



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

MITCHELL S. ETTINGER, Chairman
WILLIAM BELDING, Commissioner
JOHN GILBERT, Commissioner
JO ANN MURRAY, Commissioner
CHRIS RICE, Commissioner
CONNIE A. WEBSTER, Commissioner

11 N. Washington Street
Easton, Maryland 21601
Phone: 410-770-8092
Facsimile: 410-770-8007

December 17, 2024

The Honorable County Council of Talbot County
Talbot County Courthouse
11 North Washington Street
Easton, Maryland 21601

Re: Police Accountability Board Annual Report

Dear Council Members:

In accordance with Md. Public Safety Code §3-102(a)(4)(ii), the Police Accountability Board ("PAB") respectfully submits its annual report. I am pleased to report that both the PAB and the Administrative Charging Committee ("ACC") are fully functioning and fulfilling the statutory mandates established by the Maryland legislature.

The PAB and the ACC had relatively quiet years. The PAB met the County's Law Enforcement Agencies ("LEA") on four occasions, discussing a variety of topics including, *inter alia*, trends in criminal activity, police disciplinary trends and outcomes, use of force reports, recruitment and retention challenges and community activities. Each of our quarterly meetings was guided by a detailed agenda that was circulated approximately two weeks in advance of the scheduled meeting. PAB members and the LEAs are provided with the opportunity to place items on the agenda before it is finalized. In addition, the LEA's submission of a data package to the PAB in advance of the meeting allows the PAB members to better prepare for the meeting and facilitates substantive discussions at the meeting. The PAB has established a good working relationship with the LEAs and we hope that there is now mutual respect and trust between the groups.

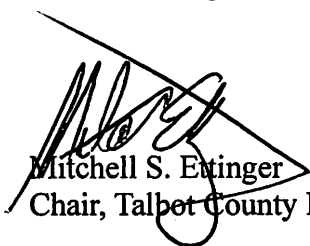
With respect to the ACC, the number of police misconduct allegations is down markedly. In 2023, the ACC handled fifteen (15) allegations of police misconduct. In 2024, however, only six (6) allegations of police misconduct were submitted to the ACC for disposition. The decline in allegations is due, in part, to the relocation of one citizen to another county who had submitted a series of complaints in 2023. The PAB is confident that the LEAs are properly reporting and submitting those allegations that come within the ACC's jurisdictional purview. As seen in 2023,

the ACC principally agreed with the LEAs regarding disposition of the matters submitted. One case involving an Easton Police Department officer, which garnered considerable press attention, resulted in an ACC recommendation that the officer's employment be terminated. The officer's demand for a trial board was mooted by his subsequent conviction in Circuit Court for misconduct in office. We are pleased to report that only one case in 2024 involved an allegation of excessive force and that allegation was deemed to be without merit.

In October, the ACC attended follow-on training offered by the Maryland Police Training and Standards Commission in Denton. This one-day session provided an opportunity for the members to review with the course instructors issues identified during the past year across the State and to interact with other ACCs regarding their experiences and challenges. As chair of the Talbot County ACC, I left that training session confident that we are performing our assigned duties as contemplated by the legislature and that the processes we employ are consistent with best practices across the State.

As noted in my letter to the Council last year, the PAB continues to grapple with its legislative mandate in an effort to determine how best to serve the community. It would be helpful to have feedback from the Council regarding both the PAB and the ACC. In particular, it would be helpful to know if the Council would like the PAB or the ACC to supplement or alter its existing practices. I, as well as my colleagues, would be happy to appear before the Council to answer any questions or receive any feedback the Council may have with respect to the PAB or the ACC.

With warm regards for a happy and healthy holiday season,



Mitchell S. Extinger
Chair, Talbot County Police Accountability Board

TALBOT COUNTY POLICE ACCOUNTABILITY BOARD ANNUAL REPORT-2024



Talbot County
Police Accountability Board





POLICE ACCOUNTABILITY BOARD 2024 ANNUAL REPORT December 20, 2024

PAB Membership

Two Police Accountability Board (“PAB”) members resigned their positions this year.

Gugy Irving III, the Oxford representative, resigned in January in order to serve on the Talbot County Board of Elections. We are grateful for Mr. Irving’s contributions to the PAB. The Council appointed William Belding to replace Mr. Irving. Michael Bibb, the St. Michaels representative, resigned his PAB position in May in order to qualify for a state pension. Once qualified, he requested to be reinstated, but the Town of St. Michaels elected to present a different candidate for the Council to consider. We understand that Brian Naranjo, a long-time Federal Foreign Service employee, is currently completing the required background checks and anticipate that the Council will consider his appointment to the PAB before our first meeting in 2025.

The current PAB members’ terms are listed below:

Mitchell S. Ettinger-Chair (2022-2027)

William Belding -Commissioner (2022-2025)

John Gilbert-Commissioner (2022-2026)

Jo Ann Murray-Commissioner (2024-2028)

Chris Rice-Commissioner (2024-2028)

Connie Webster-Commissioner (2022-2026)

Legal Counsel and PAB Secretary

Patrick Thomas of MacLeod Law Group, LLC continues to serve as the legal advisor to the PAB and the Administrative Charging Committee (the “ACC”). Mr. Thomas attends ACC meetings and reviews each ACC decision before issuance. We greatly appreciate the support provided by Mr. Thomas. Victoria Bradley, the County’s Office of Law Manager, continues to serve as Secretary to the PAB and ACC. We rely on Ms. Bradley for almost all administrative

tasks required to operate the PAB and ACC. She is our liaison to the law enforcement agencies (“LEA”) and is an integral member of our team.

2024 PAB Activities

Meetings with Law Enforcement Agencies

As required by the enacting legislation, the PAB met with the LEAs quarterly during 2024. Representatives from the Talbot County Sheriff’s Office (“TCSO”), the Easton Police Department (“EPD”), the St. Michaels Police Department (“SMPD”) and the Oxford Police Department (“OPD”) participated in these meetings. The PAB published agendas in advance of each meeting, identifying the issues it wished to address, and the documents it requested to see in advance of the meeting. (Exhibit A). The LEAs typically make their quarterly submissions a few days in advance of the scheduled meeting to allow time for PAB review. The cadence established for publication of the agendas and submission of the LEA reports facilitates substantive discussions at the quarterly meetings. We are pleased to report that senior leadership from each LEA participates in the quarterly meetings. The minutes from each quarterly meeting are attached as Exhibit B.

The PAB continues to track use of force reports, which are required by each LEA where an officer is required to utilize physical techniques or tactics, chemical agents or weapons to effectuate a lawful police function. As noted below, all use of force incidents in 2024 involved an officer or deputy using his or her hands to obtain compliance from the individual being detained. In each instance, the use of force was appropriate and reasonably applied. Accordingly, the PAB has no current concern regarding the Use of Force Policies governing law enforcement officers’ actions or their application.

The Chairman attended an all-day seminar at which the Police Executive Research Forum (“PERF”) June 2024 Report and Recommendations was discussed. A PERF representative interviewed the PAB chairs regarding the successes and challenges of each county during the first full year of operations. The report thus reflects the experiences and perspectives of the PAB chairs across the State. The seminar was attended by representatives of the LEAs, PABs and ACCs from every county. The reported experiences are quite varied, with some jurisdictions reporting the need to retain a full-time legal staff to assist the ACC in resolving cases and issuing opinions and others noting its interpreting of the legislation with such a narrow scope that no case has been submitted to the ACC. The Chairman came away from this session with confidence that the procedures being followed by the Talbot County PAB and ACC are consistent with those deemed best practices, and that the cooperation provided by the County’s LEAs is exemplary.

The PERF report contained a number of recommendations for consideration by the PABs. Two recommendations were deemed applicable to this PAB and therefore were recommended to the LEAs. The first recommendation is that the LEAs make appropriate law enforcement training sessions available to PAB and ACC members. The objective is to better inform the members of the substantive law and procedures governing the officers’ day-to-day operations. The LEAs agreed to review their training calendars to determine which, if any, classes would be useful for PAB and/or ACC members to attend. The second recommendation is that the LEAs share all new allegations of police misconduct with the PAB at the time the complaint is received. Having this

information at the outset of the process allows the ACC to track the number of complaints to be resolved within the time requirements established by statute. The LEAs agreed to adopt this approach.

The PAB also requested that the LEAs disclose the subject matter of internal investigations of policy violations that are under review, but do not involve a citizen and are therefore not subject to ACC jurisdiction (e.g., insubordination). The purpose of this request is to ensure that the ACC is receiving all complaints within its jurisdiction. The LEAs agreed to provide high-level information regarding internal investigations not involving a citizen and therefore outside the purview of the ACC. Such agreement adds transparency, lends further credibility to the ACC process, and reflects positively on the LEAs.

In July, three of the PAB members, Ms. Murray, Ms. Webster and Mr. Gilbert, attended supplemental trial board training. The supplemental training focused on the specific requirements of Md. Code Ann., Public Safety § 3-106. In addition, the LEAs published trial board procedures this year (Exhibit C). Accordingly, the framework is in place should it be necessary to convene a trial board in 2025. In the event it becomes necessary to convene a trial board, the County Council will be required to appoint an actively serving or retired administrative law judge or a retired District Court or Circuit Court judge pursuant to Md. Code Ann., Public Safety § 3-106(b)(1)(i). The judge appointed by the County Council serves as chairperson of the trial board.

The Chairman requested that all PAB and ACC members participate in the ride-along program offered by the LEAs. The objective is for the members to gain a better appreciation for the daily duties of the County's law enforcement officers and the challenges they face. Several members completed ride-alongs with the TCSO and the EPD during 2024, reporting positive experiences and a better understanding of how the officers conduct patrols and how the LEAs coordinate their respective responsibilities. One objective for 2025 is for all members to have completed at least one ride-along experience.

Administrative Charging Committee

ACC membership was static during 2024. The terms of the current members are listed below:

Mitchell Ettinger, Chair (2022-2027)

Jennifer Williams, Co-Chair (2022-2025)

Constance Hope, Member (2024-2028)

Wala-Neh Labala, Member (2022-2025)

Gregory Wilson, Member (2022-2026)

On October 23, 2024, four members of the ACC attended a one-day advanced training course offered through the Maryland Police Training and Standards Commission ("MPTSC"). The

training provided an opportunity for the ACC to learn of issues raised throughout the State during the first full year of ACC actions, including a review of Attorney General opinions. The training was attended by members of other ACCs and thus facilitated open discussions regarding challenges facing other committees and best practices generally. We came away from the training with confidence that our procedures and practices are consistent with those recommended by the MPTSC.

The ACC decided six (6) cases this year, markedly less than the fifteen (15) cases submitted last calendar year. We attribute the decline in the number of cases, in part, to the relocation of one citizen to another county who submitted a number of complaints last year. In addition, there are at least nine (9) complaints currently being investigated by the LEAs that will not be submitted to the ACC until 2025 – three (3) by the TCSO, five (5) by the EPD and one (1) by the SMPD.

During 2024, the TCSO submitted five (5) cases, and the remaining case was submitted by the EPD. As seen in 2023, neither the Oxford nor the St. Michaels police departments received any complaint of police misconduct. Two (2) of the five (5) cases submitted by the Sheriff's Office involved the same individual arising out of related incidents. Accordingly, during 2024, there were very few incidents of alleged police misconduct involving a citizen. A chart summarizing the complaints submitted to the ACC in 2024 and the corresponding dispositions is attached hereto as Exhibit D.

The most serious case submitted to the ACC during 2024 involved an EPD officer who engaged in sexual conduct with a 17-year-old female high-school student while he was on duty. The ACC recommended that he be administratively charged and that his employment be terminated. The officer elected to request a trial board. While that request was pending, the officer was criminally charged with misconduct in office. His subsequent conviction on that charge obviated the need for a trial board. Only one other case in 2024 had a disposition that included administrative charges. That case involved a TCSO deputy who sent inappropriate images from his service phone. He received ten (10) days loss of pay for the indiscretion. The other four (4) matters were deemed without merit and resulted in the TCSO deputies being exonerated, including one matter in which the complainant alleged that the deputy used excessive force when detaining him.

As noted in last year's PAB report, the ACC feels it is important that the public and the LEAs have confidence in the ACC's ability to perform its statutory duties in a fair and impartial manner. Although the ACC believes it is making progress to obtain this fundamental objective, the LEAs maintain that they do not need (or want) third party review, especially from lay citizens, of misconduct allegations to properly discipline their troops. This perspective is evident from certain of the communications received from the LEAs – one of which was sent directly to the Council. The ACC will continue its efforts to build trust and confidence in its processes and decisions.

Discernable Trends in Law Enforcement

Call Volume

The four (4) Talbot County LEAs consist of two (2) small town departments, a larger city department, and the County Sheriff's Office. These agencies provide coverage for 38,000 residents and each track call volume utilizing different categorizations which result in non-uniform data. Recent improvements have been incorporated to standardize the respective data, and overall, the information provides an excellent view of each of the four (4) agencies' volume of work. Many of the categories are common and include the following core police activities: responding to alarms, assisting other entities, managing emergency petitions, domestic calls, canine dispatches, and execution of warrants. The LEAs also track neighborhood checks, foot/bike patrols, traffic stops, citations issued, management of the County's sex offender registry, criminal complaints, Circuit Court security, school checks and School Resource Officer deployment to nine area schools. Most of the activity is generated by the TSCO and the EPD. This year's combined call volume and activities of those two agencies was in excess of 50,000, which is consistent with last year's call volume.

Arrests

Arrests in the County stem principally from first- and second-degree assault, theft and robbery, drug offenses, and warrants. The TSCO reports having made 371 arrests while the EPD reported a total of 379. Both figures are slightly down from last year. All four LEAs reported an uptick in telephone and internet fraud aimed principally at elder citizens. The perpetrators convince their victims of monies owed and direct them how to settle their "obligations" by withdrawing and remitting funds. Victims cooperate as the perpetrator disguises their number as those of legitimate entities, even using law enforcement phone numbers. The EPD also reported two (2) instances involving random gunfire. In both cases, no injuries were reported, and the suspected perpetrators were arrested.

LEA Recruitment and Retention

Despite operating near authorized capacity, all four (4) LEAs continue to face hurdles in both recruiting and retention. The LEAs report the following current staffing:

- TSCO: 48 authorized sworn deputies with 44 full-time, 2 part-time and 4 administrative support personnel;
- EPD: 48 authorized officers with current compliment of 43;
- OPD: 3 authorized officers with 2 currently serving; and
- SMPD: 8 authorized officers with 7 now serving (the most recent hire was 12/3).

With respect to recruiting, all LEAs report a preference for lateral hires that allow training periods of one (1) to five (5) months as opposed to inexperienced academy graduates who may require up to twelve (12) months before unsupervised deployment. New hires may require up to three (3) years before they are fully trained and seasoned. The interval between initial recruitment

and deployment, even for lateral transfers, is complicated by background checks, polygraphs and other screening requirements. Salary and benefits come into play in all phases of recruiting with candidates often simply “chasing the money,” looking for the best financial package regardless of quality of life and other advantages offered by living in Talbot County. Signing bonuses are common, though they are usually paid in annual installments to encourage longer tenures and mitigate their impact on budgets.

Retention is also a common problem. All LEAs are experiencing both financial and cultural challenges in keeping high-performing deputies and officers. Financial issues arise from the salary competition from other Maryland LEAs and the private sector, the high cost of housing in Talbot County and complaints about shortcomings in the pension or retirement plan. The principal cultural concerns impacting morale are a lack of respect from the public and difficulty of promotion, particularly within the smaller agencies. Training is not a factor in retention, as all LEAs report robust educational programs through on-the job mentoring, on-line training and off-site courses.

Use of Force Reports

Use of force by law enforcement officers remains a PAB focus. Each LEA follows a comprehensive Use of Force Policy that guides personnel in their actions when dealing with the public. The number of reports is few and are of a minimal force, which is remarkable given the extensive number of interactions between the public and the LEAs. The PAB reviewed twenty-five (25) use of force reports this year (TSCO (8); EPD (14); and SMPD (3).) Although the number of reports is higher than last year (10), none involve a use of force greater than the minimal level of control and arrest techniques.

LEA Community Relations Activities

The LEAs consistently offer monthly activities and events to meet their communities' needs. All participate in a multitude of community events sponsored by local businesses, schools, places of worship, county agencies, and charities. These efforts provide high visibility and positive interaction with the LEAs and foster community goodwill. For example, the TSCO provides Special Resource Officers in every public and private school with interest in the program; the TSCO also supports Teen Court, an alternate disposition pathway for juvenile offenders; the EPD supports the Youth Hero Program, which pairs youths with mentors from law enforcement and first responders to receive training and guidance on how to respond to negative influences such as peer pressure, bullying and substance abuse; EPD also supports Career and Health Fairs; the SMPD and the OPD provide educational events for both youth and elderly. All LEAs in the county participate in Talbot Goes Purple. The number and quality of the community relation programs supported by the LEAs is impressive and reflects their dedication to serve their communities and create trust in the law enforcement function. A full accounting of the breadth of community relations is accessible on the LEAs respective websites and in their annual reports.

Recommendations to Improve Police Accountability in Talbot County

Pursuant to their legislative mandate, the PAB is charged with responsibility to identify discernable trends in police disciplinary processes and to make recommendations that serve to improve police accountability in the county. Given the relatively few complaints of alleged police misconduct over the past two years – and the fact that most were determined to be without merit – there is no discernable trend to report. We are blessed to live in a county with highly professional law enforcement officers and a relatively low crime rate. We are pleased to report that the relationship between the PAB and the LEAs is professional, respectful and constructive. Although there are occasional disagreements, we have never reached a stalemate on an issue or experienced a refusal to cooperate.

The PAB's mission is to foster transparency in matters involving the LEAs as they relate to the community, receive complaints of alleged misconduct and make policy recommendations designed to improve police accountability. In this regard, the PAB essentially functions as a liaison between the County Council, the LEAs, and the community. The greatest challenge for the PAB is determining what it can do to best fulfill its mandate. Given that challenge, we respectfully recommend that the Council:

1. Meet annually with the PAB to discuss its role and effectiveness, and place that meeting on the Council's agenda during Quarter 1 2025; and
2. Work with the PAB to raise community awareness regarding the role and function of the PAB and ACC.

Exhibit A
Agendas for the PAB & LEA Meetings



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

MITCHELL S. ETTINGER, Chairman
MICHAEL BIBB, Commissioner
JOHN GILBERT, Commissioner
JO ANN MURRAY, Commissioner
CHRIS RICE, Commissioner
CONNIE A. WEBSTER, Commissioner

11 N. Washington Street
Easton, Maryland 21601
Phone: 410-770-8092
Facsimile: 410-770-8007

Agenda

February 13, 2024
8:30 a.m. – Bradley Meeting Room
Courthouse, 11 North Washington St., Easton, Maryland

- I. Call to Order
- II. Minutes from the December 19, 2023, Meeting
- III. Old Business
- IV. Discussion with Law Enforcement Agencies
 - A. 2023 PAB Annual Report Feedback
 - B. PAB/ACC related legislation from the 446th session of the General Assembly
 - C. Submission of quarterly Use of Force Reports
 - D. Arrest data for Q4 2023
 - E. Criminal Activity Trends or Upticks
 - F. Community Relations Activities Planned for 2024
 - G. Ride-along for PAB/ACC members
 - H. Recommendations for PAB 2024 Focus
 - I. LEA Topics of Interest/Concern
- V. Closed sessions to discuss term expiration for Administrative Charging Committee member
- VI. Announcement of next meeting – upon an Agenda
- VII. Adjournment



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

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Agenda

May 14, 2024

8:30 a.m. – Bradley Meeting Room
Courthouse, 11 North Washington St., Easton, Maryland

- I. Call to Order
- II. Minutes from the February 15, 2024 Meeting
- III. Old Business
- IV. Discussion with Law Enforcement Agencies
 - A. Submission of Quarterly Use of Force Reports
 - B. Current Arrest Data for 2024
 - C. Criminal Activity Trends or Upticks
 - D. Community Relations Activities in Q1 and Planned Events for Q2
 - E. Report on ride-along participation by PAB members
 - F. Teen Court
 - G. Status of Requested Trial Board
 - H. LEA Topics of Interest/Concern
- V. Announcement of next meeting – upon an Agenda
- VI. Adjournment



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

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Agenda

September 17, 2024
8:30 a.m. – Bradley Meeting Room
Courthouse, 11 North Washington St., Easton, Maryland

- I. Call to Order
- II. Minutes from the May 14, 2024 Meeting
- III. Old Business
- IV. Discussion with Law Enforcement Agencies
 - A. Introduction of New PAB Member – William Belding
 - B. PERF June 2024 Report and Recommendations (“Implementation of the Maryland Police Accountability Act of 2021”)
 - C. Discussion Regarding Disclosure of LEA Internal Investigations (Accounting for the Investigations that Fall Outside the ACC Purview)
 - D. Submission of Quarterly Use of Force Reports
 - E. Current Arrest Data for 2024
 - F. Criminal Activity Trends or Upticks
 - G. Community Relations Activities in Q2 and Planned Events for Q3
 - H. Report on ride-along participation by PAB members
 - I. Status of Teen Court Participation
 - J. Status of Requested Trial Board
 - K. LEA Topics of Interest/Concern
- V. Old Business and Administrative Discussion
- VI. Announcement of next meeting – upon an Agenda
- VII. Adjournment



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

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11 N. Washington Street
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Agenda

November 12, 2024
8:30 a.m. – Bradley Meeting Room
Courthouse, 11 North Washington St., Easton, Maryland

- I. Call to Order
- II. Minutes from the September 17, 2024 Meeting
- III. Old Business
- IV. Discussion with Law Enforcement Agencies
 - A. Submission of Quarterly Use of Force Reports
 - B. Current Arrest Data for 2024
 - C. Criminal Activity Trends or Upticks
 - D. Community Relations Activities in Q3 and Planned Events for Q4
 - E. Report on ride-along participation by PAB/ACC members
 - F. Status of Teen Court Participation
 - G. Status of Requested Trial Board
 - H. Revisit Discussion Regarding Disclosure of Pending Investigations within ACC Purview
 - I. Revisit Discussion Regarding Disclosure of LEA Internal Investigations (Accounting for the Investigations that Fall Outside the ACC Purview)
 - J. PAB/ACC Training
 - K. LEA Topics of Interest/Concern
 - L. Recommendations for PAB Annual Report

- V. Old Business and Administrative Discussion
 - A. Assignments for Annual Report
 - B. Meeting to Revise Draft Annual Report
- VI. Announcement of next meeting – upon an Agenda
- VII. Adjournment



TALBOT COUNTY POLICE ACCOUNTABILITY BOARD

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Agenda

December 17, 2024
8:30 a.m. – Bradley Meeting Room
Courthouse, 11 North Washington St., Easton, Maryland

- I. Call to Order
- II. Minutes from the November 12, 2024 Meeting
- III. Discuss the Draft Annual Report
- IV. Old Business and Administrative Discussion
- V. Announcement of next meeting – upon an Agenda
- VI. Adjournment

Exhibit B

Minutes from PAB & LEA Meetings

**TALBOT COUNTY, MARYLAND
POLICE ACCOUNTABILITY BOARD**

Minutes of Public Meeting
February 13, 2024

The meeting of the Talbot County Police Accountability Board ("PAB") was called to order at 8:30 a.m. on Tuesday, February 13, 2024. Present were Chairman Mitchell Ettinger, Members Michael Bibb, John Gilbert, Chris Rice, Connie Webster, and Board Secretary Victoria Bradley.

- I. **Call to Order** – Chairman Ettinger called the meeting to order and made welcoming remarks.
- II. **Minutes** – Upon motion made by Mr. Bibb, seconded by Ms. Webster, the minutes of the Tuesday, December 19, 2023, PAB meeting were unanimously approved without modification.
- III. **Discussion with Law Enforcement Agencies ("LEA")**

2023 PAB Annual Report Feedback – The LEAs gave their feedback on the Annual Report. Easton PD Chief wanted to state that they do not intend to be adversarial and want to work with the PAB. Chairman Ettinger stated the PAB appreciates and encourages the feedback from the LEAs. The LEAs expressed their appreciation for the work the PAB and ACC have done and will do. The PAB and LEAs want to find better ways this process can better serve the citizens of Talbot County.

PAB/ACC related legislation from the 446th session of the General Assembly – The Chairman asked for the LEAs opinion on House Bill 533 that would give the PAB investigatory powers for complaints. The Sheriff stated there are currently over 250 Law Enforcement related Bills submitted this session. The Sheriff stated he does not believe this House Bill has enough support to pass, The LEAs for Talbot County all agreed they did not support House Bill 533. The PAB agreed this would not be something they would support; concurrent investigations could cause more issues than benefits. Chairman Ettinger further stated that the ACC has subpoena power, and this would harm the dialog the PAB has with the LEAs.

Chairman Ettinger stated he would like to invite local legislatures to come to a PAB meeting and has already reached out to one for after the current legislative session.

Submission of Quarterly Use of Force Reports – Chairman Ettinger stated that the LEAs can submit their quarterly reports to Secretary Bradley as they finish them. The LEAs asked if there was a certain format or style the PAB would prefer. Chairman Ettinger stated he found the tracking trends spreadsheet is very helpful.

Arrest data for Q4 2023 – The LEAs presented their arrest data with their reports. Mr. Rice stated it was very informative to be able to compare the trends and statistics between each LEAs. Mr. Rice asked for clarification with the statistics for ‘calls for service’. The Sheriff explained that calls of service are not always arrest, calls for service are more often things such as wellness checks and patrol calls.

Criminal Activity Trends or Upticks – Easton PD Chief spoke about the uptick in homelessness related issues going down and that they have been able to assist with getting people placed in shelters. Easton PD Chief stated there has been an uptick in shoplifting and burglaries in department stores and vape stores. He further stated that this trend seems to be with juveniles.

The Sheriff stated that they had a small uptick in car theft, this trend was also with juveniles. Mr. Gilbert asked about the juvenile issues that they discussed at the last meeting and if this was connected. The Sheriff stated that this seems to have calmed down since their last meeting, fighting is still an issue within the schools but the laws currently in place have affected the school’s ability to refer the juveniles under 13 to other programs such as Teen Court that have been very beneficial in the past. The Sheriff further stated that there are no services for the juveniles that are under 13 other than to call their parents.

Community Relations Activities Planned for 2024 – St Michaels Chief explained some of their community activities such as their weather spotter training, the DART program, and community events and activities. All of the LEAs try to have a presence at community events. The Sheriff stated his department has been working on teaching fraud alerts, scam calls and social media hacking to the senior centers.

Ride-along for PAB 2024 Focus – The LEAs believe the ride-along process will help the PAB get a better picture of what the LEAs do. The PAB members will contact and plan a time to do a ride-along with one of the LEAs.

Recommendations for PAB 2024 Focus – Chairman Ettinger asked the Sheriff if it is possible for the PAB members to sit in and see how the Teen Court works. The Sheriff stated he will arrange for any PAB members that would like to observe Teen Court to be able to do so. Chairman Ettinger asked if there was anything the LEAs thought the PAB should focus on this year. Easton PD Chief stated that he believes the PAB and LEAs are starting to work well together and he wants to have a combined effort for the LEAs to work together.

The Sherrif stated he wants to work on doing more press releases and getting the word out about the good they do in the community, any help the PAB can provide in this is appreciated.

LEA Topics of Interest/Concern – All of the LEAs expressed the need for more resources and more manpower, the work for the PAB and ACC has taken significant manpower and resources for each department.

Chairman Ettinger asked what the status of the Trial Board is. The Sheriff stated they are in the final review process and will speak to the County Attorney and ask him to look at what they have. The LEAs stated this final process of review and signing agreements should not take long to complete. Chairman Ettinger stated if there was any way for the PAB to assist they will.

IV. A motion was made by Mr. Gilbert and seconded by Mr. Bibb for the Board to move into closed session to discuss the Board's possible reappointment of Administrative Charging Committee member.

V. **Summary of Closed Session Held on February 13, 2024:**

1. Statement of the time, place, and purpose of the closed session:

Time of closed Session: 9:56 a.m. to 10:02 a.m.

Place of closed session: Bradley Meeting Room

Purpose of the closed session: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matters that affects one or more specific individuals.

2. Record of the Vote of each member as to closing the session:

Names of members voting aye: Ettinger, Bibb, Gilbert, Rice, Webster

Members opposed: None

Abstaining: None

Absent: None

3. Statutory authority to close and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss possible reappointment of ACC member	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Mitchell Ettinger, Michael Bibb, John Gilbert, Chris Rice, Connie Webster, Victoria Bradley	No action

VI. A motion was made by Mr. Bibb and seconded by Mr. Rice to reconvened in open session at 10:02 a.m.

VI. **Next PAB Meeting** – The Board set a date for the next PAB meeting with the Local Law Enforcement Agencies for May 14, 2024, at 8:30 am.

VII. **Adjournment** – There being no further business, a motion was made by Mr. Bibb and seconded by Ms. Webster to adjourn the meeting. The motion was passed unanimously, and the meeting adjourned at 10:04am.

**TALBOT COUNTY, MARYLAND
POLICE ACCOUNTABILITY BOARD**

Minutes of Public Meeting
May 14, 2024

The meeting of the Talbot County Police Accountability Board ("PAB") was called to order at 8:30 a.m. on Tuesday, May 14, 2024. Present were Chairman Mitchell Ettinger, Members Michael Bibb, John Gilbert, Jo Ann Murray, Chris Rice, Connie Webster, and Board Secretary Victoria Bradley.

- I. **Call to Order** – Chairman Ettinger called the meeting to order and made welcoming remarks.
- II. **Minutes** – Upon motion made by Mr. Gilbert, seconded by Ms. Murray, the minutes of the Tuesday, February 13, 2024, PAB meeting were unanimously approved without modification.

III. **Discussion with Law Enforcement Agencies ("LEA")**

Submission of Quarterly Use of Force Reports – The LEAs discussed their submitted reports. Easton PD noted that it had a few use of force reports pertaining to intoxicated and/or altered mental state individuals.

The Chairman asked the Sheriff's Office about a specific use of force report pertaining to an attempt by an officer to stop a moving motorcyclist by grabbing him when he passed in front of the officer. The Chairman inquired whether the Sheriff's Office has a policy regarding use of force on moving vehicles, citing the pepper spray case from the year before. The Sheriff confirmed his view that the deputy's actions were reasonable under the circumstances and stated that there is no specific policy governing the situation that occurred in this instance. The Sheriff also noted the increase in unsafe motorcycle driving habits and a propensity for the operators to flee rather than stop when directed to do so by law enforcement.

The LEA's discussed proper use of force standards issued by the State's Attorney General's Office.

Current Arrest Data for 2024 – The LEAs discussed arrest data for this quarter. The Sheriff and Easton PD stated that the arrest and incidents reports are more frequent in relation to student conduct in the schools. The LEAs also discussed the rise in drug, assault and theft related arrests.

Criminal Activity Trends or Upticks – The Sheriff noted that the number of overdoses reported to his office is trending down; however this statistic does not take into account

those who self-submit to the hospital. The Sheriff stated there has been a rise in fatal overdoses related to Fentanyl and Xylazine. He also noted that Xylazine is not listed as a controlled substance at this time. Unfortunately, Narcan is ineffective to address Xylazine overdoses. The Sheriff stated cocaine overdoses are currently up by 20%.

Easton PD stated there is a decrease in deaths related to drug overdoses thanks to Narcan being more accessible; however the number of overdoses themselves have not decreased. Easton PD further reported there has been an uptick in crack and cocaine arrests.

Easton PD also reported an uptick in child abuse and sexual assault cases. They received four (4) reported violations on one day alone.

Community Relations Activities in Q1 and Planned Events for Q2 – The LEAs discussed their ongoing community relations activities. Easton PD reported on its community Mock Trial Class, which had 13 graduates. Easton PD also had a very successful coffee with a cop event that was well attended and resulted in good community interactions.

The Sheriff stated there will be a fishing tournament on June 22nd that is sponsored by all local LEAs. The Sheriff's Office is working to create a community police academy. The Sheriff also reported that his office is continuing with its Talbot Goes Purple initiative. The Sheriff's Office rap prevention program is quite popular with the students.

Oxford PD stated they have a community police academy starting in September. The Oxford Day celebration was successful this year.

Report on ride-along participation by PAB members – Ms. Webster discussed her experience with the ride-along she did with the Sheriff's Department. Ms. Webster said it was a great experience and was very impressed with the officer. All PAB and ACC members are encouraged to participate in the ride-along program.

Teen Court – The Chairman discussed his experience with the Sheriff's Teen Court program, noting that it is well organized, and a great alternative to a judicial resolution. The Chair encouraged the other LEAs to participate in the program, especially the Easton Police Department. Chief Lowry expressed some hesitancy to do so, citing the need to ensure that the Department of Juvenile Services is performing as the legislature intended.

Ms. Murray stated from her experience with similar programs that diversion programs, such as Teen Court, are effective. The Chair noted that if DJS is not providing services to these children, then there are certain offenders or troubled youth who are receiving no services and that Teen Court is a reasonable alternative.

The Sheriff offered to share information regarding future Teen Courts so that PAB members may attend.

Status of Requested Trial Board – The Chairman inquired about the status of the requested Trial Board by the former Easton PD officer. The LEA noted that there is now a criminal case pending and that it may obviate the need for a Trial Board.

LEA Topics of Interest/Concern – The Chairman asked if there was anything the LEAs thought the PAB should focus on this year. The Sheriff noted that there currently is no budget for programs to assist inmates in recovering from addiction. He noted that there are grants available to subsidize such programs/treatment. This is a topic that may make sense to high-light for the Council in the annual PAB report.

The Chairman asked if the LEAs were taking part in the mental health training. The LEAs stated this was mandatory training that is required every two years. The LEA's work with a local mental health facility for this training and do frequent mental health checks with their officers. The LEAs stated they will send their officers to seek mental health evaluations if they have been involved in a difficult case, incident or situation; they will also send their officers for evaluation if they display signs of undue stress or mental health issues.

VI. **Next PAB Meeting** – The Board set a date for the next PAB meeting with the Local Law Enforcement Agencies for September 17, 2024, at 8:30 am.

VII. **Adjournment** – There being no further business, a motion was made by Mr. Bibb and seconded by Ms. Webster to adjourn the meeting. The motion was passed unanimously, and the meeting adjourned at 9:38 am.

**TALBOT COUNTY, MARYLAND
POLICE ACCOUNTABILITY BOARD**

Minutes of Public Meeting
September 17, 2024

The meeting of the Talbot County Police Accountability Board ("PAB") was called to order at 8:30 a.m. on Tuesday, September 17, 2024. Present were Chairman Mitchell Ettinger, Members William Belding, John Gilbert, Jo Ann Murray, Connie Webster, and Board Secretary Victoria Bradley.

- I. **Call to Order** – Chairman Ettinger called the meeting to order and made welcoming remarks. He introduced William Belding, who the County Council recently appointed to the PAB.
- II. **Minutes** – Upon motion made by Mr. Gilbert, seconded by Ms. Murray, the minutes of the Tuesday, May 14, 2024, PAB meeting were unanimously approved without modification.

III. Discussion with Law Enforcement Agencies ("LEA")

- a. **PERF June 2024 Report and Recommendations** – The Chairman identified two recommendations from the PERF Report that, if implemented in Talbot County, would be beneficial. The first recommendation is that the LEAs make appropriate law enforcement training sessions available to PAB and ACC members. The Chairman requested that the LEAs review their scheduled training calendars to determine which, if any, classes would be useful for PAB and/or ACC members to attend.

Oxford PD noted that it has an upcoming emergency response training session that is open to the public. This will take place on October 11th at the Easton Public Library and will be hosted by the Talbot County 911 Center.

The second recommendation identified by the Chairman is that LEAs share all new complaints of officer misconduct with the PAB at the time the complaint is received. The Chairman explained that having this information would assist with understanding the number of complaints to be resolved and to better track the time requirements established by statute. The LEAs agreed to adopt this approach.

Mr. Gilbert asked the LEAs whether a withdrawn complaint is investigated or closed. The Sheriff's Office explained that the Maryland Attorney General issued an opinion on this very issue, concluding that the complaint must be investigated

and the case submitted to the ACC for disposition. The LEAs noted that it is standard process to advise the complainant that, once submitted, the investigative process will be completed.

- b. Discussion Regarding Disclosure of LEA Internal Investigations – The Chairman also asked that the LEAs disclose the subject matter(s) of internal investigations that are pursued but not subject to ACC review. He explained that disclosure of such information will enable the PAB to report that all investigations within its jurisdictional mandate have been submitted. The Chairman requested that the LEAs consider submitting the nature of each such investigation (e.g., uniform discrepancy) and the internal number assigned to the matter. The ACC does not need the name of the officer that is the subject of the complaint. The LEAs will discuss this request internally, and it should be included on the November agenda for resolution.
- c. Submission of Quarterly Use of Force Reports –Easton PD submitted six use of force reports for the past quarter. All involved “hands on” situations with no serious injuries being reported and no complaints from the individuals.

St. Michaels PD had one use of force report arising from a domestic violence incident.

Without explanation, the Sheriff’s Office did not submit *any data or information* to the PAB for the previous quarter. The Chairman requested, at minimum, that it submit Use of Force Reports to Secretary Bradley as soon as possible.

- d. Current Arrest Data for 2024 – The LEAs discussed arrest data for the quarter, including perceived trends. Easton PD noted an increase in child abuse cases, specifically for the month of May. Easton PD also noted that vehicle thefts declined during the quarter.

The Sheriff’s Office reported crime rates remained static. They did note an increase in internet and phone scams during August and worked with other law enforcement agencies and local businesses to inform the public. These fraudulent schemes have the greatest impact on elderly citizens.

St. Michaels PD stated they have noticed that, with the resumption of school, there has been an uptick in juvenal crimes. The Sheriff’s Office stated they have had an uptick with school related issues, especially bomb threats.

- e. Community Relations Activities in Q2 and Planned Events for Q3 – The LEAs discussed their ongoing community relation activities, including the successful National Night Out.

Oxford PD discussed the town's local summer events and noted the large turnouts. Oxford PD canceled its citizen police class because too few residents expressed interest in attending during the summer months. The Oxford PD Chief will participate in a Dancing with the Stars fundraiser at the Community Center.

Easton PD states that they are currently preparing for the upcoming Waterfowl Festival. They anticipate a large crowd and will have foot patrols during the event.

- f. Report on ride-along participation by PAB members – The Chairman discussed his experience with the Easton PD ride-along program. The Chairman reported that it was a great experience, and he was very impressed with the officer. The ride provided good insights into the daily tasks of the officers and how they approach patrol. The Chairman encouraged all PAB and ACC member to participate in the ride-along program.
- g. Teen Court – The Chairman asked whether Easton PD was prepared to participate in Teen Court. It responded that they are discussing the prospect internally. We will raise this issue again during the November meeting.
- h. Status of Requested Trial Board – The former Easton PD officer who requested a trial board recently was convicted of two related offenses. The criminal convictions may obviate the need for a trial board. Ms. Murray expressed concern for our preparedness for a trial board. The Chairman noted that several of its members attended the trial board training. The rules state that an ACC member cannot serve as a member of a trial board, but do not preclude a PAB member from doing so. The Sheriff's Office expressed its view that PAB members are well situated to serve in this capacity. St. Michaels PD sent one of its officers to trial board training.
- i. LEA Topics of Interest/Concern – The Chairman asked if there was anything the LEAs thought the PAB should focus on when drafting its annual report. St. Michaels PD discussed its new hires and current vacancies. Easton PD stated they have a few vacancies, but it too has hired two new officers – one with previous experience and one who is currently in the academy.

The Sheriff's office asked if it could receive a draft of the ACC opinions before they are issued. The Chairman explained that was not possible. If the ACC has any question about an investigative matter, it will make inquiry of the LEA before

issuing its decision. If the LEA wishes to appear before the ACC to address any aspect of an investigation or complaint, it is always welcome to do so. The integrity of the process, however, is best served without sharing draft decisions with the LEAs.

Mr. Gilbert asked about mental health counseling available to the LEAs. The LEAs explained that they have mandatory procedures regarding mental health evaluations. In addition to regular interval evaluations, officers will be referred to a mental health specialist if, for example, they have been involved in a difficult case, incident or situation. Mental health evaluations also are directed when officers display signs of undue stress or other altered mental health states.

IV. Old Business and Administrative Discussion – The PAB discussed preparation of the PAB report and possible drafting assignments.

The Chairman discussed general information regarding a recent ACC decision for which the Sheriff's Office requested reconsideration. The ACC did reconsider its decision and affirmed its previous findings.

The PAB also discussed how the County could make the public more aware of the roles of the PAB and ACC. Members observed that many members of the public do not know of either board or its function.

V. Next PAB Meeting – The Board set November 12, 2024, at 8:30 a.m. in for the last PAB meeting this calendar year with the LEAs.

VI. VII. Adjournment – There being no further business, a motion was made by Ms. Webster and seconded by Mr. Gilbert to adjourn the meeting. The motion was passed unanimously, and the meeting adjourned at 9:50 am.

**TALBOT COUNTY, MARYLAND
POLICE ACCOUNTABILITY BOARD**

Minutes of Public Meeting
November 12, 2024

The meeting of the Talbot County Police Accountability Board ("PAB") was called to order at 8:30 a.m. on Tuesday, November 12, 2024. Present were Chairman Mitchell Ettinger, Members William Belding, John Gilbert, Jo Ann Murray, Chris Rice, Connie Webster, and Board Secretary Victoria Bradley.

- I. **Call to Order** – Chairman Ettinger called the meeting to order and made welcoming remarks.
- II. **Minutes** – Upon motion made by Ms. Murray, seconded by Mr. Gilbert, the minutes of the Tuesday, September 17, 2024, PAB meeting were unanimously approved without modification.

III. Discussion with Law Enforcement Agencies ("LEA")

- a. **Submission of Quarterly Use of Force Reports** – The Sheriff stated they had two Use of Force Reports for the quarter, both were minor injuries. Easton PD stated they also had two Use of Force Reports. Both incidents involved juveniles, one was a minor issue and the other the individual was injured as well as the officer.
- b. **Current Arrest Data for 2024** – The Sheriff and Easton PD stated their offices have made a few arrests in older cases. St. Michaels and Oxford have not had any arrest but have had some calls for service.
- c. **Criminal Activity Trends or Upticks** – The LEAs all reported scams are on the rise and are severely affecting the senior citizen community. Many of the scams involve coin star machines and scammers are posing as local law enforcement stating they need to pay, or they will be arrested. The LEAs have been working with the community to make them aware of the scams.

The LEAs continue to warn and educate the public about these scams, and they are informing the public to stop and verify before doing anything. The LEAs also warn that banks and credit card companies are unable to help in cases where people remove cash for these scams.

The Sheriff stated they have had an uptick in the number of homeless sex offenders that are required to report to their office.

Easton PD stated they saw an uptick in shootings this quarter, luckily no injuries and in each incident, they have made an arrest.

- d. Community Relations Activities in Q3 and Planned Events for Q4 – The Chairman stated that the community relation reports look great from the LEAs, there are many events coming up this quarter. The Sheriff stated they have many community events surrounding the holidays that the LEAs all work on including Nicoles Promise, Golden Ticket Program, Coat Drives and Shop-With-A-Cop.
- e. Report on Ride-Along Participation by PAB/ACC members – The PAB members did not complete any ride-alongs this quarter. The Charman asked that member sign up for one because they are very informative. The Chairman further stated that he is aware Mr. Wilson with the ACC has completed a ride along and had high praise for the officers.
- f. Status of Teen Court Participation – Easton PD stated he has not been able to move forward with the teen court this quarter. Easton PD stated they see the benefits from Teen Court and is planning to send some of their more reluctant officers to sit in on a Teen Court case.
- g. Status of Requested Trial Board – Easton PD stated the Trial Board is no longer required, the officer in question resigned. Easton PD stated they have found that once an officer is found guilty of misconduct, they are no longer eligible to request a trial board.
- h. Revisit Discussion Regarding Disclosure of Pending investigations within ACC Purview – The Chairman requested that the LEAs send notice to Secretary Bradley as the complaints come in so the ACC can keep track and prepare for what complaints will come through. The Chairman further asked that the LEAs send information even for complaints that do not fall under the ACC jurisdiction. The ACC only want to see the LEA Investigation number and the nature of the complaint. The Chairman asked the LEAs to submit this information for the past year by December 15, 2024, so that it can be included in the PAB Annual Report.
- i. PAB/ACC Training – The Chairman discussed the training that the ACC members went to in October. During this training they found that one ACC complaint that they reviewed involving a citizen complaint about an officer speeding. This type of

complaint would not fall under the ACC jurisdiction because it did not directly involve a citizen.

The Chairman asked the LEAs to inform the PAB and ACC members if there are any trainings that they are able to attend. The Chairman stated that the PAB and ACC would benefit from any training in order to have a better understanding of what the LEAs do.

- j. LEA Topics of Interest/Concern – The Chairman asked the LEAs if they have any recruit and retentions issues. Oxford PD stated they have one, possibly two open positions they are currently waiting to hear from the town commissioners. Oxford PD further stated their biggest recruit and retention issue is their retirement plan is below the standard compared to the other LEAs in the County.

Easton PD stated they have five vacancies not including the three they have at the police academy. St. Michaels PD stated they have one vacancy and one that is in training. The Sheriff stated their office should be fully staffed by February. The Sheriff further stated that recruitment and retention is a statewide problem, there are people who want to serve however they are not applying for law enforcement.

- k. Recommendations for PAB Annual Report – The LEAs stated they would like to have a position for an officer to handle these complaints because they take up many man hours. Oxford PD stated they are looking into the benefits of their department having electric vehicles and that they are looking to request this for their department.

IV. Old Business and Administrative Discussion – The PAB discussed the preparation of the PAB Annual Report and assigned the sections of the report to each member.

V. Next PAB Meeting – The Board set December 17, 2024, at 8:30 a.m. in for the last PAB meeting this calendar year to finalize the annual report.

VI. Adjournment – There being no further business, a motion was made by Ms. Webster and seconded by Ms. Murray to adjourn the meeting. The motion was passed unanimously, and the meeting adjourned at 9:53 am.

Exhibit C

LEAs Trial Board Procedures

TALBOT COUNTY LAW ENFORCEMENT AGENCIES TRIAL BOARD PROCEDURES

HEARING BY TRIAL BOARD

- If the officer/deputy does not accept the disciplinary action recommended by a law enforcement agency's (LEA) chief law enforcement executive (Executive), and desires a Trial Board hearing, the officer/deputy must submit to the Executive a written request for a Trial Board within 10 business days. Failure to demand a Trial Board within 10 business days is a waiver of the right to the Trial Board and the offered discipline will be imposed.
- The officer/deputy must provide the Executive with the name of the attorney representing him/her, along with the names of any and all witnesses to be summonsed, within 10 business days of submitting the written request.
- The Trial Board shall be convened and conducted as provided in Md. Code Ann., Public Safety (PS) § 3-106, the provisions of which shall prevail over any contrary provisions herein.
- The Trial Board may proceed in the absence of a charged officer/deputy, if the officer/deputy has been notified that an administrative hearing board will take place, and the charged officer/deputy refuses to appear, resigns, or otherwise fails to appear.
- In general, no Trial Board hearing shall be held on any charges that relate to conduct which is also the subject of a criminal proceeding, until such time as all criminal charges are disposed. However, the LEA retains the discretion (non-grievable) to make an exception to the general rule if it determines that the morale, operation or best interests of the LEA would be adversely affected by the failure to hold a hearing.
- At least 30 days before the hearing, the officer/deputy shall be notified of the charges against him/her, the discipline recommended, and provided a copy of the investigatory record.

TRIAL BOARD COMPOSITION

- The Trial Board shall be composed of:
 - an actively serving or retired administrative law judge or a retired judge of the District Court or a Circuit Court, appointed by the County Council of Talbot County;
 - a civilian who is not a member of the Talbot County Administrative Charging Committee, appointed by the Talbot County Police Accountability Board; and
 - an officer/deputy of equal rank to the officer/deputy who is accused of misconduct, appointed by the head of the law enforcement agency.
- The actively serving or retired administrative law judge or the retired judge of the District Court or a Circuit Court shall:
 - be the chair of the trial board;
 - be responsible for ruling on all motions before the trial board;
 - prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.

- Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

ADMINISTRATIVE PROCEDURES PRIOR TO HEARING

- Hearing Board Members may not review the case file and may only review the information contained in the charging documents.
- The officer/deputy and the officer's/deputy's representative must execute a confidentiality agreement.
- The officer/deputy and the officer's/deputy's representative is entitled to a copy of the investigative file not less than 10 business days before the hearing date and pay reasonable costs associated with reproducing the materials.
- The officer/deputy also shall be provided with the name of each witness and any exculpatory information that relates to the officer/deputy and the charges specified.
- The identity of confidential sources and non-exculpatory information will be excluded from this case file.

PRE-HEARING PROCEDURES

- The Hearing Board Chairperson will:
 - Contact the officer's/deputy's representative, the prosecutor and the board members to arrange a mutually convenient date for the hearing. The hearing date will not be scheduled before thirty days from the date that counsel for the accused received a copy of all charges and the internal investigation material, unless a shorter period is mutually agreed upon by counsel and the LEA.
 - Prepare a Notification of Hearing.
 - Prepare a Notification of Evidence/Document Receipt for the Prosecution.
 - Prepare Notification of Evidence/Document Receipt for the Defense.
 - Forward these notifications to the LEA Executive.
- The Executive or designee will serve the Notification of Hearing and Evidence/Document Receipt on the officer/deputy and return a signed copy to the Hearing Board Chairperson.
- The Hearing Board Chairperson will provide a copy of the Notification of Hearing to the Prosecutor and Hearing Board Members.
- The officer/deputy will give their counsel or representative a copy of the notices.
- If either the Prosecutor or the officer's/deputy's counsel requires summonses or if evidence will be presented, they will provide written notice to the Hearing Board Chairperson not less than 10 business days prior to the scheduled hearing date.
- Requests for postponements will be directed to the Hearing Board Chairperson and granted only for a good cause.

- Requests to amend charges will be directed to the Hearing Board Chairperson. An amended charge could result in a postponement of the hearing.
- If a penalty which differs from the matrix category or ACC finding is sought by the prosecutor, notice will be given to the officer/deputy no less than 10 business days prior to the hearing.
- A trial board may administer oaths and issue subpoenas as necessary to complete its work.
- An officer/deputy may elect to waive all rights to a hearing or appeal after the officer/deputy is charged with violations of LEA regulations and accept the punishment offered by the LEA.

CONDUCTING THE TRIAL BOARD

- All hearings will be conducted under the direction of the Hearing Board Chairperson.
- Except as otherwise noted, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under PS § 3-101, et seq.
- Proceedings of a trial board shall be open to the public, except to protect:
 - a victim's identity;
 - the personal privacy of an individual;
 - a child witness;
 - medical records;
 - the identity of a confidential source;
 - an investigative technique or procedure; or
 - the life or physical safety of an individual.
- Written requests for closed hearings will be considered by the Chairperson and submitted 10 business days before the hearing date.
- A complainant has the right to be notified of a trial board hearing and the right to attend a trial board hearing. If it is determined that the proceedings are closed to the public as set forth above, then the complainant may be excluded from attending the proceedings.
- All weapons will be secured outside the hearing room.
- Hearings will be recorded and a record maintained anytime the recording is stopped and restarted.
- All documents accepted into evidence will be marked for identification and retained as part of the record.

PRE-TRIAL MOTIONS AND PROCEDURES

- Motions and stipulations may be heard. The Chairperson may rule or recess the Board to discuss matters with the Board Members.

- If the officer/deputy admits to one or more sustained findings of a policy violation, the officer/deputy and the Agency may submit a joint recommendation for discipline, including an agreement on which category of the Disciplinary Matrix is applicable. The Trial Board is required to accept the joint recommendation unless a majority of the board concludes the recommendation is arbitrary and capricious.
- The Hearing Board Chairperson will administer oaths or affirmations and examine any individual under oath.
- The Chairperson shall inquire if a copy of the charges and specifications to be heard have been received by the accused member.
- Each charge and specification shall be read, unless waived, and the accused shall enter a plea to each.

ORDER OF TRIAL PRESENTATIONS

- Brief opening statement by prosecutor;
- Brief opening statement by defense counsel;
- The prosecution presents its case in chief.
- The defense presents its case, if it so chooses.
- Each party has a right to cross examine each witness who testifies for the other party.
- The Board may question each witness.
- Redirect and re-cross examination is limited to matters covered in a preceding examination.
- Rebuttal evidence by both parties may be presented.
- Closing arguments include:
 - A summation presented by the prosecutor.
 - A summation presented by the defense.
 - A rebuttal may be presented by the prosecutor.

DECISION OF THE HEARING BOARD

- The Hearing Board Members will clear the hearing room to decide guilt or innocence on each charge.
- An officer/deputy may be disciplined only for cause.
- A majority shall reach a verdict on each charge.
- Guilty Verdict – A finding of guilt must be based on a preponderance of the evidence.
- Not Guilty Verdict – A finding of not guilty on all charges concludes the hearing.
- Dissenting Opinion – A board member may submit a written report outlining his objection to the verdict.

NOTIFICATIONS OF FINDINGS

- The Hearing Board Chairperson will reconvene the hearing. The exact time of the clearing and recalling of all parties shall be noted in the record.
- The member will be advised of the Board's findings on each charge.
- For a finding of "Not Guilty" on all charges, the Chairperson will announce the conclusion of the case and adjourn the hearing.
- For a finding of "Guilty" on any charge, the Chairperson shall request recommendations for penalty from the Prosecutor and Defense. The officer's/deputy's personnel file and disciplinary record will be introduced at this time.
- Either the prosecution or defense may present testimony or other evidence in support of recommendations for a penalty.

PENALTY DELIBERATIONS

- The Hearing Board will clear the hearing room for deliberation of the penalty phase.
- If the penalty recommended by the board differs from the matrix category, the hearing board shall state the mitigating/aggravating factors considered in support of the penalty.
- The officer's/deputy's personnel file and/or disciplinary record will be considered in the deliberation.
- All evidence presented during the hearing, along with other personnel related material, must be considered during this phase.
- The disciplinary recommendation can include one or more of the following: demotion, dismissal, transfer, loss of pay, fine, reassignment, remedial training or other punitive measures.
- Remedial training is required on guilty findings concerning illegal discrimination or harassment incidents, except in cases of termination.
- The Chairperson will cause another vote to be taken as to punishment. Voting will be finished when a majority is reached.

NOTIFICATION OF PENALTY

- The Hearing Board Chairperson will reconvene the hearing. The exact time of clearing and recalling of all parties will be noted in the record.
- The Chairperson will notify all interested parties of the penalty for each charge and that the penalty will be recommended to the LEA Executive.
- Should termination be the recommendation of the Hearing Board, the Chairperson will contact the LEA Executive immediately. The LEA Executive or designee will then notify the following that the accused is immediately suspended with pay until the LEA Executive makes a final determination:
 - The accused.
 - The accused's Supervisor.

- The accused's Division Commander.

HEARING BOARD REPORT

- The Chairperson will explain the conclusions made by the Hearing Board in a concise written statement, supported by findings of fact.
- The written report will be forwarded to the other Board Members for review and approval.
- Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board. A copy of this report will be provided to the LEA Executive and the accused member or his/her defense counsel.
- In the case of a split decision by the Hearing Board in the rendering of a guilty verdict, the reasons for the dissenting opinion will be noted in the report.

FINAL ORDER OF CHIEF OF POLICE OR SHERIFF

- Within 21 days after receipt of the Hearing Board Report, the LEA Executive shall review the findings, conclusions, and recommendations of the hearing board, consider the member's past job performance and issue a final order.
- A trial board decision is final unless appealed by a police officer/deputy under PS § 3-106.

APPEAL PROCESS

- Within 30 days after the issuance of a decision of a trial board, the decision may be appealed by the police officer/deputy to the Circuit Court, pursuant to PS § 3-106.
- An appeal shall be on the record.

RECORD KEEPING

- The LEA will maintain the Hearing Board report, related documents and the tape recordings of the proceedings.
- The prosecutor will return the case file to the LEA Executive.
- Evidence admitted during the hearing does not become a disclosable public record solely by virtue of being entered into evidence. Disclosure of evidence is subject to the mandatory and discretionary redactions in the Maryland Public Information Act.

Exhibit D
ACC Disposition Chart

PAB-ACC Refrence #	Allegations	Investigation Agency	ACC Disposition
24-001	Unprofessional Conduct - Confidential	Easton PD	Termination
24-002	Rude, Discourteous, unprofessional conduct	Sheriff	Unfounded
24-003	Misconduct - ethics - social media missuse	Sheriff	SUSTAINED - Category D - five (5) days' pay
24-004	Illegal traffic stop, Unprofessional Conduct & Use of excessive force during traffic stop	Sheriff	Unfounded
24-005	Misconduct / Rights Violated	Sheriff	Unfounded & Exonerated
24-006	Use of excessive force	Sheriff	Exonerated