



CAROLINE COUNTY
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CAROLINE COUNTY COMMISSIONERS OFFICE

Police Accountability Board
John Bartlett, Chairman
Mary Berneski, Paralegal
Kim Raeder, Administrator
411 Franklin Street
Denton, Maryland 21629

Police Accountability Board
Denton, MD 21629
Open Meeting Minutes

An advertised public hearing and meeting of the Police Accountability Board was held on Wednesday, May 9, 2023.

Board Members Present	John Bartlett Dave Whaley Nancy Nagel Phil Clark Todd Lord Brandy James Daniel Towers Darron Johns Marty Hudson
Board Members Absent	Ed Smith
Police Departments Present	Chief George Bacorn - Denton Captain James Henning - Sheriff's Office Sheriff Donnie Baker - Sheriff's Office Chief Jeff Ekrich - Ridgely George Paugh - Greensboro
Police Departments Absent	Chief Michael McDermott – Federalsburg
Federal Order of Police Present	Logan Wolf - President Christopher Kintop - Vice President
Staff Members Present	Mary Berneski - Law Office Paralegal Kim Raeder - PAB/ACC Administrator Rebecca Guay - PAB Legal Counsel
Public	4 citizens were present

Chairperson Bartlett called the open meeting to order at 7:05pm. PAB seated in front of room.

1. Chairman Bartlett discussed ACC training and how the ACC is moving forward with reviewing complaints. He also noted that lack of body cam footage was a trend in these investigations.

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2. A question was posed by PAB members as to the length of body cam footage retention per department. It was noted by department Chief's and Captain Henning from the SO that they each have their own length of time and system of purging. They also pay individually for their cloud storage systems.
 - a. Kim Raeder will request this retention information from the departments after the meeting and type up for PAB/ACC distribution once received.
 - b. Chairman Bartlett rhetorically asked if there are any grants that can help absorb the cost of storage for agencies.
 - c. Dave Whaley asked if all agencies use the same system. Answer being some do, and some don't.
3. Todd Lord asked if SROs are allowed to use cameras in school. A copy of the SRO policy was distributed to all PAB members.
4. Chairman Bartlett discussed having the PAB review department policies; Possible committees to break the policies down by section to review and look for needed changes. Todd Lord posed the question for all Police Departments and the Sheriff's Office to adopt one central policy standard. Police Chief's and the Sheriff disagreed with this idea.
5. Chief Bacorn discussed that departments have 3 days to submit the citizen complaint to the PAB. Also, the Sheriff or Police Chief can raise discipline if they don't agree with the ACC decision.
6. A discussion took place among the attendees of whether a violation of body cam footage is a serious violation. Dave Whaley noted that if all officers on the scene are adhering to the policies there shouldn't be a problem. Darron Johns suggested that it is in the Officer's favor to improve their reputation by responding to the scene. Arguments were made that if Officers attending the scene as backup are cited for violations, then less Officers will want to back up one another.
7. Mary Berneski reminded all parties attending that this legislation is "very grey". That everyone involved is still learning and there are lots of unanswered questions.
8. Chairman Bartlett noted the word "utterance" and how this can be heard by a citizen who then might submit a complaint. He also mentioned that Officers need to write more like a civilian for an easier read. Comments of now being the "grammar police" were made by members of the PAB.
9. Chairman Bartlett introduced the idea of a Vice Chairman for the PAB. Motion was made by Todd Lord to amend The Resolution to include a Vice Chair for the PAB. Motion was seconded by Phil Clark. All PAB in favor. None opposed. Motion passed.
10. Mary Berneski introduced the FOP attendees to the audience. FOP President noted that complaints cause stress across the board for everyone. FOP VP voiced that Officers under investigation handle stress in different ways.
11. Trial Board discussions:
 - a. Chairman Bartlett noted the PAB must select civilians for the board and they must attend a 2-day training in Sykesville, MD. Officers on the TB will also need to be trained.
 - b. Question posed if PAB members can be part of the TB? Legal Counsel Rebecca Guay responded with yes. Disputes were made by members of the Police Departments. Further clarification will be researched by Legal Counsel, the PAB Administrator, and the County Paralegal.
 - c. Question posed if the officer has the right to strike a member of the TB. Right now, there isn't a strike clause for Caroline County. AA County has adopted a strike clause.
 - d. Mary Berneski suggested there should be a small pool of civilians to select from for the TB.
 - e. Captain Henning noted that the Administrative Law Judge who is no longer practicing law will get paid \$200 an hour for their role on the TB.
 - f. Sheriff Baker suggested TB Officer members should be outside of the area so there isn't a conflict of interest.
12. Captain Henning and Sheriff Baker noted that the Sheriff's Department AG has told them conflicting information from what the PAB Attorney & Chairman Bartlett claim. Further research is needed to clarify.
13. Sheriff Baker posed a question regarding the number of complaints that have been received by the PAB/ACC. Kim Raeder responded with 8 total. ACC discussed 4 & closed 2.
14. Bandy James posed the question of whether an Officer can come back and potentially sue the PAB/ACC for their findings down the line. Legal Counsel Rebecca Guay responded no, though she noted this hasn't happened yet.

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15. Brandy James posed the question about having a meeting with the police departments via Zoom so we can ask questions in lieu of being in a meeting until the late evening hours. Mary Berneski advised to ensure we are not in violation of the opening meetings act, proper advertisement to the public must occur first before the meeting is held. It was also noted that anyone can attend open meetings, though when a meeting goes into closed session, members of the public must leave.
16. Multiple PAB members voice concern about the meeting being too long and revolving around the ACC. Chairman Bartlett explained that the ACC is an integral part of the process, so it's worth noting how the legislation works regarding both boards.
17. Sheriff Baker posed questions to the PAB Attorney regarding PIA requests.
18. Nancy Nagel made a motion to approve the meeting minutes from 2.22.23. Dave Whaley seconded the motion. All PAB in favor. None opposed. Motion passed. Minutes approved.
19. Chairman Bartlett gave a brief case discussion of closed case SO #22-09.
20. Motion was made by Todd Lord to change the time of the PAB meetings moving forward to 6:30pm. Nancy Nagel seconded the motion. All PAB in favor. None opposed. Motion passed. Next meeting will be in approximately six weeks.
21. Nancy Nagel made a motion to adjourn the meeting. Daniel Towers seconded the motion. All PAB in favor. None opposed. Motion passed. Meeting adjourned at 9:49pm.

NOTE: A part, or all, of a meeting may be conducted in closed session. The Committee may start in an open session, pursuant to its Rules of Procedure and in accordance with the Maryland Open Meetings Act, Md. Code Ann., General Provisions §3-305, to go into closed session for any enumerated purpose.

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