



Statewide Administrative Charging Committee

STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE 2023 ANNUAL REPORT

Chair, Stewart W. Russell
March 2024

For more information on the Statewide ACC,
please visit [MDLE.net](https://mdle.net) or the [MD State Archives](#).



Memo from the Chair

The Statewide Administrative Charging Committee (ACC) held its first meeting in February of 2023. At that time, 3 of the four members had been appointed and trained. The fourth member was trained in March and was able to participate in the April meeting. The fifth member was appointed in December and is scheduled for training in April 2024 and should be able to participate in the May meeting.

All of the committee members thoroughly understand we are dealing with decisions that can impact an officer's career and livelihood. We take our duties seriously and work to assure the process is fair and accomplishes the legislative intention of providing transparency and objectivity to the disciplinary process.

In the eleven-month period ending 12/31/23 the ACC reviewed 392 Cases involving 432 Officers and 647 Allegations. Cases came in from 14 different agencies with the most, 376, coming from the Maryland State Police. There were 47 types of allegations with Department Accidents (98), Unbecoming Conduct (81) and rude and discourteous (61) being the most common allegations.

The MPCTC staff provides collateral duty in facilitating the monthly meeting with limited administrative support. The ACC has operated without counsel through all of 2023 but as of this writing counsel was assigned in March of 2024. The committee chair is in dire need of administrative support. The chair is responsible for completing all of the decision reports and converting them to a format for distribution. The chair does receive limited support to distribute the decision reports. The committee feels all of the report compilations should and needs to be done by an administrative support staff and not by the chair.

The enabling legislation requires each County and Baltimore City to create a Police Accountability Board (PAB) as well as an Administrative Charging Committee. The legislation did not require the State to create a PAB. The purpose of the PAB in part includes making recommendations on policy and process improvements. There is currently no mechanism for the ACC to provide its observations for operations or policy improvements.

The amount of time each member spends to review the case files for any given month is estimated to range between 20 and 60 hours. The chairman is estimated to spend an additional 20 hours communicating with committee members, scheduling meetings, responding to various departments regarding deficiencies and/or missing information in investigative reports.

The monthly meeting typically runs from 45 minutes to 2 and a half hours. All of the qualified members have actively participated in each monthly meeting. None of the ACC members are compensated in any matter including reimbursement of office supplies, such as printer cartridges, paper and computer accessories. The lack of attention to basic administrative needs is totally unacceptable and if the State intends for the members to continue to serve, changes need to be made.

Memo continued on the next page.



Memo from the Chair, *continued*

Allegany County pays their PAB and ACC chairman \$3,500 per year and the ACC committee members are paid \$2,500 per year. The committee members were also each paid \$1,000 to attend the required 5 days of training. Last year, they considered allegations for 13 cases. The committee has administrative support and access to outside counsel. The Chairman nor the ACC members are required to complete any of the decision forms or conduct other administrative activities.

Garrett County pays their PAB and ACC chairman \$1,500 per year and the ACC committee members are paid \$1,500 per year. The committee members were also each paid \$1,000 to attend the required 5 days of training. They also received a mileage reimbursement and the cost of their meals during the training. Last year, they considered allegations for 4 cases. The committee has administrative support and access to outside counsel. The Chairman nor the ACC members are required to complete any of the decision forms or conduct other administrative activities.

Stewart W. Russell
Chairperson of the Statewide ACC



Statewide ACC Members & History

MEMBERS:

Stewart W. Russell, *Chair (elected by Committee)*

Appointed by Governor:

Donna Deneane Brown (donna.brown4@maryland.gov)

Rodney Burrell (rodney.burrell@maryland.gov)

Stewart W. Russell (stewart.russell@maryland.gov)

Appointed by Senate President:

Robert C. Brennan (robert.brennan@maryland.gov)

Appointed by House Speaker:

Kurt L. Schmoke, Esq. (kurt.schmoke@maryland.gov)

STAFF:

Matthew W. Mellady, J.D. (matthew.mellady@maryland.gov)

Katie Johnson (katie.johnson@maryland.gov)

HISTORY:

In July 2022, the Statewide Administrative Charging Committee was authorized by the General Assembly ([Chapter 59, Acts of 2021](#)). The Statewide Administrative Charging Committee serves statewide and bi-county law enforcement agencies (Code Public Safety Article, sec. 3-104).

Meeting at least monthly, the Committee reviews the findings of each law enforcement agency's investigations of complaints of police misconduct involving a member of the public forwarded by the agency to the Committee. From information related to the investigation, the Committee makes determinations and recommendations. It reviews relevant body camera footage, may call a police officer before the Committee, determines if a police officer should be charged administratively and, if so, recommends discipline. It submits written opinions to the chief of the law enforcement agency, the accused police officer, and the complainant.

Five members constitute the Committee. Three are appointed by the Governor, one by the Senate President, and one by the House Speaker. Annually, the Chair is chosen by the Committee (Code Maryland Regulations, 12.04.09.04l(1)).



ACC Committee Member Bios

STEWART W. RUSSELL, CHAIR

Stewart W. Russell was appointed to the Statewide Administrative Charging Committee by the Honorable Lawrence J. Hogan, former Governor of Maryland. Mr. Russell retired from the Maryland State Police (MSP) in 2012 at the rank of Lt. Colonel, after a 35-year career with MSP. At the time of his retirement, he was the Chief of MSP's Homeland Security and Investigation Bureau.

ROBERT C. BRENNAN

Robert C. Brennan (Bob) was appointed to the Statewide Administrative Charging Committee by the Honorable Bill Ferguson, President of the Maryland Senate. Mr. Brennan retired in 2021 after serving as the Executive Director of the Maryland Economic Development Corporation for more than 17 years. He was also an Assistant Secretary for the Department of Commerce for over 7 years. Prior to entering public service Bob was a commercial banker.

DONNA D. BROWN

Donna D. Brown, was appointed by the Honorable Wes Moore, Governor of Maryland, in 2024. Ms. Brown is Principal of Making Changes, LLC, and has been working with not-for-profit organizations for over 20 years. She started her own organization to affect change in the city of Baltimore through the lens of her experience of living and working in some of the city's most distressed communities. In addition to consulting, she has worked as an advocate and organizer, committing her time and efforts to focus on social justice issues to include youth incarceration, police reform, advocacy and direct service support for re-entering citizens, violence against women, prison reform, affordable housing, urban renewal and health disparities.

RODNEY BURRELL

Rodney Burrell was appointed to the Statewide Administrative Charging Committee by the Honorable Lawrence J. Hogan, former Governor of Maryland. Mr. Burrell is the Supervisory Transportation Security Officer at BWI Airport. He has worked for the Transportation Security Administration since 2004. After graduating from Patterson High School, he served in the United States Marine Corps, active duty reserves, from 1978-1989, obtaining the rank of Sergeant, E5. He worked for the Maryland Department of Public Safety and Correctional Services for more than 22 years, retiring at the rank of Correctional Officer Captain.

KURT L. SCHMOKE, ESQ.

The Honorable Kurt L. Schmoke was appointed to the Statewide Administrative Charging Committee by the Honorable Adrienne A. Jones, Speaker of the Maryland House of Delegates. He is the President of the University of Baltimore. Following graduation from law school, he served as a federal prosecutor, State's Attorney for Baltimore City, Mayor of Baltimore City and Dean of the Howard University law school.



Statewide ACC Data Dashboard

ALLEGATIONS BY AGENCY:

Note: Some incidents involved multiple officers. Some cases involved one officer and multiple allegations.

<u>Agency</u>	<u>No. of Allegations</u>	<u>No. of Involved Officers</u>
Baltimore Environmental Police	1	1
Coppin State	4	1
MD Capitol Police (Dept. General Services)	23	11
MD Department of Health Police	5	4
MD National Capital Park Police	24	9
MD State Police	376	284
MD Transit Administration Police	49	28
MD Transportation Authority Police	67	37
Mount Airy Police	14	2
Natural Resources Police	42	31
Towson University Police	22	14
University of Maryland Baltimore County	1	1
University of Maryland Baltimore Police	3	1
University of Maryland College Park Police	16	8
TOTALS	647	432

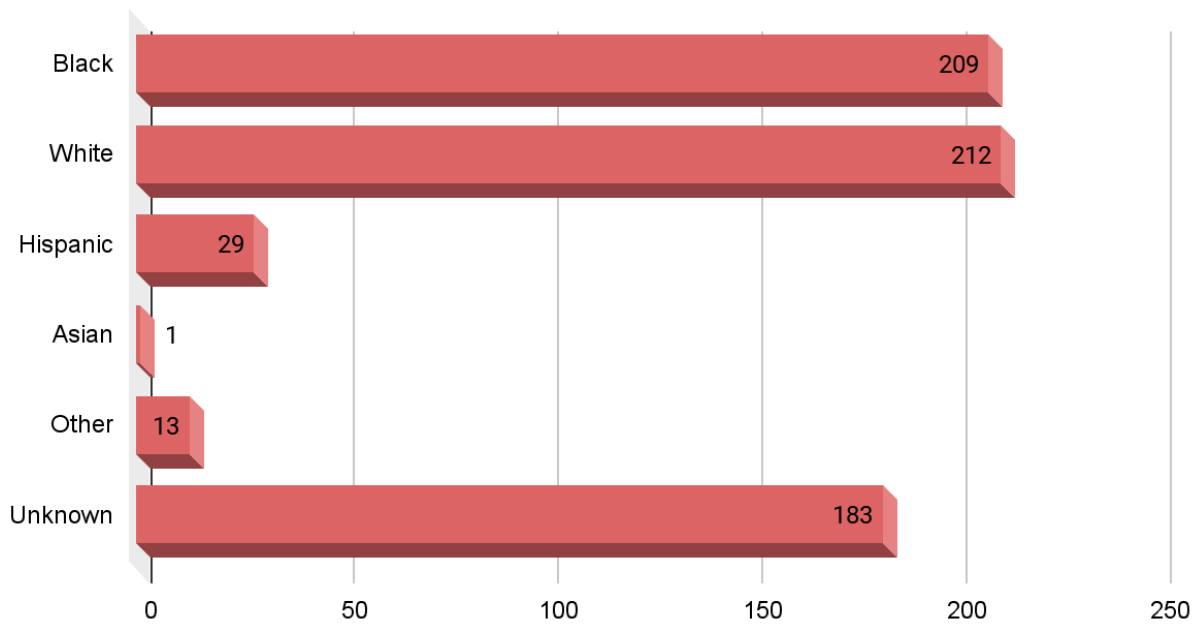
MEETING DATES / NUMBER OF CASES HEARD

Monthly ACC Meetings began in February.

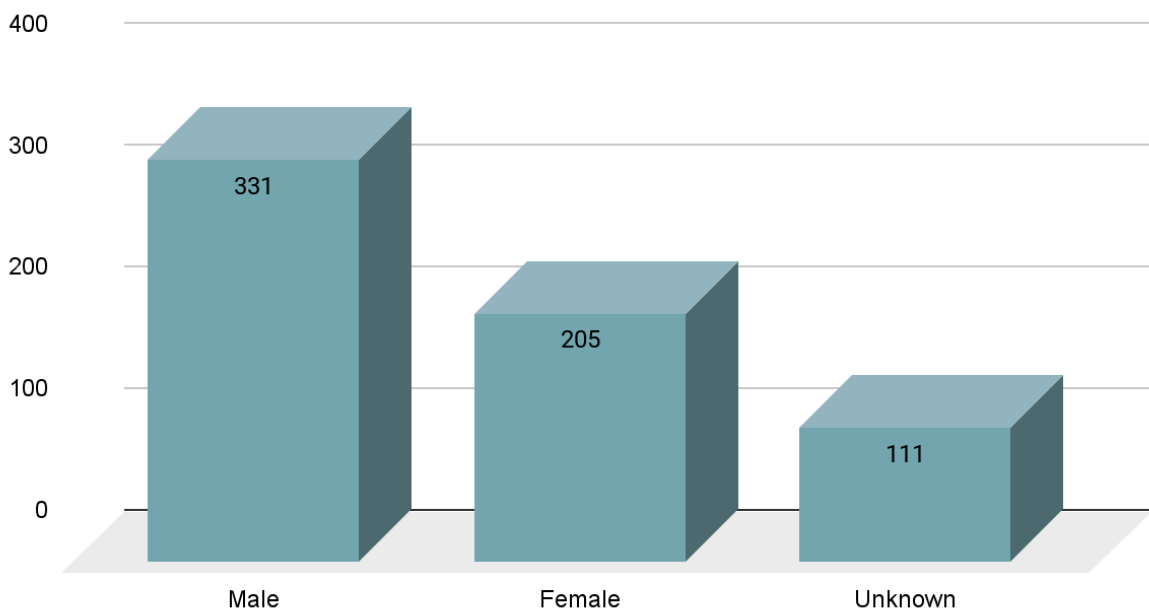
<u>Meeting Date</u>	<u>No. of Cases Heard</u>
February 7, 2023	35
March 28, 2023	37
April 27, 2023	38
May 25, 2023	44
June 28, 2023	35
July 26, 2023	45
August 28, 2023	29
September 26, 2023	41
October 26, 2023	33
November 29, 2023	17
December 17, 2023	38



Race of Complainants



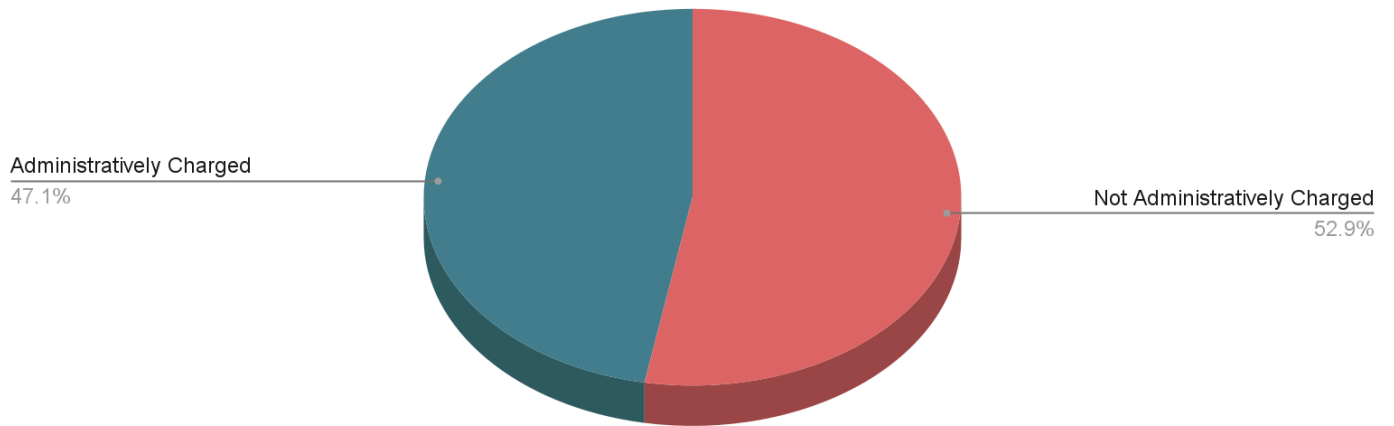
Gender of Complainants



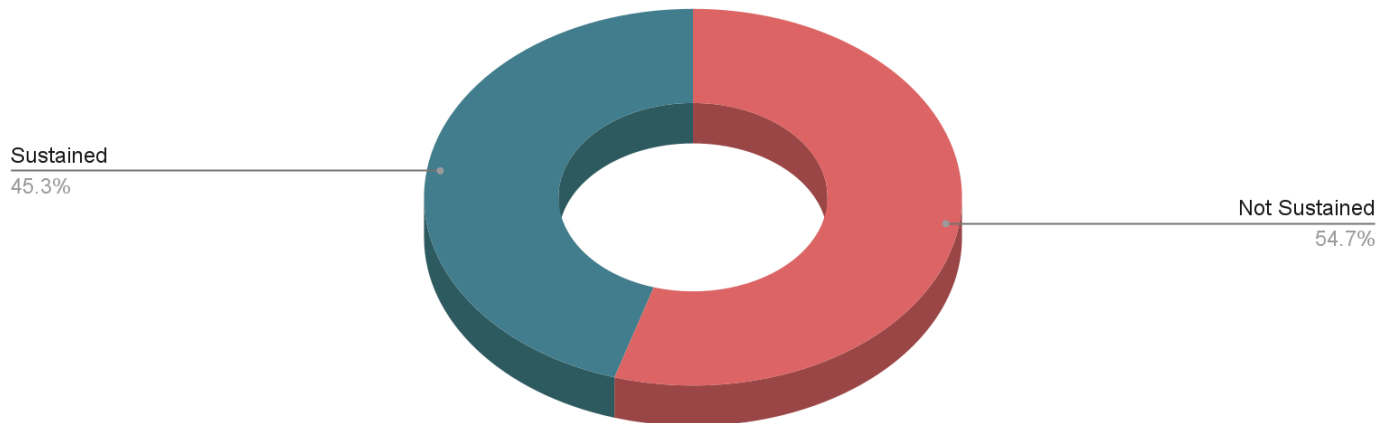


Statewide ACC Data Dashboard, *continued*

Rulings by the ACC



Findings by the Agency





Statewide ACC Data Dashboard, *continued*

PENALTY TOTALS

Penalty	No. in Category
1-day Loss of Leave or Pay	27
2-days Loss of Leave or Pay	27
3-days Loss of Leave or Pay	13
4-days Loss of Leave or Pay	4
5-days Loss of Leave or Pay	10
10-days LOP	1
12-days LOP	1
15-days LOP	8
Demotion	1
Demotion & 15-days LOP	1
Formal Written Counseling	73
Letter of Reprimand	48
Recommended Training	5
Review Policy	2
Termination	35



Statewide ACC Data Dashboard, *continued*

ALLEGATION TOTALS

Allegation	Number	Allegation	Number
Abuse of Power	8	Improper Stop	1
Assault	1	Improper Search	7
Bias Policing	5	Inaccurate Report	9
BWC Viol	15	Incompetence	2
Carjacking	1	Integrity	2
Conformance to Law	20	Neglect Duty	38
Courtesy	20	Obey Lawful Order	4
Dept Accident	98	Performance	2
Detention	1	Perjury	1
Discrimination	16	Prisoner - Escape	2
Drug Use	1	Prisoner - Transport	1
DUI	1	Pursuit Policy	19
Ethics	3	Racial Prof	33
Evidence/Property	5	Reporting	13
Excessive Force	2	Retaliation	1
Failure Appr Actions	16	Rude/Disct	61
False Report	20	Traffic Stop Procedures	4
False Statement	4	Truthfulness	2
Firearms Storage	2	Unauthorized Passenger	4
General Conduct	3	Unbecoming Conduct	81
Harassment	10	Use of Force	9
ID Failure	10	Viol Dept Policy	52
Immoral Conduct	2	Violation MV Law	34
Impartial Policing	1		



Statewide ACC - Case File Sample

A case file consists of numerous supporting documents for the ACC to review. Below is a sample of the file appendices from a recent case. The report title and appendices have been redacted of individual names for confidentiality purposes. In addition to the list of documents the files may contain audio and video recordings of depositions of the officer being charged, the complainant, or witnesses. The video recording can be from a number of officers that were on the scene of the incident and may come from their body worn camera, dash cameras or in-car cameras.

FALSE REPORT (#-COUNTS)

TROOPER FIRST CLASS

IAD Case #

MDSP Internal Complaint (BlueTeam Report); Administrative Investigation.

APPENDICES

- A copy of the MSP Order of Emergency Suspension TFC;
- Copies of email correspondence with Lt. and F/Sgt. regarding the MVR's, assigned patrol vehicles and copies of TFC JORs from November 2022 and April 2023;
- Copies of the MSP Forms 235s for F/Sgt., Sgt., Cpl. and TFC;
- Copies of email correspondence to Cpl. and Cpl. requesting his assistance;
- A copy of the Delta Plus E-TIX training roster from October 24, 2016;
- A copy of the Web Help Desk Ticket requesting TFC traffic stop data from January 1, 2023 through May 1, 2023;
- A copy of the Microsoft Word and Excel spreadsheet from Cpl. Smith noting his findings of the traffic stop documents and the analyzed traffic stop data;
- Copies of the traffic stop documentation associated with Mr., Mr. and Mr. and the body worn camera footage for each stop;
- The audio recorded interview of Sgt., Cpl., TFC, Cpl, Sgt., Sgt., Tpr., Sgt., ST & the interrogation of TFC;
- A copy of the MSP Form 235 for Cpl.;
- A copy of the MSP Form 235 for Sgt.;
- A Copy of the MSP Form 235 for Sgt.;
- A Copy of the MSP Form 235 for Tpr.;
- A copy of the MSP Form 235 for Sgt.;
- A copy of the MSP Form 235 for ST;
- Copies of the MSP Form 178, 178a and 235 issued to TFC;
- Copies of investigative documents received from TFC.

The time to review a file can take as little as 10 minutes particularly for files with 6 to 8 page investigative reports. Larger files can take more than 8 hours to review as some investigative reports have exceeded 200 pages and contain numerous audio and video recordings.