

# 2023 ANNUAL REPORT

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## POLICE ACCOUNTABILITY BOARD FREDERICK COUNTY, MARYLAND



PREPARED BY:  
DAWN M. ORAM  
CHAIR, POLICE ACCOUNTABILITY BOARD

DECEMBER 2023



## FREDERICK COUNTY GOVERNMENT

### POLICE ACCOUNTABILITY BOARD

*Dawn Oram, Chair*  
*Sarah Ambrosio, Executive Administrator*  
*Jennifer M. Keefer, Deputy County Attorney*

### POLICE ACCOUNTABILITY BOARD - ANNUAL REPORT 2023

TO: Jessica Fitzwater, Frederick County Executive  
Frederick County Council  
Michael O'Connor, Mayor, City of Frederick  
Nathan Brown, Mayor, City of Brunswick  
John A. Kinnaird, Mayor, Town of Thurmont  
Larry Hushour, Mayor, Town of Mount Airy

FROM: Dawn M. Oram, Chair  
Police Accountability Board – Frederick County, MD

DATE: December 5, 2023

RE: 2023 Annual Report

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#### INTRODUCTION

With the passage of the Maryland Police Accountability Act of 2021 and Chapter 1-2, Article XVIII of the Frederick County Code, new civilian entities were created to oversee the intake and adjudication of complaints against law enforcement officers. All complaints of misconduct involving a member of the public filed after July 1, 2022, are subject to the complaint process.

The Police Accountability Board (PAB) is responsible for submitting a report to the governing body of Frederick County, by December 31, each year, that (1) identifies trends in the disciplinary process of police officers; (2) recommends changes to policy that would improve police accountability; and (3) describes board activities and the number of complaints received. Enclosed for your review and information is the 2023 Annual Report for the Frederick County Police Accountability Board covering the period January 1, 2023 – December 31, 2023.

The legislation creates the framework for the PAB as well as for the interrelated Administrative Charging Committee (ACC). The PAB is comprised of 11 civilian members serving as the body to receive complaints of misconduct, review trends in data and policy, and advise County officials and heads of the law enforcement agencies on policing matters. The ACC is comprised of five (5) civilian members serving to review and adjudicate the complaints of misconduct once an internal investigation of the complaint is complete.

## 2023 SUMMARY ACTIVITIES

The Police Accountability Board's priorities for the 2023 calendar year:

- held in-person quarterly public meetings
- engaged on a quarterly basis with local law enforcement agencies (LEAs) to examine policing issues
- received quarterly updates from the Administrative Charging Committee Chair on complaints received
- participated in Frederick community activities in an effort to elevate the presence of the PAB
- represented the PAB and ACC at the Asbury United Methodist Church Annual Block Party
- participated in patrol Ride Along with local law enforcement agencies
- completed required trainings for newly appointed members
- through a competitive process, the County Executive appointed two (2) new members to the PAB and reappointed two (2) members to the ACC (one person appointed by the County Executive; one person appointed by the PAB)
- established a slate of individuals eligible to serve as the civilian member on the Trial Board
- represented Frederick County at the first ever Regional PAB Chairs Summit held in Annapolis, Maryland
- met with FCPD to discuss recruiting efforts

## HISTORY & PURPOSE

In 2021, the Maryland General Assembly passed a package of police reform bills resulting from months of legislative hearings, briefings, debates, and negotiations among advocacy groups, professional organizations, communities, and elected officials across the State.

One of the bills, HB670 The Maryland Police Accountability Act of 2021, mandates that each county in Maryland establish a PAB. In addition, HB670 provides for the structure, duties, and responsibilities of local PABs. The legislation establishing the Board went into effect on July 1, 2022.

In accordance with the State law, each county PAB is required to:

- provide policy advice through meetings with LEAs, review of disciplinary matters stemming from public complaints, and annual reporting;
- work with LEAs and the county government to improve policing and police accountability;
- appoint two (2) civilian members to the ACC and one to the Trial Board to adjudicate complaints submitted by members of the public; and
- receive complaints of police misconduct filed by members of the public

The Frederick County PAB, a civilian oversight committee, comprised of 11 diverse community representatives, was established July 2022 to promote accountability, trust and communication between the community and local law enforcement agencies in Frederick County and to evolve efforts to build trust and transparency among residents with an enhanced emphasis on initially understanding how the various law enforcement agencies within Frederick County operate.

## STATE LAW REQUIREMENTS

The State law made changes that generally relate to and impact law enforcement. The law:

- repeals the Law Enforcement Officers' Bill of Rights (LEOBR) and establishes provisions that relate to a statewide accountability and discipline process for police officers;
- alters requirements for the Maryland Police Training and Standards Commission (MPTSC) regarding training and police certification;
- establishes two higher education financial assistance programs for police officers, with mandated appropriations;
- increases civil liability limits applicable to police misconduct lawsuits; and
- requires reporting on SWAT team activity and use of force complaints.

Provisions in the law relating to the accountability and discipline process apply prospectively and may not be applied or interpreted to have any effect or application to:

- any bona fide collective bargaining agreement entered into by June 30, 2022, for the duration of the contract term, excluding any extensions, options to extend, or renewals of the term of the original contract; or
- a disciplinary matter against a law enforcement officer occurring before July 1, 2022.

Each county PAB must:

- 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; and
- Submit a report to the governing body of the county, by December 31 each year, that identifies trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

The law also requires each local governing body to:

- establish the membership of the budget and staff for a PAB;
- appoint a chair for the PAB; and
- establish the procedures for recordkeeping by a PAB.

In addition, the State law prohibits an active police officer from being a member of a PAB and requires the membership of the PAB to reflect the racial, gender, and cultural diversity of the county.

#### **POLICE ACCOUNTABILITY BOARD MEMBERS**

- Shannon Bohrer, Retired Law Enforcement
- Rev. Dr. J.C. Chandler Jr., Pastor and Security Program Manager
- Robert Effler, Military/Intelligence
- Shawn Goldstein, Commercial Real Estate
- Ivonne Gutierrez, Human Resources Leader
- Katherine Jones, Lawyer
- Anthony Koomson, International Humanitarian Aid
- Nestor (Neal) Machin (Vice Chair), IT System Engineering; Former Marine
- Dawn Oram (Chair), Human Resources Leader
- Randolph Waesche Jr., Emergency Management
- Leatrice Urbanowicz, Retired Dementia/Elder Care nurse

#### **INTERNAL PARTNERS – FREDERICK COUNTY STAFF**

- Sarah Ambrosio, Executive Administrator to PAB and ACC
- Jennifer Keefer, Deputy County Attorney

#### **POLICE ACCOUNTABILITY BOARD MEETINGS**

In 2023, in-person board meetings were held on the following dates and open to the public:

January 25, 2023, April 26, 2023, July 26, 2023  
October 17, 2023, and November 29, 2023

The focus of the PAB meetings has been engaging with Frederick County law enforcement agencies, as required by law, addressing administrative components, and receiving updates from the ACC Chair on complaints received for investigation year-to-date. Each quarterly meeting includes a time for public comment – there has been no public participation year-to-date. Meeting times and agendas are posted to the PAB website for public awareness.

#### **EXTERNAL PARTNERS – FREDERICK COUNTY LAW ENFORCEMENT AGENCIES**

Brunswick Police Department  
Frederick Police Department  
Frederick County Sheriff's Office  
Thurmont Police Department

### **ADMINISTRATIVE CHARGING COMMITTEE**

As specified by the law, each county must have one Administrative Charging Committee to serve county-wide law enforcement agencies. The ACC is composed of five (5) members to include the PAB Chair or designee, two (2) civilian members selected by the PAB, and two (2) civilian members selected by the County Executive.

The ACC must:

- Review the findings of a law enforcement agency's investigation;
- Make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation;
- If the police officer is charged, recommend discipline in accordance with disciplinary matrix;
- Review body worn camera footage that may be relevant to the complaint of misconduct;
- Authorize a police officer called to appear before the ACC to be accompanied by a representative;
- Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
- Forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.

The ACC is authorized to request information and make specific determinations.

In addition, the law requires training on matters relating to police procedures from MPTSC before serving as a member of the ACC.

### **ADMINISTRATIVE CHARGING COMMITTEE MEMBERS**

- Teresa Bean, Law Professor/Formal Prosecutor
- Howard Cox (Chair), Former Federal Law Enforcement Investigator
- Kevin Grubb (Vice Chair), Former Deputy Chief, Frederick Police Department
- Dawn Oram, PAB Chair, Human Resources Leader
- John Shatto, Court and Human Service Leader

### **TRIAL BOARD PARTICIPANTS**

Each law enforcement agency must establish a trial board process to adjudicate matters for which a police officer is subject to discipline.

Trial boards are made up of:

- an active service or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the County Executive;
- a civilian who is not a member of the ACC, appointed by PAB, and
- a police officer of equal rank to the accused officer, appointed by the Chief of Police.

The Trial Board adjudicates matters when a police officer is subject to discipline and the officer does not accept the discipline offered by the head of the law enforcement agency. A new trial board will be convened for each incident.

The PAB has established a process to identify civilian members of a trial board. Specifically, the Board decided to create a pool of interviewed individuals that can be called upon to serve when the need for a trial board arises.

In accordance with the law, training of trial board participants will be administered by the MPTSC. The PAB has extended the opportunity to be included in the trial board pool to individuals who were interviewed but not selected to serve on the PAB or ACC. Of this group, those individuals will be automatically placed in the pool as they have already undergone a screening and interview process. At the writing of this report, there are five (5) citizens of the County who have agreed to be included in the trial board pool. The members are:

- Dr. Oyebola Oladeinde, Lead Trial Board
- Chris Brandt
- Jill Fitzsimmons
- Alfred Francis
- Harry Lashley

## THE COMPLAINT PROCESS

A member of the public may submit a complaint of police misconduct to the PAB or directly to the appropriate law enforcement agency. If a complaint is submitted to the PAB, the Board must forward the complaint to the appropriate law enforcement agency within three (3) days of receipt.

To be considered as police misconduct, the incident must meet the criteria set forth in the §3-101 of Public Safety Article, Annotated Code of Maryland:

- Police misconduct is defined as a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
  - Depriving persons of rights protected by the constitution or laws of the State or the United States;
  - A violation of a criminal statute; and
  - A violation of law enforcement agency standards and policies.
- Eligible incidents of police misconduct must have occurred on or following July 1, 2022. Incidents occurring prior to July 1, 2022 are not eligible for reporting to the PAB.
- The complaint must involve misconduct by law enforcement officer(s) from one of the following jurisdictions:
  - Brunswick Police Department
  - Frederick County Sheriff's Office
  - Thurmont Police Department

Note: The Police Accountability legislation is not applicable to the Frederick Police Department due to a collective bargaining agreement that expires June 30, 2024. Legislation will take effect July 1, 2024.

Once the law enforcement agency receives a complaint of police misconduct from a member of the public, the law enforcement agency must investigate the complaint. Upon completion of the investigation, the law enforcement agency forwards the completed investigation to the ACC, which reviews the complaint and determines whether to administratively charge the officer.

If the officer is not charged (meaning the allegations are unfounded or the officer is exonerated), the ACC

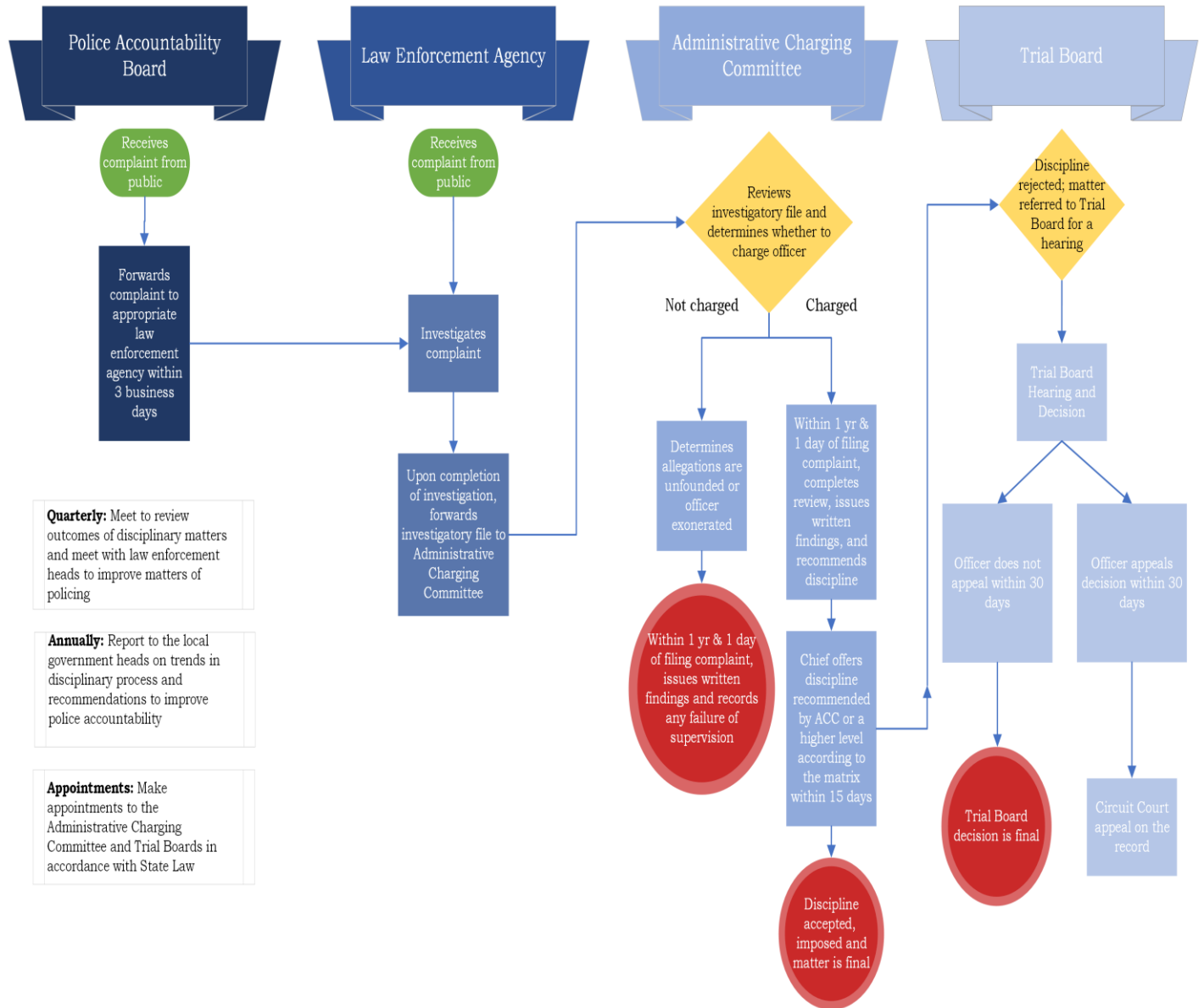
issues a written opinion detailing the findings, determinations, and recommendations.

If the officer is charged, the ACC must issue a written opinion detailing findings, determinations, and disciplinary recommendations.

If discipline is recommended by the ACC, the head of the law enforcement agency must offer the ACC recommended discipline or discipline at a higher level based on the statewide Police Disciplinary Matrix. The officer has the option to accept the discipline or have the matter referred to a trial board for a hearing.



The process chart below represents how a complaint moves through the process.



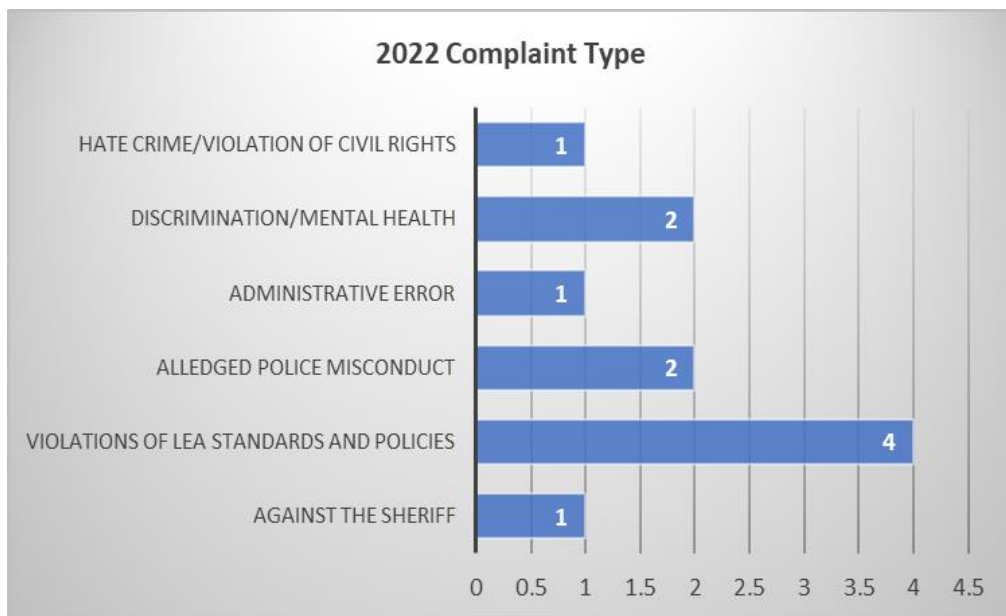
### 2023 COMPLAINT AND TREND DATA FOR FREDERICK COUNTY

This section provides details of complaints that have been received from January 1, 2023 through December 31, 2023 by the PAB, LEAs, and the Sheriff's office and also provides detail on 2022 complaints received to help reflect trend data:

#### Complaint Overview:

Total complaints received in 2022 (various LEAs)	11
Total complaints received in 2023 (various LEAs)	14

Three (or 27%) new complaints received in 2023 compared to 2022



In 2022,

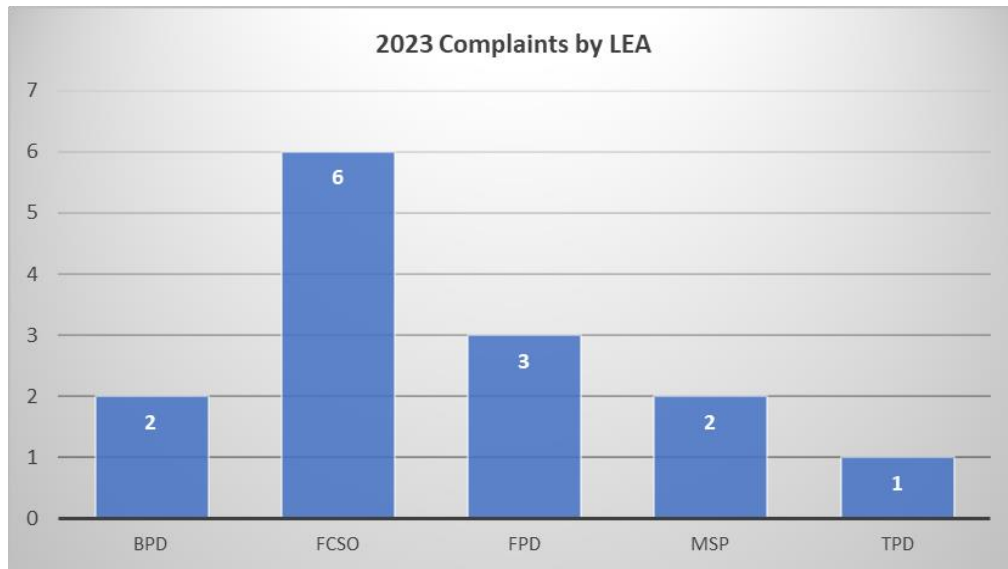
- 3 complaints were not in PAB jurisdiction
- 2 complaints were prior to July 1, 2022
- 1 complaint was administrative in nature
- 1 complaint against the Sheriff





In 2023,

- Of the 14 complaints received, 64% (9 complaints) were not applicable to the PAB

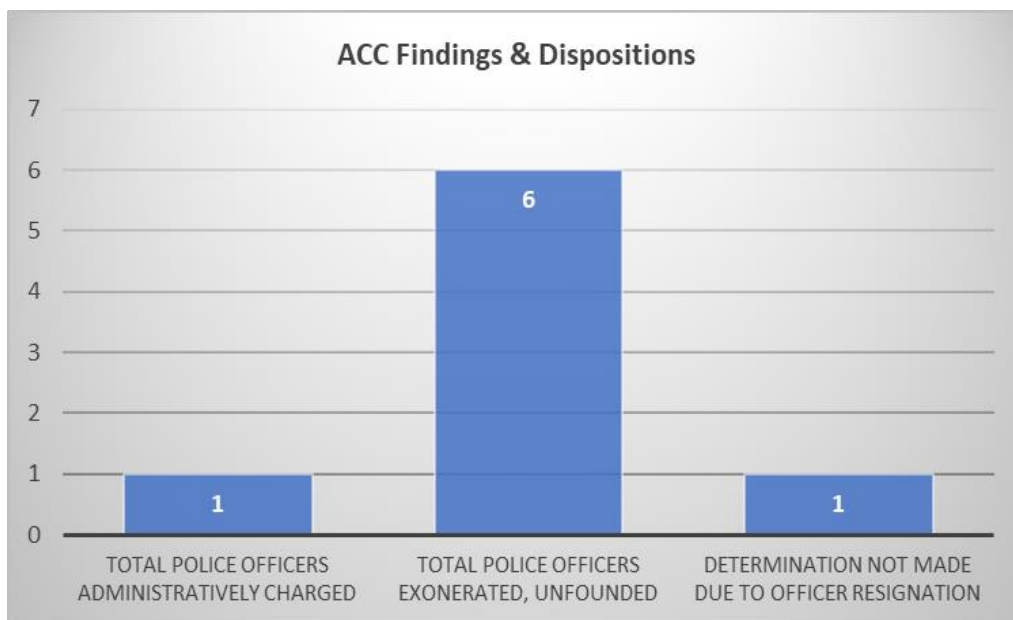


- BPD = Brunswick Police Department
- FCSO = Frederick County Sheriff's Office
- FPD = Frederick Police Department
- MSP = Maryland State Police
- TPD = Thurmont Police Department

There have been eight (8) investigations completed based on 2022 and 2023 complaints. Completed investigations were forwarded to the ACC for review and determination, 75% of completed investigations resulted in exonerated or unfounded charges.

*Frederick County: Rich History, Bright Future*

Total police officers administratively charged	1
Total police officers exonerated, unfounded	6
Determination not made due to officer resignation	1



Overall, a noticeable trend is that of the 25 complaints received in 2023 and 2023, approximately 56% were outside of PAB jurisdiction or occurred prior to July 1, 2022 before legislation was effective. This trend will likely shift as the Frederick Police Department ends the collective bargaining agreement in June 2024.

## RECOMMENDATIONS TO IMPROVE POLICE

### ACCOUNTABILITY IN FREDERICK COUNTY:

- 1. Diverse Talent Attraction.** Frederick County law enforcement agencies should increase strategies, programs, and initiatives currently in place to recruit, support and retain diverse talent. This may include:
  - being thoughtful and intentional about representation at every level
  - redefining what leadership means
  - reflecting on where and how recruitment takes place
  - taking a different approach to how incoming talent is evaluated
  - considering recruitment efforts for job vacancies via media sources that target audiences and readers belonging to minority groups (i.e., African American, Latino, Asian, female populations). In order to increase the rate of successful recruitment of minority applicants, LEAs must continually promote inclusion as an integral part of its culture and value by continuing persistent and intentional efforts at reaching the under-represented populations.
- 2. Implement the Early Warning & Intervention System for all LEAs.** Each law enforcement agency is required by state law to establish an early intervention policy to identify police officers at risk of engaging in excessive force. LEAs should adopt more robust early intervention policies that consider more factors for intervention, including arrests, traffic stops, uses of force, and weapons discharges. Given the racial disparities in traffic enforcement and potential use of force in many instances, this would capture performance indicators that precipitate excessive use of force and the cause of those disparities.
- 3. Community Education.** Community education is an important component of the PAB's work and the implementation of this recent legislation. It is clear that many in the community including police officers, do not understand the role of the

PAB. The PAB will not be successful if the community and stakeholders do not have the necessary understanding of the various roles and responsibilities based on the law. This includes education on the PAB, ACC, and the Trial Board process. While the PAB will work towards bringing awareness to the community, there must be collaboration with the County as it relates to educating County employees. The County should provide training to relevant County employees, including law enforcement.

- 4. Complaint Database/Technology.** Recommend investment in a secure, confidential database for tracking complaints is required. A more formal document management system would allow for better tracking and could provide real-time trend data or provide point-in-time updates to the status of complaints that could be shared locally and potentially statewide with other PAB jurisdictions. Identify a vendor or Frederick County IT Services to facilitate effective PAB operations by developing, and implementing technology plans that includes the following components: online presence, data collection, periodic reporting, and information sharing.

### MOVING FORWARD

The Board will continue to work towards assessing County-wide trends and will look to initiate community outreach events to incorporate the voices of our community members and stakeholders in order to better understand policing dynamics in Frederick County.

The start of 2024 continues to hold major advancements for accountability and transparency of law enforcement agencies across the County. There are many important opportunities for the PAB and ACC to influence and impact police/community relations, public safety, and restoring trust and transparency in the Frederick community. We look forward to facilitating this important work with emphasis on equity, evidence-based practices, and robust community engagement.