

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

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 319
- Copy of St. Mary's County Sheriff's Office Policy 300
- Copy of St. Mary's County Sheriff's Office Policy 409
- Copy of St. Mary's County Sheriff's Office Policy 417
- CAD Call Information, 2/24/2023
- Affidavit of Service by Peace Officer, Dep. [REDACTED]
- Copy of the Petition for Emergency Evaluation for Mr. [REDACTED], 2/24/2023
- Use of Force Report, Dep. [REDACTED]
- Use of Force Report, Dep. [REDACTED]
- Use of Force Report, Dep. [REDACTED]
- Body Worn Camera Footage of:
  - o Dep. [REDACTED] # [REDACTED]
  - o Dep. [REDACTED] # [REDACTED]
  - o DFC [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - o [REDACTED] 3/7/2023
  - o [REDACTED], 3/7/2023

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

- [REDACTED], 3/23/2023
- DFC. [REDACTED], 4/17/2023
- Dep. [REDACTED], 4/7/2023
- Dep. [REDACTED], 8/22/2023

## **BACKGROUND**

### Summary of Complaint & Agency Investigation

On February 24, 2023 [REDACTED] (“Complainant”) was taken into custody by Dep. [REDACTED], Dep. [REDACTED] and DFC [REDACTED] after a court ordered Complainant submit to an emergency evaluation. Complainant resisted being taken into custody and was, ultimately, physically restrained by the officers. Complainant alleges he sustained an injury to his right ankle and that the injury was purposefully inflicted by the officers. Complainant submitted his complaint by phone on March 7, 2023.

### 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 too the following violations of Sheriff's Office Policies for Deputy [REDACTED] # [REDACTED], Deputy [REDACTED] # [REDACTED] and Deputy [REDACTED] # [REDACTED]:

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

I concur that evidence does not support a policy violation associated with Deputy [REDACTED] [REDACTED] late activation of his Body Worn Camera (BWC) during the incident. It is important to note there were no allegations filed by Mr. [REDACTED] concerning this and was discovered during the OPR investigation.

Sergeant [REDACTED] [REDACTED] interview of Mr. [REDACTED] at MedStar St. Mary's Hospital was done in the presence of officers who participated in the use of force. This violates Sheriff's Office Procedure 300.3.4 (b) Use of Force Supervisory Review. This will be handled by the Patrol Division Commander and not forwarded to the ACC based on the fact Sgt. [REDACTED] was not present during the use of force and Mr. [REDACTED] did not report any complaints against Sgt. [REDACTED].”

Steven A. Hall, Sheriff.”

## **DETERMINATION**

### Discussion and Findings

Following the Administrative Charging Committee's review of the body worn camera (“BWC”) footage and interview transcripts pertaining to this matter, the Administrative Charging Committee finds the allegations that Deputy [REDACTED], Deputy [REDACTED] and Deputy [REDACTED] used improper force, as well as the allegation Deputy [REDACTED] inexcusably failed to follow agency policy related to the activity of his body worn camera (“BWC”), to be unfounded. Our discussion follows.



On February 24, 2023, the deputies involved in this matter reported to Complainant's residence to carry out a court-ordered emergency evaluation of Complainant. Emergency evaluations are ordered by a court when evidence has been presented such that the court is satisfied the respondent is afflicted by a mental health concern and poses a significant and immediate danger to themselves or others. Arriving at Complainant's residence shortly after 8:00pm, the Deputies initially encountered a man matching the Complainant's description standing in his driveway. This individual refused to identify himself, saying his name was "none of your business;" this individual was, in fact, the Complainant. As the Deputies approached him the Complainant began walking away from them, even after being ordered by the Deputies to "come back here."

As he neared the back entrance to his house, Complainant turned to face the deputies, said he "didn't do a damn thing to nobody," and retreated inside his house. The deputies immediately followed Complainant through the back door, which led into a small kitchen area. Inside this kitchen area the Complainant began yelling at the deputies, accused them of breaking in, continued to shout that he "had not done anything," and continued to refuse to identify himself. The Complainant's tone and demeanor were aggressive throughout the exchange, and he demanded to be shown a warrant. At this point, Complainant's roommate emerged from further in the house; Complainant yelled at his roommate not to give the officers the Complainant's name. The deputies then informed Complainant they had a court order for an emergency evaluation and were required by law to transport him to the nearest hospital to undergo the evaluation. Complainant yelled that he "was not going to the hospital," repeated that he was not going to the hospital, and told the officers they would have to "fucking shoot me." At this point, Complainant's roommate told him he would have to go the hospital; Complainant turned to face his roommate, pushed him on his shoulder, and tried to walk past his roommate further into the house, away from the deputies.

At this point, the deputies moved to take the Complainant into custody by force. There is some indication from Dep. [REDACTED] BWC that the Complainant lunged at the deputies once he felt cornered. Attempting to restrain his arms, two of the deputies and the Complainant wound up struggling on the floor of Complainant's home. Complainant was quickly restrained and handcuffed. As he was being handcuffed the Complainant yelled, among other things, that his hand was "broken" and that the officers were there to kill him; that his roommate needed to call Complainant's mother and to retrieve a bottle of "hot sauce" from his room; and that the officers were "dead" and that he would "make them history." Complainant told his roommate to follow him to the hospital to make sure the officers would not kill him, and at this point claimed his ankle was broken. That claim notwithstanding, Complainant allowed the deputies to walk him outside of the house once he was stood up and was, eventually, transported to St. Mary's County Hospital.

It is readily apparent to the Committee that the Complainant was, under no circumstances, going to allow the officers to take him to the hospital voluntarily. Physically restraining the Complainant and taking him into custody was necessary. The question for the Committee is whether the physical force used was unreasonable and unnecessary given the circumstances.

*Graham v. Connor*, 490 U.S. 386 (1989) defines what factors must be considered when balancing the decision to employ force to effectuate a law enforcement purpose; failure by law enforcement to satisfy *Graham's* balancing test amounts to a violation of a citizen's constitutional rights. The factors to be considered when justifying the use of force are: (1) the severity of the crime, (2) the immediacy of the threat, and (3) whether the individual was actively resisting or evading arrest. It is apparent there is more than ample justification to satisfy this federal standard, particularly in the backdrop of the Complainant's apparent mental health crisis. Complainant ignored officers' commands; he verbally and physically sparred with officers; he stated, multiple times, that he would refuse to go to a hospital and at one point threatened violence. It is important

to note that officers were in the Complainant's residence and would not know what, if any, means of harm – to them or himself – the Complainant would have access to if allowed to retreat further into the home. The Committee considers the officers more than justified under this standard.

The analysis for use of force under Maryland law is slightly different. Maryland's Use of Force statute was enacted in 2021 and may be found at Maryland Public Safety Article § 3-524. It forbids any officer from employing force unless, under the totality of circumstances, the force is "necessary and proportional" to prevent an imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective. The words are different, but the outcome is unequivocally the same as the above *Graham* analysis: it is apparent the Complainant would not go to the hospital voluntarily, and reasonable use of force necessarily followed. The quantity of force used appears to have been calculated to a reasonable minimum. Tasked with subduing a combative Complainant, the deputies in question used only the force necessary to secure him.

Accordingly, the Administrative Charging Committee find unfounded the allegations that the three deputies made improper use of force against Complainant.

The remaining allegation pertains only to Dep. [REDACTED]. He is alleged to have activated his BWC footage later than required by SMCSO policy. Dep. [REDACTED] did, in fact, activate his BWC late; his feed does not begin until the deputies are already in the Complainant's kitchen. However, given the exigencies of that night and the rapid evolution of the encounter with Complainant that night, the Committee finds this violation was not deliberate and is reasonably excused based on these external factors.

#### Outcome

The Administrative Charging Committee finds UNFOUNDED the allegations against Dep. [REDACTED], Dep. [REDACTED], and Dep. [REDACTED] in this matter.

#### Discipline

As all allegations have been deemed unfounded, the Administrative Charging Committee makes no recommendation of discipline in this matter.

#### 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 28 day of Feb, 2024, 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: 23-05 (OPR2023-3893)

Date(s) Reviewed by ACC: 1/31/2024, 2/28/2024

Officer(s) Involved: Dep. [REDACTED], # [REDACTED]<sup>1</sup>

Incident Date: July 19, 2023 at 1419 hrs.

Incident Location: St. Mary's County Sheriff's Office Headquarters, Leonardtown

Complainant: [REDACTED]

Allegations:

- 401.3 Biased-Based Policing
- 319.5.3 – Discrimination
- 319.4 – General Standards - Violation of Constitutional Rights
- 319.5.1 – Violation of federal, state, local or administrative laws, rules or regulations

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

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 319
- Copy of St. Mary's County Sheriff's Office Policy 401
- Mr. [REDACTED] SMCSO Public Portal Complaint Submission, 7/21/2023
- Geolítica Report of Dep. [REDACTED] police vehicle, 7/19/2023
- CAD Call Information, 7/19/2023
- Body Worn Camera Footage of Dep. [REDACTED] # [REDACTED]
- St. Mary's County Sheriff's Office Headquarters Security Footage
- Transcripts of SMCSO Interviews with:
  - o [REDACTED], 7/21/2023
  - o [REDACTED] 7/21/2023
  - o Cpl. [REDACTED], 7/27/2023
  - o Cpl. [REDACTED], 8/11/2023
  - o Dep. [REDACTED], 8/3/2023

**BACKGROUND**

Summary of Complaint & Agency Investigation

[REDACTED] (“Complainant”) submitted a complaint to the St. Mary's County Sheriff's Office on July 21, 2023 that alleged Dep. [REDACTED] mistreated him and Mr. [REDACTED]

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

companion, [REDACTED], on the basis of their race. Specifically, the Complainant alleges Dep. [REDACTED] racially profiled him on account of his appearance and then followed Mr. [REDACTED] in his cruiser. The Complainant identified himself as Native American and Ms. [REDACTED] appears to be Caucasian; Dep. [REDACTED] is African American.

### 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 for Deputy [REDACTED] # [REDACTED]:

- 401.3 Biased-Based Policing
- 319.5.3 – Discrimination
- 319.4 – General Standards - Violation of Constitutional Rights
- 319.5.1 – Violation of federal, state, local or administrative laws, rules or regulations

Steven A. Hall, Sheriff.”

## **DETERMINATION**

### Discussion and Findings

Following the Administrative Charging Committee's review of the body worn camera (“BWC”) footage, security camera footage, and transcripts of the interviews conducted in this matter, the Committee finds the Complainant's allegations to be without merit and, as such, finds the allegations against Deputy [REDACTED] unfounded. Our discussion follows.

BWC and security camera footage shows Deputy [REDACTED] arrived to SMCSO headquarters in Leonardtown on July 19, 2023 to meet with Ms. [REDACTED], who was reporting a fraud. From building security footage, the Complainant and Ms. [REDACTED] appear to have arrived at SMCSO headquarters at approximately 1:46pm. Dep. [REDACTED] arrived at approximately 2:11pm. At that time the Complainant was in the parking lot, standing aside his truck with his arms over the back tailgate, and Ms. [REDACTED] was inside SMCSO lobby. Dep. [REDACTED] – who did not know the identity of who was making the complaint about fraud – approached Complainant and asked if he needed help with anything. Complainant quickly said no, asked Dep. [REDACTED] why he would think the Complainant would need help, and cursed at Dep. [REDACTED]. The two parted; the entire interaction took less than twenty seconds. Following his interaction with Complainant Dep. [REDACTED] entered SMCSO headquarters and proceeded to question Ms. [REDACTED] in relation to the alleged fraud. After the interview Dep. [REDACTED] returned to his cruiser, accessed necessary information to complete the investigation from his computer, retrieved a victim's right pamphlet, and returned to Ms. [REDACTED] to advise her of the investigation's steps and provide the pamphlet. He had no more contact with the Complainant. Security camera footage showed a different officer's cruiser followed Complainant's truck out of the parking lot.

Complainant alleges Dep. [REDACTED] acted with racial bias. Namely, he alleges Dep. [REDACTED] both (1) approached the Complainant and (2) deliberately delayed processing Ms. [REDACTED] complaint because the Complainant and Ms. [REDACTED] appeared white. In Complainant's words, “He seen a white guy, and he wanted to fuck with him.” Ms. [REDACTED], in her interview, disagreed and did not believe Dep. [REDACTED] behaved impolitely or inappropriately towards her. The Administrative Charging Committee finds no merit to the allegation Dep. [REDACTED] behaved inappropriately at all. On the contrary, every indication is that Dep. [REDACTED] treated a

discourteous member of the public with respect and handled a report of a fraud in the manner SMCSO policies and procedures called for. Accordingly, the Administrative Charging Committee finds the allegations against him to be unfounded.

Outcome

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

Discipline

As the Committee finds the allegations unfounded it recommends no discipline.

Failures of Supervision Contributing to the Incident

The 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 28 day of FEB, 2024, 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: 23-06 (OPR2023-1291)

Date(s) Reviewed by ACC: 2/21/2024, 2/28/2024

Officer(s) Involved: Sgt. [REDACTED], # [REDACTED] & Dep. [REDACTED], # [REDACTED]<sup>1</sup>

Incident Date: March 13, 2023 at 16:32 hrs.

Incident Location: District IV St. Mary's County Sheriff's Station in Lexington Park

Complainant: [REDACTED] [REDACTED]. [REDACTED]

Allegations:

- 401.3 - Biased-Based Policing (Sgt. [REDACTED] Dep. [REDACTED])
- 319.5.3 – Discrimination (Sgt. [REDACTED], Dep. [REDACTED])
- 319.4 – General Standards - Violation of Constitutional Rights (Sgt. [REDACTED], Dep. [REDACTED])
- 425.6 – Portable Audio/ Video Recorders (Dep. [REDACTED])
- 600.3.1 – Investigation and Prosecution, Initial Investigation; Dep. Responsibilities (Sgt. [REDACTED], Dep. [REDACTED])
- 100.3.1 (b)3 – Law Enforcement Authority (Sgt. [REDACTED], Dep. [REDACTED])
- 319.5.7 – Standards of Conduct; Efficiency (Sgt. [REDACTED], Dep. [REDACTED])
- 600.3 (a)6 – Investigation and Prosecution Procedures; Photos & Crime Scene Sketches (Dep. [REDACTED])
- 322.4 – Report Preparation (Dep. [REDACTED])
- 200.1 D – Organizational Structure, Roles/ Responsibilities (Sgt. [REDACTED])
- 319.3.2 (a) – Standards of Conduct; Supervisor Responsibilities (Sgt. [REDACTED])

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

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office, 11/11/2023
- Administrative Investigation Report, Sgt. [REDACTED] # [REDACTED]
- Notification of Charges, Dep. [REDACTED]
- Supplemental Report of Investigation by St. Mary's County Sheriff's Office, 1/27/2024
- Copy of the following St. Mary's County Sheriff's Office Policies:
  - o 425, 310, 319, 401, 100, 200, 305, 314, 322, 603, 600, and 802
- CAD Call Information, 3/13/2023
- Incident Report, Dep. [REDACTED]
- St. Mary's County Sheriff's Department Domestic Violence Lethality Screening, [REDACTED] [REDACTED]
- Statement of Charges, [REDACTED] [REDACTED]

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

- Arrest Report, [REDACTED] [REDACTED]
- Still Picture of Mr. [REDACTED] Taken after Arrest, 3/13/2023
- Still Pictures of Ms. [REDACTED] Injuries, 3/14/2023
- Still Pictures of the Assault Scene, 3/14/2023
- Text from Mr. [REDACTED] Threatening Ms. [REDACTED]
- Notification of Investigation, Dep. [REDACTED] – 4/11/2023
- Notification of Charges, Sgt. [REDACTED] – 4/5/2023
- Notification of Investigation, Dep. [REDACTED] – 1/19/2024
- Notification of Charges, Sgt. [REDACTED] – 1/17/2024
- Notification of Charges, Cpt. [REDACTED] – 1/18/2024
- Notification of Charges, Sgt. [REDACTED] – 1/18/2024
- Body Worn Camera Footage of:
  - o Dep. [REDACTED] # [REDACTED]
  - o Sgt. [REDACTED] # [REDACTED]
  - o Sgt. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - o Dep. [REDACTED], 4/5/2023
  - o Dep. [REDACTED], 4/5/2023
  - o Dep. [REDACTED], 4/5/2023
  - o Dep. [REDACTED], 4/5/2023
  - o Cpl. [REDACTED], 10/25/2023
  - o Dep. [REDACTED], 4/11/2023
  - o Sgt. [REDACTED], 4/17/2023
  - o Dep. [REDACTED], 1/19/2024
  - o Sgt. [REDACTED], 1/26/2024
  - o Cpt. [REDACTED], 1/18/2024
  - o Sgt. [REDACTED], 1/18/2024

## BACKGROUND

### Summary of Complaint & Agency Investigation

On March 13, 2024 Dep. [REDACTED] responded to the apartment complex at [REDACTED] [REDACTED] for a reported domestic disturbance. The initial allegation in this matter was made by an apartment manager and alleged that [REDACTED] (“Complainant”) assaulted his domestic partner, [REDACTED], by chasing her with a broom and striking her with sufficient force to snap the broom handle. Allegedly, shards of the broom handle then struck Complainant above his eye, causing a cut. Dep. [REDACTED] arrived at the apartment alone and attempted to contact Complainant. Complainant refused to answer the door and, when called on his phone by Dep. [REDACTED], stated he was not in the apartment.

Dep. [REDACTED] and his supervisor, Sgt. [REDACTED], then met Ms. [REDACTED] in the parking lot at the Sheriff’s District IV station, [REDACTED]. Ms. [REDACTED] stated she had been in a physical altercation and claimed she had bruising from the alleged assault. Moreover, she alleged Complainant had threatened to kill her and showed the officers text messages from Complainant to that effect. Complainant arrived at the parking lot while the officers were interviewing Ms. [REDACTED] and began speaking to them. Complainant denied there had been an altercation and claimed his injury was caused by a fall. When officers moved to place Complainant in custody and effectuate an arrest for first degree assault, Complainant claimed a domestic altercation had, in fact, occurred and that Ms. [REDACTED] had

attacked him, causing the injury above his eye. The officers present declined to pursue any investigation or charges against Ms. [REDACTED].

Complainant was taken to Medstar St. Mary's for treatment. While at the hospital he filed his complaint against the two respondent officers for failing to follow up on his allegations and failing to conduct a proper investigation. Complainant, who is African-American, alleged the officers failed to do so because of Complainant's race. OPR subsequently investigated the claim and delivered its investigatory report to the Administrative Charging Committee ("ACC") on February 1, 2024.

### 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 for Sergeant [REDACTED] # [REDACTED] and Deputy [REDACTED] # [REDACTED]:

Sheriff's Office Policy 401.3 Biased-Based Policing  
Sheriff's Office Policy 319.5.3 Discrimination  
Sheriff's Office Policy 319.4 Violation of Constitutional Rights  
Sheriff's Office Policy 319.5.1 Laws, Rules and Orders

The investitive steps not taken during the criminal investigation are not in line with the expectations of my Deputy Sheriffs and Supervisors. I am recommending the following charges and action taken for each officer:

Sergeant [REDACTED] # [REDACTED]; Sheriff's Office Policy 319.3.2 Supervisor Responsibilities – ADMINISTRATIVELY CHARGED; Three (3) Days Loss of Leave (LOL); Remedial Supervisor Training.

Deputy [REDACTED] # [REDACTED]; Sheriff's Office Policy 600.3.1 Initial Investigations Deputy Responsibilities – ADMINISTRATIVELY CHARGED; Two (2) Days Loss of Leave (LOL); Remedial Investigative Training.

Deputy [REDACTED] # [REDACTED]; Sheriff's Office Policy 425.6.1 Consent Required for Activation of The Portable Recorder – ADMINISTRATIVELY CHARGED; Discipline Merged with 600.3.1; Remedial BWC Training.

The review of Deputy [REDACTED] Offense Report by Sergeant [REDACTED] on March 18, 2023 and Captain [REDACTED] on April 1, 2023 does not fall under the purview of the ACC and will be handled internally.

The length of time it took to investigate these allegations and forward the file to the ACC is unacceptable. I am taking action to correct this in the future and am aware of the limited time this leaves the ACC to review and make a decision prior to the March 14, 2023 deadline.

Steven A. Hall, Sheriff."

## **DETERMINATION**

### Discussion and Findings

The ACC believes open and obvious shortcomings were made by the two respondent officers when investigating this matter. Basic investigative procedures to secure evidence and maintain integrity of a potential crime scene were not followed. Though these mistakes did not ultimately prove dispositive to the outcome of the underlying matter, the ACC agrees with the Sheriff's recommendation that they are grievous and merit discipline. The ACC finds no evidence of racial bias playing a part in the officers' actions and finds Complainant's allegations of discriminatory conduct unfounded. Our discussion follows.

Initially, there appears to be no grounds to administratively charge either officer during the initial investigation of this matter, with one exception. Body worn camera ("BWC") footage shows officers responded to a reported domestic disturbance; they interviewed an alleged victim; the alleged victim stated an assault had occurred; the alleged victim said she had injuries consistent with such an assault; and the alleged victim showed the officers violent messages the Complainant had sent her in which he threatened to harm her. After he arrived, Complainant's actions, demeanor and statements did nothing to allay the probable cause that had been established to believe a crime may have been committed; Complainant offered no satisfactory explanation, for example, for the glaring injury on his forehead. In all, the officers' conduct appears unremarkable considering the facts and allegations known to them at that time.

The sole exception concerns Dep. ██████ contact with Complainant over the phone as he sought entry to the apartment. Dep. ██████ did not inform Mr. ██████ the call was being recorded, a technical violation of SMCSO Policy 425.6.1 Consent Required for Activation of the Portable Recorder.

Once told he would be arrested for first degree assault, Complainant's attitude and demeanor drastically changed. He claimed that he had been attacked by Ms. ██████ and that his injuries were caused by her stabbing him. He refused to be placed in a nearby law enforcement vehicle. Sitting on the ground between the vehicle and its ajar door, he continued to deny guilt and continued to plead his case with the officers. Complainant claimed to have a video of the altercation on his cell phone. Officers made no attempt to seriously investigate these claims or collect and review the potentially exculpatory evidence. The officers – who were eventually joined by other officers – did not de-escalate the situation by temporarily detaining the Complainant while they returned to the apartment to look for any evidence that could further either the victim or Complainant's claims. There appear to be no exigencies – such as Complainant's possible flight or risk of causing further injury to himself, an officer, or the victim – that may mitigate or provide additional context to the officers' decision.

It took a considerably protracted amount of time to take Complainant fully into custody and send him to the hospital. Once that was done, Sgt. ██████ directed Dep. ██████ to return to the apartment with Ms. ██████. Investigative steps Dep. ██████ failed to take at the apartment include: failing to collect the broken broomstick or any shards the Complainant allegedly used to strike the victim; failing to properly examine and collect the screwdriver Complainant alleged Ms. ██████ stabbed him with; failing to properly photograph the crime scene; and failing to place all photographs he took properly into evidence. Sgt. ██████ and Dep. ██████ relied on preliminary information in the CAD system related to a property manager's complaint of the alleged assault without following up and verifying that information. Some information and photographs were collected by Dep. ██████ the following morning, though the apartment was not left secured overnight.

The end result was an initial investigation and offense report containing inaccurate and incomplete information, in violation of SMCSO's policy that, among other things, requires

SMCSO's officers to "observe all conditions, events, and remarks;" "preserve the scene and any evidence as required to complete the initial and follow-up investigation;" "collect any evidence;" and to "make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses and suspects." SMCSO Policy 600.3.1 – Initial Investigation Deputy Responsibilities.

As noted, the ultimate outcome of the matter does not appear to be affected by these early missteps. That a crime of some nature occurred, however, does not absolve the officers of failing to conduct a proper investigation. In particular, the ACC finds serious failure of Sgt. [REDACTED] to offer effective guidance and supervision to Dep. [REDACTED]. Dep. [REDACTED] was under Sgt. [REDACTED] command for the entirety of the incident, and Sgt. [REDACTED] was physically on-site throughout the entirety of the interview and arrest in the District IV station parking lot. Certain procedures – particularly those relating to investigation and collection of evidence at the alleged crime scene – Dep. [REDACTED] should have been expected to follow on his own, and we find he should be administratively charged for failing to do so. More grievous, though, are Sgt. [REDACTED] failures of supervision and for his own failures to adequately investigate and follow-up on the Complainant's allegations.

There is no evidence, however, that either officer was influenced by any considerations of Complainant's race. The ACC notes that both Complainant and the alleged victim are African American. There is no evidence that either officer's judgment or conduct was motivated by this fact.

In light of these findings, the ACC agrees with SMCSO's recommendations as to discipline with one exception: the ACC believes a preponderance of evidence exists to administratively charge Sgt. [REDACTED] with a violation of Policy 600.3.1 for his own failure to adequately investigate the allegations made by Complainant in Sgt. [REDACTED] presence at the District IV station. The ACC does recommend discipline for this violation be merged with the separate violation of Policy 319.3.2, such that, overall, the ACC recommends the same discipline as that recommended by the Sheriff.

### Outcome

With respect to Sgt. [REDACTED], the ACC finds **UNFOUNDED** the allegations that Sgt. [REDACTED] acted in violation of SMCSO Policy 401.3 Bias-Based Policing, 319.5.3 Discrimination, 319.4 Violation of Constitutional Rights, or 319.5.1 Laws, Rules and Orders. The ACC finds Sgt. [REDACTED] should be **ADMINISTRATIVELY CHARGED** for violating SMCSO Policies 319.3.2 Supervisor Responsibilities and 600.3.1 Initial Investigation Deputy Responsibilities.

With respect to Dep. [REDACTED], the ACC finds **UNFOUNDED** the allegations that Dep. [REDACTED] acted in violation of SMCSO Policy 401.3 Bias-Based Policing, 319.5.3 Discrimination, 319.4 Violation of Constitutional Rights, or 319.5.1 Laws, Rules and Orders. The ACC finds Dep. [REDACTED] should be **ADMINISTRATIVELY CHARGED** for violating SMCSO Policies 600.3.1 Initial Investigation Deputy Responsibilities and 425.6.1. Consent required for Activation of the Portable Recorder.

### Discipline

With respect to Sgt. [REDACTED], the ACC recommends merging discipline for the two policy violations, given their close proximity and shared factual nexus. The ACC agrees with the Sheriff's classification of the violation as a Class C violation, those being violations which may



carry a profound negative impact on the operations of public image of the Sheriff's Office. We recommend discipline of three (3) days' loss of leave and remedial supervisor training.

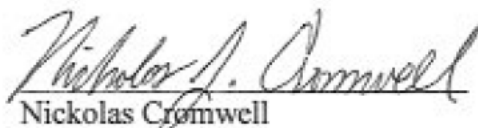
With respect to Dep. [REDACTED] the ACC recommends merging discipline for the two policy violations, given their close proximity and shared factual nexus. The ACC agrees with the Sheriff's classification of the violation as a Class B violation, those being violations which may carry a negative impact on the operations or public image of the Sheriff's Office. We recommend discipline of two (2) days' loss of leave and remedial investigative and body worn camera training.

Failures of Supervision Contributing to the Incident

The failures of supervision by Sgt. [REDACTED] have been elaborated on above and need not be reiterated here. The ACC believes the supervising officer on scene failed to apply all proper procedures and that much, if not all, of the more serious violations noted in this matter could have been avoided with more active and effective supervision. The ACC does note the Sheriff's intention to subject both officers to remedial supervisor and investigatory training.

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 13 day of MARCH 2024, 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: 23-07 (OPR2023-4174)

Date(s) Reviewed by ACC: 5/29/24

Officer(s) Involved: Dep. [REDACTED] # [REDACTED]<sup>1</sup>

Incident Date: July 15, 2022, at 1113 hrs.

Incident Location: [REDACTED], Ridge, MD 20680

Complainant: [REDACTED]

Allegations:

- 319.5.1 - Standards of Conduct; Laws, Rules, and Orders (Trespass)
- 319.4 - General Standards - Violation of Constitutional Rights
- 311.3 - Searches and Seizures; Searches
- 319.5.8 – Conduct Unbecoming
- 421.3 – Portable Audio/Video Recorders Notification

Agency Review Conducted by: Sgt. William Ray, #131 and Lt. Joshua Krum, #260

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office, 2/5/2024
- Administrative Investigation Report, Dep. [REDACTED] # [REDACTED]
- Supplemental Report of Investigation by St. Mary's County Sheriff's Office, 4/23/2024
- Copy of the following St. Mary's County Sheriff's Office Policies:
  - o 311, 319 and 421
- CAD Call Information, 7/15/2022
- Incident Report, Dep. [REDACTED]
- St. Mary's County Animal Control Case Report, 7/7/2022
- Email Correspondence between [REDACTED], Assistant County Attorney, and Animal Control Supervisor, [REDACTED]
- Still Photos of the Kennels and the Dogs' Living Conditions – 7/15/2022
- Still Photo of Unsanitary Water – 7/15/2022
- Still Photos of Animal Seizure Notice -7/15/2022
- Application for Statement of Charges, [REDACTED] – 8/3/2022
- Arrest Report for [REDACTED] – 8/3/2022
- Application for Statement of Charges, [REDACTED] – 8/3/2022
- Arrest Report for [REDACTED] – 8/3/2022
- The following Case Law:
  - o James Desmond Jones v. State of Maryland
  - o Michael Holmes v. United States of America

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

- Scott v. State of Maryland
- Florida v. Jardines
- Notification of Charges, Dep. [REDACTED]
- Transcript of Court Proceedings for State of Maryland v. [REDACTED] [REDACTED] August 1, 2023, Trial Date
- Body Worn Camera Footage of:
  - Dep. [REDACTED] # [REDACTED]
  - Dep. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - [REDACTED], 8/2/2023
  - Animal Control Officer, [REDACTED] [REDACTED], 1/25/2024
  - Animal Control Supervisor, [REDACTED] [REDACTED], 1/25/2024
  - Sgt. [REDACTED] 4/19/24
  - Dep. [REDACTED] [REDACTED], 1/12/2024

## BACKGROUND

### Summary of Complaint and Agency Investigation

[REDACTED] [REDACTED] (“Complainant”) alleges that on July 15, 2022 Dep. [REDACTED] [REDACTED] trespassed upon his residence at [REDACTED] [REDACTED] [REDACTED], in violation of his constitutional rights. On the day in question Dep. [REDACTED] [REDACTED] responded to the site to assist Animal Control Supervisor, [REDACTED] [REDACTED] and Animal Control Officer, [REDACTED] [REDACTED] on a follow-up visit following a prior site visit on July 7, 2022 by Animal Control officers and a Sheriff’s deputy. Once on the scene, Dep [REDACTED], ACS [REDACTED] and ACO [REDACTED] observed two shepherd-like dogs on the property were lacking food, and that the water provided was unsanitary. One of the dogs had discharge coming from its eyes and was pawing at its face. Based on the condition of the animals and their living area, ACO [REDACTED] seized the animals and left a notice of the seizure on their door after Dep. [REDACTED] attempted to contact the owners without success.

Complainant’s allegations were made on August 3, 2023 following the dismissal of related criminal charges against Complainant following defense counsel’s successful motion to suppress evidence based upon the alleged trespass.

### 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 for Deputy [REDACTED] [REDACTED] # [REDACTED]:

Sheriff’s Office Policy 319.5.1 Laws, Rules, and Orders  
 Sheriff’s Office Policy 319.4 Violation of Constitutional Rights  
 Sheriff’s Office Policy 311.3 Searches and Seizures

A preponderance of evidence exists to recommend a finding of **ADMINISTRATIVELY CHARGED** for the following violation of Sheriff’s Office Policy & Procedures:

Sheriff’s Office Policy 319.5.8 (x) Conduct Unbecoming  
 Sheriff’s Office Policy 421.3 Portable Audio / Video Recorders Notification



The recommended discipline is a **Letter of Reprimand (LOR)** Level One Category B Violation as it related to Policy 319.5.8 (x). The discipline for violation of Procedures 421.3 is recommended to be Merged with 319.5.8 (x).

Regardless of the ACC's decision in this matter, I am directing my staff to ensure remedial training is administered to Deputy [REDACTED] in regard to her conduct with members of the public. All Sheriff's Office employees are held to a higher standard and are expected to maintain their professionalism, even in less than ideal situations. I have further directed my Assistant Sheriff to determine why Deputy [REDACTED] conducted two separate interviews using her speaker phone in lieu of an in-person interview. This does not factor into the outcome of the investigation however, in-person interviews are not only the trained and preferred method for numerous reasons, most importantly it allows the officer to positively identify the person they are speaking to.

Steven A. Hall, Sheriff."

## **DETERMINATION**

### Discussion & Findings

As a starting point, we note the outcome of a related criminal charge is not dispositive of how the ACC must find in a given case. The ACC must consider and weigh the totality of the evidence and law before it, not only the evidence and law that was before a court at the time a case was presented. Accordingly, we reach a different conclusion than the District Court on whether a trespass occurred.

When the District Court dismissed the Complainant's animal cruelty charges it concluded that, based on the evidence before it, an unconstitutional search of the Complainant's property occurred. The Court pointed to the following facts in its bench ruling: that the Complainant's residence could not be seen from a public roadway, that a no trespassing sign was posted, and that a chain or cable entirely blocked access to the house. The Court's rulings were based on assertions made by defense counsel and limited testimony of one animal control officer; body worn camera ("BWC") footage was not consulted.

Examination of Dep. [REDACTED]'s body worn camera footage revealed a set of facts different than what was presented to the District Court. That camera footage showed the Complainant's residence was visible from [REDACTED] Road; that a well-worn, well-treaded, plainly visible entryway was to the immediate right of the cable across the driveway; and that no "No Trespassing" signs were visibly posted on the property.

As the District Court recognized, these factors are critical to whether the Officer's decision to approach the Complainant's residence amounted to an unconstitutional search of Complainant's property. Courts have found that it is not a violation of one's reasonable expectations of privacy if an officer approaches a dwelling visible from a public way, knocks upon its door, and then engages in a voluntary conversation with its occupants. *Jones v. State*, 178 Md. App. 454, 472-473 (2008) (referencing *Scott v. State*, 366 Md. 121, 782 (2001)). Even posting a "No Trespassing" sign, absent additional reinforcing facts or circumstances, will not defeat that general license to perform a "knock-and-talk." *Jones*, 473-474.

Here, Dep. [REDACTED] arrived at a property where a residence was plainly visible from a public road. This triggered the general right to initiate a knock-and-talk. There were not any "No Trespassing" signs are not visible on the BWC footage, and whatever deterrence might be established by the single cable across the driveway was mitigated by the existence, mere feet away, of an alternate, unobstructed, and clearly used means of ingress. We do not think, on a review of all evidence before us, Dep. [REDACTED] entry and approach to Complainant's front door was beyond anything Maryland case law has previously allowed.

From that point, Dep. [REDACTED] and the Animal Control officers had a clear, straight, and unobstructed 100-yard approach to Complainant's residence. The dogs were kenneled in a structure in plain sight of this approach and no manipulation of any gate, screen, or other object was required to see the abject conditions inside. The gross inadequacy of the conditions inside are self-evident from the pictures included in the investigative file; one need look no further than the emerald-green drinking water. The seizure of the dogs was patently justified as an exigency.

Accordingly, we find no violation of Complainant's rights under either the United States Constitution or state law occurred.

We also note the presence of a state statute that was not brought to the District Court's attention at the time of the trial. Maryland Criminal Law § 10-615(c) allows an officer to enter the place where an animal is confined without necessary food, water, or proper attention for the purposes of seizure, provided the officer does not enter into a private dwelling. Because we find Dep. [REDACTED] actions fit within the established constitutional framework of permissible entries into a property we do not need to consider whether this statute could have also permitted her to take the same action. We note its existence, however, as one more piece of the puzzle that was not brought to the District Court's attention at the time of the motion to suppress.

As to the remaining allegations, the Administrative Charging Committee agrees with the Sheriff's recommendation that Dep. [REDACTED] be administratively charged for failure to properly activate her body worn camera; when speaking to a witness on the phone she failed to notify that witness their conversation was being recorded.

As to the remaining allegation that Dep. [REDACTED] demonstrated conduct unbecoming in her interactions with the Complainant on the day in question, the ACC disagrees with the Sheriff's recommendations. The entirety of Dep. [REDACTED] conversation with the Complainant – initiated after the decision to charge was made – occurred over the phone and is caught on body worn camera footage. The initially civil conversation between the Deputy and the Complainant's fiancé broke down when Complainant began talking over both. Roughly six minutes into the call, and in the midst of crosstalk between the Complainant and his fiancé that made furthering the conversation difficult if not outright impossible, Dep. [REDACTED] raised her voice and said the following:

*"Alright, I'm getting fed up. Knock it off. Listen to me and listen to me now. I was being nice earlier, now I'm getting fed up. My body camera is on and they are well aware of everything that is going on right now. As of this point, you guys will be charged, at minimum, with at least, at least, two counts of animal cruelty. All three of you. All three of you. Because no adequate food, no adequate water, and there was feces."*

Dep. [REDACTED] change in tone had the desired effect of corralling the Complainant and his fiancé's attention. We do not see any less disagreeable way for Dep. [REDACTED] to have tried to regain control of the conversation, given the Complainant's speech up until that point. We do not think,



weighing in the balance the overall tone of the conversation, that Dep. [REDACTED] language or conduct rises to a level that would be considered unbecoming.

Outcome

With respect to Deputy [REDACTED], the ACC finds **UNFOUNDED** the allegations that Dep. [REDACTED] acted in violation of SMCSO Policy 319.5.1 Laws, Rules and Orders, 319.4 Violation of Constitutional Rights, 3111.3 Searches and Seizures or 319.5.8 (x) Conduct Unbecoming.

The ACC finds Dep. [REDACTED] should be **ADMINISTRATIVELY CHARGED** for violating SMCSO Policies 421.3 Portable Audio/Video Recorders Notification.

Discipline

With respect to Dep. [REDACTED], the ACC recommends a Letter of Reprimand (LOR) Level One Category B Violation as it relates to Policy 421.3.

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 26 day of JUN, 2024, 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: 23-08 (OPR2023-4696)

Date(s) Reviewed by ACC: 6/26/2024

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

Incident Date: August 23, 2023 at 0451 hrs.

Incident Location: [REDACTED], Lexington Park

Complainant: [REDACTED]

Allegations:

- 311.3 – Search and Seizure: Searches
- 319.5.7(b) – Standards of Conduct; Efficiency
- 319.4 – General Standards - Violation of Constitutional Rights
- 319.5.1 – Standards of Conduct: Laws, Rules, and Orders

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

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office, 4/10/2024
- Search and Seizure Warrant 8/22/2023
- Application for search and Seizure Warrant, 8/22/2023
- Affidavit in Support of Application for Search and Seizure Warrant
- Copy of St. Mary's County Sheriff's Office Policy 311
- Copy of St. Mary's County Sheriff's Office Policy 319
- Incident Report, DFC [REDACTED]
- Notification of Investigation, Cpl. [REDACTED]
- Notification of Investigation, DFC [REDACTED]
- Body Worn Camera Footage of:
  - o Dep. [REDACTED] # [REDACTED]
  - o Cpl. [REDACTED] # [REDACTED]
  - o Lt. [REDACTED] # [REDACTED]
  - o Sgt. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - o [REDACTED], 8/30/2023
  - o Lt. [REDACTED], 1/16/2024
  - o Sgt. [REDACTED], 1/17/2024
  - o Cpl. [REDACTED], 1/23/2023
  - o DFC [REDACTED], 1/24/2024

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

## BACKGROUND

### Summary of Complaint & Agency Investigation

On the early morning of August 23, 2023 the SMCSO Criminal Intelligence Unit (“CIU”) executed a search and seizure warrant at [REDACTED] (“Subject Property”) in Lexington Park. The warrant was conducted in furtherance of a first degree assault investigation. Entry was made without incident and the residence’s occupants, including Complainant, were temporarily detained while the search and seizure was conducted. Complainant alleged to SMCSO later that day that, *inter alia*, he had been mistreated during his temporary detainment, put in handcuffs without reason, that the search warrant had contained false information, and that Complainant’s firearm should not have been seized.

### Sheriff’s Recommendation

“After careful review of the enclosed case file and associated evidence, I concur with the recommended findings of **UNFOUNDED** as it relates to the following violations of Sheriff’s Office Policies for **Corporal** [REDACTED] # [REDACTED]:

Sheriff’s Office Policy 319.5.1 Laws, Rules, and Orders  
Sheriff’s Office Policy 319.4 Violation of Constitutional Rights

I also concur with the recommended findings of **UNFOUNDED** as it relates to the following violations of Sheriff’s Office Policies for **Deputy First Class** [REDACTED] # [REDACTED]

Sheriff’s Office Policy 311.3 Searches and Seizures  
Sheriff’s Office Policy 319.5.3 (b) Unsatisfactory Work Performance

Steven A. Hall, Sheriff.”

## DETERMINATION

### Discussion and Findings

Review of the investigative file and associated evidence, including all body worn camera (“BWC”) footage confirms SMCSO acted appropriately during execution of the search and seizure warrant. For this reason, we concur with the Sheriff’s recommendations that the allegations made against both officers are unfounded. Our discussion follows.

The underlying criminal investigation involves a shooting that occurred on the night August 18, 2023, approximately one mile southwest of the Subject Property. We summarize the basic factual predicate for the search and seizure warrant as follows: investigation by SMCSO was able to identify, on security cameras, a stolen white Kia Optima leaving the area of the shooting immediately following the time of the shooting. That vehicle was located the following morning near an apartment block an approximate tenth of a mile from the Subject Property. Review of video surveillance taken in the area showed that the white Kia Optima arrived at the apartment block the same night of the shooting; that it appeared to have a sole occupant at the time; that the sole occupant exited the vehicle; that the occupant proceeded to walk to the Subject Property; that the occupant was admitted to the Subject Property; that the occupant stayed in the Subject Property for 26 minutes before leaving the Subject Property; that the occupant then left the Subject Property and entered, as a passenger, a vehicle that had arrived at the Subject Property.



SMCSO applied for a search warrant of the Subject Property based on their investigation a warrant was signed by Circuit Court Judge Joseph M. Staloni on August 22, 2023. That warrant authorized SMCSO to, among other things, enter the Subject Property, search it, and seize any firearms, any firearms accessories, face masks, and cellular phones belonging to three named, identified suspects. (*Emphasis added*). Notably, the complainant was not one of the identified suspects.

The ACC agrees that the information contained within the search warrant application was truthful and a sufficient factual predicate to justify the search of the Subject Property.

Turning Complainant's allegations of impropriety during the search and seizure itself, BWC footage showed nothing improper, unprofessional, or unlawful on the part of SMCSO personnel who executed the warrant. SMCSO executed the warrant in the early morning hours of August 23. SMCSO knocked three times, identified themselves, stated they had a warrant, and demanded entry; a loud noise can then be heard on the inside, and the entry door was then breached with a ram. A woman, two juveniles, and a female with an infant were then brought outside of the Subject Property; the Complainant was found in a bedroom, in the process of putting on a pair of shorts that had a holster inside the waistband. Noticing the holster, an officer asked Complainant, "Where's the gun to that?" and Complainant responded that the gun was under a nearby pillow. Complainant was handcuffed and brought outside with the other residents. A handgun was subsequently located under the mattress Complainant had been on. The initial search of the house took approximately thirty additional minutes, at which point the residents, including Complainant, were brought back inside the Subject Property. Complainant was informed by Officer [REDACTED] that his firearm would be returned to him if it was determined the firearm was not used in the commission of any crimes.

The ACC concurs with SMCSO's assessment that execution of the search and seizure warrant did not violate any law, deprive Complainant of any constitutional rights, or violate any SMCSO policy. Law enforcement have wide discretion to temporarily detain occupants of a residence during execution of a search warrant. See, e.g., *Dashiell v. State*, 374 Md. 85, Footnote 9 (2003) (quoting *Michigan v. Summers*, 452 U.S. 692, 702-703 (1981)). The Complainant was an occupant of a property believed to be connected to a shooting only a few days prior and the Complainant stated he was in close proximity to a firearm. Officers had not yet cleared the rest of the house. We believe this is a sufficient factual predicate that the temporary detention of Complainant, including restraints, were necessary to ensure officer safety and prevent any possible escalation of the situation.

### Outcome

For the reasons noted above, the Administrative Charging Committee finds the allegations against both officers to be UNFOUNDED.

### Discipline

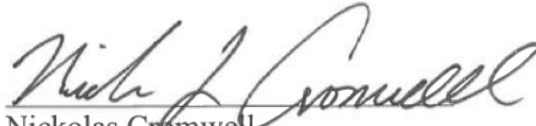
As the complaints are deemed unfounded, the Administrative Charging Committee makes no recommendation of discipline.

### Failures of Supervision Contributing to the Incident

The Administrative Charging Committee notes no apparent failures of supervision contributing to 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 31 day of JULY, 2024, 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: 24-01 (OPR2024-0927)

Date(s) Reviewed by ACC: 7/31/2024

Officer(s) Involved: Deputy First Class [REDACTED], # [REDACTED]<sup>1</sup>

Incident Date: February 14, 2024 at 2154 hrs.

Incident Location: 20760 Old Great Mills Road, Great Mills

Complainant: [REDACTED]

Allegations:

- 319.5.1 – Standards of Conduct: Laws, Rules, and Orders (Assault 2<sup>nd</sup> Degree)
- 319.5.8 – Standards of Conduct: Conduct Unbecoming
- 319.4 – General Standards - Violation of Constitutional Rights
- 425.6 – Activation of the Portable Recorder

Agency Review Conducted by: Sgt. Trevor Teague, #249

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office, 3/13/2024
- Supplemental Report of Investigation by St. Mary's County Sheriff's Office, 3/13/2024
- Copy of St. Mary's County Sheriff's Office Policy 319
- Copy of St. Mary's County Sheriff's Office Policy 425
- Still Photos from Surveillance Footage
- Notification of Investigation, DFC [REDACTED]
- Body Worn Camera Footage of:
  - o DFC [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - o [REDACTED] and [REDACTED], 2/27/2024
  - o [REDACTED], 2/28/2024
  - o [REDACTED], 2/27/2024
  - o [REDACTED], 2/27/2024
  - o DFC [REDACTED], 2/28/2024
  - o DFC [REDACTED], 5/22/2024

**BACKGROUND**

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<sup>1</sup> All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.  
P.O. BOX 653 • GOVERNMENTAL CENTER • 41770 BALDRIDGE STREET, LEONARDTOWN, MD 20650  
PHONE 301.475.4200 X1700 • FAX 301.475.4660 • www.stmarysmd.com

Summary of Complaint & Agency Investigation

On February 14, 2024 DFC [REDACTED] came into contact with the Complainant and several companions of the Complainant at the Sheetz located at 20760 Old Great Mills Road. Observing the Complainant yelling at his companions in the Sheetz parking lot, DFC [REDACTED] approached and made contact. Complainant alleged that during this interaction the officer "chest bumped" the Complainant.

Complainant made the complaint by telephone that night. SMCSO Internal Affairs completed an investigation and delivered the investigative file and all applicable body worn camera ("BWC") and surveillance camera footage to the ACC in a timely manner.

Sheriff's Recommendation

"After careful review of the enclosed case file and associated evidence, I concur with the recommended findings of **UNFOUNDED** as it relates to the following violations of Sheriff's Office Policies for DFC [REDACTED] # [REDACTED]:

- Sheriff's Office Policy 319.5.1 Laws, Rules, and Orders
- Sheriff's Office Policy 319.4 Violation of Constitutional Rights
- Sheriff's Office Policy 425.6 Activation of Portable Recorder

I also concur with the Major's recommended finding of **ADMINISTRATIVELY CHARGED** for the violation of Sheriff's Office Policy 319.5.8 Conduct Unbecoming – Category B Violation.

Based on DFC [REDACTED] Disciplinary History this would be his 3<sup>rd</sup> Category B Violation within 36 months and therefore the recommended discipline would move into the Level One Category C Violation on the Statewide Disciplinary Matrix. Based on the mitigating factors – Two Days (16.0 hours) Loss of Leave (LOL) is recommended.

Steven A. Hall, Sheriff."

**DETERMINATION**

Discussion and Findings

Review of body worn camera and Sheetz surveillance camera footage does not support the Complainant's allegation that any kind of physical altercation occurred between the officer and complainant that night. Review of the same evidence does lead the ACC to concur with SMCSO's finding that language used by the officer as he left the scene rises to a level of conduct unbecoming and we accordingly find that the officer should be administratively charged for its use. Our discussion of the record follows.

At 21:52 on February 14, 2024 DFC [REDACTED] left the Great Mills Sheetz store at the same moment as the Complainant and a female companion named [REDACTED] were entered. The officer was on duty but found himself in the store only to purchase food; there is no evidence to suggest the officer expected to see either the Complainant or Ms. [REDACTED]. Passing them as they entered the store's front door, Officer [REDACTED] recognized Ms. [REDACTED] and states he told her he believed there was an active arrest warrant on her. This incidental interaction is not caught on



BWC, but does appear on Sheetz' surveillance videos. Those videos show this interaction to be brief and do not suggest any hostility between the officer and Ms. [REDACTED] as he made the remark.

After he exited the store, Officer [REDACTED] went to his patrol vehicle in the store's parking lot to run Ms. [REDACTED] through the Mobile Data Browser to confirm whether there was, in fact, an active arrest warrant on her. His search yielded only an active criminal summons. Officer [REDACTED] exited his patrol vehicle to reapproach Ms. [REDACTED] and warn her of the summons, activating his BWC as he exited his vehicle. Approximately two minutes had elapsed since the initial interaction.

Officer [REDACTED] camera activated a few seconds before he reached the vehicle Ms. [REDACTED] was in. The footage begins with Complainant leaning towards the vehicle and yelling, inaudibly, through the passenger window at his companions. As Officer [REDACTED] approaches the Complainant immediately wheels around to face the officer while keeping himself between the vehicle and the officer. As he approaches, Officer [REDACTED] asks Complainant, "What is your problem?" The Complainant remained aggressive, defensive, and confrontational in tone as he spoke to the Officer for the next several seconds. At one point Complainant pointed his own finger towards Complainant's chest and tapped it, saying "I am [Complainant's Name]." He then immediately claims the officer "touched" him. At no point does BWC or exterior security camera footage show the officer having any physical contact with Complainant.

The officer did eventually step aside the Complainant to approach Ms. [REDACTED] who was seated in the driver's seat. Complainant followed the officer, shouting at Ms. [REDACTED] that the officer had "no right" to be there and that Complainant "knew the law." Ms. [REDACTED] cracked the windshield window down and Officer [REDACTED] told her through it that she only had a criminal summons for theft, and that she should "take care of it." As Complainant continued attempting to speak over them, Officer [REDACTED] asked Ms. [REDACTED] if she was okay; she indicated she was. Once she did, Officer [REDACTED] terminated his interaction with Ms. [REDACTED] by telling her, "Good luck to you, okay."

As Officer [REDACTED] left Ms. [REDACTED] and headed towards his patrol car, the Complainant walked back around to the passenger side of his own vehicle and came to a stand near the rear passenger door, continually berating and challenging the officer in much the same manner as before. As Complainant's conduct continued, BWC recorded Officer [REDACTED] saying, in a mocking tone and within apparent earshot of the Complainant, "Oh, don't you know I'm [Complainant's Name]?" Complainant can be heard continuing to talk at Officer [REDACTED] though his exact words are not audible; without turning to face Complainant, Officer [REDACTED] can be heard saying "Yeah, 'take the badge off,' how typical!" as he nears his patrol car door, in apparent response to what Complainant was saying. No further interactions between Officer [REDACTED] and the Complainant occurred that night. In all, one minute and thirty-four seconds elapsed between the moment Officer [REDACTED] camera activated and when he reentered his patrol vehicle.

Like the SMCSO investigation, we find no evidence to support Complainant's allegation of a "chest bump" or any physical interaction. We similarly agree that there is no reasonable basis to expect Officer [REDACTED] to have had his BWC activated while he was in the Sheetz. And finally, we agree with respect to the Sheriff's recommendation of a finding of conduct unbecoming. We certainly recognize the Complainant's difficult, rude, obnoxious, and challenging behavior that night and believe the record shows that, for the most part, Officer [REDACTED] comported himself well, calmly, and professionally that night. We accordingly take these mitigating factors into consideration in our recommended discipline. But we do not feel we can entirely excuse the tit-for-tat verbal sparring shown at the end of the video.

Outcome

For the reasons noted above, the ACC makes findings of UNFOUNDED as to the following allegations:

- Policy 319.5.1 – Laws, Rules, and Orders
- Policy 319.4 – Violation of Constitutional Rights
- Policy 425.6 – Activation of Portable Recorded

The ACC finds the Officer should be ADMINISTRATIVELY CHARGED for the following allegation:

- Policy 319.5.8 – Conduct Unbecoming

Discipline

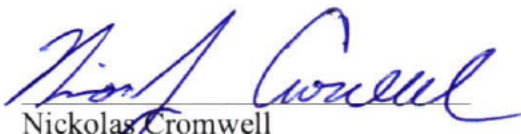
This action constitutes a Category B Violation, as defined in the Uniform Statewide Disciplinary District: “conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.” According to the disciplinary record provided by SMCSO, this is Officer [REDACTED] third Category B violation within the last 36 months and, accordingly, the violation rises to the level of a Category C violation for the purpose of recommending discipline. In light of the strong mitigating circumstances surrounding this incident, the Administrative Charging Committee recommends the minimum discipline that can be administered for a Category C violation: two days’ (16 hours) loss of leave.

Failures of Supervision Contributing to the Incident

We note no failures of supervision that contributed 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 28 day of AUG, 2024, 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: 24-02 (OPR2024-1628)

Date(s) Reviewed by ACC: 8/28/2024

Officer(s) Involved: Deputy First Class [REDACTED], [REDACTED]

Incident Date: September 18, 2023 at 2240 hrs.

Incident Location: Area of Three Notch Road and Pegg Road in California

Complainant: [REDACTED]

Allegations:

- 319.5.1 – Standards of Conduct: Laws, Rules, and Orders (False Imprisonment)
- 319.4 – General Standards - Violation of Constitutional Rights
- 311.3 – Search and Seizure; Searches
- 315.12(c)(5) – Canine Procedures; Patrol Duties Assisting the K9; Narcotic Searches
- 319.5.8(q) – Standards of Conduct; Conduct (Performance)  
Discourteousness/Rudeness

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

Evidence in Administrative Investigatory File:

- Report of Investigation by St. Mary's County Sheriff's Office, 3/14/2024
- Copy of the following St. Mary's County Sheriff's Office Policies:
  - o 319, 311, 315, and 500
- CAD Call Information Report, 9/18/2023
- Copy of the Traffic Violation Warning, [REDACTED]
- K9 Utilization Report
- The following Case Law:
  - o Whren v. United States
  - o Illinois v. Caballes
  - o United States v. Place
  - o Timothy Johnson Wilkes v. State of Maryland
- Notification of Charges, DFC [REDACTED]
- Body Worn Camera Footage of:
  - o DFC [REDACTED] # [REDACTED]
  - o Cpl. [REDACTED] # [REDACTED]
- Transcripts of SMCSO Interviews with:
  - o [REDACTED] and [REDACTED] 3/15/2024
  - o Sgt. [REDACTED], 5/8/2024
  - o Cpl. [REDACTED] 5/14/2024

<sup>1</sup> All law enforcement officers serve in the St. Mary's County Sheriff's Office, unless otherwise noted.  
P.O. BOX 653 ♦ GOVERNMENTAL CENTER ♦ 41770 BALDRIDGE STREET, LEONARDTOWN, MD 20650  
PHONE 301.475.4200 X1700 ♦ FAX 301.475.4660 ♦ www.stmarysmd.com

## BACKGROUND

### Summary of Complaint & Agency Investigation

On the night of September 18, 2023, Complainant and his wife were stopped by DFC [REDACTED] for driving a vehicle without a tag light. He requested assistance and a nearby K9 officer, Cpl. [REDACTED], responded. Cpl. [REDACTED] arrived and completed a canine search before DFC [REDACTED] completed issuance of the citation. The search found no traces of any illegal contraband. Complainant contacted SMCSO on March 14, 2024 and alleged that, *inter alia*, DFC [REDACTED] had been rude and discourteous during the incident and that he deliberately delayed processing the citation in order to give the K9 officer time to perform the canine search.

### Sheriff's Recommendation

“After careful review of the enclosed case file and associated evidence, I concur with the recommended findings of **UNFOUNDED** as it relates to the following violations of Sheriff's Office Policies for **Deputy First Class** [REDACTED] # [REDACTED]:

Sheriff's Office Policy 319.5.1 Laws, Rules, and Orders  
Sheriff's Office Policy 319.4 Violation of Constitutional Rights  
Sheriff's Office Policy 311.3 Searches and Seizures  
Sheriff's Office Policy 315.12(c)(5) Canine Procedures Narcotics Searches  
Sheriff's Office Policy 319.5.8(q) Discourteous/Rudeness  
Sheriff's Office Policy 500.4.1 Traffic – Contact With The Violator

Steven A. Hall, Sheriff.”

## DETERMINATION

### Discussion and Findings

After review of the investigatory file and all body worn camera (“BWC”) footage, the ACC finds no evidence that DFC [REDACTED] delayed issuance of the citation nor do we find any of his conduct to be discourteous or rude. Our discussion follows.

The Supreme Court's jurisprudence in the past decades allows canine searches for suspected contraband in a public place, even in the absence of probable cause or reasonable suspicion of criminal activity. See, e.g., *United States v. Place*, 462 U.S. 696 (1983); *Illinois v. Caballes*, 543 U.S. 405 (2005); *Rodriguez v. United States*, 575 U.S. 348 (2015). A canine search can be conducted during a lawful traffic stop, even if the canine search is unrelated to the reason for the traffic stop. *Caballes*, 408. Where the Court has deemed an unrelated canine search to cross the realm into an unconstitutional deprivation of an individual's rights, however, are those instances where an otherwise lawful traffic stop is unnecessarily extended or lengthened for the purpose of giving a canine search time to commence or conclude. *Rodriguez*, 349.

The above principles make central the question of whether DFC [REDACTED] acted expeditiously to complete the traffic citation. We will recount here the timeline of DFC [REDACTED] interactions with the complainant that night.



At 10:31:35 DFC [REDACTED] activated his emergency equipment to signal Complainant to pull over. DFC [REDACTED] appears to have radioed his operator for assistance prior to exiting his vehicle. After making initial verbal contact with the Complainant's wife – who had exited Complainant's vehicle, sat on the side of the road, claimed to be sick, and otherwise behaved in a way that could be fairly described as "unusual" – DFC [REDACTED] approached Complainant's side of the vehicle and began speaking with him at 10:34:05. After a brief verbal exchange, DFC [REDACTED] entered his vehicle and began entering information gleaned from the Complainant into his Mobile Data Browser ("MDB").

At 10:37:12, Cpl. [REDACTED] a K9 officer, responded to the earlier request for assistance. After a brief summary of the stop from DFC [REDACTED] Cpl. [REDACTED] made contact with the Complainant and his wife at their vehicle at 10:38:13. Sgt. [REDACTED] arrived shortly after Cpl. [REDACTED] and was similarly briefed on the ongoing traffic stop by DFC [REDACTED]. At 10:39:38 Cpl. [REDACTED] returned to DFC [REDACTED] and Sgt. [REDACTED]. Cpl. [REDACTED] confirmed that DFC [REDACTED] was still in the process of processing the traffic stop and, once she confirmed he was, Sgt. [REDACTED] and Cpl. [REDACTED] initiated the canine search and returned to the Complainant's car at 10:40:13, asking the Complainant and his wife to exit the vehicle. Cpl. [REDACTED] then retrieved the police canine and conducted the search; it concluded at 10:43:26.

Through all of the above, DFC [REDACTED] remained in his vehicle processing the traffic stop. He did not assist in the canine search. DFC [REDACTED]'s camera remained on at all times and appears to confirm that he kept processing the traffic citation without interruption; he is shown continually interfacing with his MDB or speaking on the radio to take the actions necessary to complete the traffic stop. At no point did he appear to be inactive or inattentive towards completing these duties in a timely manner. Ultimately, DFC [REDACTED] was able to determine Complainant was driving on a suspended license. He exited his vehicle at 10:44:00 and returned to Complainant to tell him he had a suspended license. After confirming Complainant's wife could lawfully drive, he returned to his vehicle, continued interfacing with the MDB, and ultimately completed the paperwork and began printing the Complainant's citation at 10:46:10, well after completion of the canine search. At 10:48:47 DFC [REDACTED] issued the Complainant the printed citations.

To summarize, the canine search by Cpl. [REDACTED] was completed 12 minutes after the traffic stop commenced. DFC [REDACTED] concluded his duties 17 minutes after the traffic stop commenced, with no evidence of delay or unnecessary extension. We believe this fits well within the constitutional framework of permissible canine searches conducted in tandem with a lawful traffic stop.

Regarding the Complainant's allegations of rude and discourteous behavior, we do not find that DFC [REDACTED] – or either of the other two officers present – engaged in any such conduct. The only time DFC [REDACTED] spoke in anything that could be described as a curt manner or with a raised voice was at the very onset of the stop. Complainant's wife had exited the vehicle and claimed to be unwell and on the way to the hospital. DFC [REDACTED] immediately asked if she required an ambulance and received a muddled and nonresponsive answer from the wife; he asked twice more if she needed an ambulance and continued to receive nonresponses. DFC [REDACTED] verbally observed she was "sitting just fine before I pulled you over" and told her to return to the vehicle. We believe, upon review of the BWC and listening to the exchange for ourselves, that DFC [REDACTED] acted appropriately and professionally in these initial interactions.

Complainant's other claim of discourteous behavior stems from an exchange had when DFC [REDACTED] issued the traffic citation to Complainant, and Complainant and his wife began to debate the constitutionality of the canine search. DFC [REDACTED] responded to their arguments

summarily that, “The Supreme Court allows us to run a K9 around a vehicle” and that “I don’t need probable cause to run a K9 around your vehicle.” We believe DFC [REDACTED] remained appropriately professional during this exchange – and that his characterizations of the law are accurate.

Based on the above, we accordingly find unfounded each of the allegations against DFC [REDACTED].

### Outcome

For the reasons noted above, the ACC makes findings of **UNFOUNDED** as to the following allegations:

Sheriff’s Office Policy 319.5.1 Laws, Rules, and Orders  
Sheriff’s Office Policy 319.4 Violation of Constitutional Rights  
Sheriff’s Office Policy 311.3 Searches and Seizures  
Sheriff’s Office Policy 315.12(c)(5) Canine Procedures Narcotics Searches  
Sheriff’s Office Policy 319.5.8(q) Discourteous/Rudeness  
Sheriff’s Office Policy 500.4.1 Traffic – Contact With The Violator

### Discipline

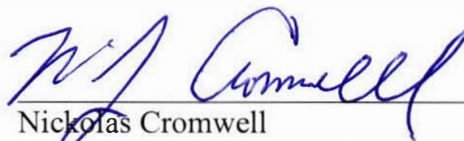
As all allegations are found to be unfounded, the ACC makes no recommendation of discipline in this matter.

### Failures of Supervision Contributing to the Incident

The ACC notes no apparent failures of supervision that contributed 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 30 day of OCT, 2024, and will be delivered to the St. Mary’s County Sheriff’s Office within five (5) days.



Nicholas Cromwell  
Chairperson, Administrative Charging Committee