

**TALBOT COUNTY, MARYLAND
POLICE ACCOUNTABILITY BOARD**

Minutes of Public Meeting
August 8, 2023

The meeting of the Talbot County Police Accountability Board ("PAB") was called to order at 8:30 a.m. on Tuesday, August 8, 2023. Present were Chairman Mitchell Ettinger, Members Michael Bibb, John Gilbert, Chris Rice, Connie Webster, Gagy Irving, and Board Secretary Victoria Bradley.

- I. **Call to Order** – Chairman Ettinger called the meeting to order and gave opening statements.
- II. **Minutes** – Upon motion made by Mr. Gilbert, seconded by Mr. Bibb, the minutes of the Tuesday, May 9, 2023 PAB meeting were unanimously approved with corrections.
- III. **Discussion with Law Enforcement Agencies ("LEA")**

Labor force trends and issues (recruiting/retention/attrition) – The LEAs explained some of their concerns with retention and staffing. The Sheriff's office explained that certain of the benefits offered through the Sheriff's Office have aided in recruiting and retention, including the Law Enforcement Officer's Pension System (LEOPS) and take-home patrol vehicles. The LEAs also explained the desire for a salary increase to help retain officers and recruit new officers.

Citizen engagement activities – The LEAs discussed some of their programs and events that relate to citizen engagement, including (i) coffee with cops, (ii) Juneteenth celebration, (iii) citizen police academy, (iv) Citizen Response Training (CRT), (v) educational classes and workshops for the public, (vi) bike and foot patrols and (vii) attending public events where they are able to engage with the public.

Submission of quarterly Use of Force Reports – The LEAs submitted summaries of their Use of Force Reports. The Chairman also requested submission of the underlying reports.

Submission of select Field Officer Reports – LEAs submitted samples of field officer reports. The Chairman requested that a Field Training Officer from each LEA attend the November 14th meeting to assist the PAB in understanding the challenges associated with newly hired officers.

Policies regarding training of new hires with prior experience – The Chairman asked the LEAs to explain how lateral hires become acquainted with the local rules and regulations. The LEAs explained that the Code of Maryland Regulations (COMAR)

provides that lateral hires complete eighty (80) hours of field training. If they are an out of state lateral hire, they must also successfully complete an eight (8) week course and demonstrate that their prior training satisfies Maryland requirements. Lateral hires also are polygraphed, drug tested, and complete a psychological evaluation before providing service in their new agency.

The Chairman explained the topic was included on the agenda because in a recent ACC matter, the officer indicated that he had not received use of force training since his lateral hire some years ago. The LEAs explained that that is not possible as every officer is required to complete annual use of force training.

Trainee grading criteria – The PAB members asked for the LEAs to clarify the grading criteria for trainees. Mr. Gilbert noticed one box on the grading sheet was not checked and wanted to understand the process. The Sheriff explained the grading sheet in question pertained to a weekly report, during which some or even many of the listed activities will not be relevant (e.g., arrest procedure). The LEAs emphasized that with field training the objective is to see improvement week over week until the officer is ready to patrol on his or her own.

Potential for Emotional Intelligence training – The Chairman inquired about adding emotional intelligence to the LEAs current training curriculum. The LEAs explained that emotional intelligence training currently is available, and goes hand-in-glove with other de-escalation training. One focus of emotional intelligence training is to recognize and appreciate conduct that triggers the officer’s emotions — a valuable skill set in dealing with difficult citizens. The LEAs agreed to explore the potential for adding this training to their core curriculum.

Mediation process for citizen complaints §3-207(D) of MD. Code Ann., Public Safety Article – The LEAs have yet to implement the mediation process contemplated by the legislature. They noted that the training commission recently issued guidance on July 23, 2023. The LEAs met with Mid-Shore Mediation, which has offered to assist with establishing this process. This item will be placed on the November agenda for a status update.

Status of the establishment of Trial Board procedures pursuant to §3-106 of MD. Code Ann., Public Safety Article – The LEAs are working on a draft set of procedures that they hope to adopt in the near term. It is anticipated that they will be prepared to present those procedures at the November meeting.

Topics LEAs would like the PAB to address in its annual report – The LEAs requested that the PAB consider including a recommendation in its annual report to provide funding to the LEAs to retain an officer to handle the investigation and processing of complaints submitted to the ACC. The LEAs also requested that its annual report be circulated to the town councils or commissioners and the relevant members of the legislature. Finally, the LEAs requested that the PAB’s annual report address the

dilemma created by the year and a day rule in the context of a parallel criminal investigation.

Timing of LEA investigation submissions to the ACC – The Chairman stated the ACC meets monthly, and it takes an average of 8-10 hours to review the investigative materials and compose a draft decision. The Chairman asked the LEAs to submit their completed investigations no later than two (2) weeks prior to the scheduled ACC meeting, which is calendared on the second Thursday of every month. The ACC will accept four (4) complaints each month, unless the year and a day deadline is implicated.

Collateral effects of ACC findings – The Sheriff submitted a letter to the ACC referencing the potential collateral effects of an ACC outcome that results in an unfounded finding but not exoneration of the officer. The Chairman asked for clarification on how such a finding could be used in any collateral proceeding or administratively. To date, there are no concrete examples of anyone using an ACC finding of “unfounded,” in a subsequent court proceeding or as a means to deny an officer promotion. The LEAs requested that the ACC be mindful of the difference between an “unfounded” finding and one that results in the exoneration of the officer. The Chairman noted that the ACC will respond to the Sheriff’s letter in writing and will place this topic on the November calendar for possible further discussion.

IV. **Discussion regarding Trial Board members training** – PAB members who completed the Trial Board training addressed the curriculum. Mr. Bibb noted that the training focused on determining whether the LEA policies or regulations had been met or violated. The training underscored the importance of having clear and unambiguous policies. The Trial Board members were encouraged during the training to participate in a ride-along session with the LEAs. Mr. Gilbert agreed with Mr. Bibb’s assessment, noting that each case will turn on its separate facts, as there is no “one size fits all” in this context.

V. **Discussion regarding ACC Dispositions** – A motion was made by Mr. Bibb, seconded by Ms. Webster for the Board to move into closed session to discuss ACC decisions to date. The motion passed unanimously.

VI. **Summary of Closed Session**

The closed session, which was held in the Bradley Room, began at approximately 10:33 a.m. and concluded at approximately 10:56 a.m. The appropriate form was completed by the Chairman justifying the closed session. During the closed session, the PAB discussed the ACC Dispositions.

A motion was made by Ms. Webster, seconded by Mr. Bibb, to reconvene in open session. The motion was passed unanimously and the Board reconvened in open session at 10:56 a.m.

VII. **Next PAB Meeting** – The Board set a date for the fourth quarter meeting with the LEAs for November 14, 2023.

VIII. **Adjournment** - There being no further business to discuss, a motion was made by Ms. Webster and seconded by Mr. Bibb to adjourn the meeting. The motion was passed unanimously and the meeting adjourned at 10:57 a.m.