



Administrative Charging Committee

Don Knott, Committee Chair

Jeremy Bender

Sonya Lathrop Cooper

William Valentine

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The Maryland Police Accountability Act of 2021 (HB670) mandates that each Maryland county and Baltimore City shall establish a Police Accountability Board (PAB). The new law, which took effect July 1, 2022, replaces the Law Enforcement Officers' Bill of Rights.

The Police Accountability Board for each county shall:

- Hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
- Appoint civilian members to charging committees and trial boards;
- Receive complaints of police misconduct filed by members of the public;
- On a quarterly basis, review outcomes of disciplinary matters considered by charging committees;
- On or before December 31 of each year, submit a report to the governing body of the county that:
 - 1) identifies any trends in the disciplinary process of police officers in the County; and
 - 2) makes recommendations on changes to policy that would improve police accountability in the county.

The Allegany County Police Accountability Board (ACPAB), by resolution, consists of five (5) permanent members and one (1) alternate (optional). The ACPAB currently has one permanent member position vacancy. The alternate member position is also vacant. The current ACPAB members are:

Don Knott (Chair)

Bernie Zlomek (Vice Chair)

Jane Ann McAlpine

Kristan Carter

Each county shall, also, have one Administrative Charging Committee (ACC) to serve countywide law enforcement agencies and local law enforcement agencies within the county. A county administrative charging committee shall be composed of:

- The Chairperson of the county's police accountability board, or another member of the police accountability board designated by the chairperson of the accountability board;

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- Two civilian members selected by the county's police accountability board; and
- Two civilian members selected by the chief executive officer of the county.

The Allegany County Administrative Charging Committee (ACACC), by resolution, consists of five (5) permanent members and one (1) alternate (optional). The ACACC currently has one permanent member position vacancy. The alternate member position is also vacant. The current ACACC members are:

Don Knott (Chairperson) – County Commissioner Appointee

Jeremy Bender– County Commissioner Appointee

William Valentine – PAB Appointee

Sonya Cooper-Lathrop – PAB Appointee

The Allegany County law enforcement agencies that fall under the purview of the Allegany County PAB and the Allegany County ACC are:

- Allegany County Sheriff's Office
- Cumberland City Police Department
- Frostburg Police Department

The Police Accountability Act established a Statewide Administrative Charging Committee to serve multi-jurisdictional and bi-county law enforcement agencies. Those law enforcement agencies falling under the purview of the statewide charging committee include:

- Maryland State Police
- Maryland Department of Natural Resources Police
- Frostburg University Police Department

Training Requirements

The Police Accountability Act mandates certain training requirements for members who serve on Administrative Charging Committees. The training consists of a 40-hour course of instruction presented by the Maryland Police Training and Standards Commission. ACC members are required to attend the training for five consecutive days without absence. ACACC members: Mr. Knott, Mr. Valentine and Mr. Bender successfully completed the required training in March, 2023 at Allegany College. Ms. Cooper-Lathrop successfully completed the training in May, 2023 at the Maryland Police and Correctional Training Center in Sykesville, Maryland.

A law enforcement officer who has been administratively charged can appeal the recommended discipline to a trial board. Each county Police Accountability Board is required to appoint a civilian member to serve as a trial board member. Civilian trial board members are required to successfully complete a 16-hour course of instruction facilitated by the Maryland Police Training

and Standards Commission. Presently, the ACPAB does not have any civilian members who are currently trained to serve in this capacity.

There are no mandated training requirements for Police Accountability Board members.

Complaint Data

During 2023 the Allegany County Police Accountability Board received 11 complaints alleging police misconduct. The complaints received were made against officers/deputies from the following agencies:

- Cumberland Police Department – 5 complaints
- Allegany County Sheriff's Office – 3 complaints
- Frostburg Police Department – 3 complaints

The complaints received were made against 13 individual officer/deputies in total.

The complaint allegations received were categorized as follows:

- Police Misconduct – 6
- Unprofessional Conduct – 2
- Excessive Force – 2
- False Report/Testimony – 1
- Lying Under Oath – 1
- Discourtesy – 1
- Use of Profane Language – 1
- Civil Rights Violation – 1

The Allegany County Administrative Charging Committee rendered the following decisions regarding the 11 cases reviewed:

Shall Not Be Administratively Charged – 10

- Exonerated – 7
- Unfounded - 3

Shall Be Administratively Charged – 1

- Formal Written Counseling – 1

It should also be noted that the ACACC found a failure of proper supervision existed to cause or contribute to the allegations contained in the case resulting in administrative charges.

Data Trends

The alleged misconduct of officers/deputies represents the large majority of the specific complaints lodged in the 11 cases reviewed and decided by the Allegany County Administrative Charging Committee. As revealed in the ACACC's case dismissal rate, the facts do not support the alleged misconduct.

The role of proper supervision is an important element in virtually all of the cases reviewed by the ACACC. As noted previously, failure of proper supervision contributed to an administrative charge recommendation in one case. Proper supervision is evaluated in the review of each case. Effective supervision is also emphasized as an important consideration in various parts of the Maryland Police Accountability Act of 2021. In ACPAB quarterly meetings, board members have shared with agency heads the criticality of effective supervision in relation to officer/deputy performance as part of the Committee's case review process.

In general, the law enforcement personnel and agencies that fall under the ACPAB purview are performing in a highly effective and professional manner. This conclusion, among other relevant data, is supported by the relatively low number of citizen complaints resulting from the thousands of calls for service and public contacts reported in the latter part 2022 and in 2023 to present.

Synopsis

The current sociologic and political environment in the United States has presented many major challenges for law enforcement agencies and personnel. Based on the discussions and information exchange that has occurred between agency heads and the ACPAB the following problems and related issues continue to be areas of concern for local law enforcement in their mission to serve and protect the Allegany County citizenry:

- Pervasive illegal drug activity
- Mental health disorders and related criminal activity
- Recent changes in state laws governing the police response to juvenile criminal activity
- Recruitment and retention of qualified law enforcement personnel

All three of the police agencies under the purview of the ACPAB are actively involved with community-oriented policing programs. The Allegany County Sheriff's Office facilitated a Citizens Police Academy in 2023 and has at least one more planned for 2024. The Office also has developed and maintains an internet app that is available to the public. The app features a variety of real-time alerts informing the public of emergency operations, road closures, criminal activity, wanted persons, office sponsored programs/activity, etc. The Cumberland City Police Department and the Frostburg City Police Department, similarly, have a variety of community-oriented programs aimed at improving and nurturing effective interaction with businesses, schools, and residents, in general.

Recommendations

The Maryland Police Accountability Act of 2021 provided the framework for counties and Baltimore City to establish and develop respective Police Accountability Boards to govern the police disciplinary process. Perhaps by design, the Act did not include a great deal of specificity and allowed for an ample amount of latitude in establishing procedural guidelines. As a result, there are Boards that operate very similarly and those that operate in a dissimilar manner. The Baltimore City ACC, metropolitan county ACC's and the statewide ACC have cases numbering in the hundreds. Rural counties, such as Allegany, have significantly smaller numbers. The ACPAB was notified in November, 2023 by the Director, Criminal Justice Programs, for the Governor's Office of Crime

Prevention, Youth, and Victim Services that they will be partnering with the Police Executive Research Forum (PERF) to conduct a comprehensive review of existing PAB/law enforcement agency engagement across our state (Copy of notification attached). Hopefully, this review will identify problems with the PAB process and, more importantly, solutions/corrective action to address those problem areas.

There are many problem areas that encompass a wide spectrum of practicality for individual boards. One example of this for Allegany County relates to the role of multi-jurisdiction agencies (i.e. The Maryland State Police, Department of Natural Resources Police, Frostburg University Police) in various counties. These agencies have a full-service presence and share an equal amount of responsibility for law enforcement in most rural counties, including Allegany. In other larger counties the enforcement role of these agencies is not full-service and limited in nature to specific duties, such as primary traffic enforcement. All of the law enforcement agencies in Allegany County have an excellent working relationship and these deputies/officers/troopers collaborate with one another on a daily basis. However, the potential exists for disparate treatment or disciplinary action that could originate from a single incident or call for service where personnel from two or more agencies are present. Additionally, there is a statewide ACC but there is no statewide PAB. Perhaps the PERF review will examine the need for changes regarding this procedural aspect of the Act.