



Citizen Complaint Oversight Panel

PRINCE GEORGE'S COUNTY MARYLAND



**FY2010
ANNUAL REPORT**

ADDRESS

9210 Basil Court
Suite 466
Largo, Maryland 20774

PHONE

310-883-5042 Office
3910883-2655 Fax
ccop@co.pg.md.us

WEB

www.princegeorgescountymd.gov

Click on GOVERNMENT tab, then click on BOARD and COMMISSIONS link on drop down list.

TABLE OF CONTENTS

Letter from the Chair	1
Overview	3
<i>Reporting Requirements</i>	
<i>History</i>	
<i>Panel Responsibilities</i>	
<i>Panel Composition</i>	
Program Operations	7
<i>Complaint Classification</i>	
<i>Statistical Review</i>	
Outreach and Education	31
<i>Community Relations</i>	
<i>Partnerships</i>	
<i>Training</i>	
Issues and Concerns	34
Appendices	42
A. <i>Glossary of Terms</i>	
B. <i>Enabling Legislation</i>	
C. <i>Complaint against Police Practices Form (1072)</i>	
D. <i>Police District Map</i>	
E. <i>Selected Case Summaries</i>	

December 1, 2010



Dear Citizens and Residents:

The Prince George's County Citizen Complaint Oversight Panel (CCOP) is charged with monitoring and evaluating investigations of police misconduct. The CCOP is part of a police accountability process established in 1990 to ensure that anyone with a complaint regarding the conduct of an officer of the Prince George's County Police Department (PGCPD) is able to complain formally, that their complaints are treated and investigated professionally and swiftly, and that there is independent oversight of the investigative process.

This will be my last year serving on the Panel. I was a member of first CCOP panel in 1991. I was reappointed to the Panel in 2002 and was fortunate to also serve two four-year terms under the Johnson Administration. I have served as the Panel's chairperson more than 3 years and, as I am term limited, this will be my final annual report. For several other Panel members, the FY10 program year was also their last term on the CCOP. I would like to take this opportunity to publicly thank each member for their service to the CCOP. I would also like to express my personal and sincere appreciation for being given an opportunity to serve the residents and citizens of Prince George's County.

The significance and value of what we do is not just reflected in the statistics and data detailed in this report. There are unseen and immeasurable benefits to what we do. Our persistent and meticulous scrutiny of the investigative process, not only ensures that police misconduct is properly and thoroughly investigated, it also serves to deter future misconduct and inhibit the internal culture of cronyism that fosters misconduct. We are, in essence, external "eyes over the shoulder" of not only the officers on the street, but the officers assigned to investigate their conduct, as well. We exist to facilitate greater accountability and transparency in police operations, and we take this job quite seriously. Our role in this process is strengthened by the fact that our panel is comprised of private citizens who are not members of the PGCPD and that we are a separately funded County government agency.

Included in this report is an in-depth presentation of statistical data on misconduct investigations reviewed by the CCOP in FY10. In FY10, we remained concerned about declines in the number of complaints that are referred to district commanders for investigation. These cases are known as Field Cases (FC) and they include the lowest level of complaints. FC investigations once represented one third or more of the investigations reviewed by the CCOP. However, since FY06, there has been a steep decline in the number of FC investigations received for review. As reported in FY09, there was a 40% decline from FY06 to FY09. We were advised in FY10 that these types of complaints were being assigned differently by the Department. However, we still have not observed corresponding increases in other case categories to indicate that the Department has moved the investigations of FC complaints to another investigative category or level. Additionally, there was a further decline of 75% between FY09 and FY10. The CCOP's concern remains that not all FC complaints are being processed within legislative parameters.

Each year, the CCOP's annual report outlines critical issues related to the CCOP's operations, the PGCPD policies and training, as well as community and citizen relations. This year we have reiterated our longstanding issue regarding the secondary part-time employment of officers. It is an issue we believe is critical and bears repeating.

For many years, the CCOP's annual reports have addressed the Panel's concerns regarding secondary employment. In 2001, the Department indicated that they shared the Panel's concerns about off-duty, part-time employment. However, each year, the Panel continued to receive cases involving police officers on off-duty secondary employment assignments. The Panel continues to suggest that the Department re-evaluates its policy that allows officers to perform private, part-time, and off-duty work and reiterates its reasons. First, when officers spend extra hours working outside of their official duty schedule, they endure additional physical and emotional stress that may negatively impact their official work. This is especially realized when such work is performed in bars and nightclubs. Second, when an officer is employed by a private entity, he/she may be requested to perform functions

outside the scope of normal police work. Third, when the private employer is a bar owner, nightclub owner, or serves alcoholic beverages, the officer is more likely to become embroiled in unnecessary confrontations. Fourth, there is an inherent conflict of interest when officers represent both county citizens and private entities concurrently. Finally, in situations where officers on secondary employment request additional county officers as backup to support the private entity's interest, in reality, the citizens are also supporting the private entity's interest.

In the past, the Panel suggested that the Department review and revise its policies to ensure proper reporting and disciplinary actions for failure to report secondary employment. Additionally, the relationship between the officer and their secondary employer should be reviewed. Of special concern to the CCOP is “establishing when officers should follow the Department’s policies as opposed to those of the secondary employer.” The Panel continues to recommend that the Department develop stricter reporting and monitoring policies to govern officers' participation in part-time employment.

This issue has reached critical mass as it relates to risk and liability for the County. On several occasions, the Department advised the CCOP that provisions prohibiting secondary employment could not be instituted. However, the Panel continues to receive investigations related to officers on secondary employment that put the County at great risk. The Panel again recommends that the Department develops a process for stricter reporting and monitoring to govern officers' participation in part-time employment. Additionally, the Panel recommends that ways to mitigate the County’s liability regarding officers on secondary employment also be investigated.

The *new issues and concerns* noted in FY10 and discussed in this annual report include:

Firearms and Intoxicants: The CCOP noted a new category of allegations involving firearms and intoxicants. The GOM, Volume 2, Chapter 52, Section IV, Subsection 7, states that officer shall not be armed while under the influence of intoxicants or medication that may render them incapable of effectively using a firearm. The CCOP recommends that the Department clearly remind officers that, according to the General Orders Manual, officers must not carry firearms while under the influence of an intoxicant.

Lack of Functioning Mobile Video Systems during Traffic Stops: For the past two years, the CCOP noted improvements in this regard and this was removed as a recurring issue in the FY09 annual report. However, this issue re-emerged in FY10 and the CCOP also noted an increasing number of investigations involving the failure to have adequate video monitoring equipment in police cruisers. The CCOP recommends that the Department develop a long-term plan to provide for proper video monitoring equipment to be installed in all departmental vehicles as soon as possible. Additionally, the CCOP recommends that officers be given periodic training to remind them of the necessity for and benefits to properly functioning video monitoring equipment.

Searches: The CCOP is concerned about the number of cases it reviewed that included possible 4th Amendment violations related to “stop and frisk” and vehicle searches. The CCOP found that some officers were not meeting the standard for stop and frisk, and other searches, as determined by the GOM and recent Supreme Court decisions (i.e. Arizona vs. Gant). The CCOP recommends that the Department revisits its procedures and the GOM provision regarding “stop and frisk” and other searches to determine if policy revisions or retraining are required to align Departmental practices with current law and court decisions.

As I end my tenure with the panel, I would like to remind the citizens and residents of Prince George’s County that the CCOP has always worked very hard to facilitate a police accountability process that wins the confidence of the police and the public. I am confident that the CCOP will continue to provide added assurance that the PGCPD is accessible, transparent and fair to all concerned.

Clyde B. Davis
Chairman

Overview

REPORTING REQUIREMENTS

CB 25-1990 requires that the CCOP prepare an annual report of its activities to the public. The first annual report covered the period January 1 - December 31, 1991. CB 59-2001 broadened the scope of the CCOP's annual report and established specific reporting categories. Now, the CCOP's annual report includes summary reports, statistical analysis, and recommendations for policy changes. Effective with the 2003 annual report, which included both calendar year 2003 and fiscal year 2004, the CCOP began publishing its annual report on a fiscal year basis.

History

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

CB-25-1990 also included a vital role for the Human Relations Commission (HRC). HRC was directed to investigate complaints, in accordance with the provisions of the Human Relations Code, and submit its finding to the CCOP within 20 working days. This authority was later rescinded by CB-59-2001.

Originally, the CCOP members served two-year terms. However, recognizing the training required of members and the amount of time devoted to the review process, this was amended by CB-44-1994 to provide for four-year terms. By extending the term length, the CCOP members would have the full benefit of member training and experience.

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

From 1991 to 2002, the CCOP's recommendations were based primarily on information contained in the Internal Affairs Division's Report of Investigation, as the Letters of Determination from HRC's investigations were rarely available. The CCOP did not have the authority to conduct de novo or new investigations.

Enacted on November 26, 2001 and effective January 10, 2002, CB-59-2001 significantly expanded the CCOP's powers and gave the CCOP the authority to conduct its own investigations and to issue subpoenas through the County Council. CB 59-2001 also expanded the CCOP's responsibilities and the scope of investigations reviewed by the CCOP. The CCOP now reviews all complaints filed for violation of any law or regulation, whether brought by a citizen, superior officer or any source, all discharge of firearms, and all in-custody deaths that may have resulted from an officer's use of force. It also reviews disciplinary documents and hearing board reports.

The CCOP now has the authority to make recommendations regarding policy changes, supervision, operational procedures and training. These recommendations, as well as case review findings and comments, are submitted to the Chief of Police. The

CCOP's authority is limited to officers of the Prince George's County Police Department. Park, state, or local municipal police forces, as well as the Sheriff's Department, are not included under the CCOP's jurisdiction.

Panel Responsibilities

The CCOP's specific responsibilities include:



Reviewing the processing and investigation of complaints and submitting comments and recommendations to the Chief of Police;



Conducting concurrent and subsequent investigations, as well as issuing subpoenas through the County Council, when appropriate;



Participating in police accountability outreach and information dissemination.



Reviewing supervisory, disciplinary, and hearing board reports; and



Issuing an annual report to the public.

Panel Composition

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

PANEL MEMBERS

Clyde Davis, Chair
William Simpson, Vice Chair
Dale Crowell
Ron Fisher
Irma Spruill
Eileen Thomas
Oralyn Weston

LEGAL COUNSEL

Darryl Kelley

STAFF

L. Denise Hall
Administrative Director

Ashley Smalls
Administrative Aide

Program Operations

COMPLAINT CLASSIFICATION

All incoming complaints are assigned to the following investigative categories based on the most serious allegations in the complaint:

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

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

Field Cases Investigations (FC) - Complaints alleging selected categories of minor offenses such as unbecoming conduct, unreported misconduct, process violations, minor uses of force, and failure to attend to duty. These complaints are referred directly to the district commander of the involved officers for investigation.

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

The CCOP is required to complete its deliberations and forward its recommendations to the Chief of Police within 30 working days after receipt of the completed Internal Affairs Division's (IAD) Report of Investigation. The CCOP has the option of requesting a 10-day extension. The Panel makes comments regarding the completeness and impartiality of the IAD report. Additionally, the CCOP renders a recommendation regarding each allegation presented in the IAD Reports of Investigation. The Panel can agree with each recommendation or it can disagree and make alternative findings and recommendations as follows:

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

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

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

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

Panel Investigation - Substantive issues were not adequately or impartially addressed by the Internal Affairs Investigation, the Panel may conduct its own investigation; or

Remand to Chief of Police - The Panel defers disposition and sends complaint back to the Chief for further investigation.

The CCOP also reviews investigations with a focus on identifying policy, training or disciplinary issues in need of review, update or evaluation. The Panel refers any concerns regarding these issues, along with recommendations, to the Chief of Police.

Statistical Review

The charts on the following pages provide various statistical data on cases referred to the CCOP from IAD for FY10. The data reflects the distribution of IAD investigations referred to the CCOP by type, findings, the CCOP's recommendations, complainants and officer demographics. Also provided are illustrations of the time frames for processing citizen complaints and the Chief of Police's disposition in cases where the CCOP disagreed with IAD findings. Additionally, this section includes several historical perspectives.

CHARTS and TABLES

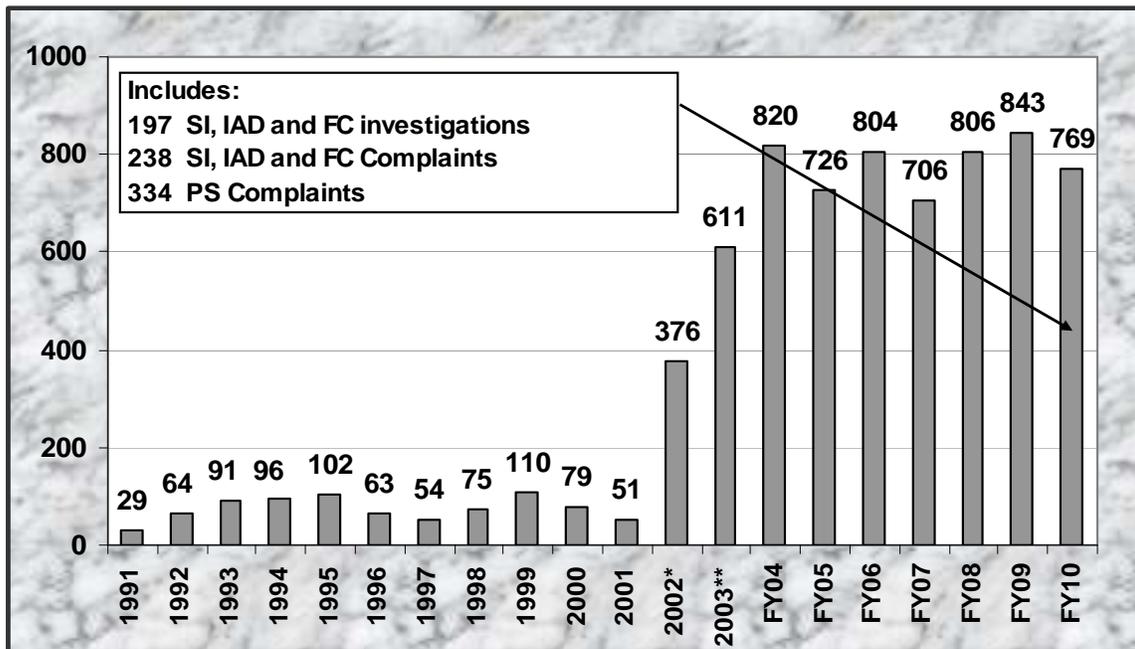
Chart 1	CCOP WORKLOAD HISTORY
Chart 2	NUMBER OF INVESTIGATIONS - Historical Perspective
Chart 3	NUMBER OF INVESTIGATIONS by TYPE
Chart 4	DISTRIBUTION OF INVESTIGATIONS by District
Chart 5	NUMBER OF ALLEGATIONS - Historical Perspective
Chart 6	DISTRIBUTION OF ALLEGATIONS by TYPE
Chart 7	DISTRIBUTION OF ALLEGATIONS - Historical Perspective
Table 1	DISTRIBUTION OF ALLEGATIONS – Comparison to Prior Year
Chart 8	DISTRIBUTION OF ALLEGATIONS by DISTRICT - Historical Perspective
Table 2	DISTRIBUTION OF ALLEGATIONS BY TYPE AND DISTRICT
Charts 9 - 17	DISTRIBUTION OF ALLEGATIONS BY DISTRICT (Pie Charts)
Charts 18-24	DISTRIBUTION OF ALLEGATIONS WITHIN DISTRICTS (Pie)
Chart 25	DISTRIBUTION OF IAD RECOMMENDATIONS
Chart 26	DISTRIBUTION OF IAD RECOMMENDATIONS – Historical
Table 3a	DISTRIBUTION OF RECOMMENDATIONS BY ALLEGATION TYPE – Percentages
Table 3b	DISTRIBUTION OF RECOMMENDATIONS BY ALLEGATION TYPE – Actual #s
Table 4	DISTRIBUTION OF RECOMMENDATIONS WITHIN DISTRICTS
Table 5	DISTRIBUTION OF RECOMMENDATIONS BY ALLEGATION TYPE WITHIN DISTRICTS
Chart 27	DISTRIBUTION OF CCOP RECOMMENDATIONS
Chart 28	DISTRIBUTION OF COMPLAINTS BY CATEGORY
Table 6	OFFICER AND COMPLAINANT DEMOGRAPHICS

I. WORKLOAD

Prior to the passage of CB 59-2001, the CCOP reviewed IA investigations in three limited categories: Excessive Use of Force, Abusive Language, and Harassment. The CCOP now receives ALL categories of complaints and investigations regarding the conduct of a Prince George's County Police Officer. These categories include, but are not limited to: ALL uses of force, ALL uses of language, departmental shootings, harassment, unbecoming conduct, criminal misconduct, procedure violations, ethical violations and attention to duty.

In FY10, CCOP panel members reviewed 197 investigations and received notice of 572 new complaints. Chart 1 illustrates the trend for the CCOP's workload since 1991. *Please note that investigations referred to the CCOP in a given fiscal year also include investigations completed for incidents that occurred in a prior fiscal year.*

Chart 1
CCOP WORKLOAD HISTORY

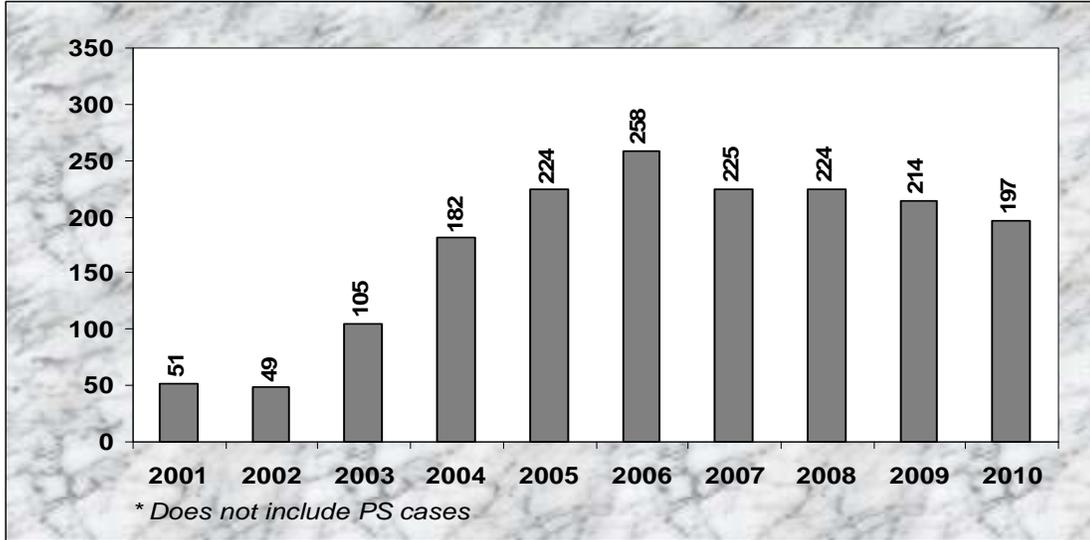


In 2002, the scope of CCOP's authority expanded from three (3) selected types of complaints to ALL complaints filed by ANYONE regarding the conduct of an officer. *In 2003, CCOP changed its annual reporting period from calendar year to fiscal year. Data for both calendar year 2003 and FY2004 are included above.

A. INVESTIGATIONS

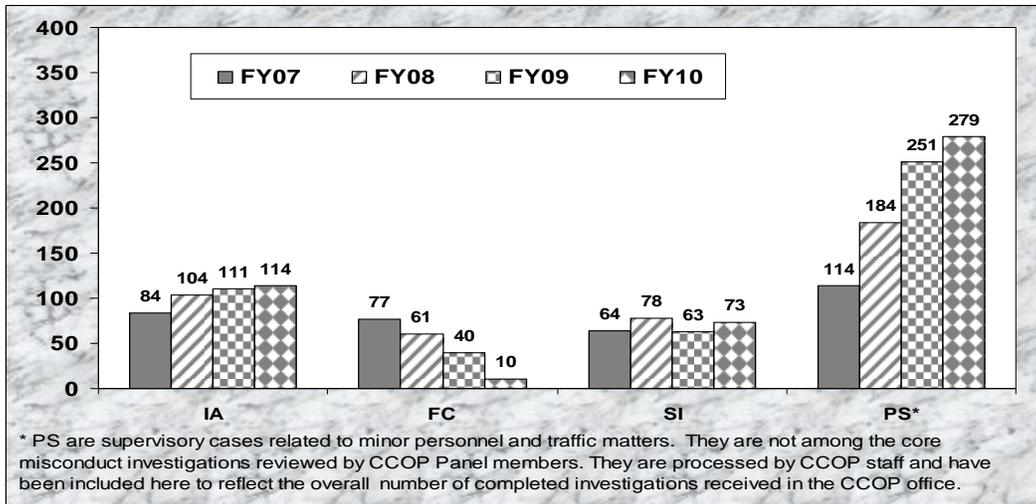
Between 1991 and 2000, the CCOP reviewed 763 investigations of police misconduct. For a period after the CCOP's authority was expanded in 2001, there was a noticeable increase in the number of investigations of police misconduct reviewed by the CCOP. Since this expansion of authority, the CCOP has reviewed 1,729 investigations, for a total of 2,492 investigations reviewed since the CCOP began reviewing investigations in 1991. See Charts 1 and 2.

Chart 2
NUMBER OF INVESTIGATIONS
Historical Perspective



The bulk of the Panel’s effort is spent reviewing SI, FC, and IA investigations, collectively referred to as Internal Affairs Division (IAD) investigations (see page 8 for explanation of investigation types). Police Supervisory (PS) investigations normally deal with personnel and administrative issues and are reviewed, processed and tracked by staff. A historical distribution of investigations for FY07-FY10 by type is shown in Chart 3 below.

Chart 3
NUMBER OF INVESTIGATIONS
by TYPE*

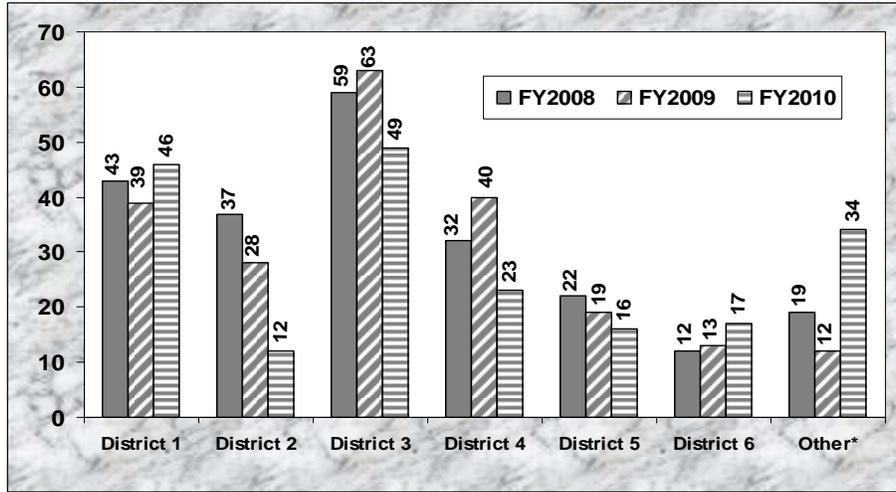


See Page 7 for explanation of investigation types. PS investigation data is reviewed and tracked by staff.

Chart 4 below shows the distribution of FY10 misconduct investigations reviewed as compared to FY08 and FY09. The most noted changes in the number of misconduct investigations by district since FY09 were in Districts 2, 4, 6, and the category “Other”. The

number of misconduct investigations for District 2 decreased by 57.1%; the number for District 4 decreased by 42.5%; the number for District 6 increased by 31%; and the number for the category “Other” increased by 183.3%. Across the board, there was an overall 7.9% decrease in the number of investigations reviewed by the CCOP in FY10.

Chart 4
DISTRIBUTION OF INVESTIGATIONS
by District

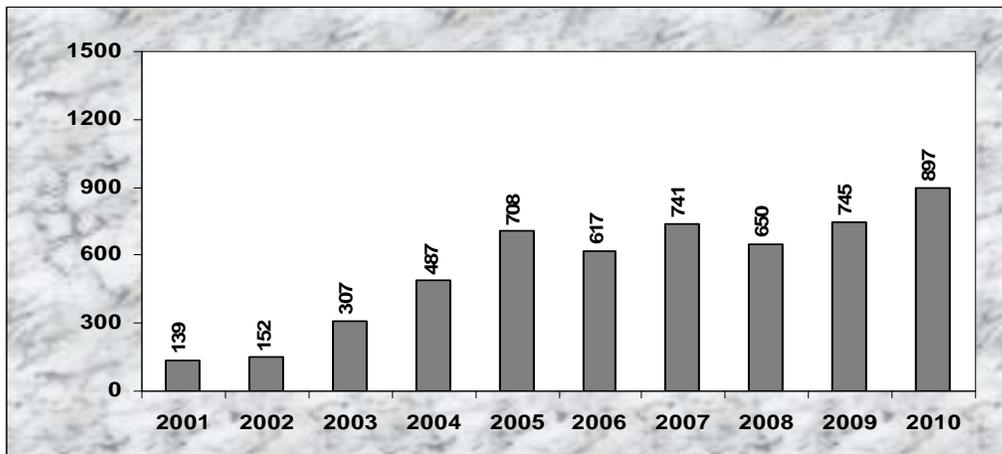


*“Other” includes officers assigned to Headquarters and special operations such as Homicide, Criminal Investigations, Training, etc.

B. ALLEGATIONS

When the CCOP’s authority was expanded in 2001, there was a noticeable increase in the number of investigations reviewed. However, the number of investigations reviewed is not the sole indicator of the CCOP’s workload. As the Panel must review, discuss, and deliberate each allegation in an investigation, the total number of allegations is a better indicator. Since 2001, the CCOP has reviewed more than 5,443 allegations in 1,729 investigations. While the number of investigations has been decreasing since 2006, the number and complexity of allegations continues to increase.

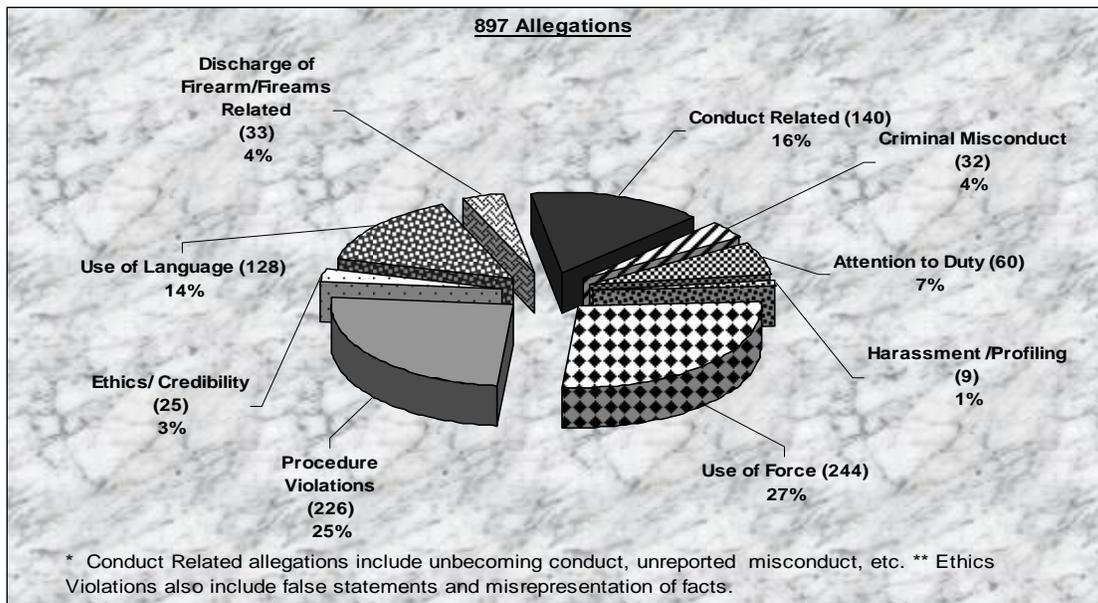
Chart 5
NUMBER OF ALLEGATIONS
Historical Perspective



In FY10, the CCOP deliberated a total of 897 allegations (IAD referred 886 and CCOP recommended an additional 11). These allegations varied significantly in scope and substance. For statistical purposes, they are divided into the nine categories outlined below and their distribution is illustrated in Chart 6.

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

Chart 6
DISTRIBUTION OF ALLEGATIONS by TYPE

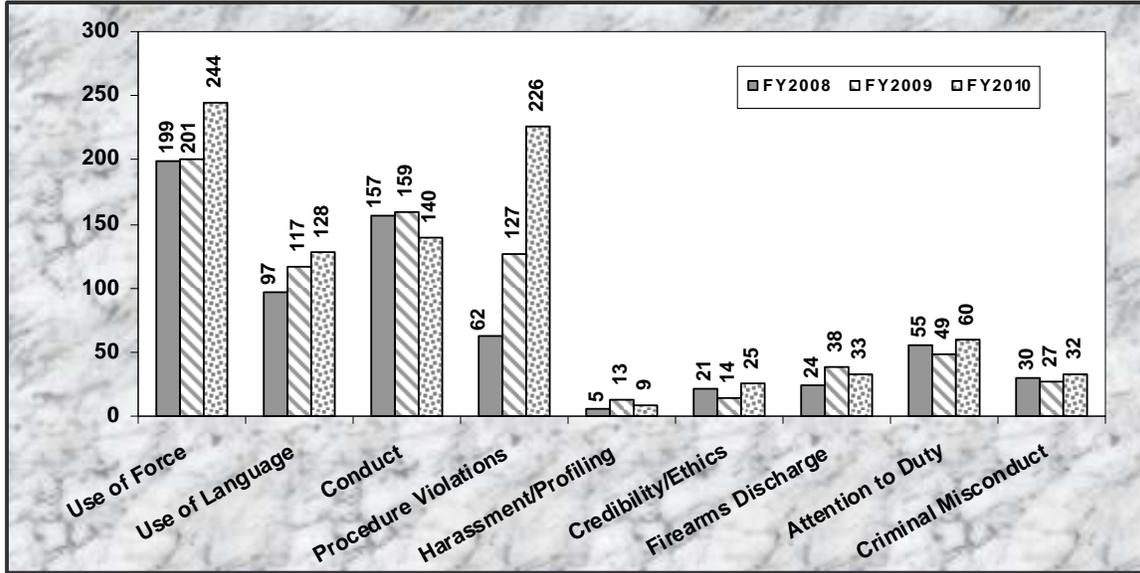


In FY09, there was a 15% decrease in allegations reviewed from FY08 to FY09. In FY10, however, there was a 20% increase in the number of allegations, from 745 in FY09 to 897 in FY10. However, the number of investigations decreased by 8%, from 214 to 197. This resulted in an increase in the average number of allegations per case; from 3.5 in FY09 to 4.5 in FY10.

Historically, Use of Force is the most frequently alleged category of police misconduct. This remained true in FY10. There were 244 Use of Force allegations, which accounted for 27% of all allegations. The second most frequent allegation reported in FY10 was Procedure Violations. There were 226 allegations in this category, representing a 78% increase in this allegation type since FY09. This is due, in part, to one case that contained 96 procedure

violations. However, this does follow the trend for FY09, when the increase in this category was 104.8% and there were no major anomalies. Conduct and Language were 3rd and 4th, respectively, in the distribution of allegations by type.

**Chart 7
DISTRIBUTION OF ALLEGATIONS
Historical Perspective**



When viewed by category, there were other significant statistical changes in the number of investigations reported in FY10. Please see Table 1 below.

Table 1 – Distribution of Allegations - Comparison to Prior Year

	FY09	FY10	Chg FY09-FY10
Attention to Duty	49	60	22.45%
Conduct	159	140	-11.95%
Criminal Misconduct	27	32	18.52%
Ethics Violation	14	25	78.57%
Firearms	38	33	-13.16%
Force*	201	244	21.39%
Harassment	13	9	-30.77%
Language	117	128	9.40%
**Procedure Violation	127	226	77.95%
Total	745	897	20.40%

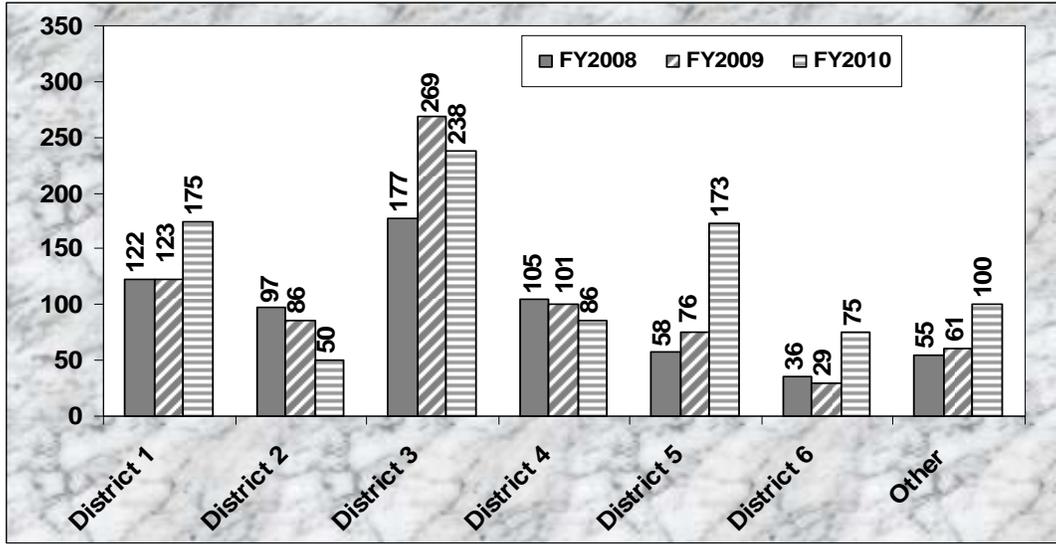
*Any allegation of force that does not involve the discharge of a firearm, including the deployment of a canine. **In FY10, one case had 96 Procedure violations.

1. Distribution of Allegations by Type and District

Again in FY10, District 3 had the largest number of misconduct allegations reported. As seen in Chart 8, the number of allegations reported for this district decreased more than 12%. The most significant percentage changes in the number of allegations by district were in Districts

1, 5, 6 and “Other”, with increases of 42%, 128%, 159% and 64%, respectively, since FY09. District 5 is the district in which the anomaly of 96 procedure violations reported in one case occurred.

Chart 8
DISTRIBUTION OF ALLEGATIONS by DISTRICT
 Historical Perspective



As shown in Table 2 below, for the FY10 distribution of allegations, District 3 did not lead in the number of allegations for categories in which it has historically had the most allegations - Use of Force, Conduct, and Procedure Violations. District 1 lead in Use of Force and Conduct allegations and District 5, in Procedural Violation allegations. However, if the anomaly of 96 procedure allegations is discounted, District 3 would again lead in the number Procedure Violation allegations investigated. See Charts 9 - 17 for percentage of distribution of each allegation type *among* the six police districts and the category “Other”. Charts 18 - 24 show the percentage of distribution of allegations *within* the six police districts and the category “Other”.

Table 2 - Distribution of Allegations by Type and District

	District I	District II	District III	District IV	District V	District VI	Other
Attention to Duty	11	4	15	5	11	3	11
Conduct	35	6	32	18	11	19	19
Criminal Misconduct	2	0	12	8	1	5	4
Ethics Violation/Credibility	5	1	4	1	6	6	2
Firearms	3	1	7	14	1	5	2
Force	70	21	58	14	26	25	30
Harassment/Profiling	2	1	6	0	0	0	0
Language	28	11	37	16	14	4	18
Procedure Violation	19	5	67	10	103	8	14
TOTAL	175	50	238	86	173	75	100

*Percentages in the following charts have been rounded.

Chart 9
DISTRIBUTION OF ALLEGATIONS
60 Attention to Duty Allegations

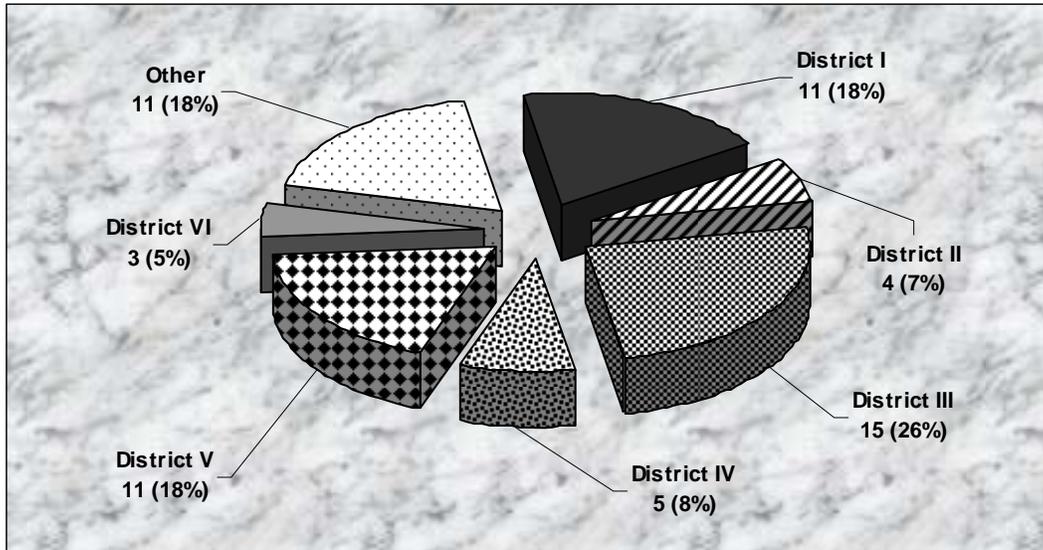


Chart 10
DISTRIBUTION OF ALLEGATIONS
140 Conduct Allegations

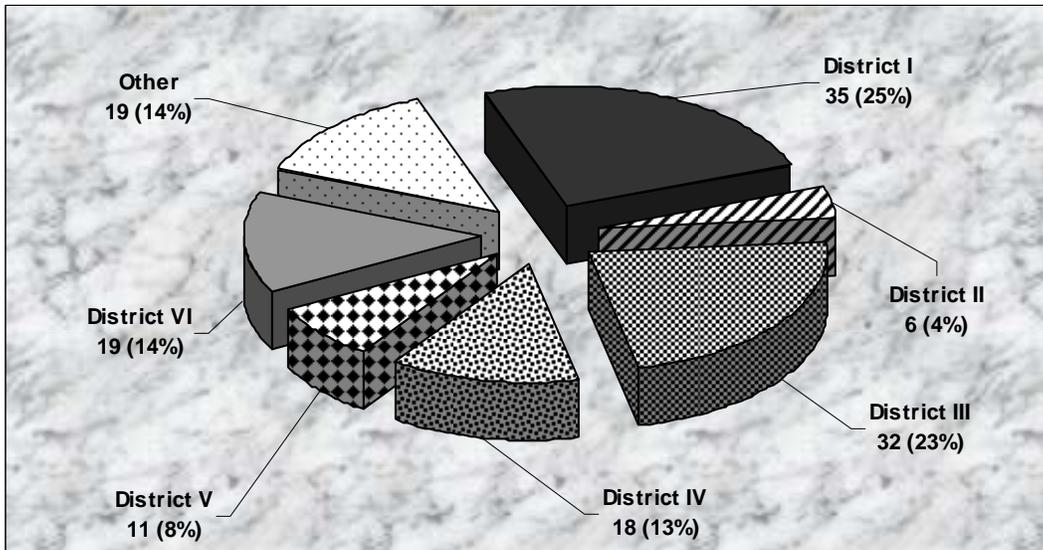


Chart 11
DISTRIBUTION OF ALLEGATIONS
32 Criminal Misconduct Allegations

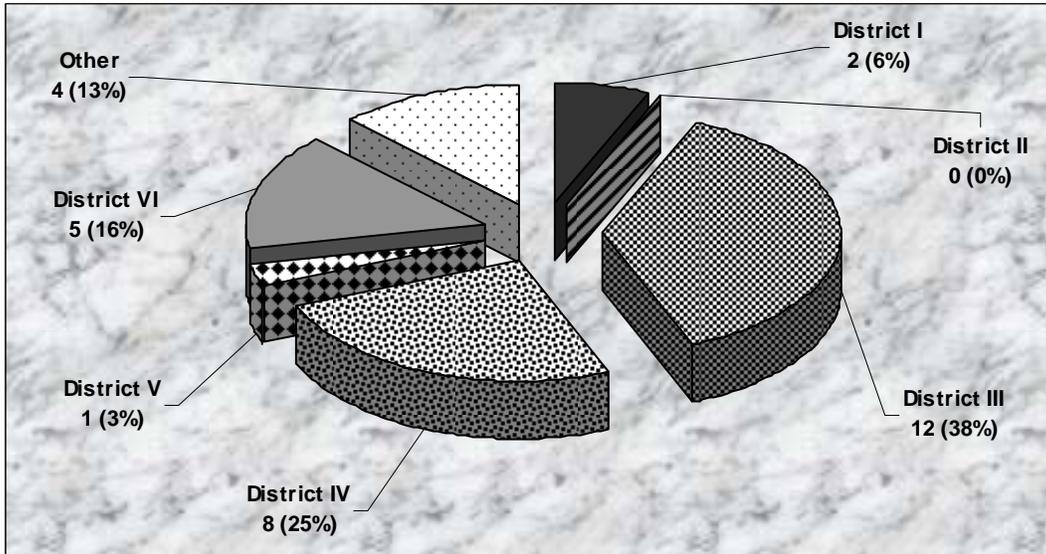


Chart 12
DISTRIBUTION OF ALLEGATIONS
25 Ethics/Credibility Violation Allegations

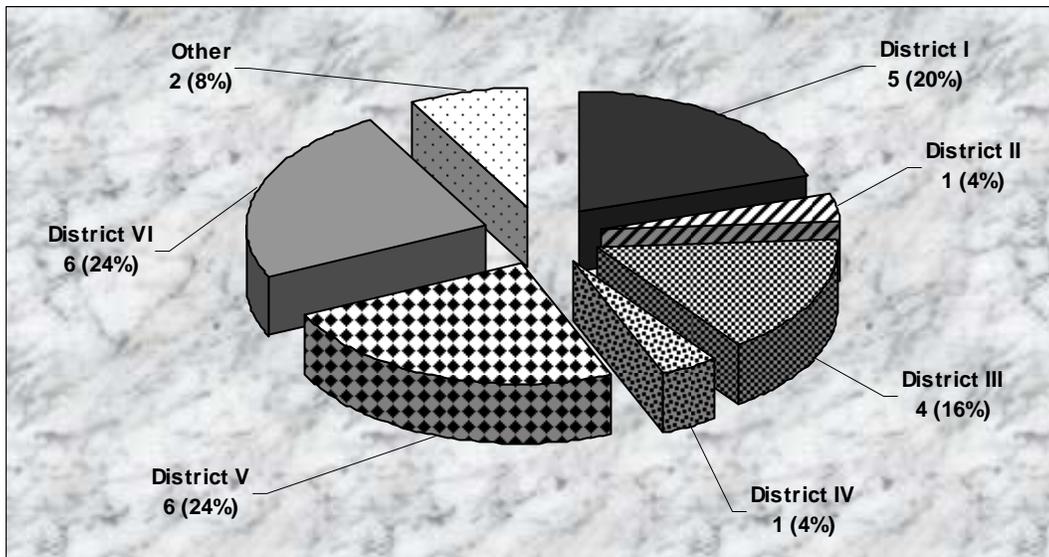


Chart 13
DISTRIBUTION OF ALLEGATIONS
33 Firearm Discharge Allegations

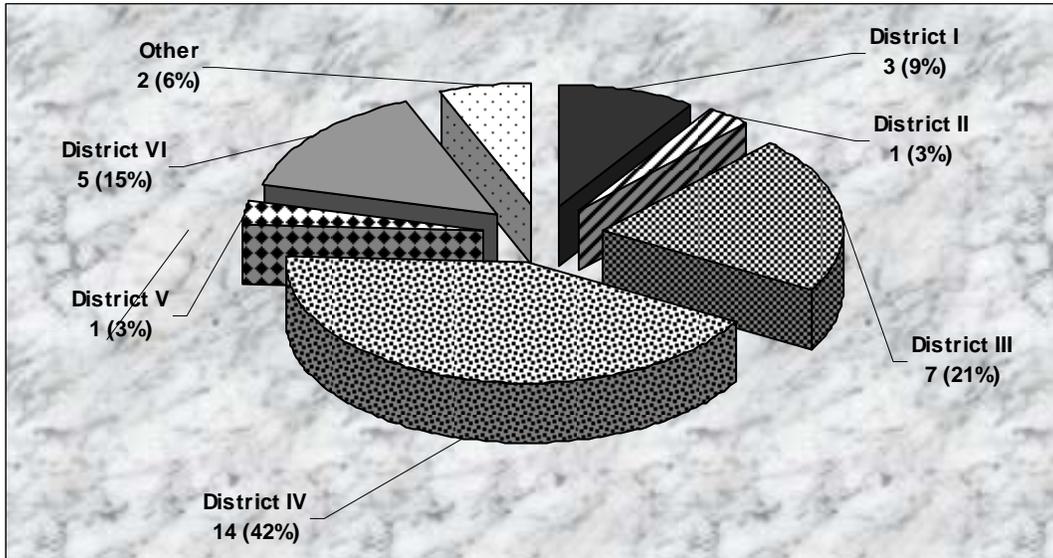


Chart 14
DISTRIBUTION OF ALLEGATIONS
244 Use of Force Allegations

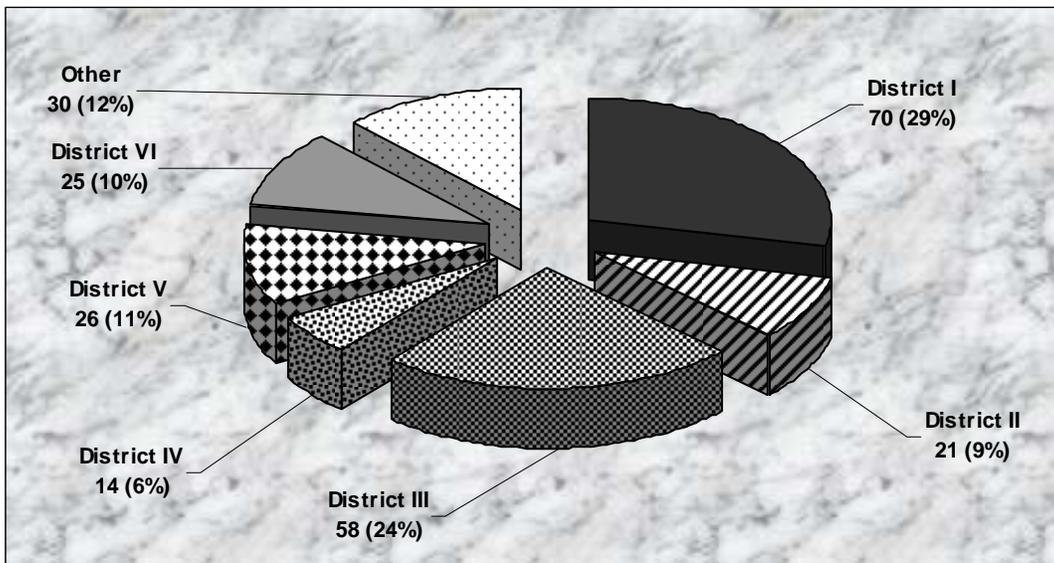


Chart 15
DISTRIBUTION OF ALLEGATIONS
9 Harassment Allegations

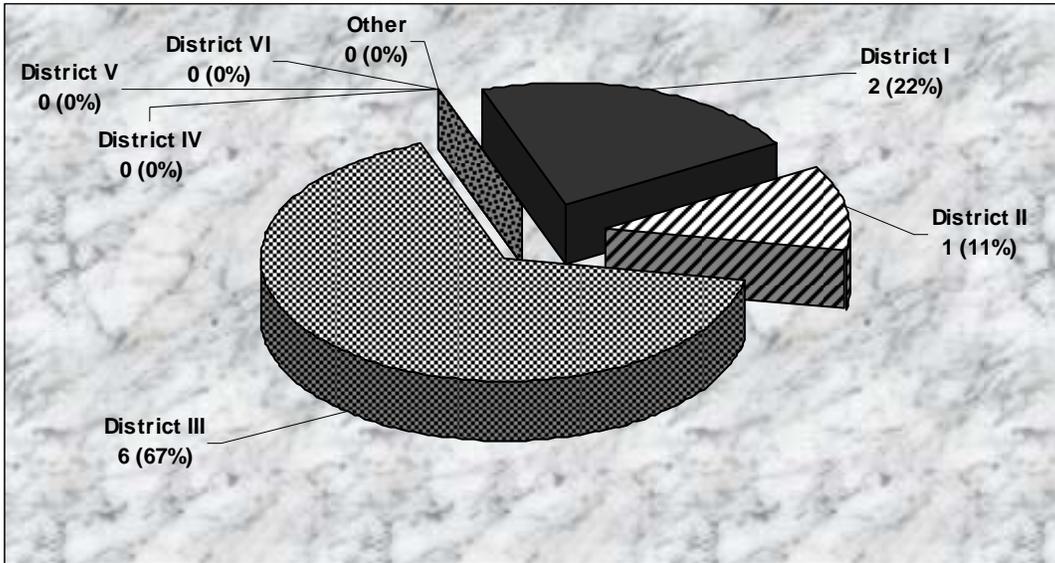


Chart 16
DISTRIBUTION OF ALLEGATIONS
128 Language Allegations

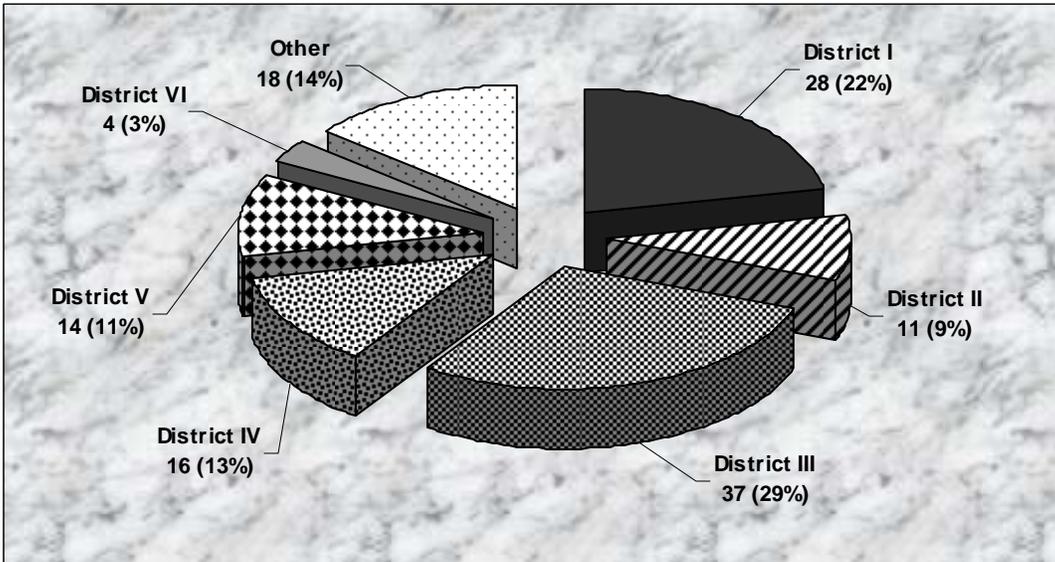
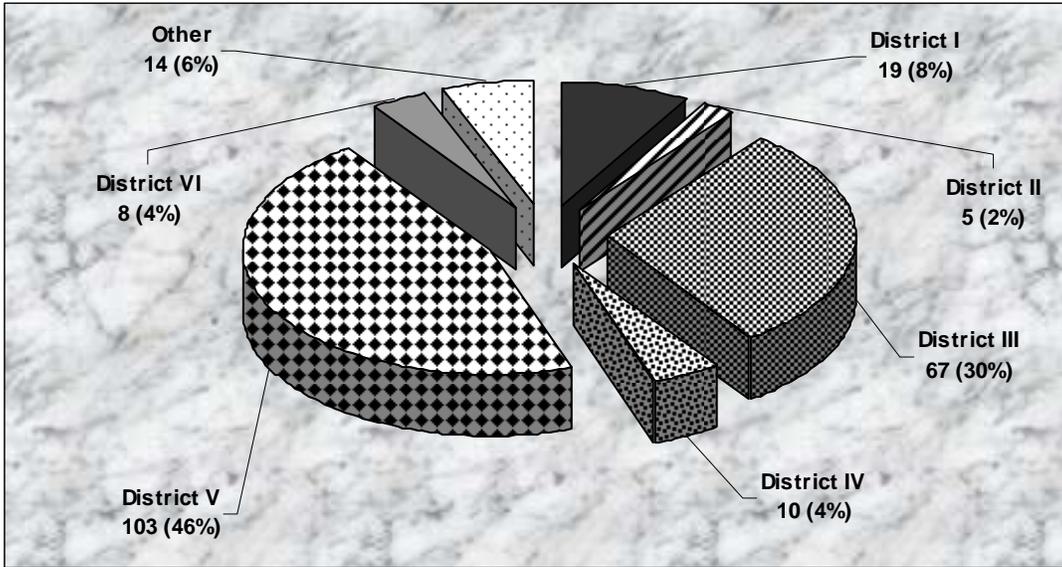


Chart 17
DISTRIBUTION OF ALLEGATIONS
 226 Procedure Violation Allegations



2. Distribution of Allegations within Districts

Chart 18
DISTRIBUTION OF ALLEGATIONS
 District I
 175 Allegations

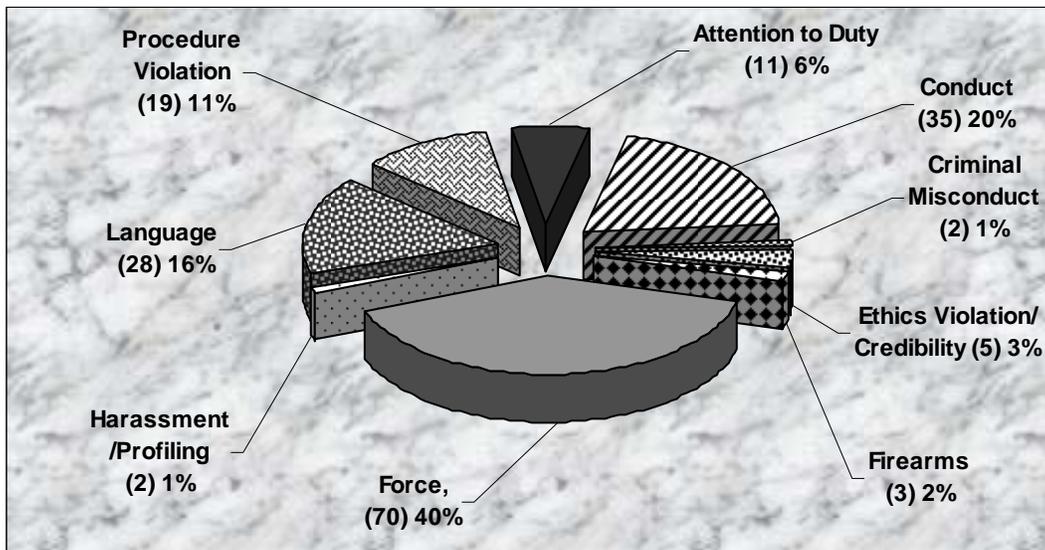


Chart 19
DISTRIBUTION OF ALLEGATIONS
District II
50 Allegations

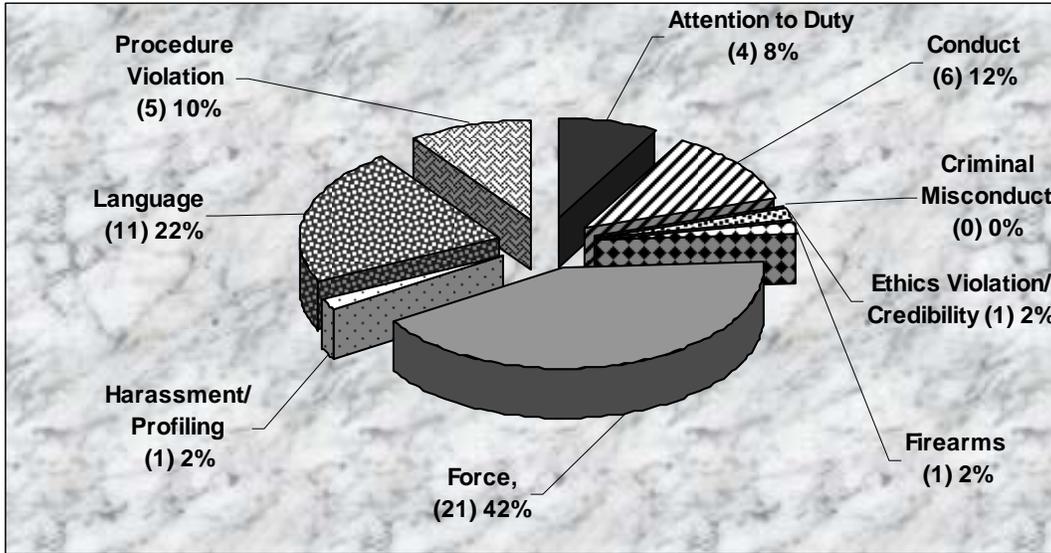


Chart 20
DISTRIBUTION OF ALLEGATIONS
District III
238 Allegations

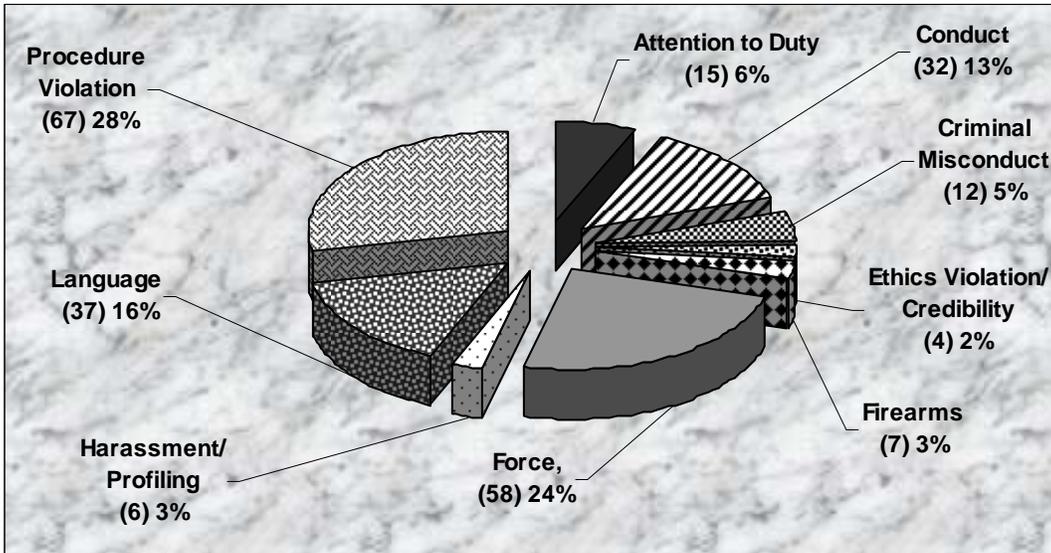


Chart 21
DISTRIBUTION OF ALLEGATIONS
 District IV
 86 Allegations

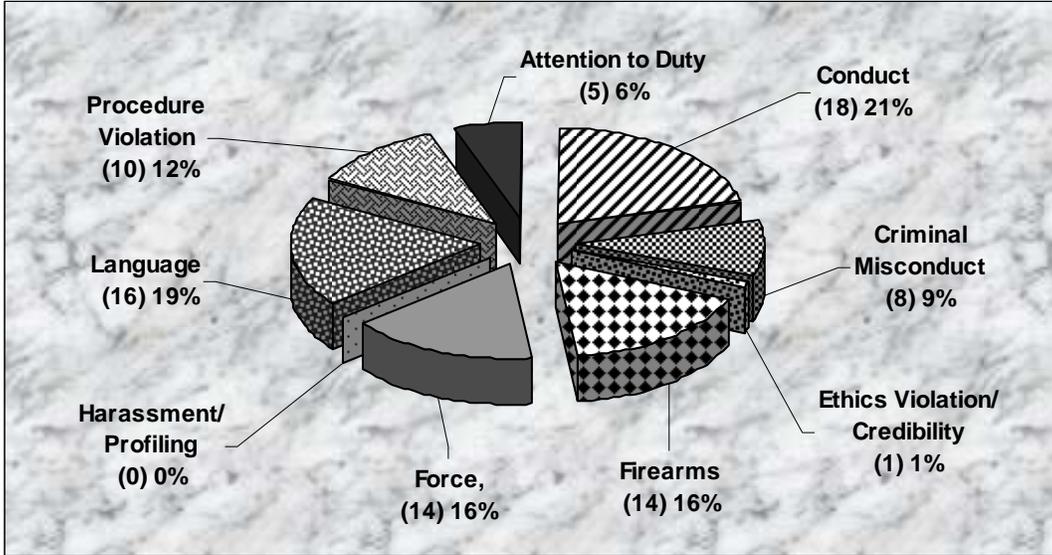


Chart 22
DISTRIBUTION OF ALLEGATIONS
 District V
 173 Allegations

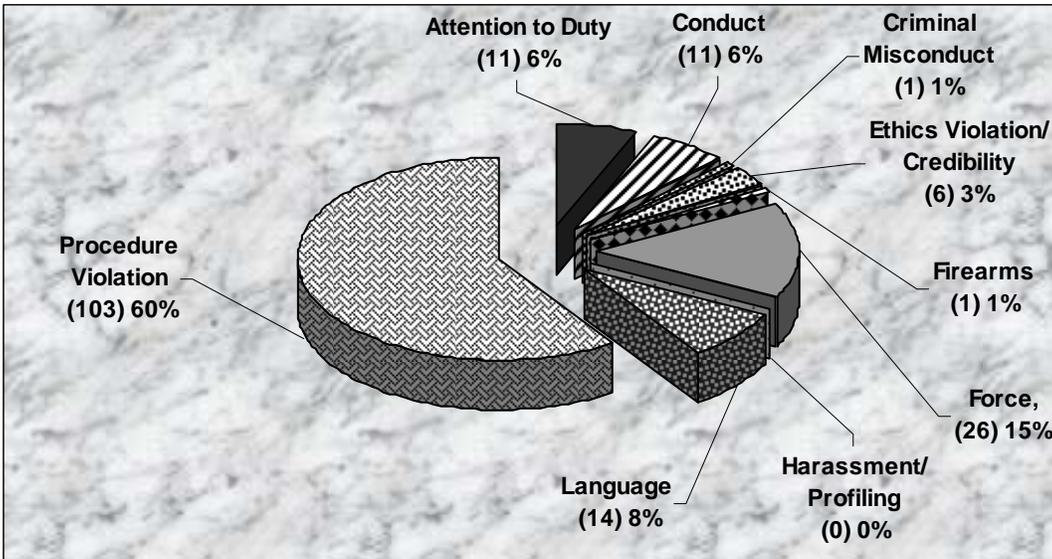


Chart 23
DISTRIBUTION OF ALLEGATIONS
District VI
75 Allegations

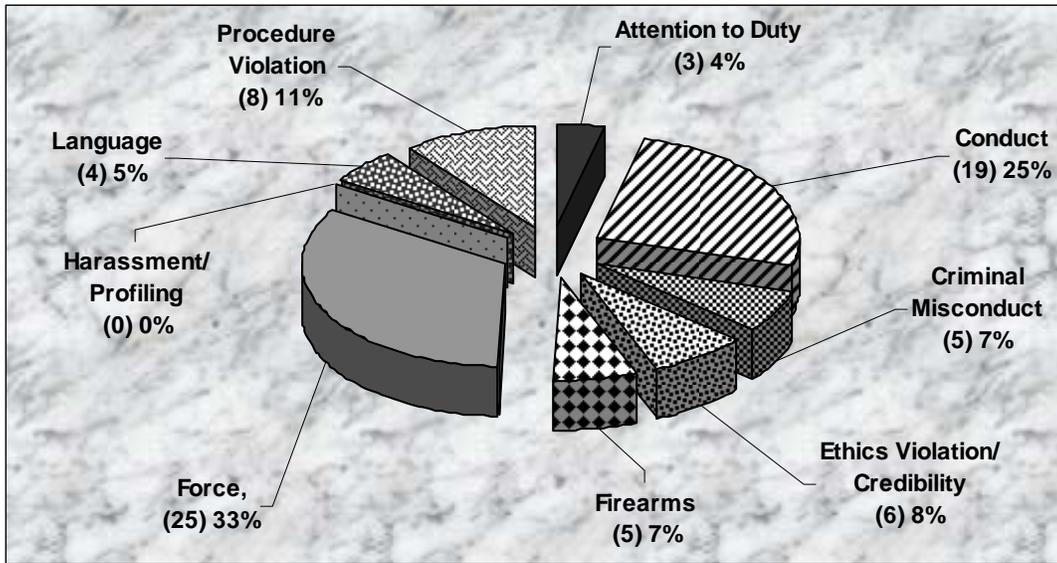
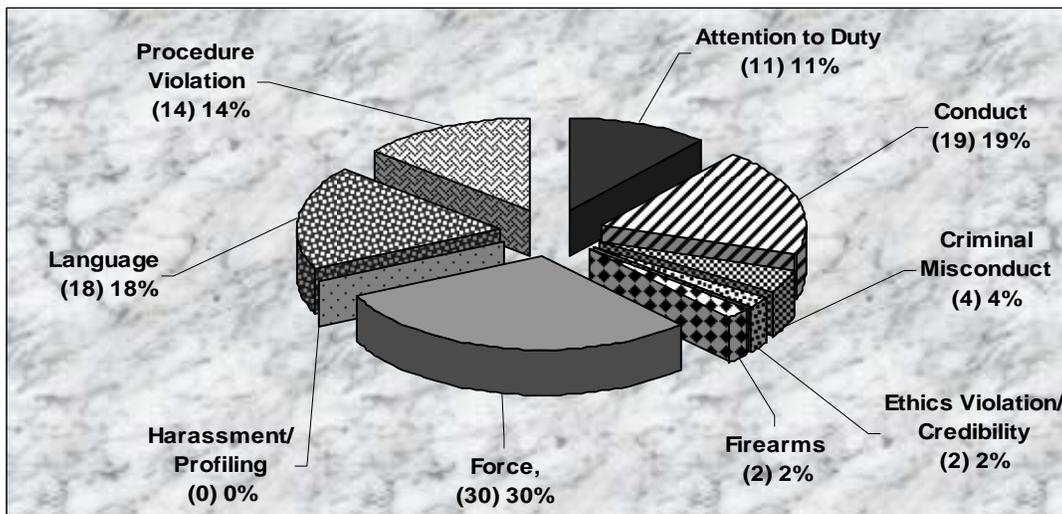


Chart 24
DISTRIBUTION OF ALLEGATIONS
Other
100 Allegations



C. IAD RECOMMENDATIONS

When the Internal Affairs Division of the Police Department completes its investigation, the investigator makes recommendations regarding the findings for each allegation in the case. These recommendations are as follows:

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

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

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

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

Note: The data and discussion for Charts 25 and 26 reference the 886 IAD recommendations reviewed by the CCOP, and do not include the 11 allegations that were added by the CCOP.

**Chart 25
DISTRIBUTION OF IAD RECOMMENDATIONS**

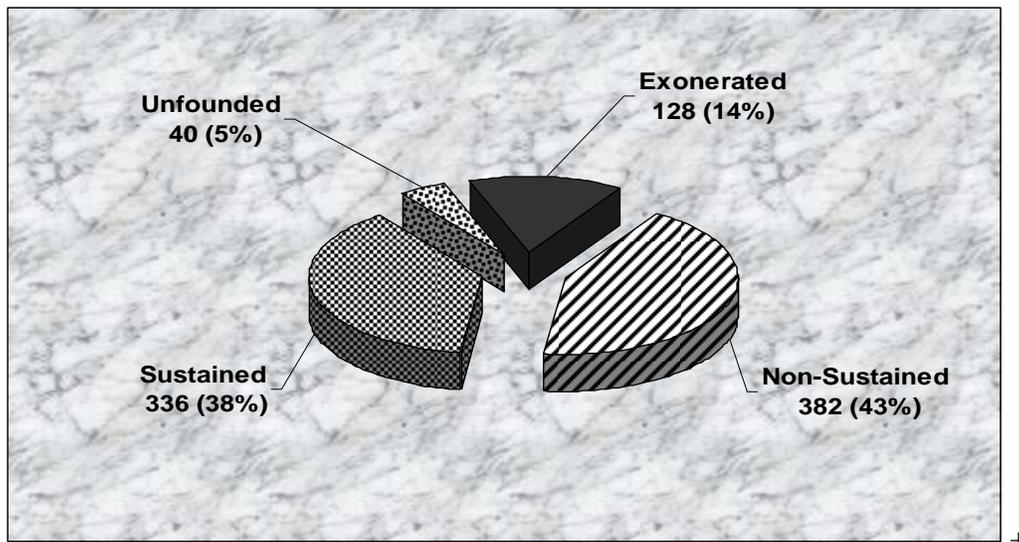
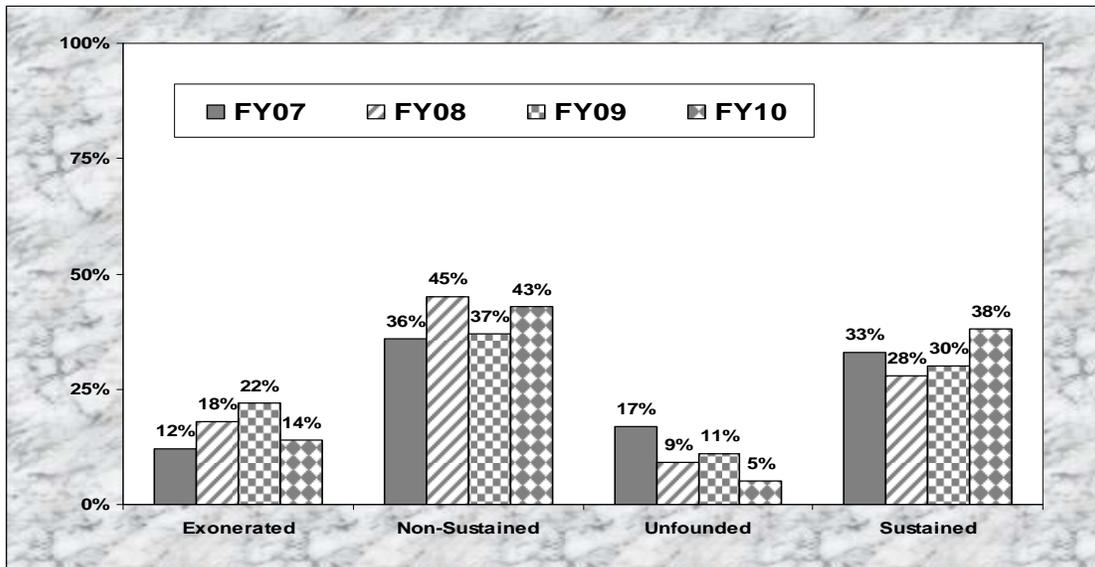


Chart 25 above shows the FY10 distribution of IAD recommendations for allegations referred for CCOP's review. Of the 897 allegations reported for FY10, IAD referred 886 and the CCOP, based on its reviews, recommended an additional 11. As shown in Chart 25 above, non-sustained was the most frequent recommendation made by IAD in FY10, with sustained as the next highest. In FY09, IAD recommended sustained in 30% of the allegations it investigated.

For FY10, this number increased to 38%. This follows the upward trend from FY09, when the number of recommendations to sustain allegations increased from 28% in FY08 to 30% in FY09. This increase is due to the previously noted anomaly of 96 Procedure Violations in one case. All 96 of these allegations were related to secondary employment violations and all were sustained. Also increased were the number of allegations for which IAD recommended Non-Sustained, up from 37% in FY09 to 43% in FY10. These increases were somewhat offset by decreases in the number of recommendations to Exonerate or Unfounded allegations. Exonerated decreased from 22% in FY09 to 14% in FY10. IAD recommendations to Unfounded allegations decreased from 11% in FY09 to 5% in FY10. The FY10 distribution of recommendations follows a historical pattern. Most notable about the FY10 data for these recommendations were the decreases in IAD recommendations to Unfounded or Exonerate allegations. Chart 26 below shows the four-year trend for the distribution of recommendations.

Chart 26
HISTORICAL DISTRIBUTION OF RECOMMENDATIONS



Note: The remaining data in this report refers to the 886 IAD recommendations reviewed by the CCOP, as well as findings recommended for the 11 allegations that were added by the CCOP.

As shown in Tables 3a and 3b, on the following pages, Procedure Violations (85%), Ethics Violations (64%) and Attention to Duty (53%) allegations were mostly likely to have recommendations to Sustain. Conduct (56%) and Language (77%) related allegations were most likely to be Non-Sustained. Harassment and Profiling allegations are most likely to either be Non-Sustained (78%) or Unfounded (22%). The allegations viewed by the CCOP and the public as among the most serious allegation types are Use of Force and Firearms related allegations. These were also the allegations most likely to have IAD recommendation to Non-

sustain or Exonerate. In FY10, 90% of the Use of Force allegations was either Non-Sustained (58%) or Exonerated (32%). For firearm discharges and violations, a combined 97% were Exonerated (85%) or Unfounded (12%). Tables 3a shows the percentage distribution by category of recommendations and 3b shows the actual number of allegations in each recommendation categories.

Table 3a – Distribution of Recommendations by Allegation Type – Percentages (read data across by row)

	Exonerated	Non-Sustained	Unfounded	Sustained
Attention to Duty	13%	32%	2%	53%
Conduct	4%	56%	5%	34%
Criminal Misconduct	0%	19%	38%	44%
Ethics/Credibility Violations	4%	28%	4%	64%
Firearms	85%	3%	0%	12%
Use of Force	32%	58%	5%	5%
Harassment/Profiling	0%	78%	22%	0%
Use of Language	2%	77%	3%	19%
Procedure Violation	2%	14%	0%	83%

Table 3b – Distribution of Recommendations by Allegation Type –Actual Count (read data across by row)

	Exonerated	Non-Sustained	Unfounded	Sustained
Attention to Duty	8	19	1	32
Conduct	6	79	7	48
Criminal Misconduct	0	6	12	14
Ethics/Credibility Violations	1	7	1	16
Firearms	28	1	0	4
Use of Force	78	141	12	13
Harassment/Profiling	0	7	2	0
Use of Language	2	98	4	24
Procedure Violation	5	32	1	188

Table 4 shows the percentage distribution of recommended findings by allegation type *within* the six police districts and the category “Others”. With the exception of District 5, Non-Sustained was the most recommend finding in all districts. Again, this is mostly due to the fact that District 5 had 96 sustained allegations in one case.

Table 4 – Distribution of Recommendations within Districts (read data down by column)

	District I	District II	District III	District IV	District V	District VI	Other
<i>Exonerated</i>	13%	14%	16%	26%	5%	15%	18%
<i>Sustained</i>	21%	18%	39%	29%	72%	36%	28%
<i>Non-Sustained</i>	59%	66%	41%	41%	22%	45%	44%
<i>Unfounded</i>	7%	2%	4%	5%	1%	4%	10%

Chart 5 further breaks down these findings by allegation type *within* each district and the category “Other”. Please note that the data presented in this chart is descriptive and only presents a snapshot of recommended findings for FY10 allegations. Because the nature and complexity of these allegations are varied, the CCOP cautions against making any analytical or projective assumptions about the distribution of these recommendations.

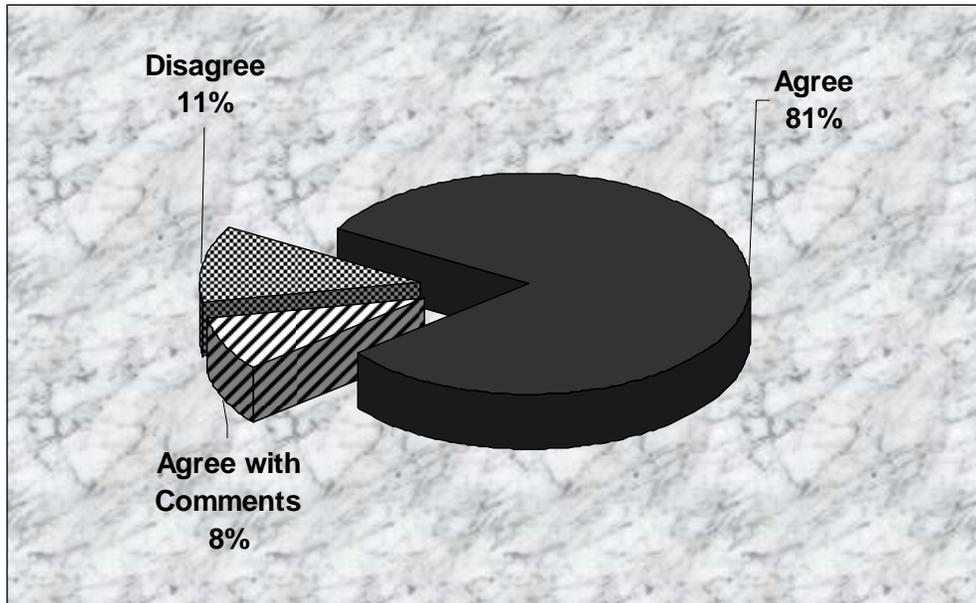
Table 5 – Distribution of Recommendations by Allegation Type within Districts (read data down by column)

	District I	District II	District III	District IV	District V	District VI	Other
Attention to Duty	11	4	15	5	11	3	11
Exonerated	18%	0%	13%	0%	9%	0%	27%
Sustained	27%	75%	53%	100%	27%	100%	64%
Non-Sustained	55%	25%	33%	0%	64%	0%	0%
Unfounded	0%	0%	0%	0%	0%	0%	9%
Conduct	35	6	32	18	11	19	19
Exonerated	0%	0%	6%	11%	9%	0%	5%
Sustained	26%	17%	22%	44%	45%	63%	32%
Non-Sustained	69%	83%	69%	33%	45%	37%	53%
Unfounded	6%	0%	3%	11%	0%	0%	11%
Criminal Misconduct	2	0	12	8	1	5	4
Exonerated	0%	0%	0%	0%	0%	0%	0%
Sustained	0%	0%	58%	63%	0%	40%	0%
Non-Sustained	100%	0%	8%	25%	0%	0%	25%
Unfounded	0%	0%	33%	13%	100%	60%	75%
Ethics Violation/ Credibility	5	1	4	1	6	6	2
Exonerated	0%	0%	0%	0%	17%	0%	0%
Sustained	80%	100%	25%	0%	67%	67%	100%
Non-Sustained	0%	0%	75%	100%	17%	33%	0%
Unfounded	20%	0%	0%	0%	0%	0%	0%
Firearms	3	1	7	14	1	5	2
Exonerated	100%	100%	86%	93%	100%	100%	100%
Sustained	0%	0%	14%	7%	0%	100%	0%
Non-Sustained	0%	0%	0%	0%	0%	50%	0%
Unfounded	0%	0%	0%	0%	0%	0%	0%
Force	70	21	58	14	26	25	30
Exonerated	24%	29%	41%	50%	23%	36%	30%
Sustained	6%	0%	2%	0%	27%	0%	3%
Non-Sustained	61%	71%	52%	43%	50%	64%	60%
Unfounded	9%	0%	5%	7%	0%	0%	7%
Harassment/Profiling	2	1	6	0	0	0	0
Exonerated	0%	0%	0%	0%	0%	0%	0%
Sustained	0%	0%	0%	0%	0%	0%	0%
Non-Sustained	0%	100%	100%	0%	0%	0%	0%
Unfounded	100%	0%	0%	0%	0%	0%	0%
Language	28	11	37	16	14	4	18
Exonerated	0	0%	3%	0%	0%	0%	6%
Sustained	14%	9%	24%	19%	7%	0%	33%
Non-Sustained	86%	82%	68%	81%	93%	100%	56%
Unfounded	0%	9%	5%	0%	0%	0%	6%
Procedure Violation	19	5	67	10	103	8	14
Exonerated	5%	0%	4%	0%	0%	0%	7%
Sustained	58%	60%	88%	20%	100%	38%	50%
Non-Sustained	32%	40%	7%	80%	0%	63%	43%
Unfounded	5%	0%	0%	0%	0%	0%	0%

D. CCOP RECOMMENDATIONS

When the CCOP disagrees with IAD recommendations, identifies additional allegations, or has comments regarding questionable aspects of an investigation, the CCOP submits a letter detailing its findings to the Chief of Police. In FY10, the CCOP disagreed with IAD findings, rendered comments or recommended additional allegations in 19% of the investigations reviewed by the CCOP. This was an approximate 4 point decrease from the FY09 rate of 22.8%. See Chart 27.

Chart 27
DISTRIBUTION OF CCOP RECOMMENDATIONS for FY10



The CCOP takes pride in the part it plays in assuring that the department holds officers fully accountable for their conduct. The Panel has noted several improvements in the scope and quality of IAD investigations that the Panel believes is, in part, due to the Panel's diligence and insistence on impartiality and

The CCOP takes pride in the part it plays in assuring that the Department holds officers fully accountable for their conduct. The Panel has noted several improvements in the scope and quality of IAD investigations that the Panel believes is, in part, due to its diligence and insistence on impartiality and thoroughness. Investigations were more thorough and broader in scope and investigators were more diligent in delineating and fully charging officers.

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

In instances where the CCOP disagrees with the IAD recommendation, the CCOP researches the issue and presents recommendations for alternative findings, policy changes

and/or training. After reviewing the CCOP’s recommendations, the Chief renders a final disposition for the investigations. Only data for final dispositions received in FY10 are included in this report.

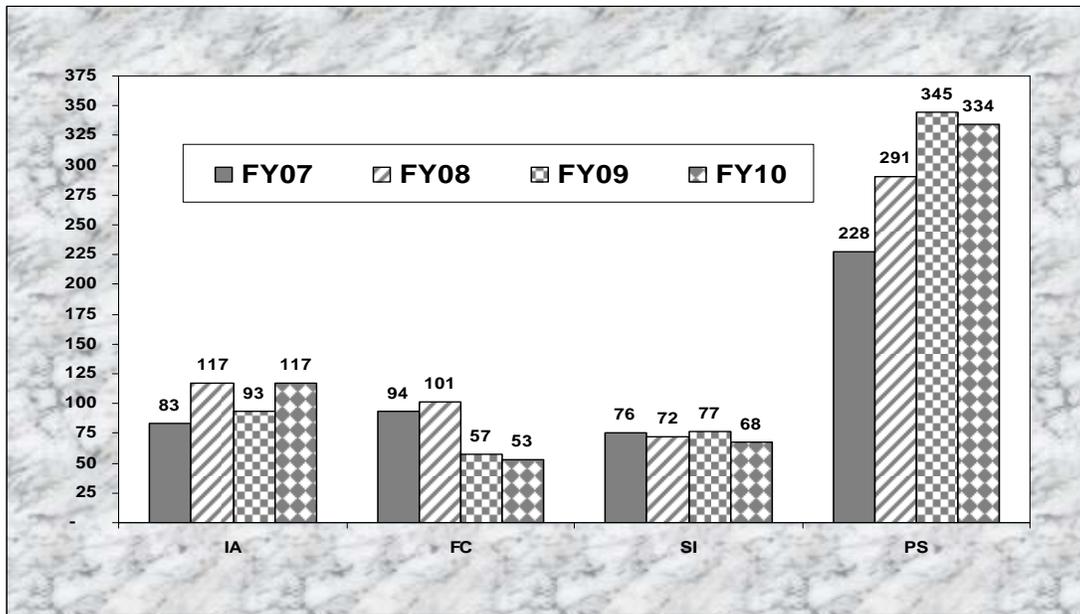
In prior reports, the Chief’s acceptance and implementation of the CCOP’s investigative, policy and training recommendations have been treated as a single classification, and reported as one statistic. However, the vast majority of the CCOP’s recommendations are for investigative dispositions. The panel only makes a few policy and training recommendations per year and their impact on the statistic for the Chief’s rate of acceptance and implementation is negligible. Therefore, starting with the FY09 report, policy and training recommendations are no longer included in this statistic. In FY10, the Chief’s rate for accepting and implementing CCOP’s recommendations regarding alternative investigative findings was 33%. This represented a decrease from the FY09 rate of 36%.

The Chief’s review of and response to policy and training recommendations made by the CCOP may not always come in the fiscal year those recommendations are made. Action can sometimes come after several fiscal years and timing is a factor of the Department’s internal review process. This makes providing an accurate and representative fiscal year picture difficult.

Reporting on these types of recommendations is now limited to the “Issues and Concerns” section of the annual report. This section includes a listing and/or re-listing of the CCOP’s issues, its recommendations for improvement and a status update on the Department’s actions to address those issues.

E. INCOMING COMPLAINTS

**Chart 28
DISTRIBUTION OF COMPLAINTS BY CATEGORY**



*** These complaints are initiated by police supervisory staff regarding an officer’s performance of or failure to perform specific administrative functions. They are also related to traffic and other citations received by officers.

In FY10, the CCOP received notice of 572 new complaints. PS complaints represented 334 of these and will most likely result in investigations that will not require the CCOP's full review. The remainder will result in complete Internal Affairs investigations that are referred to the CCOP in the current or a subsequent year. These 238 incoming complaints should become 117 IA, 53 FC, and 68 SI investigations. At the current rate of 3 allegations per investigation, this could result in more than 700 allegations that will ultimately require the CCOP's review. Chart 28 above shows a 4-year comparison by complaint type.

The investigations for many of these complaints will not be referred to the CCOP until next fiscal year or later. Therefore, the exact type and number of allegations contained in these complaints, as well as the factors related to these allegations, were not known at the time of this report.

F. OFFICER AND COMPLAINANT DEMOGRAPHICS

Table 6 below gives a comparative overview of officer and complainant demographics across gender and race for investigations reviewed by the CCOP.

Table 6 – Officer and Complainant Demographics

	SEX			RACE			
	Male	Female	Unknown*	African-American	White	Other	Unknown*
County Demographics	48%	52%	N/A	65%	28%	7%	N/A
Officer Demographics	95%	5%	N/A	44%	48%	7%	.05%
Complainant Demographics	70%	30%	N/A	83%	9%	6%	2%

*Unknown is due to anonymous complaints where sex or gender was not indicated by the complainant or the identity of the officer or the complainant could not be determined or was not clearly noted in the investigation.

G. CASE PROCESSING TIME FRAME

As the number and complexity of investigations and allegations increased, the CCOP adjusted its meeting schedule to meet the increase. The Panel now meets 1–2 evenings per week to review and discuss cases. Additionally, some members spend non-meeting hours in the CCOP office reviewing case files, videotapes and other evidence to prepare for review meetings. Even with these special efforts, however, the CCOP is sometimes unable to meet the legislatively mandated time of no more than 40 days to complete case reviews and prepare recommendations to the Chief. In FY10, the average processing time for cases decreased from 48 to 46.5 days.

*O*utreach and Education

Key to the CCOP's mission is its mandate to strengthen the relationship between the police and the community. The CCOP's efforts to achieve this are normally concentrated in three main areas:

**Community Relations
Partnership Building
Training for Panel Members**

During FY10, the CCOP's participation in outreach was further limited due to budget limitations and the CCOP participated in only 2 outreach activities. For the most part, FY10 outreach was limited to the distribution of full color brochures and posters available in both Spanish and English, a kiosk-style PowerPoint presentation on the CCOP services and activities, and a large exhibition display. These were made available upon request.

The CCOP continued to inform the public of its services via its web pages found on the Prince George's County Government's web site located at www.princegeorgescountymd.gov. The CCOP's web pages offer a complete step-by-step guide to the complaint process. The 1072 Complaint Form, in both English and Spanish, can also be downloaded from the site. The site also provides an email link to the CCOP, as well as links to PDF versions of the CCOP's current and prior annual reports. The CCOP's annual report is only published online.

The CCOP was included in the 2010 Directory of Organizations published by the Prince George's County Memorial Library System. This list identified the CCOP's willingness to provide speakers for educating the public on the complaint process, the CCOP's functions, and the role of law enforcement oversight panels in general. Additionally, staff continued to work with the Department Compliance Unit to ensure compliance with the standards and improvements made under the Department of Justice monitoring.

Panel members continued to be available to provide information on the CCOP and citizen/police interaction at various professional and community meetings. The CCOP office continued to provide outreach materials upon request.

Partnerships

The CCOP continued to foster and strengthen its partnerships with stakeholders in law enforcement, government and the community. A major part of this effort is periodic meetings with its two major stakeholders, the Office of the County Executive and Chief of Police. During this reporting period, the CCOP conducted meetings and attended training conducted by senior staff from the PGCPD's Bureau of Professional Responsibility and Special Investigate Response Team (SIRT) units.

Trainning

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

recommended training program for civilian oversight panels. A major component of this program includes participation in NACOLE's training provided at its annual conference. The focus of the NACOLE conference is to provide a national debate on civilian oversight and policing in the United States. NACOLE speakers and panelists from diverse countries, professions and backgrounds provide invaluable information and insight at these conferences. Panel discussions cover a wide range of issues including: 1) types of civilian oversight best suited for a given community; 2) trends in civilian oversight and their effect on various types of oversight; and 3) suggested policy changes and best practices.

The CCOP also attended a PGCPD led training session on the Department's early warning system. The Panel also conducted several meetings with IAD commanders and investigators to discuss pertinent case issue and concerns.

Issues and Concerns

Long Standing Issue
SECONDARY EMPLOYMENT

New Issues
FIREARMS AND INTOXICANTS

LACK OF FUNCTIONING MOBILE VIDEO SYSTEMS
DURING TRAFFIC STOPS

SEARCHES

Recurring Issues
COMMUNICATING REASONS FOR STOPS
PROVIDING OFFICER IDENTIFICATION INFORMATION
CONFISCATION OF CELL PHONES
TREATMENT OF POLICE CADETS
ALCOHOL USE AND DEPARTMENT VEHICLES
INVESTIGATIVE PROCESS
GENERAL ORDER MANUAL

Each year, the CCOP's annual report outlines critical issues related to the CCOP's operations, the PGCPD policies and training, as well as community and citizen relations. This section includes longstanding issues, new issues and continuing issues from the FY09 annual report.

A. LONG STANDING ISSUE- Secondary Employment

The CCOP has consistently voiced concerns regarding harassment complaints, false statements, problems with off-duty secondary employment, and provisions of the Law Enforcement Officers' Bill of Rights (LEOBR). The Department has acknowledged these concerns and has made several steps toward addressing those within their purview. However, the CCOP notes that, for the most part, these concerns remained unresolved in FY10. While the details of each of these long-standing concerns are not reiterated in this report, the most significant of these issues, off-duty secondary employment, is addressed.

For many years, CCOP's annual reports have addressed the Panel's concerns regarding secondary employment. In 2001, the Department indicated that it shared the Panel's concerns about off-duty, part-time employment. However, each year, the Panel continued to receive cases involving police officers on off-duty, secondary employment assignments. The Panel continued to suggest that the Department re-evaluates its policy that allows officers to perform private, part-time, and off-duty work and reiterates its reasons.

First, when officers spend extra hours working outside of their official duty schedule, they endure additional physical and emotional stress that may negatively impact their official work. This is especially realized when such work is performed in bars and nightclubs. Second, when an officer is employed by a private entity, he/she may be requested to perform functions outside the scope of normal police work, such as enforcing the owner's rules rather than the law. This tends to mislead and agitate county citizens. Third, when the private employer is a bar owner, nightclub owner, or serves alcoholic beverages, the officer is more likely to become embroiled in unnecessary confrontations. Fourth, there is an inherent conflict of interest when officers represent both county citizens and private entities concurrently. If the private entity pays the officer, the officer's loyalty cannot belong to the county's citizens and the officer's objectivity becomes questionable. Finally, in situations where an officer on secondary employment request additional county officers as backup to support the private entity's interest, in reality, the citizens are supporting the private entity's interest. In cases where citizens are injured by off-duty county police and seek compensation through civil litigation, such liability may be borne by the county taxpayers.

In 2005, the Department advised that Maryland law specifically prohibits any police agency from instituting prohibitions on officers engaging in secondary employment. As a result the Panel opted not to include this as an issue in the 2006 report. However, in 2007 when the CCOP noted an increase in the number of officers being charged with not reporting their secondary employment, this subject resurfaced as a concern in the CCOP's annual report. The Panel suggested that the Department review and revise its policies to ensure proper reporting and disciplinary actions for failure to report. Additionally, the relationship between the officer and their secondary employer should be reviewed. Of special concern to the CCOP is establishing when officers should be following the Department's policies as opposed to those of the secondary employer. It was also

an issue in the 2008 and 2009 reports, and the CCOP was advised that the Department would continue to improve its ability to monitor secondary employment abuses and privileges. The Panel continued to recommend that the Department develops stricter reporting and monitoring policies to govern officers' participation in part-time employment.

While the CCOP does not record statistical data on cases resulting from secondary employment, Panel reviews in FY10 indicate an apparent increase in the serious allegations involving officers on secondary employment. As a result, the CCOP reiterates its concern regarding secondary off-duty employment.

RECOMMENDATION: This issue is reaching a critical mass as it relates to risk and liability for the County. The CCOP has been advised that the Department can not institute provisions prohibiting secondary employment. However, the Panel continues to receive investigations related to officers on secondary employment that put the County at great risk. The Panel again recommends that the Department develops a process for stricter reporting and monitoring to govern officers' participation in part-time employment. Additionally, the panel also recommends that ways to mitigate the County's liability regarding officers on secondary employment be investigated.

B. NEW ISSUES FOR FY10

1. Firearms and Intoxicants

ISSUE: In FY10, the CCOP noted a new category of allegations involving firearms and intoxicants. The GOM, Volume 2, Chapter 52, Section IV, Subsection 7, states that officers shall not be armed while under the influence of intoxicants or medications that may render them incapable of effectively using a firearm. The seriousness of this type of violation has the potential for harm or injury to the public and necessitates that the Department continues to investigate this allegation with the utmost priority.

RECOMMENDATION: The CCOP recommends that the Department clearly remind officers that, according to the General Orders Manual, officers must not carry firearms while under the influence of an intoxicant. The CCOP also recommends that a segment on firearms and intoxicants be included in both academy training and periodic updates for veteran officers.

2. Lack of Functioning Mobile Video Systems during Traffic Stops

ISSUE: In prior annual reports, the CCOP noted that officers failed to utilize and /or maintain the MVS in accordance with GOM procedures. For the past two years, the CCOP noted improvements in this regard and this was removed as a recurring issue in the FY09 annual report. However, this issue re-emerged in FY10 and the CCOP noted an increasing number of investigations also involving the failure to have adequate video monitoring equipment in police cruisers. In many cases, video evidence could have helped to more clearly resolve several allegations. Numerous cases which involved traffic stops may have benefited from properly used or adequately functioning audio visual equipment. Unfortunately, a pattern appears to be emerging where many older police cruisers either have no audio visual equipment, have obsolete

or malfunctioning equipment or officers have demonstrated a lack of training in properly deploying the equipment. The increase in this trend is cause for concern and the CCOP recommends that the department develop a plan to ensure greater, more adequate use of the audio visual equipment.

RECOMMENDATION: The CCOP recommends that the department develop a long term plan to provide for proper video monitoring equipment to be installed in all departmental vehicles as soon as possible. Additionally, the CCOP recommends that officers be given periodic training to remind them of the necessity and benefit to properly functioning video monitoring equipment.

3. Searches

ISSUE: The CCOP is concerned about the number of cases it reviewed that included possible 4th Amendment violations related to “stop and frisk” and vehicle searches. The CCOP’s legal counsel noted that officers were not meeting the standard for stop and frisk, and other searches, as determined by the GOM and recent Supreme Court decisions (i.e. Arizona vs. Gant). Of particular concern was officers’ inability to articulate, to the citizens or the IAD investigators, a legally sufficient reason for the “stop and frisk” or vehicle search.

RECOMMENDATION: The CCOP recommends that the Department revisits its procedures and GOM provision regarding “stop and frisk” and other searches to determine if policy revisions or retraining are required to align Departmental practices with current law and court decisions. The CCOP met with IAD command staff to discuss this issue. With regards to vehicle searches and the Arizona vs. Gant Supreme Court decision, the Department advised the CCOP that this decision does not alter how or why the Department conducts vehicle searches, particularly in the areas where passengers can reach. What it does do is require the officer to articulate the reason for a search, which is a standard practice for the Department. The CCOP still contends that, based on the cases it has reviewed, there is a need to advise officers of or retrain them on this standard practice.

C. CONTINUING ISSUES FROM FY10 ANNUAL REPORT

The CCOP thought it prudent to reiterate continuing concerns from the FY09 annual report. It is not an indication that the Department is not reviewing or attempting to address them. The decision to list them again is solely based on the fact that they were noted again in F10 and remain unresolved. The CCOP continues to have meetings and dialogue with the Department regarding these and the longstanding issues noted earlier. For FY11, the CCOP developed a quarterly meeting schedule to discuss progress related to these concerns and to explore options for solutions and resolutions.

1. Communicating Reason for Traffic or Citizen Stops

ISSUE: In FY10, the CCOP noted an emerging pattern of cases where officers appeared unwilling to articulate, to the involved citizen, the lawful reason for a stop at the first point of contact. In the cases involving traffic stops, the panel has reviewed mobile video evidence and clearly observed citizens asking officers to tell them why they have been stopped. In many of these videos, officers

have remained silent or provided curt responses that did not clearly answer the citizen's questions. In some of the instances observed, this has led to increased frustration on the part of the citizen and the situation escalated to a use of force.

RECOMMENDATION: The CCOP recommended that officers be trained to clearly address the reason for the stop at the first point of contact or immediately upon asking the citizen for identification, driver's license and/or registration information.

STATUS: The CCOP met with IAD command staff in FY10 and further recommended that simply providing this information would serve to prevent the possible escalation of a minor situation. While the Panel was advised that its recommendation would be taken under consideration, no formal response has been received.

2. Delay or Failure to Clearly Provide Officer Identification Information

ISSUE: The CCOP also noted an emerging pattern in cases where officers are not providing identification information to citizens or not providing it in the manner dictated by the GOM, Volume I, Chapter 32, Section 21, which states that when confidentiality is not an issue, "an employee will provide their name rank and identification number upon request, The identification will be clearly provided." Statements and video evidence included in the investigative files have served as sufficient evidence to document incidents in which this information has not been clearly provided. In some incidents, citizens who are unaware that officers no longer have "badge numbers", ask for badge numbers. Officers in these instances have only responded that they do not have badge numbers and failed to provide any officer identification information. In other instances, the citizen had to request the identification information multiple times, only to receive vague or unclear responses or no response. In yet other instances, the information is provided in a manner that would not be deemed as clear or sufficient by any standards.

RECOMMENDATION: The CCOP recommended that officers be required to promptly respond to requests for identification, regardless of how the request is phrased. The CCOP is aware that the GOM specifies that the information does not have to be provided in writing. However, to improve community relations and to prevent further escalation of situations where a citizen does not understand the information as verbally provided by the officer, the CCOP suggests that the officer provide citizens with a business card.

STATUS: CCOP met with IAD command staff in FY10 and further recommended that, if cost is a factor, the Department should consider providing officers with generic Police Department business cards that include space for officers to write their specific identification information. While the Panel was advised that its recommendation would be taken under consideration, no formal response has been received.

3. Confiscation of Cell Phones

ISSUE: The CCOP noted instances where a cell phone used by an involved citizen became an issue when the citizen continued to use the phone after the officer has asked them to discontinue use.

Officer responses to this scenario have been varied and arbitrary. In several instances, the phone has been forcibly removed from the citizen's hand or the citizen's earpiece has been forcibly removed.

RECOMMENDATION: The Panel recommended that the Department review existing procedures or implement a procedure dictating a protocol for officers to follow when they believe a citizen's use of a cell phone is interfering with the officer's duty when conducting police work. The same procedure may also be related to policies associated with the confiscation of their property. At a minimum, the CCOP recommends that the Department implement training that will guide officers on how to properly and consistently respond to citizens in these situations.

STATUS: The CCOP met with IAD command staff in FY10. The Panel was advised that officer safety is one of the main reasons for the officers requesting that citizens not use cell phones during a stop. The panel was advised of situations where cell phones have been used to call others to a scene, causing situations to escalate into verbal and physical altercations. The CCOP reiterated its recommendation that the Department guide officers on how to respond to citizens in these situations.

4. Treatment of Police Cadets

ISSUE: The CCOP noted an emerging pattern of allegations from police cadets that demonstrated incidents of physical and/or verbal abuse clearly not associated with a training scenario or training objective. These situations may prove to detrimentally affect new officers' perceptions of how to properly treat citizens. The CCOP believes this could expose the Department and the County to serious liability and could contribute to the erosion of the public's trust.

RECOMMENDATION: The Panel recommended that unless used in conjunction with a training scenario or demonstration, when dealing with cadets, training officers and other officers should refrain from using force or language that goes beyond what the GOM has deemed as appropriate behavior for officers. At a minimum, Police Cadets should be afforded the same level of respect that the GOM dictates they are expected to provide to the general public.

STATUS: In FY10, the CCOP reviewed new allegations related to the treatment of cadets that involved not only the uses of force and inappropriate language, but the subjection of cadets to unnecessarily harsh and embarrassing treatment in no way related to preparing them for police duty. The CCOP met with IAD command staff and again expressed its observations and opinion that such training experiences could negatively impact the quality of officers produced by the academy.

5. Alcohol Use and Departmental Vehicles

ISSUE: The CCOP continues to have concerns related to the application of the General Order Manual (GOM) regarding the consumption of alcohol and the use of Departmental vehicles. The GOM is unambiguous about the Department's policy in this regard. There are two provisions in the GOM with regard to the use of alcohol while driving a Departmental vehicle. Volume 1, Chapter 10, Section 2, prohibits the operation of a Departmental vehicle by employees who have consumed alcoholic beverage. Additionally, Volume 1, Chapter 7, Section 4 also prohibits an employee from driving a departmental vehicle in violation of Maryland Vehicle Law Section 21-902. In the related cases reviewed by the CCOP, the Department's application of this provision does not take into

account Volume 1, Chapter 10, Section 2. The Department only sustains an allegation of driving a Departmental vehicle after consuming alcohol if the officer's blood alcohol level is .08 or above. This standard disregards the fact that GOM, Volume 1, Chapter 10, Section 2 prohibits the mere consumption of alcohol and driving a departmental vehicle. The CCOP believes this unnecessarily exposes the Department to serious liability and contributes to erosion of the public's trust.

RECOMMENDATION: It is the CCOP's opinion that the GOM, Volume 1, Chapter 10, Section 2, regarding any alcohol consumption and operation of a Departmental vehicle by Department employees is very clear and precise. It is the Panel's recommendation that the Department applies and enforces this GOM provision, Volume 1, Chapter 10, Section 2, as written, and without alternative interpretations or inclusions.

STATUS: In FY10, the CCOP noted that the Department more readily investigated officers for violations of drinking and driving departmental vehicles. However, the CCOP remains concerned about the Department's application of the two GOM provisions that govern employees who consume alcoholic beverages and drive departmental vehicles. These provisions provide two clearly different burdens that must be met before an officer is charged with driving a departmental vehicle after consuming alcoholic beverages. Volume 1, Chapter 10 clearly makes it a violation of the GOM to consume an alcoholic beverage and drive a departmental vehicle, while Chapter 7 allows for the administration of chemical tests and related determinations before an officer who has consumed alcohol and driven a department vehicle is in violation. The CCOP found that the Department is applying the latter standard in favor of the former, and that the mere driving of a departmental vehicle after consuming alcoholic beverages is not treated as a sustainable violation of the GOM. While officers who drink and drive departmental vehicles may not always meet the statute for criminal charges, they have clearly violated GOM, Vol. 1, Chapter 10, Section 2. The CCOP recommends that the Department revisit its application of the GOM Vol. 1 Chapter 7, Section 4 when administratively charging officers for drinking and driving departmental vehicles.

6. Investigative Process

ISSUE: As in FY09's annual report, the CCOP continues to note that, in some cases, investigators fail to fully investigate or address all the charges applicable to a complaint. Specifically, some investigators do not take into consideration:

- a. All allegations outlined in the original written complaint;
- b. Additional allegations made by the complainant or witness(es) during taped or written statements; and
- c. Additional charges or allegations made during a 911 call or other requests for assistance.

RECOMMENDATIONS: The CCOP recommended that the Department explore national best practices to identify processes and procedures for conducting police accountability investigations and interviews that will ensure all aspects of a complaint are fully identified and investigated. It is also recommended that investigators be trained or re-trained on interrogation techniques.

STATUS: While the CCOP has seen improvements in the delineation of charges, the Panel noted a new concern; investigators who recommend dispositions for charges without outlining or explaining

the evidence that supports their recommendations. The CCOP met with IAD command staff in FY10 and advised them of this concern.

7. General Order Manual Format

ISSUE: As part of its Department of Justice Memorandum of Agreement compliance efforts, the Department revised its GOM. The new GOM, however, is difficult to navigate, is not intuitive and is not user-friendly. The CCOP expressed this concern in its FY07 and FY08 Annual Reports and in conversations with Department representatives. While the Department provided the CCOP with an updated copy of the GOM, the panel's concerns remained the same in FY10. The GOM, in its current format, makes locating and reviewing GOM provisions cumbersome and time-consuming.

RECOMMENDATION: The CCOP recommends, that at a minimum, the Department adds a subject index to the format. This would provide users with a logical base to begin a search for specific GOM provisions. However, to make the GOM a more responsive document, the Panel also recommends that it be published in an electronic format, with word, topic and citation search capabilities.

STATUS: CCOP met with IAD command staff in FY10 and reiterates its concerns. Command staff has compiled an informal index that was shared with the CCOP. However, the GOM document has not been modified to include a formal index. No formal response has been received regarding the CCOP's other GOM issues.

Appendices

- A. Glossary of Terms**
- B. Enabling Legislation**
- C. Complaint against Police Practices Form (1072)**
- D. Police District Map**
- E. Selected Case Summaries**

A. Glossary of Terms

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

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

Use of Force:

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

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

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

Use of Language:

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

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

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

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

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

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

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

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

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

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

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

CCOP - The Citizen Complaint Oversight Panel

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

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

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

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

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

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

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

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

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

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

REPORT/REPORT OF INVESTIGATION

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

B. Enabling Legislation

1 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2 Legislative Session _____ 1990

3 Bill No. _____ CB-25-1990

4 Chapter No. _____ 30

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

6 Introduced by Council Members Bell, Mills and Pemberton

7 Co-Sponsors _____

8 Date of Introduction _____ June 12, 1990

9 BILL

10 AN ACT concerning

11 Citizen Complaint Oversight Panel

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

18 BY repealing:

19 SUBTITLE 2. ADMINISTRATION.

20 Section 2-231,

21 The Prince George's County Code

22 (1987 Edition, 1988 Supplement).

23 BY adding:

24 SUBTITLE 2. ADMINISTRATION.

25 Section 2-231,

26 The Prince George's County Code

27 (1987 Edition, 1988 Supplement).

1 SUBTITLE 18. POLICE.

2 Sections 18-186.01 through
3 18-186.08, inclusive,
4 The Prince George's County Code
5 (1987 Edition, 1988 Supplement).

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

9 SUBTITLE 2. ADMINISTRATION.

10 DIVISION 12. HUMAN RELATIONS COMMISSION.

11 Subdivision 8. Discrimination by Law Enforcement
12 Officers.

13 [Sec. 2-231.]

14 SECTION 2. BE IT FURTHER ENACTED that new Sections
15 2-231 and 18-186.01 through 18-186.08, inclusive, be and the same
16 are hereby added to the Prince George's County Code to read as
17 follows:

18 SUBTITLE 2. ADMINISTRATION.

19 DIVISION 12. HUMAN RELATIONS COMMISSION.

20 Subdivision 8. Discrimination by Law Enforcement
21 Officers.

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

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

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

7 SUBTITLE 18. POLICE.

8 DIVISION 5. POLICE DEPARTMENT.

9 Subdivision 3. Citizen Complaint Oversight
10 Panel.

11 Sec. 18-186.01. Legislative Findings.

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

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

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

1 the investigation was complete, thorough, and impartial.

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

8 Sec. 18-186.02. Definitions.

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

11 (1) "Abusive language" means harsh, violent, profane or
12 derogatory language which would demean the dignity of any person.
13 "Abusive language" includes, but is not limited to, profanity, and
14 racial, ethnic or sexist slurs.

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

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

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

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

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

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

1 the Prince George's County Police Department.

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

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

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

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

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

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

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

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

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

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

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

13 Sec. 18-186.05. Investigation of Complaints.

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

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

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

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

9 Sec. 18-186.04. Citizen Complaints.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The investigation and hearing by the Human Relations

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

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

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

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

22 (1) Sustain the complaint;

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

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

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

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

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

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

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

22 (1) Sustain the complaint;

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

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

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

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

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

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

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

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

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1994

Bill No. CB-44-1994

Chapter No. 56

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

Introduced by Council Member Pemberton

Co-Sponsors _____

Date of Introduction June 14, 1994

BILL

AN ACT concerning

Citizen Complaint Oversight Panel

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

BY repealing and reenacting with amendments:

SUBTITLE 18. POLICE.

Section 18-186.03.

The Prince George's County Code

(1991 Edition, 1992 Supplement).

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

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

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

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

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

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

12 * * * * *

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

18 SECTION 3. BE IT FURTHER ENACTED that of the four positions becoming
19 vacant in 1995, two shall be filled for terms of four years, expiring in
20 1999, and two shall be filled for terms of only two years, expiring in
21 1997. Thereafter, no more than three positions shall expire in any one
22 year.

23 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect
24 forty-five (45) calendar days after it becomes law and shall be retroactive
25 to January 1, 1994.
26
27

Adopted this 19th day of July, 1994.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: F. Kirwan Wineland
F. Kirwan Wineland
Chairman

ATTEST:

Maureen F. Sweeney
Maureen F. Sweeney
Clerk of the Council

APPROVED:

DATE: August 2, 1994

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

KEY:

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

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

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2001 Legislative Session

Bill No. CB-59-2001

Chapter No. 51

Proposed and Presented by Council Members Estepp, Bailey and Russell

Introduced by Council Members Estepp, Bailey and Russell

Co-Sponsors _____

Date of Introduction October 16, 2001

BILL

1 AN ACT concerning

2 Citizen Complaint Oversight Panel

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

7 BY repealing and reenacting with amendments:

8 SUBTITLE 2. ADMINISTRATION.

9 Sections 2-229 and 2-231,

10 The Prince George's County Code

11 (1999 Edition, 2000 Supplement).

12 SUBTITLE 18. POLICE.

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

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

15 The Prince George's County Code

16 (1999 Edition, 2000 Supplement).

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

SUBTITLE 2. ADMINISTRATION.

DIVISION 12. HUMAN RELATIONS COMMISSION.

Subdivision 8. Discrimination by Law Enforcement Officers.

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

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

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

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

* * * * *

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

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

SUBTITLE 18. POLICE.

DIVISION 5. POLICE DEPARTMENT.

Subdivision 3. Citizen Complaint Oversight Panel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 • • • • • • • • •

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23 (1) Sustain the complaint;
 24 (2) Approve, disapprove, or modify the recommendations of the Internal Affairs
 25 Division;
 26 (3) Dismiss the complaint because of lack or insufficiency of evidence;
 27 (4) Exonerate the police officer because of the absence of clear and convincing
 28 evidence;
 29 (5) Remand the complaint for further investigation to the Internal Affairs Division.]
 30 (1) Sustained. A preponderance of the evidence proves that the alleged act or acts
 31 occurred and that the act or acts violated Department policy or procedure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 19 (1) Notice of the time and location of any hearing board; and
20 (2) Final disposition of a complaint.

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

Adopted this 6th day of November, 2001.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Ronald V. Russell
Ronald V. Russell
Chairman

ATTEST:

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

APPROVED:

DATE: 26 Nov 2001 BY: Wayne K. Curry
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

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

C. Complaint against Police Practices Form (1072)

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

Maryland Law, Article 27, Section 728 (b) (4)

A complaint against a law enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of the presence at, and observation of, the alleged incident, or by the parent or guardian in the case of a minor child before an official authorized to administer oaths. An investigation which could lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken unless the complaint is filed within 90 days of the alleged brutality.

Maryland Law, Article 27, Section 734C

Any person who knowingly makes a false statement, report or complaint in the course of an investigation or any proceeding conducted under the provisions of this subtitle is subject to the same penalties as provided in Article 27, § 150, (1977, ch. 366.)

Maryland Law, Article 27, Section 150

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

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

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

SIGNATURE (IN PRESENCE OF NOTARY)

(DATE)

STATE OF MARYLAND

COUNTY OF _____

I HEREBY CERTIFY THAT ON THIS _____ DAY OF _____, 20____
BEFORE ME A NOTARY PUBLIC OF SAID STATE AND COUNTY AFORESAID PERSONALLY
APPEARED _____ AND MADE OATH IN
DUE FORM OF LAW THAT THE MATTERS AND FACTS RELATED HEREIN ARE TRUE.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC



DEPARTAMENTO de POLICIA del CONDADO de PRINCE GEORGE
QUEJA con RESPECTO a PRACTICAS de la POLICIA

Oficina Central
 7600 Barlowe Road
 Palmer Park, Maryland 20785
 (301) 836-8800

Division de Asuntos Internales
 6707 Groveton Drive
 Clinton, Maryland 20735
 (301) 856-2860

(Fecha de Hoy): _____

Su Nombre: _____ (Apellido) _____ (Nombre) _____ (Fecha de nacimiento)

Su Direccion: _____ (Calle) _____ (Ciudad) _____ (Estado) _____ (Código Postal/Zip Code) _____ (Número de Apartamento) _____
(Ciudad o Pueblo) (Estado) (Código Postal/Zip Code) Teléfono de su Hogar

¿Dónde se le puede encontrar durante el día? _____ (Dirección) _____ (Teléfono de su Hogar)

Si usted está visitando el área metropolitana de Washington, ¿dónde se le puede encontrar en el área? _____ (Dirección) _____ (Teléfono)

¿Cuándo y Dónde ocurrió el incidente que inició esta queja? _____ (Fecha y Hora)

(De Dirección donde ocurrió el incidente o describe la localidad si aplica)

Escriba el(los) nombre(s) del(los) oficial(es) implicado(s), si es que lo sabe (ID significa el número de identificación del agente o número de la placa).

(1) _____ ID _____ (2) _____ ID _____

(3) _____ ID _____ (4) _____ ID _____

¿Pertenecen estos oficiales al Departamento del Condado de Prince George o de otra agencia que ejecuta la ley? Policía del Condado de Prince George _____ otra (por favor haga lista) _____

Por favor indique cualquier identificación del oficial que usted sepa (por ejemplo, Número de ID, placa de Inmatriculación, descripción física): _____

Indique los nombre(s) y dirección(es) de cualquier persona que fue testigo del incidente al cual se refiere en su queja:

(1) _____ (2) _____

¿Cuál es su queja?, y por favor describa qué sucedió en sus propias palabras (si es necesario use más papel y adjúntelo a este formulario).

Favor de leer el reverso de este formulario

Su firma _____ Testigo a su firma _____

RECEIVED BY THE POLICE DEPARTMENT _____ BY MAIL _____ IN PERSON _____

BY: _____ ID _____ DATE: _____ TIME: _____

La siguiente información concierne las quejas causadas por el uso de fuerza excesiva o brutalidad policiaca. Esta información no es para desanimar quejas legítimas contra oficiales de la policía, ya que el valor de una investigación minuciosa depende de información oportuna y verás.

Artículo 27, Sección 728 (b) (4)

Una queja contra un agente de la policía, alegando brutalidad en la ejecución de sus deberes, no podrá ser investigada a menos que la queja sea debidamente jurada por la persona agraviada, un miembro cercano de la familia de la persona agraviada o por cualquier persona con conocimiento de primera mano obtenido a causa de presenciar el incidente alegado, o por el padre o guardián en el caso de un niño menor de edad frente a un oficial autorizado para administrar juramentos. Una investigación que pudiera resultar en una acción disciplinaria bajo este título por brutalidad no podrá ser iniciada, ni tomada a menos que la queja sea registrada en el espacio de 90 días, Artículo 27, Sección 734c.

Cualquier persona que a sabiendas haga una declaración, informe o queja falsa durante el transcurso de una investigación o procedimiento, será víctima de las mismas penalidades como estipulado en el artículo 27, § 150. (1977, capítulo 366.)

Artículo 27, Sección 150

Cualquier persona que haga una declaración informe o queja falsa, o que cause una declaración informe o queja falsa, a un oficial de paz o la policía de cualquier condado, ciudad u otra subdivisión política de este estado, sabiendo que la misma, o alguna parte material de la misma, es falsa y con intención de engañar y causar una investigación u otra acción que pueda ser tomada como resultado de ello, será considerada culpable de crimen de menor entidad, y al momento de convicción sera sujeta a una multa de no más de \$500 o encarcelamiento durante no más de 6 meses, o ambos.

La seccion del Notario tiene que ser llenada para quejas de usa de fuerza excesiva o brutalidad policiaca.

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

Juro solemnemente y afirmo bajo pena de perjurio que he leído o me han leído las leyes pertinentes a esta queja y que el contenido de este documento es cierto y correcto según mi entendimiento y conocimiento. (I do solemnly declare and affirm under penalty of perjury that I have read or have had read to me the foregoing laws pertaining to this complaint and that the contents of this document are true and correct to the best of my knowledge and belief.)

La firma (en presencia del Notario)
SIGNATURE (IN PRESENCE OF NOTARY)

Fecha (DATE)

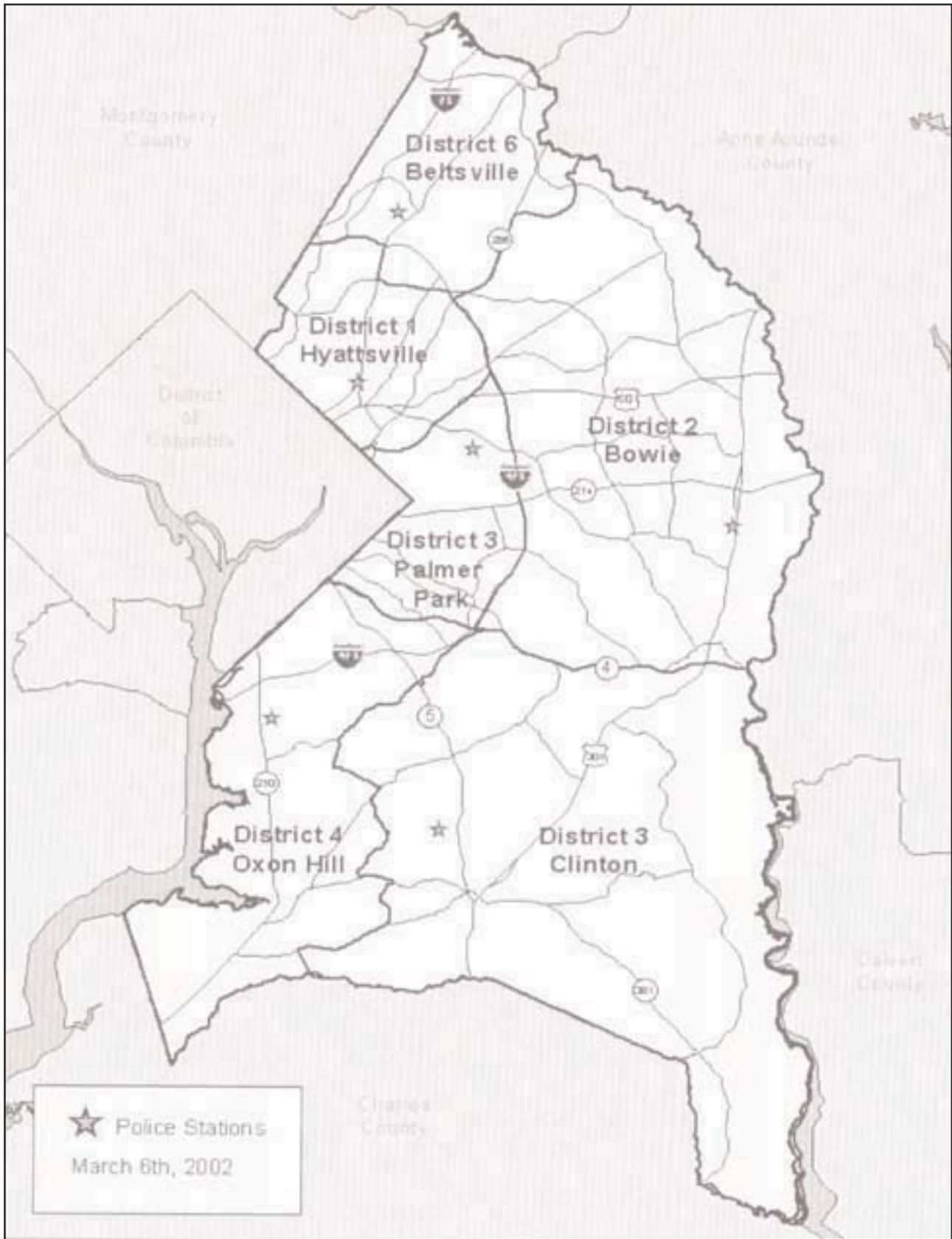
Estado de Maryland :
(STATE OF MARYLAND) : ss
Condado de: _____ :
(COUNTY OF)

Yo certifico que este día _____ de _____ 19____
I HEREBY CERTIFY THAT ON THIS _____ DAY OF _____, 19____
en mi presencia, Notario Público del estado y condado arriba mencionados, hizo su presencia
(BEFORE ME A NOTARY PUBLIC OF SAID STATE AND COUNTY AFORESAID PERSONALLY APPEARED)
_____ y juró de acuerdo de la ley que los hechos y casos
relatados aquí son ciertos. (AND WASE OATH IN THE FORM OF LAW THAT THE MATTERS AND FACTS RELATED HEREIN ARE TRUE.)

Mi comisión expira el _____
MY COMMISSION EXPIRES

Notario Público (NOTARY PUBLIC)

D. Police District Map



E. Selected Case Summaries

**FY2010
Case Summaries**

Allegations	IAD Recommendations
<p>IAD 10-00001</p> <p>The Complainant alleged that the Respondents pushed him against a wall during a "stop and frisk". The Respondents are also accused of misrepresenting the facts as they relate to this incident.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>NON-SUSTAINED</p> <p>EXONERATED</p>
<p>-SI 09-00001</p> <p>A municipal police officer attempted to conduct a traffic stop on the Involved Citizen for failure to stop at a stop sign. The Involved Citizen bailed out of the vehicle and fled on foot. When the municipal officer indicated that the Involved Citizen dropped a 40 caliber handgun on the ground as he fled, the Respondent, a canine handler, reported to the scene and deployed his canine. When the Involved Citizen was located, he kicked the canine in the leg. The canine seized the Involved Citizen by his arm. The Involved Citizen complied to verbal commands and was arrested without further incident.</p>	<p>EXONERATED</p>
<p>IAF 10-00002</p> <p>The Complainant alleged that the Respondent failed to return her calls regarding a sexual abuse case involving her son. She was also dissatisfied with the tone of voice used by the Respondent on the occasion that she did speak with him.</p>	<p>UNFOUNDED</p> <p>UNFOUNDED</p>
<p>-SI 09-00002</p> <p>The Respondent is accused of "double dipping" while on duty at a district police station and working as security at apartment complexes in the County.</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>
<p>-SI 10-00002</p> <p>The Respondent stated that he was responding to an auto theft investigation. Upon arrival, the Respondent attempted to place the Involved Citizen under arrest for disorderly conduct. The Involved Citizen resisted arrest by attempting to prevent the Respondent from handcuffing him. The Respondent deployed his pepper spray. The Involved Citizen continued to resist being handcuffed and the respondent deployed an arm bar take down maneuver.</p> <p>The investigation failed to produce a preponderance of evidence to support the Respondent's version of events or that his actions were lawful and proper. There is no statement from the Involved Citizen and proof of only one attempt to contact the Involved Citizen; none of the witnesses interviewed by the investigator witnessed the interaction between the Involved Citizen and the Respondent; and there was no video tape of the incident. Therefore, the CCOP found that the investigation failed to prove or disprove the Use of Force allegation and recommended that the allegation be Non-Sustained.</p>	<p>EXONERATED</p>
<p>IAD 09-00003</p> <p>The Complainant alleged that he was having a party in his apartment when officers knocked on his door. The Respondents entered his apartment and threw some of the occupants to the ground, causing injury to several. The Complainant alleged that the Respondents had their weapons drawn and held them inches from his head.</p>	<p>NON-SUSTAINED</p> <p>NON-SUSTAINED</p> <p>NON-SUSTAINED</p> <p>NON-SUSTAINED</p>

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD Recommendations

NON-SUSTAINED
NON-SUSTAINED

Allegations

USE OF FORCE
UNBECOMING CONDUCT

IAD 10-00003 The Complainant stated that several unmarked vehicles surrounded him and that fearing for his safety, he drove off. As he fled, he struck an unmarked police vehicle. He alleged that he continued to drive until he saw police emergency lights and immediately stopped. He also alleged that approximately three or four officers pulled him out of his vehicle, through the window, and slammed his head on the pavement. He further alleged that they kicked him in his jaw. He was transported to a local hospital where he received several stitches.

USE OF LANGUAGE
USE OF FORCE
USE OF LANGUAGE
USE OF FORCE
USE OF FORCE
USE OF LANGUAGE
UNBECOMING CONDUCT
USE OF LANGUAGE

NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED

-SI 09-00003 The Respondents were posing as drug users when they purchased the drugs from the Involved Citizen. The Involved Citizen was taken into custody and a search of his vehicle produced 14.3 grams of suspected crack cocaine. The Involved Citizen denied making the illegal drug transaction. He filed a complaint alleging that several officers wearing black masks jump from a van as he was given a young woman change for a twenty dollar bill and told him to get to the ground. He stated that as he was going to the ground, one of the officers punched him and handcuffed him. He alleged that while on the ground, three officers repeatedly kicked and punched him and that he sustained a broken jaw and swollen eye.

USE OF FORCE
USE OF FORCE
USE OF FORCE

EXONERATED
EXONERATED
EXONERATED

IAD 09-00004 The Complainant stated that she called the police after obtaining a Protective Order against her son. She alleged that when the police arrived, the Respondent initially told her that the Protective Order was not valid and ripped it up. The Complainant also alleged that the Respondent shoved her daughter and told her to shut up, then entered her daughter's room. took her daughter by the arms and threw her on a bed. The Complainant stated that the Respondent also threatened to shoot her dogs.

USE OF FORCE
UNBECOMING CONDUCT
UNBECOMING CONDUCT

NON-SUSTAINED
SUSTAINED
NON-SUSTAINED

IAD 10-00004 The Complainant alleged that she was pulled over by two officers who were rude and malicious. She alleged that Respondent #1 ordered her out of the vehicle and patted her down in a manner that made her feel uncomfortable and disrespected. She alleged that when the Respondent found a parking decal while searching her vehicle, he confiscated it and used profanity. The Respondent issued her two tickets. She alleged that after she signed the tickets, the Respondent threw her driver's license and registration in her lap. The Complainant felt she had been groped and that she and her vehicle were searched without probable cause.

USE OF LANGUAGE
UNBECOMING CONDUCT

NON-SUSTAINED
NON-SUSTAINED

-SI 10-00004 An interior motion alarm was activated at a local school. The Respondent, a canine handler, responded to assist. The Respondent observed three suspects exit the rear of the building carrying computers. The Respondent ordered the Involved Citizen to stop and the Involved Citizen failed to comply. The Respondent released his canine and the canine seized the Involved Citizen on the shoulder. The Involved Citizen was taken into custody.

USE OF FORCE

EXONERATED

IAD 09-00005 The Complainant alleged that as he was leaving a local night club, he saw the Respondent push his friend. The Complainant alleged that when he told the Respondent that he would take his friend out of the club, the Respondent used profanity and deployed his pepper spray at the Complainant and his friend.

USE OF LANGUAGE

NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations	IAD Recommendations
<p>-SI 09-00005</p> <p>The Complainant alleged that the Respondent was intoxicated and armed when they became involved in an altercation. He alleged that the Respondent waved around his departmental issued handgun at or in front of citizens in the nightclub.</p>	<p>NON-SUSTAINED</p>
<p>PROCEDURAL VIOLATION UNBECOMING CONDUCT UNBECOMING CONDUCT</p>	<p>SUSTAINED NON-SUSTAINED SUSTAINED</p>
<p>-SI 10-00005</p> <p>Police officers from a neighboring jurisdiction responded to a report of a family disturbance involving the Respondents. Upon arriving, the officers made contact with the respondents and determined that they were Prince George's County police officers and that both had sustained minor injuries as the result of a domestic confrontation. Both respondents were placed under arrest and the Department was notified. SIRT members responded to conduct the administrative investigation and also discovered that both Respondents had their assigned cruisers parked on the street near their residence. Neither had authorization to take their cruiser out of the County when off duty.</p>	<p>SUSTAINED SUSTAINED UNFOUNDED SUSTAINED UNFOUNDED SUSTAINED</p>
<p>VEHICLE USE OFF DUTY UNBECOMING CONDUCT CRIMINAL MISCONDUCT VEHICLE USE OF DUTY CRIMINAL MISCONDUCT UNBECOMING CONDUCT</p>	<p>SUSTAINED SUSTAINED UNFOUNDED SUSTAINED UNFOUNDED SUSTAINED</p>
<p>IAD 09-00006</p> <p>The Complainants alleged that the Respondent exited his marked police cruiser and proceeded to look into Complainant #1's vehicle. Complainant #1 alleged that when he approached the Respondent and advised that it was his vehicle, the Respondent got in his face, yelled and used profanity.</p>	<p>NON-SUSTAINED</p>
<p>USE OF LANGUAGE</p>	<p>NON-SUSTAINED</p>
<p>IAD 10-00006</p> <p>The Complainants alleged that the respondents cursed at them and that one of the respondents punched Complainant #1 after he was asked to sit on the ground. Complainant #1 was transported to a local hospital and he alleged that the respondents made fun of him at the hospital and threw away his jacket. The respondents are also accused of making inappropriate comments. One respondent was accused of misrepresenting facts as they relate to this incident.</p>	<p>NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED</p>
<p>UNBECOMING CONDUCT USE OF LANGUAGE USE OF LANGUAGE USE OF FORCE MISREP. OF FACTS UNBECOMING CONDUCT</p>	<p>NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED</p>
<p>IAD 09-00007</p> <p>The Complainant alleged that the Respondent used force and inappropriate language during an encounter in the parking lot of a local church. The Complainant alleged that the Respondent would not allow her in the church. She stated that when she got out of her vehicle, the Respondent approached her, used profanity and threatened to arrest her if she did not get back in the car. She further alleged that the Respondent grabbed, pushed, and pulled on her left arm until she fell to the ground, and continued to shake her while she was on the ground.</p>	<p>NON-SUSTAINED NON-SUSTAINED</p>
<p>USE OF FORCE USE OF LANGUAGE</p>	<p>NON-SUSTAINED NON-SUSTAINED</p>
<p>-SI 09-00007</p> <p>The Respondent observed a vehicle driven by the Involved Citizen and believed it matched the description of a carjacked vehicle. The Respondent followed the vehicle to confirm the tag number. The Respondent advised the dispatcher that he was pursuing the vehicle. The vehicle turned, lost control on an icy patch, and ended up on the opposite side of the road, pointing in the opposite direction of its original heading. The Respondent stopped his cruiser and then realized that the pursued vehicle was still operational and was accelerating towards him. Fearing for his life, he drew his weapon and fired at the driver as he jump back into his cruiser. As the pursued vehicle passed, it stuck the open driver's door of the cruiser. This caused the cruiser door to strike the Respondent's left leg, which was still exposed after he jumped into his cruiser.</p>	<p>NON-SUSTAINED NON-SUSTAINED</p>

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations	IAD Recommendations
DISCHARGE OF FIREARM	EXONERATED
IAD 08-00008	<p>The Complainant alleged that when walked passed a parked police cruiser, Respondent #1 got out and requested that he come to the cruiser. He alleged that the Respondent told him was going to search him and he heard the Respondent call for back up. The Complainant stated that when he saw the Respondent reach for his handcuffs, he tried to run away and was tackled and caught by the Respondent. The Complainant alleged that there were several officers around him and they all started kicking him. He accused one of the officers of showing him a bag with drugs in it and telling him that they found it in his pants. The Complainant alleged that when he was taken to a local hospital, Respondent#1 taunted him in front of hospital staff.</p>
USE OF LANGUAGE USE OF FORCE USE OF LANGUAGE USE OF FORCE UNBECOMING CONDUCT	NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED
IAD 09-00008	<p>The Complainant alleged that he was stopped by the Respondent and was treated unfairly. He further alleged that the Respondent searched his car without cause, that his car was "torn up" and that money was missing from the trunk of the vehicle after the search.</p>
CRIMINAL MISCONDUCT UNBECOMING CONDUCT	NON-SUSTAINED NON-SUSTAINED
-SI 10-00008	<p>The Respondent and the Involved Citizen engaged in an argument. The Involved Citizen obtained a protective order for the Respondent. The protective order was subsequently rescinded. However, the Respondent failed to appear for an ordered appointment to discuss this matter with an Internal Affairs investigator.</p>
INSUBORDINATION UNBECOMING CONDUCT	SUSTAINED NON-SUSTAINED
IAD 09-00009	<p>The Prince George's County States Attorney's Office contacted the Prince George's County Police Department to express their concerns regarding actions taken by the Respondent during an arrest that was recorded on his mobile video system. The video shows the Respondent involved in a physical altercation with a citizen while on a traffic stop. During the altercation, the Respondent used force in order to place the citizen under arrest. This investigation was initiated to determine whether the use of force was justified or excessive.</p>
USE OF LANGUAGE USE OF FORCE	SUSTAINED NON-SUSTAINED
IAD 10-00009	<p>The Complainant alleged that she was waiting at the bus stop when a fight between Suitland High School students started. She alleged that when the Respondent arrived, he began yelling that she had to leave. She claimed that she was not involved in the fight and that when she advised the Respondent that she was waiting on the bus, he grabbed the back of her shirt, pulled her across the parking lot, and threw her into a bush.</p>
USE OF FORCE	NON-SUSTAINED
IAF 09-00009	<p>The Respondent initiated a traffic stop of a vehicle operated by the Complainant. The Complainant alleged that the Respondent issued a traffic citation for the wrong posted speed limit and conducted an unauthorized search of his person, passenger and vehicle.</p>
UNBECOMING CONDUCT	EXONERATED
-SI 09-00010	<p>The Respondent was working secondary employment for a local store when the Involved Citizen came into the location yelling at his girlfriend. The Respondent ordered the Involved Citizen to leave. The Involved Citizen left, but returned minutes later and was disruptive. The Respondent advised him that he was under arrest and ordered him to place his hands behind his back. The Respondent was able to attach one of the handcuffs, when the Involved Citizen began to resist arrest. The Respondent called for assistance, and several officers arrived on the scene.</p>
USE OF FORCE USE OF FORCE USE OF FORCE	EXONERATED EXONERATED EXONERATED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations

USE OF FORCE
USE OF FORCE

IAD Recommendations

EXONERATED
EXONERATED

-SI 10-00010

The Respondent was in his residence cleaning his assigned patrol rifle. The Respondent had forgotten that he had chambered a round in the rifle and while he was performing the function test for the rifle, the rifle discharged one round into the ceiling. There were others in the residence at the time, but there were no injuries. The Respondent called the local police department and a police report was completed. No further action was taken by local police and SIRT assumed investigative responsibility. The Respondent was off-duty at the time of the incident.

FIREARMS

SUSTAINED

IAD 09-00011

The Complainant alleged that she was selling food items on a corner when the Respondent exited this cruiser, placed her arm behind her back, and advised her that he was going to handcuff her. According to the Complainant, the Respondent then poured the food items she was selling on the ground. She also alleged that when her son arrived to question the Respondent's behavior, the Respondent grabbed her son by his arm, twisted his arm, grabbed him by the neck, threw him head first on the hood of his cruiser and searched his person and back pack. The Complainant also advised that when the Respondent first arrived, he asked her for her "papers".

STOP AND FRISK POLICY

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

J-2 REPORT POLICY

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

DISCOURTESY

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

-SI 09-00011

The Respondents responded to a report of an individual armed with a handgun inside a liquor store. The Respondents entered the liquor store and asked the suspect to step outside. The suspect cooperated. Once outside, Respondent #1 began patting the suspect down to check for a weapon. The suspect became uncooperative and began to fight with the officers. The suspect started to run, while pulling a handgun from his waistband. The suspect fired his weapon and the Respondents discharged their firearms, wounding the suspect. The suspect ran back into the liquor store and took one of the occupants as a hostage. He then placed a gun to hostage's head, but was later persuaded to release the hostage. He then fired one round from his handgun into the front window of the liquor store. He later exited through the front door, firing his weapon at officers in the parking lot. The officers returned fired.

DISCHARGE OF FIREARM

EXONERATED

Allegations**IAD Recommendations**

IAD 08-00012 The Complainant alleged that he was parked with several other cars when he was approached and questioned by the Respondent regarding the smell of smoke coming from his vehicle. The Complainant alleged that the Respondent pulled him out of the vehicle, slapped him on the back of the head and placed him in handcuffs. He further alleged that while he was in handcuffs, the Respondent squeezed his fingers and reinjured a recently healed injury. After the Complainant was searched, the Respondent instructed him to get on the ground. The Complainant alleged that as he was kneeling, the Respondent pushed him to the ground.

USE OF FORCE NON-SUSTAINED
 PROCEDURE VIOLATION SUSTAINED
 PROCEDURE VIOLATION SUSTAINED

IAD 09-00012

The Complainant stated that he returned home after an argument with his wife, and was confronted by the Respondents. The Complainant alleged that he was rushed by the officers and that his head was hit on the ground and he was repeatedly punched in the face and head. He also alleged that Respondent #1 used profanity and threatened him with a knife. He further alleged that while he was handcuffed, Respondent #2 stood on the cuffs, causing pain.

USE OF FORCE NON-SUSTAINED
 USE OF FORCE NON-SUSTAINED
 USE OF LANGUAGE NON-SUSTAINED
 USE OF FORCE NON-SUSTAINED

-SI 08-00012

A special agent of U.S. Customs advised the Department that the Respondent had subscribed to various child pornography websites. The special agent further advised that the websites were accessed from the Respondent's residence and provided copies of financial records detailing the Respondent's subscriptions to the websites.

SUSTAINED

CRIMINAL MISCONDUCT

IAD 10-00013

The Complainant alleged that when he was confronted by two Prince George's County police officers at a local hotel, he was pushed into a wall. He further alleged that he was grabbed and shoved to the floor and that the Respondents stood on his hands, neck, and feet. The Complainant later complained to a witness that his ankle was injured during the encounter.

USE OF FORCE NON-SUSTAINED
 USE OF FORCE NON-SUSTAINED

-SI 09-00013

Complainant, who is the widow of Respondent #1's mother, arrived at his residence and discovered that the Respondents were removing property from the residence and placing them in a truck without his permission. The Complainant called 911 and patrol officers responded to the scene. The Complainant filed a written complaint.

The CCOP disagreed with the recommendation of Exonerated for Allegations #1 and #2. Exonerated findings are used when an officer exercises his/her police power in a justified, lawful and proper manner. The charges in this investigation are related to the Respondent's removal of furniture from a private residence in a personal matter. This was not a police matter nor did it involve the Respondent's assertion of her police powers. The investigator's finding states that the Respondent's action in each of these allegations "was not in violation of the General Order manual..." Therefore, he recommended that the allegations be closed with a finding of Exonerated. The CCOP found that the proper disposition of these allegations is Unfounded, and recommended that they each be closed accordingly.

UNBECOMING CONDUCT EXONERATED
 UNBECOMING CONDUCT EXONERATED

IAD 09-00014

The Complainant, a minor, was at a bus stop when he was stopped by the Respondent. He stated that he offered no resistance when the Respondent choked him by the collar 4 or 5 times and hit him with a "metal stick". The Complainant alleged that the strike caused a welt on his leg. He further alleged that the Respondent snatched him by the collar and slammed him onto the ground. He also alleged that when he advised the Respondent that his ID had fallen from his clothing, the officer responded in a derogatory manner, using profanity. The Complainant also accused the Respondent of stealing his property, which included money.

USE OF LANGUAGE NON-SUSTAINED
 USE OF FORCE NON-SUSTAINED
 UNBECOMING CONDUCT NON-SUSTAINED
 PROCEDURE VIOLATION NON-SUSTAINED

Allegations**IAD Recommendations****-SI 08-00014**

Respondents #1 and #4 were in an unmarked vehicle conducting surveillance of suspected drug activity when they observed the Involved Citizen and subject smoking suspected crack cocaine while seated inside of a vehicle. A description of the vehicle was given to a Special Assignment Team and an investigative traffic stop was conducted. As the vehicle began to leave the parking lot, the Involved Citizen bailed out and Respondents #2 and #3 pursued him on foot. Respondent #1 and #4 exited their surveillance vehicle and gave chase. The Involved Citizen was apprehended and a fireboard responded to the scene to treat the Involved Citizen for injuries he received to his eye during the pursuit. The Involved Citizen was transported to a local hospital, where he was admitted for observation of a possible fracture to his eye socket. A crack pipe was recovered from the vehicle.

USE OF FORCE
USE OF FORCE

EXONERATED
UNFOUNDED
EXONERATED
NON-SUSTAINED
EXONERATED
UNFOUNDED
EXONERATED
UNFOUNDED

-SI 09-00014

The police were dispatched for a suspect armed with a handgun. The Involved Citizen was observed sitting at a bus stop and officers conducted a pat-down search for a weapon; none was found. The Involved Citizen was asked to sit on the bench while the officers conducted a field interview and checked the area for weapons. The Involved Citizen sat and began to eat and drink food. Respondent #3 asked the Involved Citizen to stop eating and drinking until they concluded their field interview. As Respondent #3 moved the Involved Citizen's cup away from him, the Involved Citizen grabbed the cup, causing it to collapse and the contents to spill. When Respondent #3 attempted to do the same with the Involved Citizen's bag of food, the Involved Citizen stood up and shoved Respondent #3 with both hands. Respondent #3 pushed the Involved Citizen away, at which time the Involved Citizen advanced towards Respondent #3. Respondent #3, fearing the Involved Citizen was going to strike him, pushed the Involved Citizen on the left shoulder and with a closed hand, struck the Involved Citizen on the side of the face. The Involved Citizen fell to the ground, with Respondent #3 falling on top of him. Respondents #1 and #2 came to Respondent #3's aid. Following a brief struggle, the Involved Citizen was handcuffed. He was transported to a hospital, where he was treated for a broken nose. The Involved Citizen refused to make a statement to police regarding the injury to his nose.

USE OF FORCE
USE OF FORCE
USE OF FORCE

EXONERATED
EXONERATED
EXONERATED

IAD 09-00015

The Complainant alleged that she called police to her apartment in reference to a break-in attempt. She stated that the police caught the break-in suspects and that when she identified them, she was assured that they would be arrested. Her friend came to the scene of the arrest and encountered the Repondent. He allegedly advised the Complainant that the Respondent had been rude to him. The Complainant alleged that when she leaned close to the Respondent in an attempt to see his name tag, the Respondent was rude and used profanity. The Complainant further alleged when she attempted to take a picture of the Respondent using her cell phone, the Respondent cursed at her and slapped the phone from her hand, causing it to break. She alleged that the Respondent assaulted her boyfriend as he reached down to pick up the phone. She also alleged that the Respondent screamed at her, forced her to leave the scene, and that the suspects were released without charges.

DISCOURTESY
ATTENTION TO DUTY
USE OF FORCE
MISREP. OF FACTS
ATTENTION TO DUTY
ATTENTION TO DUTY
USE OF LANGUAGE
ATTENTION TO DUTY
USE OF LANGUAGE
USE OF FORCE

NON-SUSTAINED
SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
SUSTAINED
NON-SUSTAINED
NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations	IAD Recommendations
<p>-SI 09-00015 The Respondent was returning home from working an evening shift when he heard multiple gunshots near the rear of his residence. He went outside to investigate and observed an armed suspect in the alleyway. He directed the suspect to drop the weapon. The suspect refused and was subsequently shot.</p>	<p>DISCHARGE OF FIREARM EXONERATED</p>
<p>IAD 09-00016 The Complainants alleged that the Respondent was working secondary employment at a local nightclub when they had an altercation with the Respondent. The Complainants alleged that during this altercation, the Respondent used excessive force against them and others while conducting an arrest. The force included the use of a nightstick and hands.</p>	<p>The Panel disagreed with Non-sustained for several Procedural allegations. The GOM, Volume II, Chapter 51, Section 5, Use of Force Report states "Any officer who uses force. . . shall immediately notify a supervisor." The Respondent allegedly struck Complainant in the neck with a hand or ASP baton. The investigator found that the investigation failed to disclose evidence or testimony to support the allegation that Respondent #1 used force to affect a lawful arrest and was required to make notification. In the Report of Investigation (ROI), the Respondent stated that he never extended his ASP baton or struck the Complainant. However, in the ROI, it was noted that a witness provided testimony that he observed the Respondent push or strike the Complainant in the upper chest area with his hand. The Panel found that the testimony provided by the witness was sufficient to document that uses of force did occur and should have been reported.</p> <p>USE OF FORCE NON-SUSTAINED PROCEDURE VIOLATION SUSTAINED ATTENTION TO DUTY SUSTAINED USE OF FORCE NON-SUSTAINED USE OF FORCE NON-SUSTAINED USE OF FORCE NON-SUSTAINED USE OF FORCE NON-SUSTAINED PROCEDURE VIOLATION SUSTAINED USE OF FORCE NON-SUSTAINED PROCEDURE VIOLATION SUSTAINED PROCEDURE VIOLATION NON-SUSTAINED PROCEDURE VIOLATION NON-SUSTAINED USE OF FORCE NON-SUSTAINED USE OF FORCE NON-SUSTAINED USE OF FORCE NON-SUSTAINED PROCEDURE VIOLATION NON-SUSTAINED</p>
<p>IAD 10-00016 The Complainant alleged that the Respondent approached her in court and made inappropriate comments.</p>	<p>USE OF LANGUAGE NON-SUSTAINED RETALIATORY ACTS NON-SUSTAINED</p>

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations**IAD Recommendations****-SI 08-00016**

The Respondent was involved in a departmental shooting while working secondary employment at a local apartment complex. He had observed what he believed to be a drug transaction in progress between two suspects. The Respondent approached the two in a marked police cruiser and in full uniform. The Respondent alleged that he saw one of the suspects make a throwing motion and began to walk away. The Respondent further alleged that when he ordered the suspects to stop, one suspect continued to walk away. The Respondent gave chase and took the suspect to the ground.

The CCOP disagreed with Exonerated for the Use of Force allegation. There were multiple witness statements and pieces of evidence documented in the case file. However, none were directly related to documenting that the Respondent's action of shooting the Involved Citizen was justified or lawful. Additionally, none of the evidence supported the Respondent's allegation that the Involved Citizen struck him. There was also no corroboration that the Involved Citizen took the actions described by the Respondent that resulted in him discharging his weapon and striking the Involved Citizen. Therefore, the CCOP found that the investigation failed to prove or disprove that the Respondent's lethal discharge of a weapon was justified and lawful and recommended that the allegation be Non-sustained.

USE OF FORCE

EXONERATED

IAD 08-00017

The Complainant alleged that Respondent #1 approached her from a marked patrol vehicle and informed her that she was traveling too slow on a one lane street. The Complainant proceeded to drive away and Respondent #1 followed, activated his lights, and attempted to initiate a traffic stop. The Complainant stated that she continued to drive to her parent's house and that she exited her vehicle and ran into the house. Respondent #1 followed the Complainant into the home. The Complainant alleged that her parent attempted to intervene and was shoved by the Respondent. Respondent #2 arrived on the scene and assisted Respondent #1 remove the Complainant from the home and placed her into custody.

USE OF FORCE

EXONERATED

USE OF FORCE

NON-SUSTAINED

USE OF FORCE

EXONERATED

IAD 09-00017

The Complainant alleged that when Prince George's County narcotics officers served a warrant at her residence her personal property was damaged (dresser drawers, a coffee table and a 50" television) and that food was removed from her freezer, and eventually spoiled. A witness also alleged that an officer used profanity when addressing her.

ATTENTION TO DUTY

SUSTAINED

FALSE STATEMENT

SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

UNBECOMING CONDUCT

SUSTAINED

-SI 09-00016

The Respondent was accused of having sexual intercourse with a minor at his place of residence.

FALSE STATEMENT

SUSTAINED

INTEGRITY, TO WIT

SUSTAINED

FALSE STATEMENT

SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

-SI 09-00017

Allegations

The Respondent was at the scene of a Departmental Shooting. The Respondent was one of the first officers on the scene and had contact with both the involved officer and the subject that had been shot. Subsequently, the Respondent initiated a written statement and provided a recorded statement detailing his contact with the involved officer and the subject to the Special Investigative Response Team. The Respondent submitted to a deposition with regards to a civil action in connection to a Departmental Shooting. During that deposition, the Respondent provided testimony that was greater detail than that he had provided to investigators. As a result the Associate County Attorney notified the Special Investigative Response Team.

IAD Recommendations

The GOM Volume 1, Chapter 32, Section V, Subsection 10 states that employees shall maintain a strong personal commitment to perform their duties properly. Failure to honor this commitment results in a reduction of professional standards, a potential decrease of public service, and a potential increase in jeopardy. In this case, the Respondent provided a written statement with regard to a departmental shooting. In his statement, the Respondent said that the subject was making a continuous utterance of "you're supposed to fire warning shots." The Respondent also submitted to an audio recorded interview, in which he gave the same response. When asked whether there was anything else additionally that he felt was pertinent to this investigation, the respondent replied, "Not to my awareness." When the Respondent was later deposed by an attorney and questioned about what the shooting subject said, again he gave the same response as above. But when asked by the deposing attorney to repeat everything the shooter said, the Respondent gave a more detailed response. When asked why he didn't provide the same information when he was questioned earlier, the Respondent stated that was not asked the same questions. This is true. The Respondent provided a statement that approximated one to two pages, with regard to the shooting. The Department interview was approximately four pages long. The deposition, which was very detailed and required direct answers to direct questions, was over one hundred and sixty pages long. The Department asked the respondent a vague question which gave him an opportunity to decide what was pertinent. The Respondent focused on one statement of the shooting subject. He may have thought that was more important. Given the questions asked of him by the department, it is unclear whether the Respondent's his answer violated the GOM and the CCOP recommended that the allegation be Non-Sustained.

ATTENTION TO DUTY

SUSTAINED

IAD 09-00018

Complainant stated that he called the police for a complaint of a child custody dispute. The Complainant advised that Respondent #1 entered the residence to speak with the mother. According to the Complainant, the Respondent advised the mother how to obtain a court order to keep the Complainant away from her residence and told the Complainant to leave the property or he would be considered trespassing. The Complainant alleged that Respondent #1 and Respondent #2, who arrived later, spoke to him in a rude manner and pushed him towards a police cruiser. The Complainant also alleged that Respondent #1 "slammed" his head against the roof of the cruiser as he was being handcuffed. The Complainant alleged that during a search of his person, the respondents conducted a pat-down and noted a lump in the front pocket of his jacket and that Respondent #2 use a pocket knife to cut the jacket, removed the pack cigarettes, and "dumped them out." The Complainant was later arrested.

UNBECOMING CONDUCT
UNBECOMING CONDUCT
USE OF FORCE
UNBECOMING CONDUCT
ATTENTION TO DUTY
USE OF FORCE
USE OF FORCE
PROTOCOL/COURTESY

SUSTAINED
SUSTAINED
EXONERATED
SUSTAINED
EXONERATED
EXONERATED
UNFOUNDED
NON-SUSTAINED

-SI 09-00018

Respondents were on routine patrol, when they observed the Involved Citizen's vehicle. The Respondents were riding together in a marked county cruiser. The Respondents conducted a traffic stop on the Involved Citizen's vehicle. The Involved Citizen pulled up and stopped near the middle of the street. The Respondents exited the cruiser and started to approach the vehicle. The Involved Citizen placed his vehicle in reverse and drove back at the Respondents. The Involved Citizen drove his vehicle towards the passenger side of the cruiser. The Involved Citizen struck the cruiser along the passenger side and continued back. Respondent #2, who had exited the passenger side of the cruiser, was forced to dive back into the cruiser to avoid being hit by the Involved Citizen's vehicle. Once out on the street, the Involved Citizen placed his vehicle in drive and began to drive back toward the Respondents. Both Respondents discharged their issued firearms at the Involved Citizen. The Involved Citizen was struck in the forehead by a discharged round. The Involved Citizen drove through a fence surrounding a nearby metro station and his vehicle came to a rest in the metro station parking lot. The Involved Citizen was then taken into custody and transported to the hospital, where he was admitted.

DISCHARGE OF FIREARM
DISCHARGE OF FIREARM

EXONERATED
EXONERATED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations**IAD Recommendations****IAD 10-00020**

In the Complainant alleged that two officers stopped and frisked her sons and nephew in a parking lot. She alleged that while her sons and their cousin were walking home from the store, that they were approached by two officers and told to "put their hands on their heads." She further alleged that they were patted down and forced to sit on the wet ground. The Complainant alleged that while the young men were detained they were called derogatory names and that racial slurs were used in reference to their skin color and dreadlocks. She also alleged that an officer kicked one of the boys in the ribs and pulled his hair. The officers then told the young men to leave without giving them any information about who they were. One of the young men recorded the number of the cruiser.

USE OF FORCE

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

-SI 10-00020

The Department was notified by the Sheriff's Office in a neighboring county that a Temporary Protective Order had been issued for the Respondent. The allegation was that the Respondent had grabbed the Involved Citizen who is minor and put her hands around the Involved Citizen's throat, then threw and pinned her against a wall. A witness, the Involved Citizen's mother, petitioned the court for a Temporary Protective Order for the Respondent. At the hearing for the Final Protective Order, the witness withdrew the petition. The witness subsequently declined to cooperate with this investigation and did not allow the investigator access to the Involved Citizen.

UNBECOMING CONDUCT

NON-SUSTAINED

IAD 10-00021

The Complainant was leaving a party at a local hotel when she got into a verbal altercation with two officers. She alleged that after the altercation ended, she got onto the elevator with her cousin. The two officers followed them and another verbal altercation occurred. While in the elevator the Complainant and the Respondent engaged in a physical altercation, which resulted in the Respondent pepper spraying and handcuffing the Complainant.

The CCOP disagreed with Exonerated for the Use of Force allegation. This incident involved a struggle between the Respondent and Complainant that resulted in the deployment of OC Spray. In his statement, page 2, the Respondent indicated that he and another officer were escorting the Complainant and another female from a local hotel for disturbing the peace. He stated that as soon as they entered the elevator to escort the women to the lobby, the Complainant struck him in the neck and that he immediately deployed his OC Spray. He further stated that he did not give a warning because he did not want her to assault him again. Although there were others in the elevator at the time, the investigation presented nothing to corroborate the Respondent's version of events. In fact, the other officer never witnessed the Complainant strike the Respondent, and his version, as it relates to the event and the timing of the deployment of the OC spray, appear to differ from that of the Respondent. Absent corroboration or a preponderance of evidence to show that Complainant struck the Respondent, his use of force can not be exonerated. The CCOP recommended that the allegation be Non-Sustained. Additionally, the CCOP questioned the Respondent's decision to deploy OC spray in a confined space, with another officer and citizen present.

USE OF FORCE

EXONERATED

USE OF LANGUAGE

NON-SUSTAINED

IAD 10-00022

The Complainant alleged that he was sitting in his vehicle when he was approached by the Respondent who pepper sprayed, pulled him out his vehicle, punched him, struck him with the ASP baton and arrested him.

USE OF FORCE

EXONERATED

USE OF FORCE

EXONERATED

USE OF FORCE

EXONERATED

USE OF LANGUAGE

NON-SUSTAINED

USE OF FORCE

EXONERATED

-SI 09-00022

The Complainant alleged that she had been assaulted by the Respondent. The Complainant alleged that the Respondent approached her from behind, punched her in the head and threatened to kill her with her service weapon during a Sunday church service.

USE OF LANGUAGE

SUSTAINED

CRIMINAL MISCONDUCT

NON-SUSTAINED

Allegations**IAD Recommendations****-SI 10-00022**

The Respondent was accused of attempting to initiate an unauthorized traffic stop on one of the Complainant associates near her home, threatening and harassed the Complainant and her friends, placing unauthorized mail in her friend's mailbox, and flattening one of her friend's vehicle tires. The Involved Citizen also alleged that the Respondent disobeyed a direct order from a police supervisor to stop contacting her. As a result, the Involved Citizen submitted for and received a Peace Order stipulating that the Respondent was to have no contact with the Involved Citizen.

While the CCOP agreed with the finding for the allegations in this case, the Panel noted that the investigation failed to address why the Respondent was in the area near the Complainant home. The Respondent and the Complainant were previously involved in a four-year relationship that ended and resulted in the Respondent's supervisor issuing a direct order for the Respondent to stop contacting the Complainant. One of the charges in the investigation is that Gilliam conducted an unauthorized traffic involving the Complainant's male associate and questioned that associate about his relationship with the Complainant. The alleged stop was conducted near the Complainant's home. The investigator did not attempt to determine why Respondent Gilliam was near the Complainant's home. Since this was not his assigned district, the CCOP question if he lived in that area or had another legitimate purpose for being so close to her home?

UNBECOMING CONDUCT
 FAIL TO OBEY
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT

NON-SUSTAINED
 SUSTAINED
 UNFOUNDED
 NON-SUSTAINED

IAD 09-00023

The Complainant stated that her .38 caliber Taurus firearm was recovered as evidence by the Prince George's County Police Department. She sought the return of the firearm; however the firearm could not be located. According to the Incident Report completed the day of the incident, all the evidence recovered on the scene was handled by the Respondent.

CRIMINAL MISCONDUCT
 PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 ATTENTION TO DUTY
 PROCEDURE VIOLATION

UNFOUNDED
 EXONERATED
 NON-SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 NON-SUSTAINED

IAD 10-00023

The Complainant observed officers checking young men and vehicles at her apartment complex. The Complainant alleged that she observed one of the Respondents slap a man in his head and knee him in his side. The Complainant alleged that she heard the man scream "stop, please stop." The Complainant alleged that when she asked for and received the Respondent's name and ID information, she called 911 to report the Respondents actions.

USE OF FORCE

NON-SUSTAINED

IAD 10-00024

The Complainant alleges that the Respondent missed a gun during a search of a prisoner. The gun was subsequently found inside the Department of Corrections Facility.

PROCEDURAL VIOLATION
 ETHICS

SUSTAINED
 NON-SUSTAINED

IAD 09-00025

The Complainant alleged that he was given more traffic tickets than he deserved by the Respondent. The Complainant admitted to placing license plates from his old vehicle onto his new one and was given citations in excess of \$600. The Complainant alleged that the Respondent arrested him for refusing to sign the citations, but did not give him adequate time to do so. The Complainant also alleged that once at the jail, the Respondent cursed at him and was disrespectful. He also alleged that he was charged falsely for disorderly conduct during the traffic stop.

The CCOP commended the investigato for the thoroughness of his investigation of the allegations and respondents in this case. We also commend him on the level of detail provided in the Report of Investigation. It is this level of thoroughness and detail that gives the Panel a higher degree of confidence in the decisions and recommendations it must make using the investigative file presented for its review.

MISREP. OF FACTS

NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations

USE OF LANGUAGE
MISREP. OF FACTS

IAD Recommendations

NON-SUSTAINED
NON-SUSTAINED

IAD 09-00026

Complainant #1 alleged that he saw several officers on his deck with their guns drawn and that when he opened the door as requested, the officers jumped on him. He alleged that when Respondent #1 asked him to place his hands behind his back, he advised the Respondent that he had a disabled arm and could not do so. He alleged that he was then tasered and thrown to the floor. Complainant #2 stated when he tried to intervene, he was tasered and that while he was in handcuffs, he was punched in the face by Respondent #2. Complainant #3 stated that when he got out of his truck, Respondent #3 grabbed him and threw him into the mailboxes and while on the ground Respondent #3 stuck him with his knee, kicked him, and handcuffed him. He further alleged that while he was being transported to the hospital, Respondent #3 punched him in the neck, mouth and ribs. He also alleged that Respondent #3 threatened him and used profanity and, that after they arrived at the hospital, the Respondent slammed him into a wall.

USE OF FORCE
USE OF LANGUAGE
USE OF FORCE
UNFOUNDED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
EXONERATED
NON-SUSTAINED

IAD 10-00026

The Complainant, an acting lieutenant at the time, was notified by a sergeant of an incident involving the Respondents, who were fellow squad members. The sergeant forwarded documentation of the incident that was received from a witness. The witness completed a memo stated that the Respondents were involved in a heated dispute in which curse words were used.

While the aspects of the actions of the Respondents had been addressed in the context of Use of Force and Use of Language, the CCOP believed there was a need to further address their overall behavior in the context of Unbecoming Conduct. The argument between these Respondents occurred in a public setting and to the point where a superior had to stop them and advise them that their behavior was inappropriate. Their conduct violates the GOM, Volume 1, Chapter 32, Section 3, Unbecoming Conduct, which states, "As the most visible representatives of the government, employee must display unblemished professional conduct . . . are duty bound to avoid excessive, unwarranted or unjustified behavior that would reflect poorly on themselves, the Department, and County government, regardless of duty status." Therefore, the CCOP recommended adding and sustaining an allegation of Unbecoming Conduct for both Respondents.

UNBECOMING CONDUCT
ADDED ALLEGATION
USE OF LANGUAGE
SUSTAINED
USE OF LANGUAGE
SUSTAINED
USE OF LANGUAGE
SUSTAINED
USE OF LANGUAGE
SUSTAINED

-SI 09-00026

Respondent was involved in a bank robbery.

CRIMINAL MISCONDUCT
CRIMINAL MISCONDUCT
CRIMINAL MISCONDUCT
CRIMINAL MISCONDUCT

SUSTAINED
SUSTAINED
SUSTAINED
SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations	IAD Recommendations
IAD 09-00027	<p>The Complainant alleged that he witnessed the Respondent and another person in a verbal altercation. The Complainant alleged that during the altercation, the Respondent used profanity, un-holstered his weapon and laid it on the table, out of his control.</p> <p>USE OF LANGUAGE UNBECOMING CONDUCT</p> <p>NON-SUSTAINED NON-SUSTAINED</p>
IAF 08-00027	<p>The Respondent responded to an added information call concerning a prior residential Breaking and Entering and allegedly refused to write a supplemental report as requested by the Complainant.</p> <p>ATTENTION TO DUTY</p> <p>NON-SUSTAINED</p>
-SI 09-00027	<p>A K-9 seized the Involved Citizen on the right side of his face, forcing the Involved Citizen to the pavement. The Involved Citizen then complied with the handler's commands and was arrested.</p> <p>DEPLOYMENT OF CANINE</p> <p>EXONERATED</p>
IAD 09-00028	<p>The Complainant alleged that he was arrested during a traffic stop and was placed in the backseat of a police cruiser, and that while in custody, he was "punched in the face" by both Respondents.</p> <p>USE OF FORCE USE OF FORCE</p> <p>NON-SUSTAINED NON-SUSTAINED</p>
-SI 08-00028	<p>The Respondents reported to the scene of a breaking and entering in progress. They observed two individuals, the Involved Citizen and another subject, exited the house and run off in opposite directions. Respondent #1 attempted to stop the Involved Citizen. They became entangled and fell to the ground. After which the citizen stood up and ran away. Respondent #3 located the Involved Citizen and tried to apprehend him. The Involved Citizen began to fight with Respondent #3 and grabbed Respondent #3's police identification, which was hanging around his neck by a chain, and began to choke the Respondent. Respondents #1 and #2 arrived at the location and the Involved Citizen released the chain and began swinging at Respondent #1. The Respondents were able to grab the citizen's arms and attempted handcuff him. The Citizen continued to struggle and was taken to the ground. The Involved Citizen received some bruising and a laceration to his eye. The Involved Citizen refused to be treated by fireboard when they responded to the scene.</p> <p>USE OF FORCE USE OF FORCE USE OF FORCE USE OF FORCE USE OF FORCE</p> <p>NON-SUSTAINED NON-SUSTAINED EXONERATED NON-SUSTAINED NON-SUSTAINED</p>

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD 09-00029

Allegations

The Respondents were accused of assaulting the Complainant's son, who is a minor. She alleged that the officers tackled her son into a stone wall, slammed him into the ground, kicked, kneed, punched, and elbowed him in the face, head, back and legs. She further alleged that the officers forced their knees into his back and that the assault continued after he was handcuffed. She alleged that her son had scratches on his face and was clearly injured, but the officers never offered medical assistance.

IAD Recommendations

The CCOP disagreed with several IAD recommendations as they related to Use of Force and Attention to Duty. According to the Report of Investigation, the Respondent thought the minor was a robbery suspect when they observed him running. They stopped him at gunpoint and ordered him to the ground. Both respondents deny having used force. However, a witness stated that she saw two officers tackle the minor and she made several definitive statements to that effect when she was interviewed. Another witness, who did not see the incident, but was present immediately afterwards, described the minor's appearance when he arrived as crying, limping, swollen faced, with a "knot on the back of his head, on the right side" and a right wrist that appeared to be swollen. CCOP saw no reason to question the independence and credibility of the statements of citizen witnesses regarding their observations. In fact the CCOP found that the medical records from Doctor's Community Hospital, where the minor was treated for a hematoma in his right occipital area, a shoulder strain, a concussion and a wrist sprain, provided evidence sufficient to support their observations. The Panel recommended that the allegation of Use of Force be Sustained for each respondent. With regards to the Attention to Duty allegation for Failure to Render Medical, the investigator found that there was insufficient evidence to prove or disprove that the respondents knew or observed that the Complainant had injuries that required them to render medical attention. First, a preponderance of the evidence supports that the respondents used force to the extent that the minor had the injuries listed above and documented by hospital records. Secondly, the contusion and that wrist sprain, accompanied by pain, were apparent at the scene and observed by the citizen witness. The CCOP recommended that this Attention to Duty allegation be Sustained.

USE OF FORCE

ATTENTION TO DUTY

ATTENTION TO DUTY

USE OF FORCE

ATTENTION TO DUTY

ATTENTION TO DUTY

ATTENTION TO DUTY

ATTENTION TO DUTY

NON-SUSTAINED

SUSTAINED

SUSTAINED

NON-SUSTAINED

NON-SUSTAINED

SUSTAINED

SUSTAINED

NON-SUSTAINED

Allegations**IAD Recommendations****-SI 08-00029**

Officers were dispatched for a vehicle tampering complaint reported by Witness #9. Witness #9 reported that an unknown male took his vehicle and drove off his property. Officers received another call for a vehicle tampering complaint. According to Prince George's County Public Safety Communications, Witness #7 reported that an unknown male was forcing entry into her family's vehicle without consent. Witness #7 gave a detailed description of the suspect and his last known direction of travel. As officers were approaching the area, they observed the listed vehicle traveling in the opposite direction. The officers turned around and attempted to stop the listed vehicle. Moments later, the driver of the listed vehicle collided with another vehicle traveling in the opposite direction. After the wanted vehicle was forced to come to a stop, the driver fled on foot. The driver of the pick up truck was transported to Southern Maryland Hospital Center for treatment of his injuries.

The CCOP made a formal request through the Office of Professional Responsibility on April 6, 2010 to have the SIRT's investigator for this case discuss specifics of the investigation. Of particular interest were the wounds sustained by the Involved Citizen and the Respondent's statement that the Involved Citizen advanced on him and had what he believed to be a gun. As one of the wounds appeared to be a shot in the back, the Panel wanted an explanation of the sequencing of the wounds. To date, we have not received a date for this meeting and have decided to make our recommendation for this investigation without the benefit of further information or explanation.

The Respondent chased the subject into the woods and per the Respondent there was a confrontation during which the subject made furtive moves that lead the Respondent to believe he was about to fire a weapon. The Respondent fired several shots at the subject. The subject is alleged to have continued advancing on the Respondent and alleged to have said that he had a gun. The Respondent fired several more shots at the subject. A total of four shots were fired. All four struck the subject and he was killed.

No witnesses were present when the subject was shot to corroborate the Respondent's statement that the subject made furtive movement or was advancing on him in a threatening manner when he discharged his weapon. No weapon was found at scene nor is there witness testimony or evidence to prove that the subject had a weapon or object believed to be a weapon at the scene or when the officers encounter him earlier. The only weapon present and discharged at the scene was that of the Respondent.

The fact that a weapon was not found on or near the subject, combined with the lack of a witness to corroborate the Respondent's version of events, fits well within the parameter for a Non-Sustained finding. There is insufficient evidence to prove or disprove that the Respondent's decision not to use a lesser level of force and to discharge his weapon at the Respondent was legal, justified, and within the Prince George's County Police Department's policy and procedures, as indicated by the investigator. Therefore, the Panel recommends that the allegation for Discharged of Weapon (Fatal) be Non-sustained.

DISCHARGE OF FIREARM

EXONERATED

-SI 09-00029

A K-9 seized a suspect on the left forearm, but the suspect was able to pull away. The K-9 then seized the suspect on the left hip area, which caused the suspect to fall down. The K-9 released and seized then suspect on the left ankle, after which the suspect began complying with the handler's commands.

K-9 SEIZURE

EXONERATED

IAD 08-00030

The Complainant alleged that he was stopped by several officers after having been involved in a citizen robbery. The Complainant stated that the officers ordered him to the ground and handcuffed him. The Complainant alleges that the Respondent then began to punch him repeatedly in the ribs until he told him where his accomplice was. The Complainant also alleged that he was injured during this incident and that the Respondent has since harassed him, on several occasions, by making comments and gestures.

USE OF LANGUAGE

NON-SUSTAINED

HARASSMENT

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

IAD 10-00030

Complainant alleged that the Respondent stripped him naked in the street, planted drugs on him and continuously beat him.

PROCEDURE VIOLATION

UNFOUNDED

ETHICS

UNFOUNDED

USE OF FORCE

EXONERATED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD Recommendations**Allegations**

-SI 09-00030 A K-9 seized the Involved Citizen on his right forearm while the Involved Citizen was hiding under heavy brush. The Involved Citizen then complied with the handler's commands.

USE OF FORCE
USE OF FORCE

EXONERATED
NON-SUSTAINED

IAD 09-00031 Complainant alleged that she was having an argument with a neighbor and the Respondent entered her apartment illegally. The Complainant also alleged that the Respondent took a bat and threatened to "taze" her if he had to come back. The Complainant stated that the Respondent returned and entered her apartment illegally again and placed her in handcuffs. She alleged that while she was being placed in handcuffs, she hit her head on the floor. She further alleged that during the transport to the Denton Center and at the Denton Center, she was physically abused and threatened by the Respondent. The Complainant alleged that she requested medical attention and was denied. She also alleged that, on another date, the Respondent returned to her apartment for a medical emergency and arrested her without probable cause and did not advise her of her Miranda Rights.

USE OF FORCE
USE OF FORCE
ATTENTION TO DUTY
UNBECOMING CONDUCT
UNBECOMING CONDUCT
ATTENTION TO DUTY
PROCEDURE VIOLATION
ATTENTION TO DUTY

NON-SUSTAINED
NON-SUSTAINED
EXONERATED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
SUSTAINED
EXONERATED

-SI 09-00031 The Involved Citizen, the girlfriend of the Respondent, accused him of domestic violence. A officer from a neighboring jurisdiction's police department, observed injuries to the Involved Citizen's person when he arrived for a disturbance call. Based on his observations, the officer arrested the Respondent and presented him to a state Magistrate. The Magistrate did not find probable cause to issue a warrant for the arrest of the Respondent, but did issue an Emergency Protection Order. The Respondent's police powers were suspended.

UNBECOMING CONDUCT

NON-SUSTAINED

IAD 09-00032 The Complainant stated that he encountered the Respondent at a local restaurant. The Complainant alleged that he was arrested after a disagreement with restaurant staff. The Complainant alleged that while removing him from the restaurant, the Respondent used excessive force. The Complainant also stated that the Respondent used pepper spray while arresting him and later denied that fact in the charging documents.

USE OF FORCE
USE OF FORCE
USE OF FORCE
USE OF FORCE

NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED

-SI 10-00032 The suspect was apprehended by the K-9 as he attempted to flee from the canine handler. This suspect stated he did not want to be handcuffed by the Witness. This suspect stated the canine bit him and held on for one to two minutes.

DEPLOYMENT OF CANINE

EXONERATED

IAD 09-00033 The Complainant alleged that he was stopped by police officers, while at the bus stop. He alleged that he was slammed against a fence and searched for a gun, with negative results. The Complainant alleged that the officers used profanity and that he felt the incident was the result of racial profiling.

The CCOP was concerned that this was one of a growing number of investigations it has reviewed with possible 4th Amendment violations related to stop and frisk. The CCOP's legal counsel noted that officers are not meeting the standards for stop and frisk, and other searches, as determined by the GOM and recent Supreme Court decisions. Of particular concern was officers' inability to articulate, to the citizens or the IAD investigator, a legally sufficient reason for the stop and frisk or search. The CCOP recommended that the Department revisit its procedures and GOM provisions regarding stop and frisk and other searches. The CCOP believed that this may be necessary to determine if policy revisions or retraining are required to align Departmental practices with current law and court decisions.

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations

UNBECOMING CONDUCT
 BIAS BASED PROFILING
 UNBECOMING CONDUCT
 USE OF LANGUAGE
 BIAS BASED PROFILING
 UNBECOMING CONDUCT
 PROCEDURAL VIOLATION
 USE OF FORCE
 USE OF FORCE
 UNBECOMING CONDUCT
 BIAS BASED PROFILING
 BIAS BASED PROFILING

IAD Recommendations

NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 EXONERATED
 EXONERATED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

-SI 07-00033

The Respondent was involved in the pursuit of a motorcycle for traffic violations. The Respondent pursued the motorcycle by traveling at a high rate of speed on the left shoulder of the Interstate. To avoid a piece of rubber on the shoulder, the Respondent reentered the highway and rear-ended a vehicle. The impact pushed the vehicle across the median, over the guard rail and into the south bound traffic causing several accidents. The driver and front passenger of one of the accident vehicles were ejected from the vehicle and were pronounced dead at the scene. Several others were injured.

POLICY VIOLATION
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 POLICY VIOLATION
 CRIMINAL MISCONDUCT
 PROCEDURE VIOLATION
 CRIMINAL MISCONDUCT

SUSTAINED
 SUSTAINED

IAD 09-00034

The Complainant alleged that the Respondent stopped him for a red light violation and requested that he sit on the curb. The Complainant stated that he refused to do so because the curb was wet. The Complainant alleged that the Respondent then hit him in the face, knocked him down and arrested him. The Complainant also stated that the Respondent took his license and did not give him a temporary license. Per the Respondent, the Complainant refused to take any of the requested sobriety tests.

ATTENTION TO DUTY
 DUI OR DRUG POLICY
 USE OF FORCE

NON-SUSTAINED
 EXONERATED
 NON-SUSTAINED

-SI 09-00034

The Respondent was sitting on a park bench when she moved her purse from her lap and placed it on the bench when her issued firearm, which was inside the purse, discharged. The discharged round went directly into the ground behind her. The discharged round and the shell casing were recovered from the scene.

FIREARM
 EQUIPMENT

SUSTAINED
 SUSTAINED

IAD Recommendations**Allegations**

IAD 09-00035 The Complainant was leaving a local restaurant when he got into a verbal altercation with the respondent. The Respondent escorted the Complainant out of the restaurant and forced him to sit on the curb. The Complainant alleged that when he tried to make a phone call on his cell phone, the Respondent refused to allow the call and used inappropriate language.

USE OF LANGUAGE NON-SUSTAINED
USE OF FORCE NON-SUSTAINED

IAD 09-00036 The Complainant stated that he was at a local restaurant when he got into a verbal altercation with several other patrons. The Respondent and another officer requested that he leave the establishment. He alleged that they grabbed him and pushed him, causing him to fall on the floor. He further alleged that they picked him up by his neck and punched him in his head. When he realized that he was injured, the Complainant stated that he called for on-duty police officers. When the on-duty officers arrived, they called for an ambulance. The ambulance transported him to the hospital for treatment. The officers who removed the Complainant from the club allegedly did not provide medical assistance to him for obvious injuries.

ATTENTION TO DUTY SUSTAINED
USE OF FORCE NON-SUSTAINED
PROCEDURE VIOLATION NON-SUSTAINED
USE OF FORCE NON-SUSTAINED

IAD 08-00037 The Complainant alleged that she and the Respondent were involved in a domestic dispute at Respondent's residence. The Complainant alleged that she was struck on the arm by the Respondent and that the Respondent used profanity while arguing.

CRIMINAL MISCONDUCT NON-SUSTAINED
PROCEDURE VIOLATION SUSTAINED
PROCEDURE VIOLATION SUSTAINED
USE OF FORCE NON-SUSTAINED
USE OF LANGUAGE NON-SUSTAINED
UNBECOMING CONDUCT NON-SUSTAINED

-SI 08-00037 A vehicle wanted in connection to an armed robbery was observed by a witness driving into the parking lot of a local business. Police officers responded and set up surveillance. Involved Citizens were observed exiting the business and getting into the involved vehicle. The vehicle accelerated out of the parking space and struck Respondent #1's police cruiser. Respondents #1 and #2 exited their cruisers and gave the driver commands to get out of the car. The driver placed the vehicle in reverse and accelerated. The Respondents discharged their weapons at the driver. The driver continued his attempt to flee and struck another police cruiser. The Involved citizens exited the vehicle and were immediately apprehended. Neither of the Involved Citizens were struck by bullets.

DISCHARGE OF FIREARM EXONERATED
DISCHARGE OF FIREARM EXONERATED

-SI 09-00037 Members of the Special Investigative Response Team were notified of a domestic assault involving the Respondent. At the time of the notification the Respondent was not on the scene.

UNBECOMING CONDUCT SUSTAINED
PROCEDURE VIOLATION SUSTAINED
UNBECOMING CONDUCT NON-SUSTAINED

IAD 09-00038 The Complainant alleged that her son was brought to her residence handcuffed by officers following a traffic accident. She alleged the officers requested that she speak to her son in an attempt to calm him down. The Complainant stated that the handcuffs were removed when her son seemed to be in need of medical attention. The Complainant alleged that during the incident, her son was tackled to the ground and re-handcuffed by the officers.

PROCEDURE VIOLATION SUSTAINED
PROCEDURE VIOLATION SUSTAINED
USE OF FORCE EXONERATED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD Recommendations

EXONERATED
 EXONERATED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 EXONERATED
 EXONERATED
 SUSTAINED

Allegations

USE OF FORCE
 USE OF FORCE
 PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 USE OF FORCE
 USE OF FORCE
 PROCEDURE VIOLATION

IAF 09-00038 The Complainant alleged that the Respondent was at the Motor Vehicle Administration, dressed in his police uniform, and met with the Complainant, who is a MVA employee. The Complainant alleged that during the meeting, the Respondent became rude and disorderly, prompting the Complainant to contact their security officer.

NON-SUSTAINED

UNBECOMING CONDUCT

-SI 08-00039 Respondent discharged his weapon during an incident in which he was struck and killed while attempting to stop a suspected stolen vehicle.

EXONERATED

DISCHARGE OF FIREARM

-SI 09-00040 The Involved Citizen, who was the Respondent's girlfriend, encountered the Respondent and another person at his residence. An argument ensued between the Involved Citizen and the Respondent. During the argument, the Involved Citizen damaged the Respondent's personal vehicle. In an attempt to stop the Involved Citizen from further damaging his vehicle, the Respondent became involved in a physical altercation. It was determined, based on the statements from witnesses, that the Involved Citizen was the aggressor. Both the Involved Citizen and the Respondent applied for and received Protective Orders for each other. Both were subsequently dismissed. The Complainant and Respondent then applied for and received criminal warrants for the other. The Respondent was served with the arrest warrant and, as a result, the Respondent's police powers were suspended.

EXONERATED
 NON-SUSTAINED

UNBECOMING CONDUCT
 UNBECOMING CONDUCT

-SI 09-00042 The Involved Citizen was brought to CID/Homicide on a writ and interviewed about a homicide. Later the Involved Citizen was discovered to have a bump and cuts on his forehead. He alleged that he hit his own head on the table, causing the injury. Fireboard responded and the Involved Citizen refused treatment. The Involved Citizen was transported to Upper Marlboro and turned over to Department of Corrections personnel.

NON-SUSTAINED
 NON-SUSTAINED
 UNFOUNDED
 NON-SUSTAINED

USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE

IAD 06-00043 The Respondents, while working secondary employment, allegedly used excessive force, unbecoming conduct, and abusive language while interacting with the Complainant at a local nightclub. The Complainant alleged that she was assaulted by unknown assailants and that the Respondents ignored her pleas for assistance. The Complainant alleged that the Respondents struck her with an ASP Baton and cursed at her.

NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

ATTENTION TO DUTY
 USE OF FORCE
 USE OF LANGUAGE
 USE OF FORCE
 ATTENTION TO DUTY
 USE OF LANGUAGE
 USE OF FORCE
 ATTENTION TO DUTY

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
 Not all of the FY10 cases have been summarized.

Allegations

EXTRA DUTY EMPLOY . x3
 EXTRA DUTY EMPLOY . x3
 EXTRA DUTY EMPLOY.
 FALSE STATEMENT
 UNBECOMING CONDUCT
 EXTRA DUTY EMPLOY . x3
 USE OF LANGUAGE
 EXRTA DUTY EMPLOY.

IAD Recommendations

SUSTAINED
 SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 SUSTAINED

IAD 09-00048

The Complainant and friends were walking to their vehicles after leaving a bar when they were told by Prince George's County Police officers to leave the premises, because they were loitering. The officers left and returned several minutes later and again told them to leave the premises. The Complainant alleged that one of the officers bumped him with his shoulder, causing him to fall into his friend and then to the ground. The Complainant alleged that a witness recorded the events with a video camera and a plain clothes officer knocked the camera from the witness's hand. He further alleged that he was then thrown on the roof of a police car, searched and that he and the witness were placed under arrest. The Complainant and one of his friends were charged with second degree assault on a law enforcement officer, disorderly conduct, disturbing the peace, and resisting arrest.

USE OF LANGUAGE
 UNBECOMING CONDUCT
 USE OF FORCE
 UNBECOMING CONDUCT
 USE OF FORCE
 USE OF LANGUAGE
 UNBECOMING CONDUCT
 USE OF LANGUAGE

NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

IAD 09-00049

The Complainant alleged that she parked her vehicle in the fire lane in front of a restaurant and was confronted by the Respondent, who asked for her driver's license and registration. The Complainant stated that she complied and relinquished her driver's license and registration. The Complainant alleged that after the Respondent issued her two citations, she asked for her registration card back and that the Respondent removed his handcuffs, used profanity and threatened to arrest her and call social services for "leaving your kids in the car". The Complainant also alleged that when she told the Respondent she needed her registration, he waved her off and stated "I'll mail it to you." The Complainant alleged that the Respondent's conduct was unprofessional and that she has yet to receive her registration card back.

USE OF LANGUAGE
 ATTENTION TO DUTY
 PROCEDURE VIOLATION

NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED

IAD 10-00049

The Complainant alleged he had entered a local bar when he realized that he did not have his identification with him. He informed the Respondent, who was working secondary employment at the bar, that he did not have his identification and went back to his vehicle to retrieve his ID. He alleged that when he returned with his ID, the Respondent used profanity while addressing him and made, what the Complainant felt, was an insulting remark.

USE OF LANGUAGE

NON-SUSTAINED

IAD 08-00050

The Complainant stated that the Respondent, a former boyfriend, alleged that he came to her residence in response to an alarm call. When she advised the Respondent that she does not have an operational alarm, the Respondent stated that he was unable to determine if he had been sent to the right house and he left. The Complainant alleged that the Respondent returned to her house the next night and knocked on her door again. However, he walked away before she could get to the door. She alleges that she saw him drive away. The Complainant believed that the Respondent used the police database to obtain her new address.

CJIS VIOLATION
 CJIS VIOLATION
 CJIS VIOLATION
 UNBECOMING CONDUCT

SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD Recommendations

Allegations
 FALSE STATEMENT
 CJIS VIOLATION
 ETHICS
 UNBECOMING CONDUCT

SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED

IAD 09-00050

The Complainant stated that he witnessed compromised training at the Prince George's County Police Training Academy. He alleged that when the Respondent was disappointed by the actions of a Student Officer, he responded by yelling at him and punching a hole through the wall. The Complainant further alleged that during the winter months, instructors ejected the academy members from locker rooms and made them change in the parking lot. He also alleged that in order to change their clothes, men and women were made to strip down to their underwear in the middle of the parking lot, which is located in the middle of an industrial area. The Complainant stated she also witnessed foul, offensive and demeaning language on a daily basis and was threatened with physical violence. The Complainant also stated that the student officers were given the answers to tests.

USE OF LANGUAGE
 UNBECOMING CONDUCT
 USE OF LANGUAGE
 USE OF LANGUAGE
 INTEGRITY VIOLATION
 USE OF LANGUAGE
 USE OF LANGUAGE

NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED

IAD 10-00050

The Complainant alleged that the Respondent punched him and banged his head against a wall during and arrest. The Complainant also alleged that he is being harrassed by the Respondent and other officers.

The CCOP found that the investigation in this case failed to thoroughly address the incident under review. Specifically, the investigator failed to establish clear circumstances or probable cause for the Respondent to arrest the Complainant and subsequently the need for forcibly preventing the Complainant from entering a building. The Respondent stated that he observed the Complainant engaged in a hand-to-hand transaction and attempted to detain him when he bolted for the building's door and attempted to "hide" something behind his lower back. The Respondent never established that the Complainant was, in fact, hiding anything. And, the investigator failed to further question the Respondent or other witnesses about the attempt to "hide something." The investigator also failed to present sufficient evidence to establish the preponderance needed to support his recommended findings Exonerated and Unfounded for the Use of Force and Harassment Allegation, respectively.

HARASSMENT
 USE OF FORCE
 USE OF FORCE
 HARASSMENT

UNFOUNDED
 EXONERATED
 EXONERATED
 UNFOUNDED

IAD 09-00051

The Respondent is accused of destroying confiscated property before the required 90-day period.

PROCEDURE VIOLATION
 PROCEDURE VIOLATION
 ATTENTION TO DUTY

SUSTAINED
 SUSTAINED
 SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
 Not all of the FY10 cases have been summarized.

Allegations**IAD Recommendations****-SI 08-00052**

The Respondents reported to the scene of a breaking and entering in progress. They met the victim who pointed out the suspect. When the officers approached the suspect, he took a combative stance and refused to obey commands. The officers suspected that he was on PCP. Respondent #1 discharged his Taser, with negative effect. The suspect pulled the probes from his body. Respondent #1 reloaded and discharged his Taser again, also with no effect. Respondents #1, #2, and #3 used their ASP batons to strike the suspect and subdue him. The suspect continued to fight, grabbing the batons from the officers. All of the Respondents then began striking the suspect in an attempt to place him in a position for handcuffing. During the struggle, the suspect struck his head and sustained a large laceration and concussion. The suspect was subdued, arrested, and transported to the hospital by ambulance.

USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE

EXONERATED
 EXONERATED
 EXONERATED
 EXONERATED

IAD 09-00053

The Complainant alleged harassment from a supervisor. According to Complainant, the Respondent left several voicemails to his wife on her personal cell phone making sexually inappropriate comments. The Complainant also alleged that, soon after, the Respondent began leaving voice messages about the Respondent on his wife's phone.

UNBECOMING CONDUCT

UNFOUNDED

IAD 09-00054

Respondent #1 met with Respondent #2 to counsel him about a missing canister of pepper spray. Per Respondent #2, during this counseling session, Respondent #1 questioned his motivation and enthusiasm to be a police officer. Respondent #2 left that Respondent #1 was threatening his job. It is alleged that, Respondent #1 and Respondent #2 were standing approximately one foot apart from each other and Respondent #1 ordered Respondent #2 to back up. Respondent #2 refused and Respondent #1 put his finger on the chest of Respondent #2, pushed him and again ordering him to back up. Respondent #1 then ordered Respondent #2 to leave the station. Respondent #2 continued to yell at Respondent #1. A witness intervened and escorted Respondent #2 out of the station. During an interview with Respondent #2, he stated that Respondent #1 used profanity while addressing and during a previous incident.

USE OF LANGUAGE
 USE OF LANGUAGE
 INSUBORDINATION
 USE OF LANGUAGE
 UNBECOMING CONDUCT

NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED

IAF 09-00054

The Respondents were allegedly discourteous to the Complainant while responding to a check weapon/disorderly call at the Complainant's residence.

ATTENTION TO DUTY

NON-SUSTAINED

-SI 08-00054

Members of the Violent Crimes Unit conducting high visibility patrols noticed a vehicle with truck tags displayed on a passenger vehicle. Respondent #2 approached the vehicle and requested the driver's license and registration card. As Respondent #1 arrived at the location, the driver was being asked to step out of the vehicle. The driver then pushed Respondent #2 and struggled with the Respondent in an attempt to flee. When Respondent #1 observed the struggle, he produced his ASP baton and ordered the Involved Citizen to stop resisting. As Respondent #1 prepared to extend the baton, the Involved Citizen grabbed the baton. Respondent #1 was able to free his ASP baton and deliver strikes to the Involved Citizen's torso area. The Involved Citizen was reportedly unfazed by the ASP strikes and Respondent #2 deployed his issued OC spray. The Involved Citizen continued to resist and a crowd began to gather. Respondent #1 called for assistance and Witness #1 responded. Upon his arrival, the Involved Citizen was handcuffed and medical personnel were requested for both officers and the Involved Citizen.

USE OF FORCE
 USE OF LANGUAGE
 UNBECOMING CONDUCT
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE

SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 EXONERATED
 NON-SUSTAINED
 NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations**IAD Recommendations****-SI 09-00054**

Communication dispatchers advised units working that Metropolitan Police Department units were chasing a carjacked vehicle out the District of Columbia and into Prince George's County. The Respondent, along with several other units, intercepted the carjacked vehicle as it entered Prince George's County. The county units pursued the vehicle as it drove through H-sector. The pursuit ended at the LOI, where both the driver and the passenger "bailed out" of the vehicle and fled on foot. The Respondent saw the passenger (Involved Citizen) fleeing towards a nearby street. The Respondent observed the Involved Citizen run behind a residence, but did not see where the Involved Citizen went after he rounded the corner to the rear of the house. The Respondent followed the Involved Citizen into the yard and began to search the area. The Respondent started to enter a shed, which was attached to the house, to search for the passenger when the Involved Citizen, who was hiding inside, reached out and grabbed the Respondent's issued firearm. The Respondent pulled back on the weapon and unintentionally discharged the weapon. The Involved Citizen released the weapon when it discharged and then was taken into custody.

USE OF FORCE

EXONERATED

UNINTENTIONAL DISCHARGE OF FIREARM

SUSTAINED

IAD 09-00055

The Complainant alleged that the Respondents assaulted him after he refused to let them or an amusement park security guard check his bag. The Complainant also alleged that one of the Respondents used derogatory language and that the officers removed their name tags to conceal their identity.

PROCEDURE VIOLATION

NON-SUSTAINED

PROCEDURE VIOLATION

SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

PROCEDURE VIOLATION

NON-SUSTAINED

IAD 09-00055

Members the Department's Narcotics Enforcement Division were involved in the execution of a search warrant. During the execution of the warrant, Marijuana and documents were located and seized. Complainant #2 was taken into custody, but was released and not charged. The Respondents returned to the residence on a later date looking for Complainant #2 and were advised by Complainant #1 that Complainant #2 was not there. Complainant #1 alleged that the Respondents then forced their way into the residence and blocked her 911 calls to police by advising the dispatcher that police was already there. Complainant #1 also alleged that Respondent #2 use profanity while addressing her.

DISCOURTESY

UNFOUNDED

USE OF LANGUAGE

NON-SUSTAINED

ATTENTION TO DUTY

SUSTAINED

ATTENTION TO DUTY

SUSTAINED

-SI 09-00056

The Respondent was stopped by another the Sheriff's Office in another jurisdiction, as a result of a broadcast for a drunk driver. The deputies that stopped the Respondent determined that he was under the influence. The Respondent became belligerent and began using profanity. The deputies secured the Respondent's vehicle and took him home. However, the Respondent returned to his vehicle and the deputies found him at the vehicle when they were checking on the vehicle. The Respondent became belligerent and argumentative again, put on his body armor and duty belt. The Respondent consented to a PBT, which registered a 0.178. The deputies took the Respondent home again.

LEAVE & DUTY STATUS

NON-SUSTAINED

USE OF LANGUAGE

SUSTAINED

USE OF LANGUAGE

SUSTAINED

FIREARMS & INTOXICANTS

SUSTAINED

UNBECOMING CONDUCT

SUSTAINED

UNBECOMING CONDUCT

SUSTAINED

LEAVE & DUTY STATUS

NON-SUSTAINED

Allegations**IAD Recommendations**

IAD 09-00057 The Complainant alleged that while she was being treated at a local hospital for injuries she sustained at a night club, Respondent #1 was rude to her. She alleged that when she got hysterical and asked Respondent #1 to leave the room, Respondent #1 cursed at her. She alleged that Respondent #2 came into the room, closed the door, choked her and pushed his finger nails into her arm. She further alleged that Respondent #2 flipped her over on the bed and handcuffed her.

USE OF FORCE
 USE OF LANGUAGE
 ATTENTION TO DUTY
 USE OF LANGUAGE
 DISCOURTESY

NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

IAD 09-00058 The Complainant stated that he was skateboarding in a parking lot, when the Respondent ordered him to leave. The Complainant stated that he attempted to tell the Respondent that security gave him permission to skate, when the Respondent got out of his car, cursed at him and slammed his head to the car, while kicking his legs from under him.

STOP AND FRISK
 EXTRA DUTY EMPLOY.
 USE OF FORCE
 USE OF LANGUAGE

SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 UNFOUNDED

-SI 08-00058 A municipal police department responded to a report of an intoxicated driver who was involved in several vehicular accidents. A check of the registration revealed that the vehicle was registered to the Respondent. The Respondent's eyes were bloodshot, glassy, and watery and he had a strong odor of an alcoholic beverage upon his breath. The Respondent refused to cooperate with request/demands for sobriety testing.

UNBECOMING CONDUCT
 VIOLATION OF MD TRAFFIC LAW
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 VIOLATION OF MD TRAFFIC LAW

SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 NON-SUSTAINED

-SI 09-00059 Canine seizure

USE OF FORCE
 USE OF FORCE

EXONERATED
 EXONERATED

IAD 09-00060 The Complainant alleged that the Respondent was rude when he conducted a traffic stop. He alleged that the Respondent insulted him and used profanity. The Complainant further alleged that the Respondent broke his CD, cigarettes, and cell phone and that the Respondent took a baseball bat and acted as if he was going to strike the Complainant.

While the CCOP agreed with the findings in this case, the Panel found the investigator's summation of his basis for these findings to be inconsistent with his recommendations.

UNBECOMING CONDUCT
 USE OF FORCE
 USE OF LANGUAGE

NON-SUSTAINED
 EXONERATED
 NON-SUSTAINED

Allegations**IAD Recommendations**

IAD 08-00061 The Complainant encountered the Respondent when she cut the line in the triage area of a local hospital. The Respondent had been advised by the triage nurse that he was next in line. The Complainant alleged that the Respondent then cursed at her, twisted her wrist and put her arm behind her back, while telling her to get back in line. The Complainant began pushing, punching and kicking at the Respondent. The two were eventually separated by hospital staff. It was alleged that the Respondent continued to approach the Complainant yelling. The Complainant stated that everyone was trying to grab her and keep her separated from the Respondent, so she threw punches to free herself from the crowd. The Complainant was eventually placed under arrest.

USE OF FORCE

NON-SUSTAINED

USE OF LANGUAGE

SUSTAINED

UNBECOMING CONDUCT

SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF FORCE

SUSTAINED

IAD 09-00061 The Complainant alleged that during a dispute with store personnel regarding a return, the Respondent, who was on secondary employment, requested that he leave the store. The Complainant stated that he and the Respondent engaged in an argument. The Complainant alleged that when he questioned the Respondent's request to see his ID, the Respondent called for backup, put on gloves, and asked him if he wanted to fight. The Complainant alleged that the Respondent took out her nightstick and ordered him to turn around and that when he requested to know why, the Respondent pepper sprayed him twice.

USE OF FORCE

EXONERATED

-SI 08-00061 A police officer stopped the Respondent for speeding. The officer detected the odor of alcoholic and asked the Respondent if he had been drinking. The Respondent admitted to drinking a "couple beers." The officer had the Respondent perform standardized field sobriety tests, which the Respondent failed. The Respondent was subsequently placed under arrest and transported for processing. Upon his arrival to the processing facility, the Respondent submitted to chemical breath tests which yielded a result .13 and .15, respectively. The Respondent was formally charged and remanded to the detention center.

UNBECOMING CONDUCT

SUSTAINED

CRIMINAL MISCONDUCT

NON-SUSTAINED

IAD 09-00062 The Complainant alleged that as he approached his home he noticed a disturbance. He stated that when he approached officers to inquire about the disturbance, the Respondent was extremely aggressive and abusive. He alleged that the Respondent poked him in the chest and that when he tried to walk around the Respondent, the Respondent pushed him into the bushes. The Complainant stated that when he continued to question the Respondent, the Respondent cursed at him and strangled him.

The investigator established, through his line of questioning of the Complainant and civilian and police witnesses, that the Respondent allegedly shoved or pushed the Complainant onto the hood of a police vehicle. However, the CCOP found that there was no corresponding Use of Force allegation. The Use of Force allegation presented in the investigation only addressed the alleged actions of bumping the Complainant in the chest, intentionally pushing him into the bushes and strangling him. Therefore, to cover all of the allegations identified in the investigation, the Panel recommended adding and non-sustaining an additional Use of Force allegation that addresses the alleged action of pushing the Complainant onto the vehicle.

USE OF FORCE

NON-SUSTAINED

UNBECOMING CONDUCT

NON-SUSTAINED

USE OF LANGUAGE

NON-SUSTAINED

USE OF FORCE

NON-SUSTAINED

IAD 09-00063 The Complainant alleged that the Respondent entered her house and pointed a gun at her. The Complainant also alleged that the Respondent twisted her fingers and bent her wrists back.

USE OF FORCE

EXONERATED

-SI 08-00063 The Respondent was approached by a citizen who pointed out a subject armed with a gun. The Respondent approached the subject in his cruiser, at which time the subject fled on foot. While the subject was running, he placed his right hand into his jacket pocket. The Respondent exited his police cruiser with his canine and pursued the subject. A verbal canine warning announcement was made for the subject to stop, with negative results. The subject turned toward the Respondent in a fast motion, leaving his right hand in his pocket. The Respondent stated that he feared for his life and believe the subject was armed with a handgun. The Respondent deployed his canine. The canine seized the subject and the subject sustained lacerations to his right forearm and elbow. The subject then complied with the Respondent's commands.

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations
USE OF FORCE

IAD Recommendations
EXONERATED

-SI 09-00063 Respondent #1 conducted a traffic stop on a vehicle driven by the Involved Citizen. As Respondent #1 began to interview the Involved Citizen, the Involved Citizen started to reach inside of the center console compartment of the vehicle and was observed by the Respondent placing something under his seat. Concerned for his personal safety, the Respondent requested backup. Respondents #2 & #3 responded. After refusing officers' requests to exit the vehicle, the Involved Citizen attempted to restart the engine of the vehicle. Observing this, Respondent #3 broke out the passenger side window with his ASP baton. Respondent #2 unlocked and opened the driver's side door and officers forcibly pull the Involved Citizen from the vehicle.

USE OF FORCE
USE OF FORCE
USE OF FORCE

EXONERATED
EXONERATED
EXONERATED

-SI 06-00064 A witness reported that the Respondent entered her residence without her consent and stole twenty tablets of oxycodone. Subsequently, the Respondent was ordered to submit to a "Reasonable Cause Test" to determine if he had oxycodone in his system. The result of that test revealed that the Respondent was positive for three separate opiates and two forms of oxycodone. Additional investigation revealed that the Respondent had been prescribed all but one of the narcotics by his physician, but had failed to adhere to the General Order Manual regarding the use of such medications while on duty.

USE OF MEDICATION
UNBECOMING CONDUCT

SUSTAINED
NON-SUSTAINED

-SI 07-00064 The Officer Witness initiated a traffic stop on the Respondent for failing to stop at a stop sign. Upon approaching the vehicle, the Officer Witness discovered the Respondent was in the company of a female, who he believed was a neighborhood prostitute. He had previously arrested the female for CDW and CDS. After initiating a wanted check, the Officer Witness discovered that the Respondent had an open warrant.

While the CCOP did not recommend adding allegations, the Panel noted that the investigation revealed that the Respondent was allegedly insubordinate and used inappropriate language during the incident under investigation. He was not interviewed regarding either of these actions, nor were they listed as charges.

PROCEDURAL VIOLATIONS
CRIMINAL MISCONDUCT

SUSTAINED
NON-SUSTAINED

-SI 08-00064 The Respondents were conducting surveillance when a vehicle that had been reported stolen was observed being operated by the subject. The vehicle was stopped and as the Respondents approached, the subject accelerated the vehicle, striking two different police vehicles. The subject was taken into custody by the Respondents. During the struggle the subject suffered a broken right index finger.

USE OF FORCE
USE OF FORCE

EXONERATED
EXONERATED

IAD 09-00066 Respondent #1 initiated a traffic stop on a vehicle driven by the Complainant. The Respondent's basis for the traffic stop was the dark window tint. The Complainant alleged that he was taken out of his vehicle by Respondent #1 and that the Respondent grabbed him by the back of his suit jacket and threw him to the ground, causing his jacket and vest to rip. The Complainant also alleged that his car was ransacked by Respondent #1 and Respondent #2.

With regards to Use of Force #1, the Panel disagreed with Non-Sustained. An independent witness, who the investigation established was in proximity to have heard and witnessed the alleged behavior of Respondent, was very clear, concise and adamant that she observed the Respondent: (1) "slam" the Complainant against the car; (2) "slam" the Complainant to the ground; and (3) use profanity while speaking to the Complainant. The independent witness described actions that were overly aggressive, under the circumstance. Nothing presented in the investigation gave the Panel reason to doubt the independent witness's character, credibility, or veracity. The Panel also noted that was another case presented for the CCOP's review that involved missing components of the MVS recording. The tape from Respondent #2 vehicle was missing the audio portion of the recording.

USE OF FORCE
UNBECOMING CONDUCT
USE OF LANGUAGE
UNBECOMING CONDUCT

EXONERATED
NON-SUSTAINED
SUSTAINED
NON-SUSTAINED

IAD Recommendations
EXONERATED

Allegations
USE OF FORCE

IAD 08-00067 The Complainant was involved in a physical altercation at a local nightclub. The Complainant and several other patrons were removed from the club. Once outside, the Complainant approached the Respondents and attempted to report that she had been assaulted and wanted to press charges. The Complainant alleged that the Respondents were rude and unprofessional and asked her to leave the parking lot. The Complainant also alleged that the Respondents escorted her to her car. As she sat in her car, she called 911 to report the assault and requested that the on-duty officer respond. She alleged that as she was talking to the call taker, one of the Respondents began beating on her car windows ordering her to leave the parking lot and arrested her for not leaving. She stated that as she was placed in the seatbelt on the front seat of the police cruiser, she was elbowed in the face, chest and stomach.

PROCEDURE VIOLATION
USE OF LANGUAGE
FALSE STATEMENT
USE OF FORCE
UNBECOMING CONDUCT
UNBECOMING CONDUCT
PROCEDURE VIOLATION
ATTENTION TO DUTY

NON-SUSTAINED
SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED
SUSTAINED

IAD 09-00067 The Complainant alleged that he was assaulted by the Respondent, a plain clothes officer. According to the Complainant, he was approached by the Respondent and an officer of the Capitol Heights Police Department. The Complainant stated that the Capitol Heights officer advised him and his friends that they were not allowed to loiter in the park and requested that they leave. The Complainant alleged that during the incident, the Respondent threw the Complainant's car keys away from his vehicle and told them to walk from the park. The Complainant further alleged that the Respondent struck him in the mouth with his fists. The Complainant alleged that he suffered a facial contusion to the left side of his face and responded, on his own, to Prince George's Hospital for treatment.

USE OF FORCE
UNBECOMING CONDUCT
USE OF LANGUAGE

NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED

-SI 08-00067 Numerous calls-for-service were received for citizen armed robbery and carjacking. The victims of the robbery reported that the suspects fled in a Ford pickup. Police Officers observed the suspect vehicle, activated their emergency equipment and attempted a traffic stop of the vehicle. However, the driver failed to comply and fled. Additional officers responded to the area. The suspect vehicle drove to a shopping center and once they were inside the shopping center parking lot, officers blocked all of the exits with their cruisers. Believing that the suspects were going to exit their vehicle, the Respondents got out of their cruisers. The suspect vehicle drove over the curb, along the sidewalk, and in the direction of the Respondents. The Respondents discharged their weapons at the suspect vehicle, in an attempt to stop the vehicle. The suspect vehicle continued to flee and officers pursued the suspect vehicle and the suspects were later located in the vicinity.

DISCHARGE OF FIREARM
DISCHARGE OF FIREARM

EXONERATED
EXONERATED

IAD 09-00068 The Complainant alleged that he was involved in a verbal altercation with the office manager of an apartment complex, when the manager called the Respondent for assistance. The Complainant alleged that when the Respondent arrived, he cursed at the Complainant and pushed him against a car. He alleged that the Respondent forcefully held his face while he attempted to take a picture of him. The Complainant further alleged that when he told the Respondent to "get your hands off me", the Respondent held him by his neck and choked him, as he was pushing him into his police cruiser. The Complainant also alleged that he received minor scratches to his neck.

USE OF LANGUAGE
USE OF FORCE
USE OF LANGUAGE

NON-SUSTAINED
NON-SUSTAINED
NON-SUSTAINED

IAF 09-00069 The complainant alleged that the Respondent was angry, nasty and extremely rough while handling a call for service involving the Complainant.

UNBECOMING CONDUCT

NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations**IAD Recommendations****-SI 08-00070**

The Respondent was involved in a traffic accident. Maryland State Police responded to the accident and detected the smell of an alcoholic beverage on the Respondent's person. The Respondent was subsequently charged with Driving Under the Influence/Driving While Intoxicated. The Respondent refused to take a breath test and his license was suspended. The Respondent was ordered to submit to a breath test for the administrative investigation with a result of .16.

The IAD Report of Investigation indicated that the Respondent was armed with his issued weapon during an incident in which he was charged with sustained allegations related to being impaired by and under the influence of alcohol. The CCOP recently reviewed a case where a Respondent was also found to be under the influence of alcohol and armed with his handgun. The Respondent in that case was charged with a sustained Procedural Violation related to Volume II, Chapter 52, Section V, Subsection 7, Firearms & Intoxicants, which states, "Officers shall not be armed when under the influence of alcoholic beverages or medication that may render them incapable of effectively using a firearm." The Respondent in SI 08-70 was clearly in violation of the same GOM provision. Therefore, the CCOP recommends that the Respondent also be charged with the same Procedural Violation and that the charge be sustained.

UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 UNBECOMING CONDUCT

NON-SUSTAINED
 SUSTAINED
 SUSTAINED
 NON-SUSTAINED
 UNFOUNDED
 SUSTAINED
 UNFOUNDED
 UNFOUNDED
 UNFOUNDED
 UNFOUNDED
 SUSTAINED

IAD 09-00072

The Respondent was allegedly driving a marked police cruiser, traveling South on the Baltimore Washington Parkway approaching Riverdale Road at a high rate of speed.

UNBECOMING CONDUCT

SUSTAINED

IAD 09-00073

Respondent and witnesses responded to a report of disorderly males in the hallway selling drugs. The Respondent and witness entered the building and encountered a group of teenage males and an adult male in a hallway. The Respondent and witness stopped the group to investigate for CDS activity. The Complainant was stopped and questioned. When the Complainant began yelling obscenities at the Respondent, the Respondent detained him, checked him for warrants, and placed him under arrest for hindering and disorderly conduct. The Complainant alleged that prior to arresting him the Respondent punched him in the back and grabbed him by the shirt, causing it to rip. The Complainant further alleged that the Respondent threw his keys into the apartment and locked the door, causing him to be locked out. The Complainant stated that Respondent laughed at the Complainant being locked out.

USE OF FORCE
 UNBECOMING CONDUCT
 USE OF LANGUAGE

NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

IAD 09-00073

The Complainant alleged that she was pulled over on a traffic stop by the Respondent. She was issued several citations, one of which the Complainant believes to be erroneous. She had initially provided an expired insurance card to the Respondent, but later found and offered the Respondent her current insurance information. She alleged that the Respondent advised her that the ticket could not be voided. The Complainant alleged that the Respondent did not give her back her insurance card and driver's license before leaving the traffic stop. She also believed that the traffic stop, that she estimated took 35 minutes to complete, was a long time period for her to be detained.

ATTENTION TO DUTY
 ATTENTION TO DUTY
 ATTENTION TO DUTY

EXONERATED
 SUSTAINED
 EXONERATED

IAD 08-00075

The Complainant alleged that he was entering a local restaurant when he encountered the Respondent. He alleged that when he walked past, the Respondent made what he describes as a "spitting sound" while looking directly at him. The Complainant further alleged that he and the Respondent then engaged in a loud verbally altercation.

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

IAD Recommendations

NON-SUSTAINED

Allegations

UNBECOMING CONDUCT

IAD 09-00075

The Complainant alleged that the Respondents stopped her son for robbery. She alleged that the Respondents kicked, spat on, pulled her son by the hair and used racial slurs during the stop.

The CCOP found that evidence in this case failed to prove or disprove the allegations against the Respondents and agreed with a finding of Non-Sustained for each allegation. However, it was noted that the summary of the findings offered by the investigator, did not support his recommendations of Non-Sustained. In the summation of his findings, the investigator concluded that the evidence "proved" that the Respondents "did not" perform the alleged behavior. If his intent was to establish that the officers should be absolved of any wrong doing, he failed to properly make that case. While his summations are clearly providing a basis for unfounding these allegations, his recorded recommendation for each allegation was Non-sustained. This is indicative that the investigation failed to prove or disprove that the officer committed the alleged behavior. If the investigator truly believed that the investigation proved that the officers were innocent of the allegations, then his recorded recommendations did the officers a disservice. His recommendations of Non-sustained defeat this purpose and engender doubts about his assessment of the officers' behavior.

USE OF FORCE
NON-SUSTAINEDUNBECOMING CONDUCT
NON-SUSTAINEDUSE OF LANGUAGE
NON-SUSTAINEDUNBECOMING CONDUCT
NON-SUSTAINEDUSE OF LANGUAGE
NON-SUSTAINEDUSE OF FORCE
NON-SUSTAINED**-SI 08-00075**

The Respondents were involved in a Bi-county pursuit of armed bank robbers. The Respondents discharged their issued firearms after being shot at by an involved suspect.

DISCHARGE OF FIREARM
EXONERATEDDISCHARGE OF FIREARM
EXONERATED**IAD 09-00076**

The Complainant #1 alleged that she and her boyfriend, Complainant #2 encountered the Respondent when she was parked in her vehicle at an apartment complex. She alleged that the Respondent approached her vehicle and cursed at her as he ordered her to open her car door. Her car was searched. She alleged that when she asked the Respondent why he was searching the car, he cursed at her again. She stated that as Complainant #2 returned to the car, the Respondent pointed his gun at him and told him to get on the ground and used profanity when requested that Complainant sit on the ground. Complainant #2 was placed under arrest for possession of a handgun and CDS (controlled dangerous substance, Marijuana) and the vehicle was impounded.

USE OF LANGUAGE
NON-SUSTAINED**IAD 09-00077**

Complainant stated that he was flagged down by the Respondents for a traffic violation. He alleged that once he signed the traffic citation and stated that he was going to dispute the citation in court, he was ordered out of his vehicle, handcuffed, and beaten. Respondent #1 allegedly pushed the Complainant to the ground and used profanity when he advised him that the handcuffs were too tight. Respondent #2 allegedly threatened the Complainant and pushed him to the ground while in handcuffs. Respondent #3 allegedly also pushed the Complainant to the ground. The Complainant alleged that Respondent #1 kicked him about the face and neck area, while Respondent #2 forcibly bent his legs towards his hands. The Complainant further alleged that the Respondents did not adjust the handcuffs that were cutting into his skin.

USE OF FORCE
NON-SUSTAINEDUSE OF FORCE
NON-SUSTAINEDUSE OF LANGUAGE
NON-SUSTAINEDUSE OF FORCE
NON-SUSTAINEDUSE OF LANGUAGE
NON-SUSTAINED

IAD Recommendations

Allegations

-SI 08-00077 MISSING SUMMARY

This CCOP found that investigation provided yet another example of how investigators' summations of the basis for their findings and the recommended findings they offer are sometimes inconsistent. The investigator stated that there was insufficient evidence to prove or disprove that the Respondent was in violation of paying paternity child support. However, he made a recommendation to exonerate the allegation. The CCOP disagreed with the stated finding of Exonerated. Besides documents to support that the Respondent has an active child support case in another county, that includes mandatory wage lien, there is no documentation, by way of a paystub or payroll verification, to prove that payments were being made at the time of this incident. The Panel agreed with the investigator's analysis that the investigation failed to prove or disprove that the Respondent failed to make the required paternity child support payments. Therefore, the Panel recommended that the allegation be Non-Sustained.

- UNBECOMING CONDUCT SUSTAINED
- UNBECOMING CONDUCT SUSTAINED
- UNBECOMING CONDUCT NON-SUSTAINED
- CRIMINAL MISCONDUCT UNFOUNDED

IAD 08-00078

The Complainant requested police service at his residence for an attempted breaking and entering incident. When the Respondent arrived on the scene, the Complainant questioned his response time. The Complainant alleged that, in response, the Respondent used profanity and slammed shut the front screen door to the residence.

- UNBECOMING CONDUCT SUSTAINED
- USE OF LANGUAGE SUSTAINED

IAD 09-00078

Complainant Margaret Moquete advised in her Complaint Against Police Practices form that a University Park police officer as well as a Prince George's County Police Officers arrived at her residence. The complainant advised that the officers arrived because Stephon McMillian was shouting at her daughter Issa Moquete while they were in her residence walkway. The complainant advised that her daughter and her boyfriend were detained by police. The complainant advised that the officers searched her back yard against her wishes.

- USE OF FORCE NON-SUSTAINED
- USE OF FORCE NON-SUSTAINED
- USE OF FORCE NON-SUSTAINED

IAD 09-00080

The Respondent and an officer witness responded to a call for several subjects being loud and disorderly. The Respondent and witness arrested the Complainant for possession of marijuana. The Complainant alleged that the Respondent used profanity and threatened to write more charges against him when he tried to advise the Respondent that he was not one of the subjects in the loud and disorderly.

- USE OF LANGUAGE NON-SUSTAINED

-SI 08-00080

The Respondent became involved in an altercation with an unidentified subject at a local club. The Respondent was working secondary employment at the club next door to the location of the incident. Witness #1 captured the event on his cell phone. The video clip showed the Respondent repeatedly striking the unidentified subject while the subject was lying on the ground. A second video clip showed the Respondent lifting the unidentified subject by his wrists as the subject's arms are secured behind. The Respondent is also seen leading the unidentified subject to a waiting vehicle where he is placed in the rear passenger seat. That vehicle then leaves the scene. A preliminary investigation revealed that the Respondent failed to make the proper notifications to a supervisor regarding his use of force and failed to document the incident by completing the required departmental reports.

- USE OF FORCE SUSTAINED
- PERSONAL CAR PROGRAM SUSTAINED
- PREPERATION & REVIEW OF REPORTS SUSTAINED
- RADIO PROCEDURES SUSTAINED
- USE OF FORCE SUSTAINED
- USE OF FORCE SUSTAINED
- ATTENTION TO DUTY SUSTAINED
- ATTENTION TO DUTY SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

IAD Recommendations

SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 UNFOUNDED
 SUSTAINED

Allegations

UNBECOMING CONDUCT
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 ETHICS
 UNBECOMING CONDUCT
 CRIMINAL MISCONDUCT
 UNBECOMING CONDUCT

IAD 09-00081 The Complainant alleged that she was hiding in her closet from the police, when more than six officers pulled her out of the closet and proceeded to "knock her around." She alleged that one of the officers slammed her head into the cruiser doorframe while placing her into the vehicle. She also alleged that she had bruises and scratches from the encounter.

USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

IAD 08-00082 Complainant #1 stated that he and his friends were ejected from a local night club for a dispute. The Complainant alleged that when he saw an officer push Complainant #2, he tried to intervene and was struck in the face. Complainant #2 stated that he was slammed to the ground, hit in the head and pepper sprayed by the officer. Complainant #1 advised that he was thrown on the ground by another officer, and was hit and kicked by that officer. Complainant #1 stated that he was handcuffed and placed into custody and that while he was handcuffed the officer struck him twice in the face. Complainant #3 stated that one of the officers made racial comments and slammed him onto his cruiser.

USE OF LANGUAGE
 USE OF FORCE
 NON-SUSTAINED
 NON-SUSTAINED

IAD 09-00082 The Complainant alleged he and a friend were stopped by the Respondent for a traffic violation. He alleged that when he told the Respondent that he did not have his identification on him, the Respondent had him exit the vehicle, searched and punched him in the groin area. He further alleged that the Respondent used abusive language.

While the CCOP agreed with the finding, the Panel noted that the investigator stated that the Respondent was counseled regarding a procedural violation of the in-car camera policy as it related to his failure to record the traffic stop. However, the investigator failed to include this as an allegation in the investigation. The tape in the in-car system ran out and a portion of the stop was not captured by video or audio. As a result, a key piece of evidence could not be used in the investigation. Per the GOM, Volume I, Chapter 26, Section V.1, it is the officer's responsibility to insure that his MVS equipment is being operated in the extended play mode to maximize recording time and to request a new video tape or DVD from their supervisor when one-hour of recording time remains on the videotape DVD. There is no indication that the Respondent performed either of these required functions prior to operating his cruiser on the date of this incident. Therefore, the CCOP recommended that the Respondent be charged with a violation of the GOM, and that a charge of Procedural Violation be added and sustained for failure to properly record the stop.

USE OF FORCE
 USE OF LANGUAGE
 NON-SUSTAINED
 NON-SUSTAINED

-SI 08-00082 The Respondent was observed slumped over the wheel of his personally owned vehicle at a gas station. An anonymous citizen called emergency personnel believing that he may have been suffering from a medical emergency. Upon arrival, ETMs determined that the Respondent was intoxicated. A preliminary breath test revealed a blood alcohol concentration of .29. Once at the district station, the Respondent submitted to a breathalyzer examination which revealed a blood alcohol concentration of 24. The Respondent was issued numerous citations and presented before a District Court Commissioner where he received a \$10,000 bond.

UNBECOMING CONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 CRIMINAL MISCONDUCT
 SUSTAINED
 SUSTAINED
 UNFOUNDED
 SUSTAINED
 UNFOUNDED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations

UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 UNBECOMING CONDUCT
 CRIMINAL MISCONDUCT

IAD Recommendations

SUSTAINED
 SUSTAINED
 SUSTAINED
 SUSTAINED
 UNFOUNDED

IAD 09-00083 The Complainant alleged that the Respondent chased her, cursed at her and threaten to lock her up.

While the CCOP agreed with the allegations in this case, the Panel had comments regarding the investigative process. The investigator failed to conduct interviews with or identify other possible witnesses to the actions alleged in the complaint. Specifically, the investigator did not attempt to interview the Complainant's daughter, who the Complainant alleged saw the officer "chasing" her. The investigator also made no attempt to determine if there were witnesses in the waiting area where the Respondent allegedly used harsh language when addressing the Complainant. Without this due diligence, this investigation lacked thoroughness.

UNBECOMING CONDUCT
 USE OF LANGUAGE
 UNFOUNDED
 UNFOUNDED

IAD 10-00083 The Complainant contacted a district station to report that the Respondent had forced him to drive his dirt bike from the roadway onto the sidewalk. Complainant stated that when he observed police vehicle driving towards him, he drove onto the sidewalk and onto the grass to get out of the way. He stated that the vehicle blocked his path and knocked him off the dirt bike. The Complainant stated that the Respondent exited the vehicle, questioned him, then left. The Complainant did not go into detail about what was said. He further stated that he was not injured as a result of the incident.

USE OF FORCE
 UNFOUNDED

IAD 08-00084 The Complainant alleged that an incomplete and unprofessional investigation by the Respondent led to a search and seizure warrant being issued and served at his residence. Entry to the residence was made by the Office of the Sheriff, Prince Georges County, which resulted in officers shooting and killing two dogs inside the home.

PROCEDURE VIOLATION
 ATTENTION TO DUTY
 NON-SUSTAINED
 EXONERATED

-SI 08-00084 The Respondent was working secondary employment when he observed two unknown suspects enter the store. One of the suspects approached the cashier, displayed a handgun and demanded money from the register. The Respondent drew his firearm and the suspect turned and fired one round at the Respondent. The Respondent returned fire by discharging one round from his issued firearm. The second suspect fled the store immediately. The first suspect started toward the front door and fired a second and third round at the Respondent. The Respondent pursued the suspect out of the store, but did not see the suspects once he got to the parking lot.

DISCHARGE OF FIREARM
 EXONERATED

IAD 09-00086 The Complainant alleged that he was at a local bar when the Respondent asked him to leave and did not understand why. He alleged that when he asked the Respondent why he had to leave, the Respondent again requested that he leave. The Complainant alleged that when he refused to leave, the Respondent kneeed him in his lower body and grabbed him by the throat and held him until he almost lost consciousness. He also alleged that he was thrown against the wall and that he sustained a bruise on his neck.

USE OF FORCE
 NON-SUSTAINED

-SI 08-00086 The Complainant was attending Basic Survival Training in connection with her attendance at the Community Policing Institute. The Complainant alleged that while engaged in a domestic argument call for service scenario, she was assaulted by the Repondent.

UNBECOMING CONDUCT
 UNFOUNDED

IAD 08-00087 The Complainant #1 alleged that she and two friends were approached by Respondent #1 and the Respondent used profanity when order them to get on the ground. The Complainant further alleged that when Respondent #2 arrived on the scene, he also used profanity while questioning them. The Complainant #2 alleged that the Respondent #2 grabbed his wrist, pulled him up off the curb and placed his arm behind his back. The Complainant #1 further alleged that he fell to the ground and sustained injury to his face, arm and leg. He also alleged that Respondent #1 placed his knee on the back of the his neck and warned him about resisting.

USE OF LANGUAGE
 USE OF FORCE
 NON-SUSTAINED
 NON-SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

IAD Recommendations

Allegations
 USE OF FORCE
 UNREPORTED VIOLATION
 USE OF LANGUAGE

NON-SUSTAINED
 SUSTAINED
 NON-SUSTAINED

IAD 09-00087 The Complainant stated that he was attempting to leave a local club when the Respondent approached him and told him to leave the parking lot. Complainant stated that he was pepper sprayed and a stun gun was used on him.

USE OF FORCE
 USE OF FORCE
 USE OF FORCE REVIEWS

UNFOUNDED
 SUSTAINED
 SUSTAINED

IAD 09-00089 The Complainant alleged that when the Respondent knocked at her apartment door, she allowed him to enter the apartment. She alleged that once inside, the Respondent asked her and the rest of the apartment occupants to provide identification. The Complainant alleged that she had her hands on top of a table and was moving them when the Respondent stuck her hand and told her to stop moving. The Complainant alleged that the Respondent handcuffed her and that when she complained that the cuffs were too tight, the Respondent used profanity. The Complainant also alleged that when she told the Respondent that he should not speak to her in that manner, the Respondent pushed her against the wall and continued to use profanity. According to the Complainant, the Respondent then proceeded to pull her arm high, making it difficult for her to walk up a stairway.

USE OF LANGUAGE
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 USE OF FORCE
 USE OF LANGUAGE
 USE OF FORCE
 UNBECOMING CONDUCT
 USE OF FORCE
 USE OF INTOXICANTS

NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED
 NON-SUSTAINED

IAD 09-00093 The Complainant drafted a memorandum and sent it through his chain of command at the Special Operations Division requesting a formal investigation into the actions of the Respondent. The Complainant alleged in his memorandum that the Respondent, while working a Redskins football game, left his assigned traffic post and provided an unauthorized vehicle escort for the former Redskins' motorcade. The Complainant further alleged that when he attempted to counsel the Respondent by telephone, in reference to this incident, the Respondent became abusive and profane during their conversation and ended the conversation by hanging up on him.

USE OF LANGUAGE
 UNBECOMING CONDUCT
 PROCEDURE VIOLATION

NON-SUSTAINED
 NON-SUSTAINED
 SUSTAINED

IAD 08-00096 The Complainant alleged that he was stopped by the Respondent for a traffic violation. He alleged that during the stop, the Respondent used profanity while addressing a another citizen who was watching the traffic stop. He also stated that he felt the Respondent did not have the right or cause to request that he exit his vehicle.

USE OF LANGUAGE

UNFOUNDED

IAD 09-00096 The Complainants' alleged that the Respondent punched them during their encounter with the Respondent.

USE OF FORCE
 USE OF FORCE

EXONERATED
 EXONERATED

Allegations**IAD Recommendations**

IAD 08-00097 The Complainant alleged that he was walking in a local park when he heard gunfire. He stated that he called 911 to report the shots and that he hid in the woods until he saw Respondent #1. The Respondent #1 escorted him out of the woods because his clothing description matched that of the suspect. The Complainant alleged that when he refused to sit on the ground as requested, Respondent #2 grabbed his shoulders from behind and pushed him down onto the ground.
USE OF FORCE
EXONERATED

IAD 08-00098 The Complainant alleged that a security guard at a local club asked him for \$10.00 to be allowed in. He refused to pay and the security guard pushed him. He pushed back and the guard struck him in the head with a baton, causing him to fall to the ground. The guard then called police officers over and told them he struck the Complainant because he had a knife. The Complainant stated that he was stunned and on the ground when the Respondent police officers arrived, pointing a pistol at him. He alleged that while he was on the ground, one of the Respondents kicked him in the head, drove his face into the pavement and broke his nose. He stated that when the ambulance arrived, he went into convulsions. His sister, Complainant #2, stated that instead of helping him, the Respondents laughed at him until the paramedics took him away.

PROCEDURE VIOLATION
SUSTAINED
FALSE STATEMENT
SUSTAINED
UNBECOMING CONDUCT
NON-SUSTAINED
ATTENTION TO DUTY
NON-SUSTAINED
ATTENTION TO DUTY
NON-SUSTAINED
UNBECOMING CONDUCT
NON-SUSTAINED
PROCEDURE VIOLATION
SUSTAINED
ATTENTION TO DUTY
NON-SUSTAINED
UNBECOMING CONDUCT
NON-SUSTAINED
ATTENTION TO DUTY
SUSTAINED
ATTENTION TO DUTY
SUSTAINED
PROCEDURE VIOLATION
SUSTAINED
USE OF FORCE
EXONERATED
USE OF FORCE
SUSTAINED

IAD 08-00103 The Complainants alleged that they were approached by the Respondents and that Respondent #1 used profanity when he asked the Complainants what they were doing. They further alleged that when they responded to the question, Respondent #1 continued to use profanity while addressing them and that Respondent #2 got out of his vehicle and shoved Complainant #1 on the hood of the police car. The Complainants also alleged that when their school guidance counselor approached to inquire about what was going on, Respondent #1 used profanity while responding to her. Complainant #1 further alleged that Respondent #2 "yanked" his arm and pushed him on to the ground.

With regards to the Use of Force allegations for the Respondents, the GOM stated that, "Officers are permitted to use only the amount of force that is reasonable and necessary to protect themselves or others from what is reasonably believed to be a threat of death or bodily harm, to effectuate an arrest, or gain compliance to a lawful order." Statements from independent witnesses provide a preponderance of evidence to support that the level of force used by the officers was appropriate and necessary under the circumstance. The CCOP recommended that the allegations be Exonerated.

USE OF LANGUAGE
SUSTAINED
PROCEDURE VIOLATION
SUSTAINED
USE OF FORCE
NON-SUSTAINED
USE OF LANGUAGE
SUSTAINED
PROCEDURE VIOLATION
SUSTAINED

IAD 08-00104 The Complainant stated that he and several friends were at a local lounge when the Respondent hit him in the back several times with his "nightstick" after he protested how the Respondent was treating his friends. The Complainant also alleged that the Respondent later "slammed his head down on the hood" of a police cruiser.

FAILURE TO REPORT UOF
SUSTAINED
MISREPRESENTATION OF FACTS
SUSTAINED
USE OF FORCE
SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.

Not all of the FY10 cases have been summarized.

Allegations	IAD Recommendations
ATTENTION TO DUTY USE OF LANGUAGE USE OF FORCE	SUSTAINED NON-SUSTAINED NON-SUSTAINED
IAD 08-00110 The complainant alleged that during her encounter with the Respondent when he issued her a traffic citation, the Respondent failed to properly identify himself as a police officer and used profanity.	EXONERATED NON-SUSTAINED
ATTENTION TO DUTY USE OF LANGUAGE	EXONERATED NON-SUSTAINED
IAD 08-00112 The Complainant alleged that he was stopped by the Respondent and that when he inquired about why he was stopped, the Respondent told him to "shut up". The Complainant further alleged that when he asked again for the reason he was pulled over, the Respondent asked him to step out of the vehicle. He alleged that he was taken to the back of the police cruiser where the Respondent punched him in his ribs and kneed him in the back of his leg, causing him to fall. He also alleged that the Respondent grabbed him by his coat and hair and kneed him in his face.	NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED
OFFICER IDENTIFICATION USE OF LANGUAGE OFFICER IDENTIFICATION USE OF FORCE	NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED
IAD 08-00113 The Complainant, at the time of this incident, was a part of the command staff at the district station where Respondents were assigned. During a mandatory supervisor's use of force review, it was revealed that there were potential general order violations regarding Use of Force and Language. The mobile video system that captured the incident showed one of the Respondents striking the driver in the face and using profanity.	NON-SUSTAINED SUSTAINED SUSTAINED
USE OF FORCE USE OF LANGUAGE USE OF FORCE	NON-SUSTAINED SUSTAINED SUSTAINED
IAD 08-00115 Complainant requested that a use of force investigation be conducted as a result of statements taken from subjects after their arrest. The purpose of this investigation was to clarify the initial Force Review. The arrested subjects did not file a formal complaint. However, misconduct was alleged in the statement of one of the subjects. The subject alleged that he saw the Respondents eject two persons from an Amusement Park and that when he questioned the actions of the Respondents, the Respondents grabbed them all and threw them to the ground. The subject claimed that there was no reason for this and that he and the two other persons were injured. He felt that the force used was unnecessary.	NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED
USE OF FORCE USE OF LANGUAGE USE OF FORCE USE OF FORCE USE OF FORCE USE OF LANGUAGE USE OF FORCE USE OF FORCE USE OF LANGUAGE	NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED NON-SUSTAINED
IAD 08-00116 The Respondent allegedly used force and conducted himself in an unbecoming manner while interacting with the Complainants inside of their place of business.	EXONERATED SUSTAINED SUSTAINED
USE OF FORCE UNBECOMING CONDUCT UNBECOMING CONDUCT	EXONERATED SUSTAINED SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY10 cases have been summarized.

Allegations
ATTENTION TO DUTY

IAD Recommendations
SUSTAINED

Sustained - A preponderance of the evidence proves the allegation violated departmental policy or procedure; **Non-Sustained** - The evidence fails to prove or disprove that alleged act(s) occurred; **Exonerated (Proper Conduct)** - The evidence proves that the alleged act(s) occurred, however, the act(s) were justified, lawful and proper; and **Unfounded** - The evidence proves the alleged act(s) did not occur or the accused officer was not involved.
Not all of the FY 10 cases have been summarized.