



BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE

MEETING MINUTES

MEETING #22 – NOVEMBER 15, 2024 @ 12:00 PM, ROOM #118, HISTORIC COURTHOUSE AND VIA WEBEX

Call to Order and Roll Call:

- Chair Joan Harris called the meeting to order at 12:00 p.m.
- Chair Joan Harris, Vice-Chair Christopher Tsui, Elizabeth Dishon-Feuer, and Tamesha Peterson appeared in person. Sharon Knecht appeared via Webex.
- Henry Callegary and Kelly La Valley was present from the Baltimore County Administrative Office.
- Alek Stathakis was present (via WebEx) from the Baltimore County Office of Law.

Approval of October 18, 2024 Meeting Minutes:

- Christopher Tsui moved to adopt the minutes of the October 18, 2024 Baltimore County Administrative Charging Committee meeting. Elizabeth Dishon-Feuer seconded the motion.
- The motion was approved unanimously.

New Business:

- Welcome the newest member to the ACC, Tamesha Peterson
- Captain Anthony DiCara, Baltimore County Police Department and a representative of DARC (Departmental Accident Review Committee) presented on DARC's process for reviewing departmental accident cases.
- The ACC discussed possible policy recommendations for inclusion in the PAB's 2024 Annual Report. The ACC is interested in clearer policies on response times to victims reaching out to officers for updates on their cases, and on the required response when pepper spray is deployed by an officer. After discussion and

- deliberation, the ACC elected not to make specific policy recommendations and to invite members of BCPD leadership to discuss the policies at a future meeting.
- Chair Joan Harris moved to table the discussion of additional policy recommendations for a future meeting. The motion was seconded by Elizabeth Dishon-Feuer.
 - The motion was approved unanimously.
 - The Police Accountability Board (PAB) will receive the first draft of the 2024 Annual Report at the November 18, 2024 meeting.
 - The draft recommendations in the 2024 Annual Report include:
 - To toll the year and a day statute of limitations for cases that the officer is also involved in a criminal investigation until the criminal investigation has ended.
 - To ensure that investigations proceed to the ACC in cases where the complainant withdraws their complaint.
 - To remove departmental car crash cases from the jurisdiction of the ACC.
 - Requiring the Maryland Police Training and Standards Commission to adopt an annual schedule for the ACC and Trial Boards. Vice-Chair Tsui asked if there was any possibility of virtual trainings? This has been flagged by the Governor's Office.

Presentation by Captain DiCara, Sergeant Joseph Robinson, DARC, BCPD:

- When an officer is involved in a departmental crash an investigation takes place at the scene. Depending on the severity of the investigation that may include an accident reconstructionist or accident investigator. A supervisor responds, and then the accident is reviewed internally, where it would go through the chain of command and to Captain DiCara, then it is forwarded to the safety officer. DARC then meets and reviews the accident for preventability factors. DARC meets on the regular every month, but sometimes it depends on the volume and availability. The committee consists of Captain A. DiCara, Sergeant Joe Robinson, Sergeant George Robertson and Officer Jessica Ables.
- Sergeant Robinson explained that the crashes are deemed preventable or unpreventable. When preventability is being assessed DARC decides if there is anything the officer could have done based on their training or on departmental policy that would have prevented the accident. 90% to 95% of the time preventability and fault are the same thing, but there are a few occasions that it is found that the crash was preventable, but not the officer's fault. For example, an officer is driving with lights and sirens through an intersection. State law states that the other drivers must stop and yield the right of way for the emergency vehicle. The officer must stop and clear each lane, lane by lane to make sure that that traffic is yielding to the emergency vehicle. If an officer is to get in an aforementioned crash, per Maryland law they might not be at fault, but per drivers training and departmental policy it might be found preventable. Once all the crashes for that time period are reviewed then all the

crashes that are deemed to be not preventable are returned to the safety officer, and the officer's supervisor and command will receive a letter stating that the crash was not preventable and therefore not the officer's fault, warranting no further action. In crashes that are determined to be preventable, the safety officer will retrieve the driving record, attach it to the crash report and then it is forwarded to Sergeant Robinson. Then Sergeant Robinson will take them to the training academy, where a driving instructor will determine whether the crash will require driver's training. Only crashes where the officer has been employed for less than five years would require driver's training, and also, if an officer has had another preventable crash within the last five years. If there is a senior officer with more than five years of employment and they have never had a crash, their first preventable crash would not require driver's training. In that same scenario if the senior officer gets into a second preventable crash within the next five years, they would have to do driver's training. This includes property damage crashes. Any crash that is preventable and results in injury would automatically require driver's training. Thereafter, DARC will send notices that, the officer will require drivers training that the training academy will facilitate. Command can send an officer to driver's training at any time at their discretion, which would not be considered discipline. In some of the accident reports this may be considered a mitigating circumstance or factor.

- Chair Joan Harris asked what goes into a determination of what is considered major or minor? The determination is made by review of the photos and of the physical damage to each vehicle, and consideration of the monetary value. This is decided by the captain that presides over the committee. Often times the state sets regulations, but then it is left up to the agency to interpret, which can be very wide ranging. Each accident is taken in totality, e.g., \$5000 worth of damage to a Ford Explorer is different than \$5000 to an unmarked Ford Fusion. Also, you have to take into account, the seriousness of the crash, the monetary value, whether or not the car was totaled, e.g., a car with 200,000 miles will be totaled quicker than a car with 20,000 miles on it.
- The ACC is charged with determining whether there is misconduct or not and finding fault or not.
- The BCPD's objective is to change officer behavior and encourage them to be as safe as possible.
- What does the training entail in respect to when an officer uses their vehicle to block a suspect vehicle as an accident prevention measure? BCPD uses this as the last resort to protect against a serious threat of imminent bodily harm, injury or death. This would include for example, someone driving erratically, whether they are under the influence of drugs or alcohol going through a crowd, or an intentional act running through a barricade and heading towards a gathering of people. The BCPD's policy doesn't include most of the aforementioned, because a lot of the policy especially with recruits would be to stay behind the suspect vehicle, use alternative strategies such as helicopters, tire deflation devices or silent surveillance. This minimizes risk

to the public. Some agencies teach active stopping and controlling a vehicle with a patrol vehicle. BCPD does not participate in this policy. In a situation where a vehicle is driving toward a patrol vehicle and the officer feels like the public is being put at risk, it is deemed more acceptable that a patrol car is involved in a crash than a civilian vehicle. This is not urged as a regular practice by the BCPD.

- Has DARC reviewed the ACC's accident case opinions? Yes, some have been reviewed by BCPD and DARC. In the cases where DARC has deemed that the officer should be charged and the ACC hasn't, does the finding make sense to the agency? A lot of it depends on the collective historical knowledge of the department and training and what cultural norms may be.

Closed Session:

- At 12:49 p.m. Vice-Chair Christopher Tsui moved that the Baltimore County Administrative Charging Committee meet in closed session for the purposes of reviewing Baltimore County Police Department investigatory files and making determinations as to whether to administratively charge and recommend discipline against accused law officers per §3-3-2806 of the Baltimore County Code, and COMAR 12.04.09.05(D)(1). Elizabeth Dishon-Feuer seconded the motion.
- The motion to enter closed session was approved unanimously.
- During the closed session, members reviewed investigatory files and made determinations as to whether to administratively charge, and recommend discipline towards, law enforcement officers, as well as producing written opinions on these matters.

Open Session:

- At 4:18 p.m. Vice-Chair Christopher Tsui moved that the Baltimore County Administrative Charging Committee return to open session. Elizabeth Dishon-Feuer seconded the motion.
- The motion to return to open session was approved unanimously.
- At 4:18 p.m. the Board re-entered open session.

Updates:

- Mr. Callegary provided an update on the Trial Boards. On October 22 and 23, 2024 the Trial Board was postponed. On November 6, 2024 the Trial Board met for an officer that was charged by the ACC with Failure to Take Necessary Police Action, Failure to Issue a Traffic Citation for Leaving the Scene of an Accident, Failure to Recover Document Evidence, Violating Investigative Procedures and Failing to Write a Required report. The officer was found guilty of Failing to Recover Document Evidence and Violating Investigative Procedures, and was found not guilty of the remaining charges per agreement. On November 18, 2024 a Trial Board will be held involving an officer charged by the ACC for a departmental car crash. On November

25 and November 26, 2024, a Trial Board will be held involving an officer that was charged by the ACC for a departmental car crash. A Trial Board will meet on December 2, 2024 for a case where the ACC charged an officer with a Body-Worn Camera violation. A Trial Board will meet on December 17, 2024 for Unnecessary Use of Force, Rude and Discourteous Conduct, and Conduct Unbecoming of a Baltimore County Police Officer. On January 7, 2025 a Trial Board will be held for an officer charged by the ACC for Failure to Take Unnecessary Action on a Call with a Violent Mental Disorder.

Adjournment and Next Meeting:

- At 4:51 p.m., Vice-Chair Christopher Tsui moved that the Baltimore County Administrative Charging Committee adjourn until December 13, 2024 at 12:00 p.m., when it will meet in Room #118 of the Historic Courthouse and via WebEx. Elizabeth Dishon-Feuer seconded the motion.
- The motion was approved unanimously.