

**Annual Report of the
St. Mary's County
Police Accountability Board**

Calendar Year 2022

Adopted: 12/7/2022

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Introduction

By law, a Police Accountability Board in Maryland must adopt, by December 31st of a given year, an annual report that: (a) identifies any trends in the disciplinary process of police officers of the county and (b) makes recommendations on changes to policy that would improve police accountability in the county. This document is the annual report adopted by the St. Mary's County Police Accountability Board ("the Board") for calendar year 2022. In addition to the two requirements noted above, Report also includes other information the Board feels will be of benefit to the Commissioners of St. Mary's County and the citizens of St. Mary's County in understanding the Police Accountability Board's role, mission, and work, and to provide a greater context of its recommendations and activities over the last calendar year.

Mission & Functions of the Board

Per the Board's by-laws, "the purpose of the Body is to forward complaints of police misconduct to the appropriate law enforcement agency, to advise the Commissioners of St. Mary's County on all matters relating to local law enforcement and matters of policing, to appoint civilian members to charging committees and trial boards, to review outcomes of disciplinary matters considered by charging committees, and, on a yearly basis, to identify trends in the disciplinary process of police officers in the county and to make recommendations on changes to policy that would improve police accountability in the county."

A key duty of the Police Accountability Board is the appointment of two members of the five-person Administrative Charging Committee for St. Mary's County; additionally, the chairperson of the Police Accountability Board, or another member of Board, must serve on the Administrative Charging Committee. Attendant to its duty to appoint these members, the Board must also advertise each open appointment. The Board also chose to offer each applicant an opportunity to appear and interview before the Board prior to the Board's decision. The Board is also responsible for appointing the civilian member of any Trial Board formed should an officer appeal an offer of discipline stemming from any matter reviewed by the Administrative Charging Committee.

Complaints of police misconduct may be sent to the Board by filling out a standardized form accessible on the Board's webpage on the County website, and all inquiries of any nature may be sent to the Board at pab@stmaryscountymd.gov. The email is monitored daily by supporting staff. Complaints directed against a member of the St. Mary's County Sheriff's Office, a local law enforcement agency in St. Mary's County, are forwarded to that organization for investigation. Any complaint received pertaining to a different agency will be forwarded to the appropriate Police Accountability Board or state agency. Under current law, the St. Mary's County Police Accountability Board and Administrative Charging Committee only review actions of the sheriff's office.

In addition to receiving complaints from members of the public to forward for investigation and review, the Board must also serve as an advisory board to the Commissioners of St. Mary's County on matters of police discipline and police relations within St. Mary's County. Though the Board has no power to implement policy changes unilaterally, Maryland law

tasks the Board with making recommendations to the Commissioners that the Board believes, if implemented, would further police relations within the County. To that end, the Board endeavors to be in constant contact with members of local law enforcement and members of the public to monitor local sentiment.

Membership of the Board



Nickolas J. Cromwell
Chairperson

1st Term: July 1, 2022 – June 30, 2025

Mr. Cromwell is a veteran and has served a combined thirty-six years in active and civilian military service. Mr. Cromwell has served as chief executive officer of two corporations, has served on the St. Mary's County Sheriff's Office's Citizen Advisory Board. He is also chairperson of the St. Mary's County Administrative Charging Committee.



Joseph L. Van Kirk
Vice Chairperson

1st Term: July 1, 2022 – June 30, 2023

A Fire Protection Inspector for the Department of Defense for twenty-six years, Mr. Van Kirk was responsible for comprehensive inspections, drills, and facility reports across three naval bases. In addition to his service on the Board, Mr. Van Kirk is the vice chairman of the St. Mary's County Planning Commission.



Ylonda M. Dowleyne
Member

1st Term: July 1, 2022 – June 30, 2025

Mrs. Dowleyne is a retired veteran of the United States Army with 22 years of service. Mrs. Dowleyne also serves on the St. Mary's County Social Service Advisory Board.



Frank E. Kauffman
Member

1st Term: July 1, 2022 – June 30, 2024

Following service in the United States Navy, Mr. Kauffman entered law enforcement. His experience includes law enforcement for the City of Richmond, Virginia, thirty years with the Naval Criminal Investigative Service, five-and-a-half years as a District Court Commissioner for St. Mary's County.



Leslie A. Everett
Member

1st Term: July 1, 2022 – June 30,

2025. *Ms. Everett is a certified Human Resources professional and currently serves as Director of Human Resources for a locally owned land development and property management company.*



Dr. Linda W. Lymas
Member

1st Term: July 1, 2022 – June 30, 2024
A former principal of Great Mills High School, Dr. Lymas is a career educator. Retired from that role since 2013, she currently serves as the CEO for, and is founder of, St. Mary's Food Bank. Dr. Lymas is a past president of the Lexington Park Rotary Club and current Assistant Governor for Rotary's District 7620. In 2002, Dr. Lymas was recognized by Governor Parris Glendening for her contributions to instructional leadership in Maryland schools.



John W. Lydon III
Member

1st Term: July 1, 2022 – June 30, 2024
LTC (Ret) Lydon served 22 years in the US Army as a Military Police Officer. He received his commission through the Missouri Western State College ROTC program while serving as a Police Officer on the St. Joseph, MO police department. Upon retiring, John spent 18 years in s public education including working with special needs children, serving as a high school Senior Army Instructor, and as a Program Mentor with Western Governors University.



Thomas Phelan
Member

1st Term: July 1, 2022 – June 30, 2024
Mr. Phelan served 27 years in the Navy as a pilot and test pilot, and currently works for a defense contractor supporting Patuxent River.



Charles F. Shilling
Member

1st Term: July 1, 2022 – June 30, 2023
Mr. Shilling is the CEO of Shilling & Associates, a consulting firm to property management having operated in 21 states and he maintains a Forensic Expert status in certain states within this field. In his volunteer life, he has 40 years of service provided within our Maryland Criminal Justice System, has served on numerous Governor Tasks forces, and has been recognized on a local, state, national, and international basis for his volunteer work for Victim Rights. In 2022, he was selected as Maryland's Citizen of the Year.

Formation of the Police Accountability Board

The St. Mary's County Police Accountability Board was created by Commissioners of St. Mary's County through Ordinance 2022-15, pursuant to the duty created by the General Assembly in 2021² requiring each county and Baltimore City to establish a Police Accountability Board within its jurisdiction. Police Accountability Boards are new creations in Maryland, and there was no model enacting resolution to follow. With relatively few requirements of the structure or composition of a Police Accountability Board, individual jurisdictions were left to create Police Accountability Boards which could be tailored to each jurisdiction's circumstances.

In St. Mary's County, the Commissioners of St. Mary's County chose to create a Police Accountability Board with a minimum membership of five voting members: one chairperson, and

² 2021 Ch. 59, Maryland Police Accountability Act of 2021.

one member from each Commissioner district. Additionally, the Commissioners in their enacting legislation retain an option to appoint an additional four voting members who may hail from any part of St. Mary's County, making the Board an up-to nine-member body. The Sheriff of St. Mary's County is entitled to appoint an *ex officio*, non-voting member of the Police Accountability Board. This *ex officio* member's role is to provide advice, knowledge, and insight to the members of the Board. The Commissioners chose to appoint its initial members to staggered terms, ensuring that only a third of the Board's membership alters year-over-year.

By law, members of a Police Accountability Board must be civilians. No actively serving police officer may be a member of the Board.

After adopting Ordinance 2022-15 on March 22, 2022, the Commissioners of St. Mary's County placed advertisements calling persons interested in serving on the Police Accountability Board to apply. Upon consideration of each member's application, interview, and background check, the Commissioners announced their appointments to the Board on June 14, 2022, meeting the Police Accountability Act of 2021's requirement to have a functioning Police Accountability Board by July 1, 2022.

Police Accountability Board Meetings

The Board held a total of six meetings in the course of 2022, one meeting held per month on each of the following dates: July 13, August 17, September 14, October 26, November 9, and December 7. The Board has a statutory duty to meet no more than quarterly. However, an early decision was made by the Board to schedule more meetings, both because of the need to carry out the Board's functions under a compressed time schedule, and an acknowledgment that the statewide Police Accountability Act implementation process was likely to require, from time to time, a response or an adjustment at the local level.

Initial meetings concerned the adoption of by-laws, the nomination and election of a vice chairperson, and the selection of the Police Accountability Board's appointments to the Administrative Charging Committee. Subsequent meetings involved presentations from the St. Mary's County Sheriff's Office and the Maryland State Police on their functions and activities in St. Mary's County, along with an overview of each organization's disciplinary process – both as it existed prior to the Maryland Police Accountability Act of 2021's passage, and how each organization intended to implement that law's requirements.

With respect to its responsibility to appoint a civilian to any future Trial Boards that may arise involving an appeal taken by an officer accused of misconduct, the Board elected to nominate two of its members to undergo the necessary training administered by the Maryland Police Standards & Training Commission. One member was able to attain that training in October. By law, the Board can only appoint a civilian to a Trial Board who has undergone this training.

The final task taken up by the Board, in its December meeting, was adoption of this report and its recommendations. That concluded the Board's business for 2022.

Minutes of each meeting held in calendar year 2022 are attached to this report as Appendix Item C.

Reviews Conducted

The Police Accountability Act of 2021 requires a Police Accountability Act to review the outcome of disciplinary hearings held by its respective Administrative Charging Committee. This review does not include any ability to reverse or alter a finding of the Administrative Charging Committee, nor to reverse or alter any discipline imposed by the head of a local law enforcement agent. The Police Accountability Board's duty, with respect to its review, is to analyze the basis and outcomes of Administrative Charging Committee hearings to further the Board's understanding of local police matters, disciplinary trends, and community relations with local law enforcement, to better guide the recommendations it presents to the Commissioners of St. Mary's County.

Owing to the delayed statewide implementation of the Police Accountability Act of 2021, no matter has yet come before the Administrative Charging Committee for consideration. Consequently, the Police Accountability Board has conducted no reviews in calendar year of 2022. Its first reviews are anticipated to occur in the early winter months of 2023.

Disciplinary Trends

As noted above, no matter has yet come before the Administrative Charging Committee. The Board will be unable to offer an analysis of disciplinary trends under the Police Accountability Act of 2021's provisions until such reviews occur.

Recommendations

Based upon the information brought before the Board in the past calendar year, and relying on the Board's understanding of local police disciplinary processes, local law enforcement's relationship with the local community, and the local community's needs, the Board makes the following recommendations:

RECOMMENDATION #1:

On October 26, the Board adopted the following recommendation: that all law enforcement agencies inform the public by using the exact same printed text to be read aloud, and to be given a printed copy to each member of the public who seeks to file a complaint that each citizen shall be informed that may also contact that St. Mary's County government's PAB board to receive and file their complaint.

Conclusion

The foregoing, along with the enclosed appendices, comprise the St. Mary's County Police Accountability Board's Annual Report for Calendar Year 2022, and are presented in the form adopted by the Police Accountability Board on December 7, 2022.



Nicholas J. Cromwell
Chairperson

MEMBERS VOTING FOR ADOPTION OF THE REPORT:

Cromwell
Van Kirk
Dowleyne
Kauffman
Everett
Lydon
Lymas
Phelan
Shilling

MEMBERS VOTING AGAINST ADOPTION OF THE REPORT:

APPENDIX A

Subject: To Establish the St. Mary's County Police Accountability Board and St. Mary's County Administrative Charging Committee

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RESOLUTION ESTABLISHING THE ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD & ST. MARY'S COUNTY ADMINISTRATIVE CHARGING COMMITTEE

WHEREAS, Chapter 59 of the 2021 Laws of Maryland, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures (the "Act"), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits, repealing the Law Enforcement Officer's Bill of Rights, and establishing provisions that relate to a statewide accountability and discipline process for police officers;

WHEREAS, the Act further requires each county to have a police accountability board to: (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county;

WHEREAS, the Act further requires that the Commissioners of St. Mary's County, Maryland (hereinafter, the "Commissioners of St. Mary's County") must: (1) establish the membership of a police accountability board; (2) establish the budget and staff for a police accountability board; (3) appoint a chair of the police accountability board who has relevant experience to the position; and (4) establish the procedures for record keeping by a police accountability board;

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board;

WHEREAS, the Act also establishes requirements for the contents of a complaint of police misconduct filed with a police accountability board and the process after the complaint is filed;

WHEREAS, the Act requires each county to have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county;

WHEREAS, the Act establishes the composition and requirements for the board and committee and requires that before serving as a member of an administrative charging committee,

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an individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission;

WHEREAS, the Act requires that an administrative charging committee must: (1) review the findings of a law enforcement agency's investigation; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant;

WHEREAS, the Act establishes that, in executing its duties, an administrative charging committee may: (1) request information or action from the law enforcement agency; (2) if the police officer is not administratively charged, make a determination that the allegations against the police officer are unfounded or the police officer is exonerated; and (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct; and

WHEREAS, the Commissioners of St. Mary's County desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Mary's County that there shall be a St. Mary's County Police Accountability Board ("SMCPAB") and a St. Mary's County Administrative Charging Committee ("SMCACC") in accordance with the following:

I. Definitions.

- A. Law Enforcement Agency ("LEA"): Law Enforcement Agency shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(d), as amended hereafter from time to time.
- B. Police Officer: "Police officer" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-201(f), as amended hereafter from time to time.
- C. Police Misconduct: "Police misconduct" shall have the same meaning as defined at Md. Ann. Code, Public Safety Art., § 3-101(g), as amended hereafter from time to time.

II. Police Accountability Board.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-102, there shall be a St. Mary's County Police Accountability Board ("SMCPAB") to serve countywide law enforcement agencies and local law enforcement agencies.
- B. The SMCPAB shall:

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1. Hold meetings, not less than quarterly, with heads of law enforcement agencies operating in St. Mary's County and otherwise work with law enforcement agencies and the county government to improve matters of policing;
2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCPAB may deem necessary and appropriate;
3. Appoint civilian members to charging committees and trial boards;
4. Receive complaints of police misconduct filed by members of the public;
5. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees;
6. Work with LEAs and the Commissioners of St. Mary's County to:
 - a. Improve matters of policing by receiving complaints of police misconduct filed by the public; and
 - b. By December 31st each year, or such other time as the Commissioners of St. Mary's County may designate, submit a report to the Commissioners of St. Mary's County that identifies any trends in the disciplinary process of police officers in St. Mary's County and makes recommendations on changes to policy that would improve police accountability in St. Mary's County.

III. Administrative Charging Committee.

- A. Pursuant to Md. Ann. Code, Public Safety Art., § 3-104, there shall be a St. Mary's County Administrative Charging Committee ("SMCACC") to serve countywide law enforcement agencies and local law enforcement agencies within St. Mary's County.
- B. The SMCACC shall:
 1. Meet not less than once per month, or as needed;
 2. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the SMCACC may deem necessary and appropriate;
 3. Review the findings of a LEA's investigation conducted and forwarded to the SMCACC in accordance with State law;
 4. Make a determination that the police officer who is subject to investigation shall be:
 - a. Administratively charged; or
 - b. Not administratively charged;
 5. If the police officer is charged, recommend discipline in accordance with the LEA's disciplinary matrix established in accordance with Md. Ann. Code, Public Safety Art., §§ 3-105 and 3-106 ;
 6. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
 7. Authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;

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8. Issue a written opinion that describes in detail its findings, determinations, and recommendations; and
 9. Forward a written opinion to the chief of the LEA, the police officer, and the complainant.
- C. In executing its duties, the SMCACC may:
1. Request information or action from the LEA that conducted the investigation, including, pursuant to Md. Ann. Code, Public Safety Art., § 3-104(f)(1), requiring additional investigation and the issuance of subpoenas;
 2. If the police officer is not administratively charged, make a determination that:
 - a. The allegations against the police officer are unfounded; or
 - b. The police officer is exonerated; and
 3. Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

IV. Membership.

- A. Member(s) shall hold their position until their successor(s) are selected and appointed.
- B. All members of the SMCPAB and SMCACC are subject to the applicable provisions of the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
- C. Members of the SMCPAB and SMCACC shall maintain confidentiality relating to all matters before the respective Board and Committee.
- D. Members of the SMCPAB and SMCACC shall comply with the St. Mary's County Open Meetings Act, Md. Ann. Code, Local Government Art., §9-501, et seq., as amended hereafter from time to time.
- E. With regard to membership of the SMCPAB:
 1. The SMCPAB shall include a minimum of five (5) and up to nine (9) voting members selected by the Commissioners of St. Mary's County, including a Chairperson appointed by the Commissioners of St. Mary's County;
 - a. Of the voting members, at least one member shall, at the time of his or her appointment, reside in each Commissioner District.
 2. The SMCPAB shall include one (1) non-voting *ex officio* member who shall be the Sheriff of the St. Mary's County Sheriff Department or the Sheriff's designee.
 3. Applicants shall submit to a vetting process includes, at a minimum, comprehensive criminal background checks and other appropriate background research that shall determine to the satisfaction of the Commissioners of St. Mary's County each applicant's fit moral character, freedom from bias, and ability to act and make objective decisions free of outside influence.

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4. The Chairperson of the SMCPAB shall have experience relevant to the position.
 5. To the extent practicable, members of the SMCPAB shall represent and reflect the racial, gender, and cultural diversity of St. Mary's County.
 - a. In determining whether appropriate racial, gender, and cultural diversity has been achieved, the Commissioners of St. Mary's County shall rely on data available from the most recent decennial census conducted by the United States Census Bureau.
 6. Except as initially staggered, members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCPAB.
 7. Initial terms of members shall be staggered as follows:
 - a) Three (3) members shall serve an initial term of three (3) years;
 - b) Three (3) members shall serve an initial term of two (2) years.
 - c) Three (3) members shall serve an initial term of one (1) year.
 8. The Commissioners of St. Mary's County may designate one alternate member to sit on the SMCPAB in the absence of any member of the Board.
- F. With regard to membership of the SMCACC:
1. The SMCACC shall be composed of five (5) members, appointed as follows:
 1. The Chairperson of the SMCPAB, or a member of the SMCPAB designated by the Chairperson of the SMCPAB, shall serve as a Member of the SMCACC.
 2. The Commissioners of St. Mary's County shall appoint two (2) St. Mary's County civilians as members of the SMCACC.
 3. The SMCPAB shall appoint two (2) St. Mary's County civilians to the SMCACC by majority vote.
 2. The Members of the SMCACC shall elect a Chairperson annually from among its members by majority vote each first meeting occurring on or after July 1.
 3. The Chairperson of the SMCACC shall serve no more than two (2) consecutive terms as the Chairperson.
 4. Members shall serve a term of three (3) years and shall not be eligible for reappointment after a total of nine (9) years of service on the SMCACC.
 5. Before serving as the SMCACC, every individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

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V. Resignation and Removal.

- A. Any member of the SMCPAB or SMCACC may resign at any time by providing written notice to the Commissioners of St. Mary's County.
- B. In addition to the grounds set forth above, a member of the SMCPAB or SMCACC may be removed in accordance with the following provisions:
 1. The Commissioners of St. Mary's County retains the authority to remove by majority vote any member of the SMCPAB, and to remove any member of the SMCACC based upon a recommendation of a majority vote of the SMCPAB, when, in its discretion, the best interest of the community or Commission would not be served by continued membership.
 2. The Chairperson shall notify the Commissioners of St. Mary's County if a member of the SMCPAB or of the SMCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Commissioners of St. Mary's County shall remove and replace such member.

VI. Meetings and Reporting.

- A. The SMCPAB shall meet no less than quarterly with heads of LEAs operating in St. Mary's County to:
 1. Discuss improvements that can be made to policing;
 2. Appoint civilian members to the SMCACC and trial boards;
 3. Receive complaints of police misconduct from the public; and
 4. On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.
- B. Each complaint of misconduct received by the SMCPAB shall be forwarded within three (3) days of receipt by the SMCPAB to the appropriate LEA. If no meeting of the SMCPAB is scheduled within that timeframe, the Chairperson of the SMCPAB shall ensure that such complaint is forwarded, and report the transfer of such report to the SMCPAB at its next meeting.
- C. The SMCPAB and the SMCACC may meet in special meetings at the call of the Chair, or the Vice-Chair in the absence of the Chair, or at the request of two-thirds of the members.
- D. Matters considered at a Special Meeting are limited to the purpose and agenda contained in the notice of the meeting.
- E. Adequate notice of all Special Meetings will be provided to SMCPAB or SMCACC members.
- F. Notice of all meetings of the SMCPAB and the SMCACC shall be in accordance with the St. Mary's County Open Meetings Act.
- G. All meetings are open to the public, except that the SMCPAB and the SMCACC may meet in closed session or adjourn an open session to meet in a closed session in accordance with the Maryland Annotated Code, *General Provisions Article*, § 3-305, or *Local Government Article*, § 9-512, as amended hereafter from time to time.

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LIBRARY 023 FOLIO 41

H. Any meeting of the SMCPAB may be conducted by telephone or video conference call provided that SMCPAB members and the public are given at least three-day notice prior to the meeting and a full duplex telephone system is used with provision for a location where the public who may wish to observe the meeting may listen to the entirety of the meeting as it is occurring.

VII. Budget

- A. The Commissioners of St. Mary's County shall approve a budget for the SMCPAB that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCPAB supported by grant assistance from the Governor's Office of Crime Control & Prevention ("GOCCP"); and
 2. A Quarterly stipend for members in such amount as the Commissioners of St. Mary's County may deem appropriate.
- B. The Commissioners of St. Mary's County shall approve a budget for the SMCACC that shall include:
1. An Annual Appropriation for studies and contracted services relevant to the mission of the SMCACC supported by grant assistance from GOCCP; and
 2. A stipend for members per meeting with a per annum maximum amount per member as the Commissioners of St. Mary's County may deem appropriate.

VIII. Ethics, Rules, and Support

- A. Ethics.
1. SMCPAB and SMACC members shall abide by and fully comply with the St. Mary's County Public Ethics Ordinance, Ch. 158 of the Code of Public Local Laws of St. Mary's County, as amended hereafter from time to time.
 2. No member of the SMCPAB or SMCACC shall cast a vote on any matter where a conflict of interest exists.
 3. In any instance where the determination of a conflict of interest is uncertain, the SMCPAB or SMCACC may request a determination of conflict of interest from the St. Mary's County Ethics Commission, which shall not be unreasonably delayed.
- B. Rules.
1. A quorum shall consist of a majority of the voting members.
 2. Notwithstanding any rules of procedure and conduct for hearings that provide procedural and substantive due process adopted by the SMCACC, all meetings shall be conducted in accordance with the "Rules of Order for St. Mary's County Boards and Commissions," as amended from time to time.
 3. There shall be one vote per member of each of the SMCPAB and the SMCACC; any members serving both the SMCPAB and the SMCACC shall have one vote in each body. The Chair is entitled to vote on any item unless precluded by operation of the St. Mary's County Public Ethics Ordinance.

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- 4. A tie vote for and against a motion means that a motion fails.
- C. Support.
 - 1. The St. Mary's County Office of Law shall provide support personnel as may be required by the SMCPAB and SMCACC.
 - 2. The St. Mary's County Office of Law shall provide legal support to the SMCPAB.
 - 3. The Commissioners of St. Mary's County shall provide such meeting space, supplies, equipment and support, including, without limitation, technology support and secure storage, as may be required by the SMCPAB and SMCACC to perform their respective duties.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Commissioners of St. Mary's County to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Commissioners of St. Mary's County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but not sooner than July 1, 2022.

SECTION V. This Resolution shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

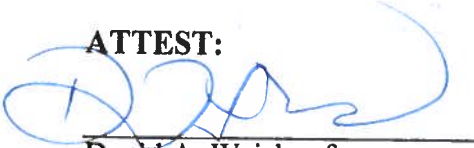
Date of Adoption: March 22, 2022

Effective Date: July 1, 2022

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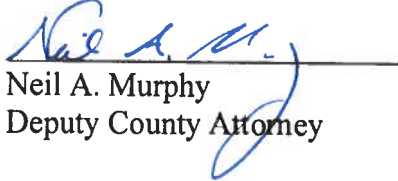
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ATTEST:



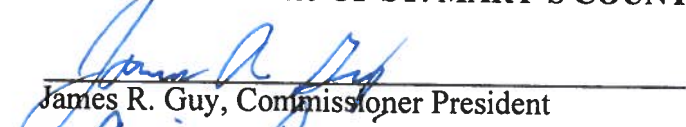
David A. Weiskopf
Interim County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

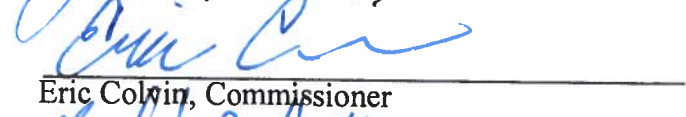


Neil A. Murphy
Deputy County Attorney

COMMISSIONERS OF ST. MARY'S COUNTY



James R. Guy, Commissioner President



Eric Colwin, Commissioner



Michael L. Hewitt, Commissioner



Todd B. Morgan, Commissioner



John E. O'Connor, Commissioner

DOCUMENT VALIDATION

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Instrument 0.00
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Mary's
County/CC07.04.05 -
Register 05

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844

APPENDIX B

BYLAWS OF THE ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD

Article I

NAME

The name of this organization as established by the Commissioners of St. Mary's County shall be the St. Mary's County Police Accountability Board (hereinafter "Body").

Article II

PURPOSE OF THE BODY

The purpose of the Body is to forward complaints of police misconduct to the appropriate law enforcement agency, to advise the Commissioners of St. Mary's on all matters relating to local law enforcement and matters of policing, to appoint civilian members to charging committees and trial boards, to review outcomes of disciplinary matters considered by charging committees, and, on a yearly basis, to identify trends in the disciplinary process of police officers in the county and to make recommendations on changes to policy that would improve police accountability in the county.

Article III

FUNCTIONS OF THE BODY

To accomplish its purpose, the Body shall meet regularly, consider and advise on the following related:

1. Any duty or responsibility assigned to the Body by statute, public local law or ordinance;
2. Local police matters in St. Mary's County;
3. Community perceptions of law enforcement in St. Mary's County;
4. Disciplinary trends within St. Mary's County local law enforcement;
5. Ways of fostering better community relations with local law enforcement;
6. Identification of needs and the best interests of the citizens of St. Mary's County;

The Body shall report annually to the Commissioners of St. Mary's County.

Additionally, the Body shall be responsible for appointing two (2) civilian members of the St. Mary's County Administrative Charging Committee and appointing one member to any trial board which may be formed in St. Mary's County. Nominations may be proposed individually or as a slate, and a nomination must receive the vote of a majority of those members voting before the nomination can pass. A member of the Board may not nominate himself or herself if nominated, and shall recuse themselves from any vote in which they are a candidate.

Article IV

MEMBERSHIP

Section 1. Members.

Membership shall be in accordance with the legal authority governing the Body.

Section 2. Appointment.

All Body members shall be appointed by the Commissioners of St. Mary's County unless otherwise provided by the legal authority governing the Body.

Section 3. Tenure and Term of Office.

Terms of office shall be in accordance with the legal authority governing the Body.

Section 4. Voting.

Each voting member, including the Chairperson, shall be entitled to one vote on each matter submitted to a vote.

Section 5. Attendance at meetings.

Members are expected to attend all meetings. If any appointed member fails to attend three (3) consecutive regular meetings, with or without reasonable cause, or is absent from 50% of the regularly scheduled meetings during any calendar year, the Chairperson shall notify the County Administrator of the absences, for appropriate action pursuant to paragraph 7 below.

Section 6. Removal of Body Members

A member may be removed with or without cause by the Commissioners of St. Mary's County.

Section 7. Resignation.

Any member desiring to resign shall submit a resignation in writing to the County Administrator.

Section 8. Vacancies.

A vacancy, because of death, resignation, removal, disqualification or otherwise, shall be filled at the pleasure of the Commissioners of St. Mary's County.

Section 9. Compensation.

Members of the Body shall serve without compensation, excepting any stipend which may be appropriated by the Commissioners of St. Mary's County for that year's budget.

Section 10. Confidentiality.

A member of the Body must sign an agreement to maintain the confidentiality of Body matters related to individual complaints until final disposition of said complaint.

Section 11. Ethics Ordinance.

All members must adhere to the provisions of the St. Mary's County Public Ethics Ordinance.

**Article V
OFFICERS**

Section 1. Officers.

The Officers of the Body shall be a Chairperson and Vice-Chairperson.

Section 2. Chairperson of the Body.

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, the Chairperson shall (1) preside at all meetings; (2) set the agenda for the meetings; (3) appoint all committees and subcommittees authorized by the members; (4) sign any document or instrument which the members have authorized to be executed; and (5) in general shall perform all duties as may be prescribed by the members from time to time.

Section 3. Vice-Chairperson.

In the absence of the Chairperson, the Vice-Chairperson shall perform all of the duties of the Chairperson and when so acting, shall have all the powers of, and be subject to, all the restrictions upon the Chairperson. The Vice-Chairperson shall perform such other duties as from time to time may be assigned by the Chairperson or, in the alternative, requested by a majority vote of the members.

Section 5. Election of Officers.

The members shall elect a Chairperson and Vice-Chairperson from its membership every year, and it may also elect such other officers as may be necessary from its membership. Election of officers shall take place at an annual meeting to be held in the month of January.

Section 6. Term of Office.

The term of office shall be for a period of one year. Each officer shall hold office until his/her successor has been duly elected.

Section 7. Removal.

Any officer elected by the members may be removed from office by a vote of two-thirds of the members.

Section 8. Vacancies.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by a majority vote of the members for the unexpired portion of the term.

Article VI

COMMITTEES

The members may, from time to time, establish subcommittees to study specific matters and report to the full forum.

Article VII

MEETINGS

Section 1. Regular Meetings.

Regular meetings of the members shall meet as often as necessary but at least quarterly per calendar year. A schedule of regular meetings for each calendar year shall be adopted prior to the commencement of the calendar year.

Section 2. Special Meetings.

Special meetings may be scheduled by a majority vote of the members or called by the Chairperson, and shall be called by the Chairperson upon the written request of a majority of the members of the Body.

Section 3. Notice

Written or electronic notice of all meetings shall be provided to each member at least seven (7) calendar days prior to the date set for such meeting.

Section 4. Recessed Meetings.

Any regular or special meeting may be recessed upon a majority vote of the members and may be reconvened without additional notice provided that the date, time and place at which the meeting shall be reconvened is determined and announced in open session at the time of the recess.

Section 5. Open Meetings Act.

All meetings, including meetings of committees and subcommittees, shall be scheduled and conducted in accordance with the St. Mary's County Open Meetings Act. No executive session may take place except upon the advice of the Office of the County Attorney.

Section 6. Agenda.

The Chairperson shall ensure an agenda is prepared for each regular and special meeting and the agenda shall, in general, be as follows:

1. Call to Order
2. Roll call to determine the presence of a quorum
3. Presentation of minutes from the previous meeting
4. Presentation of Officers' and Committee Reports
5. Discussion of Old Business
6. Discussion of New Business
7. Adjournment

Section 7. Quorum and Voting.

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, a majority of the members established in accordance with the legal authority governing the Body shall constitute a quorum for the transaction of business at any meeting. All decisions shall be made by majority vote of the members present, including the Chairperson, at any meeting where a quorum is present and able to participate in the decision.

Article VIII

PARLIAMENTARY AUTHORITY

The "Rules of Order for St. Mary County Boards and Commissions," as amended from time to time, shall govern meetings unless inconsistent with these bylaws and any special rules of order. If such rules are not in force and effect, and except as otherwise provided by law or direction of the Commissioners of St. Mary's County, the rules contained in the current edition of Robert's Rules of Order Newly Revised, including the provisions of §49 entitled "Procedure in Small Boards," shall govern; provided, however, that all motions must be stated and shall require a second. The Chairperson shall rule on all parliamentary matters. No proceeding or action shall be deemed invalid on the sole basis that the proceeding occurred or the action was taken without compliance with rules of order.

Article IX

APPOINTMENT OF ADMINISTRATIVE CHARGING COMMITTEE MEMBERS

The Body is responsible for appointing two (2) members of the Administrative Charging Committee. Before any appointment, the Body shall publicly invite applications for at least thirty (30) days prior. A majority of the Body must vote to appoint a member to the Administrative Charging Committee before such appointment is effective.

Article X

COMPLAINTS OF MISCONDUCT

The Body is responsible for receiving complaints of misconduct of a police officer employed by a local law enforcement agency. No complaint shall be accepted unless it contains the following information: (1) the name of the police officer accused of misconduct, (2) a description of the facts on which the complaint is based, and (3) contact information of the complainant or the person filing on behalf of the complainant for investigative follow-up, including a verified mailing address. Upon receipt of a complaint containing all required information shall be forwarded to the appropriate law enforcement agency within three days of its receipt. The Body may delegate any and all clerical aspects of this function to County staff.

Article XI

TRAINING AND ORIENTATION

No member of the Body shall serve without first receiving any and all training which may be required by the Maryland Police Standards and Training Commission, or any supplemental training which the Body may elect to require on its own initiative.

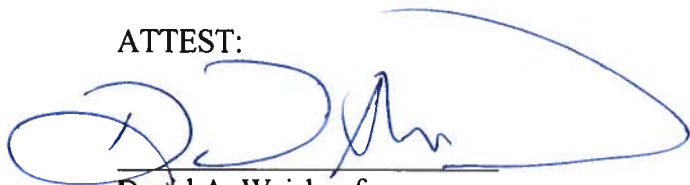
Article XII

AMENDMENTS

These Bylaws may be amended by a majority vote of the Body.

ADOPTED by the St. Mary's County Police Accountability Board this 13th day of July, 2022, to be effective on July 13th, 2022.

ATTEST:



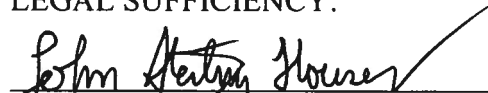
David A. Weiskopf
Interim County Administrator

By:



Nickolas Cromwell, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



John Sterling Houser
Assistant County Attorney

APPENDIX C

Joint Meeting of the Police Accountability Board and the Administrative Charging Committee (Wednesday, July 13, 2022)

Generated by Diane Gleissner on Thursday, July 14, 2022

Members present

Nicholas Cromwell

Michelle Dowleyne

Leslie Everett

Frank Kauffman

John Lydon

Thomas Phelan

Charles Shilling

Joseph L Van Kirk

Peter Wild

John Houser, Assistant County Attorney

Diane Gleissner, Coordinator II

Absent

Dr. Linda Lymas

Meeting called to order at 6:38 PM**1. CALL TO ORDER**

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair, called the joint meeting of the Police Accountability Board and Administrative Charging Committee to order at 6:38 pm in the Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action: A. AGENDA

I move to accept the agenda as presented.

Motion by John Lydon, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Thomas Phelan, Charles Shilling, Joseph L Van Kirk, Peter Wild

3. NEW BUSINESS**A. OFFICE OF THE COUNTY ATTORNEY - Police Accountability Board and Administrative Charging Committee**

Orientation

Present: John Houser, Assistant County Attorney

Mr. Houser discussed requirements and the process that established the Police Accountability Board and the Administrative Charging Committee; House Bill 670; MD Public Safety Code Ann. § 3-102; Md Public Safety Code Ann. § 3-104; Title 12 Department of Public Safety and Correction Services Subtitle 04 Police Training and Standards Commission, Chapter 09 - Police Accountability Board and Administrative Charging Committees; Title 12 Department of Public Safety and Correction Services Subtitle 04 Police Training and Standards Commission, Chapter 10 - Model Uniform Disciplinary Matrix; Statewide Police Disciplinary Matrix; Open Meetings Act (County and State); Public Ethics Ordinance; the Rules of Order for St. Mary's County Boards and Commissions and the requirement to complete a Financial Disclosure Statement.

B. ELECTION OF OFFICERS

Mr. Cromwell made the motion to nominate Joseph Van Kirk as Vice-Chair.

I move to approve Joseph Van Kirk as Vice Chair.

Motion by Nicholas Cromwell, second by Thomas Phelan.

Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Thomas Phelan, Charles Shilling, Joseph L Van Kirk, Peter Wild

C. ADOPTION OF BY-LAWS

I move to adopt the proposed by-laws for the Police Accountability Board with the amendments discussed by Chairperson Cromwell.

Motion by Frank Kauffman, second by Michelle Dowleyne.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Thomas Phelan, Charles Shilling, Joseph L Van Kirk, Peter Wild

D. ADOPTION OF 2022 MEETING SCHEDULE FOR THE POLICE ACCOUNTABILITY BOARD

7/13 Joint Meeting with the Administrative Charging Committee

8/17 Joint Meeting with the Administrative Charging Committee

11/9 Meeting

12/7 Meeting

I move to adopt the Police Accountability Board meeting schedule as amended.

Motion by Frank Kauffman, second by Charles Shilling.

Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Thomas Phelan, Charles Shilling, Joseph L Van Kirk, Peter Wild

E. INVITATION OF APPLICATIONS FOR ADMINISTRATIVE CHARGING COMMITTEE VACANCIES (2)

I move that the board invite applications from the public for two appointments to the Administrative Charging Committee and direct staff to issue a press release and collect applications on the board's behalf.

Motion by Charles Shilling, second by Frank Kauffman.

Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Thomas Phelan, Charles Shilling, Joseph L Van Kirk, Peter Wild

4. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the meeting.

Motion by Nicholas Cromwell, second by Thomas Phelan

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Ylonda Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

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Joint Meeting of the Police Accountability Board and Administrative Charging Committee (Wednesday, August 27, 2022)

Generated by Diane Gleissner and Gillian Bacon on Wednesday, August 31, 2022

Members present

Nicholas Cromwell,
Michelle Dowleyne, via ZOOM
Leslie Everett
Frank Kauffman
John Lydon
Dr Linda Lymas
Thomas Phelan
Charles Shilling
Joseph L VanKirk
Peter Wild

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II
Diane Gleissner, Coordinator, II

1. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nickolas Cromwell, Chair called the joint meeting of the Police Accountability Board and Administrative Charging Committee to order at 6:39 pm in the Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action: A. AGENDA

I move to accept the agenda as presented.

Motion by Nicholas Cromwell, second by Leslie Everett.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Action: B. APPROVAL OF MINUTES

Minutes, Action: C. APPROVAL OF MINUTES

I move to approve the minutes as presented.

Motion by Nicholas Cromwell, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

3. CLOSED SESSION

Action, Discussion: A. Personnel - Appointments to Boards, Committees and Commissions
The Police Accountability Board went into closed session at 6:45 pm.

I move to go into closed session for the purpose of discussing personnel.

Motion by Michelle Dowleyne, second by John Lydon.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Leslie Everett and Charles Shilling recused themselves from the discussion since both are being considered for the Administrative Charging Committee.

Action: B. ADJOURN CLOSED SESSION

The Police Accountability Board adjourned Closed Session at 7:57 pm.

I move to adjourn closed session.

Motion by John Lydon, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Joseph L VanKirk

Abstain: Leslie Everett, Charles Shilling, Peter Wild

Action: C ENTER INTO OPEN SESSION

The Police Accountability Board entered into Open Session at 7:58 pm

I move to a enter into open session.

Motion by John Lydon, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Joseph L VanKirk

Abstain: Leslie Everett, Charles Shilling, Peter Wild

I move to appoint Michael Deitch to the Administrative Charging Committee

Motion by Nickolas Cromwell, second by John Lydon

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Joseph L VanKirk

Abstain: Leslie Everett, Charles Shilling, Peter Wild

I move to appoint Joyce Dyson to the Administrative Charging Committee

Motion by Nickolas Cromwell, second by Dr Linda Lymas

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Joseph L VanKirk

Abstain: Leslie Everett, Charles Shilling, Peter Wild

4. NEW BUSINESS

Action: A. ELECTION OF OFFICERS - ADMINISTRATIVE CHARGING COMMITTEE

I move to table the Election of Officers until the September 14, 2022 meeting.

Motion by Nicholas Cromwell, second by Peter Wild.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Action: B. ADOPTION OF BY-LAWS - ADMINISTRATIVE CHARGING COMMITTEE

I move to table the adoption of the by-laws for the Administrative Charging Committee until the September 14, 2022 meeting.

Motion by Nicholas Cromwell, second by Peter Wild.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Action: C. ADOPTION OF MEETING SCHEDULE

Adoption of the meeting schedule was tabled until the September 14, 2022 meeting.

Mr. Houser suggested since the Administrative Charging Committee (ACC) is required to meet monthly, but doesn't have a large agenda, that the Police Accountability Board also meet directly after after the ACC adjourns, on September 14 and October 26, 2022, and have a Sheriff's Office Representative give a presentation on their operating procedures.

I move to have the Police Accountability Board hold additional meetings on September 14 and October 26, 2022.

Motion by Nicholas Cromwell, second by John Lydon

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

5. ADJOURN

Action: A. Mr. Shilling's PAB Motions

Mr. Cromwell asked that the proposed motions of Mr. Shilling be added to BoardDocs to be viewed at a later date. Ms. Bacon will ask Ms. Ferris to add these since the agenda has been finalized.

Action: B. MOTION TO ADJOURN

I move to adjourn the meeting.

Motion by Nicholas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Meeting adjourned at 8:38 pm.

Police Accountability Board (Wednesday, September 14, 2022)

Generated by LEGAL ACCPAB on Friday, September 16, 2022

Members present

Nicholas Cromwell
Michelle Dowleyne
Leslie Everett
Frank Kauffman
John Lydon
Dr Linda Lymas
Thomas Phelan, via ZOOM
Charles Shilling
Peter Wild

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II
Diane Gleissner, Coordinator, II

Absent

Joseph L VanKirk

Meeting called to order at 6:45 PM

1. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nikolas Cromwell, Chair, called the meeting of the Police Accountability Board to order at 6:45 pm in the Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Roll Call, Action, Roll Call: A. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Nicholas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

Minutes, Action: B. APPROVAL OF MINUTES

I move to approve the minutes from the scheduled meeting of the Police Accountability Board on August 17, 2022, as presented.

Motion by Nicholas Cromwell, second by Leslie Everett.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

3. NEW BUSINESS

Presentation: A. SHERIFFS DEPARTMENT PRESENTATION

Captain David Yingling and Sergeant William Ray, from the St. Mary's County Sheriff's Department discussed and presented an overview of their department procedures.

Action: A. POLICE ACCOUNTABILITY BOARD APPOINTED TRIAL BOARD MEMBER

I move to vote on a primary and secondary Trial Board Appointee who is on the Administrative Charging Committee.

Training for any potential member of the Trial Board is taking place on October 12th and 13th. With the Police Accountability Board not convening again until November 9th, the Board felt it would be a good idea to appoint a member to be the official appointee to attend those training date. Due to potential scheduling conflicts, the Board moved to appoint at least one primary and one secondary individual.

Motion by Charles Shilling, second by Nikolus Cromwell.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

Action: B. ELECTION OF TRIAL BOARD APPOINTEE

I move to elect Mr. Shilling as primary appointee for the Trial Board and Mr. Phelan as secondary appointee for the Trial Board.

Motion by Nicholas Cromwell, second by Charles Shilling.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

Action: C. AMENDING THE MEETING SCHEDULE

I move to modify the meeting of the Police Accountability Board on December 7th, 2022, to begin at 5:30 pm.

Motion by Nicholas Cromwell, second by Michelle Dowleyne.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

4. ADJOURN

Action: D. MOTION TO ADJOURN

I move to adjourn the meeting.

Motion by Nicholas Cromwell, second by Dr Linda Lymas.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

Meeting adjourned at 8:38 pm.

Police Accountability Board (Wednesday, October 26, 2022)

Generated by LEGAL ACCPAB on Monday, October 31, 2022

Members present

Nicholas Cromwell
Michelle Dowleyne
Leslie Everett
Frank Kauffman
John Lydon
Dr Linda Lymas
Thomas Phelan
Charles Shilling
Peter Wild

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II

Via Zoom

Joseph L VanKirk

Meeting called to order at 7:00 PM

1. CALL TO ORDER

Call to Order: A. CALL TO ORDER

Nikolas Cromwell, Chair, called the meeting of the Police Accountability Board to order at 7:00 pm in the Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Action: A. APPROVAL OF AGENDA

I move to approve the agenda as written.

Motion by Charles Shilling, second by Michelle Dowleyne.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Minutes, Action: B. APPROVAL OF MINUTES

I move to approve the minutes from the scheduled meeting of the Police Accountability Board on September 14, 2022, as presented.

Motion by Thomas Phelan, second by Dr Linda Lymas.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Peter Wild

Abstain: Joseph L VanKirk

3. OLD BUSINESS

Discussion: A. MR. SHILLING'S PROPOSED MOTIONS

Mr. Shilling had four (4) pre-written motions that will be voted on.

Motion 1:

I move that all law enforcement agencies use the exact same printed text to be read aloud , and to be given a printed copy to each member of the public who seeks to file a complaint.

Motion by Charles Shilling, not seconded

Final Resolution: Motion fails

Motion 2:

I motion that all law enforcement agencies inform the public by using the exact same printed text to be read aloud, and to be given a printed copy to each member of the public who seeks to file a complaint that each citizen shall be informed that may also contact that St. Mary's County government's PAB board to receive and file their complaint.

Motion by Charles Shilling, second by Leslie Everett

Nikolas Cromwell suggested an amendment be made to precede Mr. Shilling's second motion.

I motion that the St. Mary's Police Accountability recommends at our end of year written report to the County Commissioners the following: that all law enforcement agencies inform the public by using the exact same printed text to be read aloud, and to be given a printed copy to each member of the public who seeks to file a complaint that each citizen shall be informed that may also contact that St. Mary's County government's PAB board to receive and file their complaint.

Motion by Nikolas Cromwell, second by John Lydon

Final Resolution: Motion passes

Yea: Michelle Dowleyne, Charles Shilling, Leslie Everett, John Lydon, Frank Kauffman

Nay: Nikolas Cromwell, Dr. Linda Lymas, Thomas Phelan, Joseph L VanKirk

Motion 3:

I motion that all three law enforcement agencies within St. Mary's County shall, within three (3) business days after receipt of any written complaint, forward a copy of said complaint to the St. Mary's County government's Police Accountability Board.

Motion by Charles Shilling, not seconded

Final Resolution: Motion fails

Motion 4:

I motion that all complaint hearings be made available and conducted within the county of filing.

Motion by Charles Shilling, second by Leslie Everett

Charles Shilling requested to amend the motion of the table to be referring specifically to Trial Board hearings only.

I motion that all complaint proceedings at the Trial Board level be made available and conducted within the county of filing.

Motion by Charles Shilling, second by Leslie Everett

Charles Shilling moves to table the discussion of the motion until more information is gathered from the Department of Natural Resources regarding how they will handle Trial Board proceedings.

4. NEW BUSINESS

Presentation, New Business: A. MARYLAND STATE POLICE PRESENTATION

Lieutenant Rossignol, from the Maryland State Police, is giving a presentation on an overview of the Department's operations within the county.

5. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the meeting of the Police Accountability Board.

Motion by Charles Shilling, second by Dr Linda Lymas.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk, Peter Wild

Meeting was adjourned at 8:04 pm.

Police Accountability Board (Wednesday, November 9, 2022)

Generated by LEGAL ACCPAB on Monday, November 14, 2022

Members present

Nicholas Cromwell
Michelle Dowleyne
Leslie Everett
Frank Kauffman
John Lydon
Dr Linda Lymas
Thomas Phelan
Charles Shilling
Joseph L VanKirk

John Houser, Assistant County Attorney
Gillian Bacon, Legal Assistant, II

Meeting called to order at 6:45 PM**1. CALL TO ORDER**

Call to Order: A. CALL TO ORDER

Nikolas Cromwell, Chair, called the meeting of the Police Accountability Board to order at 6:45 pm in the Chesapeake Building Meeting Room, Governmental Center.

2. ROLL CALL

Roll Call, Action, Roll Call: A. APPROVAL OF AGENDA

I move to approve the agenda as presented.

Motion by Charles Shilling, second by John Lydon.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk

Minutes, Action: B. APPROVAL OF MINUTES

I move to approve the minutes from the scheduled meeting of the Police Accountability Board on October 26, 2022, as presented.

Motion by Michelle Dowleyne, second by Thomas Phelan.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk

3. NEW BUSINESS

Action, New Business: A. ADOPTION OF MEETING SCHEDULE

I move to adopt the 2023 meeting schedule of the Police Accountability Board as presented.

Motion by John Lydon, second by Frank Kauffman.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk

Discussion, New Business: B. 2022 ANNUAL REPORT

A draft of the 2022 annual end of year report was presented to the board members. A few changes to the wording of the presented draft were recommended, and there was a suggestion by Mr. Cromwell to put this draft back to the county attorney's office to revise, reform, and circulate before voting to approve it.

4. ADJOURN

Action: A. MOTION TO ADJOURN

I move to adjourn the meeting of the Police Accountability Board.

Motion by Frank Kauffman, second by Dr Linda Lymas.

Final Resolution: Motion Carries

Yea: Nicholas Cromwell, Michelle Dowleyne, Leslie Everett, Frank Kauffman, John Lydon, Dr Linda Lymas, Thomas Phelan, Charles Shilling, Joseph L VanKirk

Meeting was adjourned at 7:07pm.

APPENDIX D

**ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD
C/O COUNTY ATTORNEY'S OFFICE
P.O. BOX 653
LEONARDTOWN, MD 20650**

Name of Complainant: _____

Name of Party Filing Complaint, if Not Same: _____

Address: _____

Telephone Number (Home) _____ (Cell) _____

Date of Incident: _____ Time of Incident: _____

Law Enforcement Officer Who is Subject of Complaint: _____

Description of Substance of Complaint:

If necessary, please continue on second page.

**I HEREBY AFFIRM UNDER THE PENALTY OF PERJURY THAT THE
ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND
BELIEF.**

Signature

Please return your completed form to the address above, or email to PAB@stmaryscountymd.gov. If you have any questions, please call Diane Gleissner @ 301-475-4200 ext. 1707 or diane.gleissner@stmarysmd.com.

**ST. MARY'S COUNTY POLICE ACCOUNTABILITY BOARD
C/O COUNTY ATTORNEY'S OFFICE
P.O. BOX 653
LEONARDTOWN, MD 20650**

Description of Substance of Complaint (Cont'd):

If additional space is needed, print as many additional copies of this page as necessary. Scan all pages to PAB@stmarysmd.com.

This form is intended for complaints of police misconduct occurring on or after July 1, 2022. By law, "police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes: (1) depriving persons of rights protected by the constitution or laws of the State or the United States; (2) a violation of a criminal statute; and (3) a violation of law enforcement agency standards and policies.

Once this complaint is received it will be forward to the applicable law enforcement agency. Once the agency has concluded its investigation of the alleged police misconduct the agency's investigatory file will be reviewed by the St. Mary's County Administrative Charging Committee. By law, final disposition of this complaint must be reached within one year and one day of its filing.