INTRODUCTION

The members of the University of Maryland Department of Public Safety are committed to providing quality service to the community. Agency personnel are expected to always conduct themselves professionally and courteously. The agency investigates all allegations of poor service, brutality, or unprofessional conduct on the part of any employee of the agency. This is done to resolve any incidents or perceptions of poor service as well as to comply with the high standards established by the Commission on Accreditation for Law Enforcement Agencies. Additionally, agency supervisory and administrative personnel conduct reviews of all the following instances involving agency personnel: Traffic accidents; departmental property losses; and uses of force. Use of force reviews are conducted in each incident where police officers discharge firearms; point firearms or FN-303 less-lethal launchers at persons; deploy shotguns or rifles from agency vehicles; utilize defensive batons; deploy Oleoresin Capsicum (OC); take actions that result in, or are alleged to have resulted in, injuries or death; apply physical force when conducting police functions; or engage in vehicle pursuits.

In 2006, the number of services rendered by agency personnel was 51,117. The following were included in this number: 2,345 incidents significant enough for agency personnel to generate formal police reports, e.g., crimes, medical emergencies, etc; 7,047 traffic citations issued; criminal, including serious traffic, charges filed against 1,437 individuals, and; 367 students referred to the Office of Student Conduct for alleged violations of the CODE OF STUDENT CONDUCT. In 2006, thirteen complaints were received expressing concern in reference to the conduct of agency personnel.
INTERNAL INVESTIGATIONS

Between 1991 and 2006, the total number of complaints filed with the University of Maryland Department of Public Safety has ranged from seven to twenty-four. The average number of complaints per year is 15.2.

Thirteen internal investigations were initiated by this agency during the year 2006. Some complaints alleged more than one instance of misconduct. Twelve investigations were initiated in response to information received from individuals not affiliated with the agency. The remaining one investigation was initiated in response to concerns raised by agency personnel.

Internal investigations into allegations of police officer misconduct that could lead to disciplinary action, demotion or dismissal, must be conducted in accordance with State law, LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS (LEOBR), Sections 3-101 through 3-112, PUBLIC SAFETY, ANNOTATED CODE OF MARYLAND. The LEOBR does not apply to other, non sworn, employees of the agency. Agency administrators (rank of lieutenant, captain, or major) conducted all the investigations. All investigations were reviewed and approved by the Director of Public Safety/Chief of Police.

Alleged violations are investigated and receive one of the following disposition classifications: Not Sustained, Sustained, or Administrative Closure. Not Sustained dispositions conclude investigations failed to discover sufficient evidence to clearly prove violations of directives. Sustained dispositions conclude sufficient evidence existed to clearly prove violations of directives. Administrative Closure of cases may be made during the following circumstances: Complaints concerned matters of law or agency policy and did not concern employees’ actions; complainants could not be contacted or refused to participate in inquiries and no other witnesses or evidence could be located; complainants do not want formal actions taken or pursued; or closure is in the best interest of the agency and the community.

In nine of the thirteen cases, investigations failed to ascertain sufficient evidence to clearly prove agency personnel violated agency policy. No cases were closed administratively. Agency personnel were determined to have violated some aspect of agency policy in three of the thirteen incidents. One case is pending investigation.
INDIVIDUAL CASE SYNOPSIS

**Background & Allegations:** During a traffic stop, an officer was alleged to have rudely threatened to arrest the driver. The officer’s testimony in court was allegedly inconsistent with a REQUEST FOR REEXAMINATION OF DRIVER later submitted by the officer.

**Disposition:** Sustained in part.

**Additional Information & Comments:** Upon reviewing court transcripts, it was determined the submission of the driver reexamination request was inappropriate. The following disciplinary action was taken: 10 hours loss of leave; attend and successfully complete training or a class in interpersonal communication and/or anger management; and a written reprimand.

**Background & Allegations:** One officer alleged another officer’s comments about him to agency personnel were rude, slanderous, and improper.

**Disposition:** Not Sustained.

**Additional Information & Comments:** The investigation failed to prove either one of the following: 1. The accused officer knew his comments were false; or 2. The accused officer acted with malicious intent.

**Background & Allegations:** While conducting a traffic stop, an officer was alleged to have provided the driver with false information about the status of the driver’s license, unnecessarily pointed his firearm at the driver, and unlawfully detained/handcuffed and searched the driver and his vehicle. The driver alleged he has been stopped several times by various officers and is being targeted by police due to his race and vehicle.

**Disposition:** Not Sustained; Ancillary issue sustained.

**Additional Information & Comments:** The investigation failed to substantiate allegations of officer misconduct. However, it was determined the officer failed to properly document the interaction with the driver. The following disciplinary action was taken: A written reprimand.

**Background & Allegations:** A parent complained police overreacted during the course of an investigation and arrest of his son. Allegations included unnecessary physical force, verbal abuse, and improper criminal charges.

**Disposition:** Not Sustained.

**Additional Information & Comments:** The arrested individual felt the force used in making the arrest was appropriate. The Office of the State’s Attorney indicated there was sufficient probable cause to initiate criminal charges. The investigation failed to substantiate allegations of verbal abuse.

**Background & Allegations:** While intervening in a dispute between a customer and service provider, police were alleged to have used excessive force on, yelled at, and threatened to arrest the customer.

**Disposition:** Pending investigation.

**Additional Information & Comments:** Investigation pending additional information from the complainant and interviews with complainant’s witnesses.
**Background & Allegations:** Allegedly, police stopped, frisked, and searched an individual thought to possibly be a robbery suspect. An investigation was initiated to determine the extent and appropriateness of the officer’s actions, and to ascertain whether actions taken were properly documented.

**Disposition:** Not Sustained.

**Additional Information & Comments:** Investigation determined the stop was conducted in a professional manner and was sufficiently documented.

**Background & Allegations:** The driver of a vehicle alleged racial profiling was the basis on which he was stopped.

**Disposition:** Not Sustained.

**Additional Information & Comments:** The investigation failed to discern misconduct or poor performance on the part of the officer. Additionally, a review of the officer’s record of traffic stops failed to support allegations of racial profiling.

**Background & Allegations:** A complainant alleged police would not take a missing property report and the call taker was unprofessional during telephone conversations.

**Disposition:** Sustained in part.

**Additional Information & Comments:** Failure to take a missing property report is, in most instances, not a violation of policy. The call taker was verbally counseled to maintain a professional demeanor.

**Background & Allegations:** After being stopped and issued a citation for “Driving with Suspended Registration,” the complainant alleged the officer had no probable cause to initiate the traffic stop, the stop was based on racial profiling, and the officer threatened to arrest the driver.

**Disposition:** Not Sustained.

**Additional Information & Comments:** With the implementation/installation of Mobil Data Terminals (MDT) in police vehicles, officers have been given another tool to conduct registration checks on vehicles at their discretion. There is no requirement that a violation must occur prior to initiating such checks. If a registration check reveals a registration violation, no other probable cause is required to initiate a traffic stop. The investigation determined the results of the registration check were sufficient to initiate the traffic stop. Additionally, a review of the officer’s record of registration checks and traffic stops failed to support allegations of racial profiling. There was insufficient evidence to support allegations the threat of arrest was inappropriate under the circumstances.
Background & Allegations: A complainant/witness alleged when a driver failed to see police signal him to stop, police pulled the driver from the vehicle, and placed both the driver and a passenger in handcuffs. When police tried to sit the passenger down, the passenger was hesitant. Several officers pulled out sticks and started beating the passenger.

Disposition: Not Sustained.

Additional Information & Comments: The complainant/witness failed to respond to several telephone and email messages from the investigating officer. Two officers reported the suspects had acted very hostile toward them on three separate occasions prior to the event described by the witness. These encounters were at least partially witnessed by several other officers. The complainant appears to have witnessed events that occurred immediately after the suspect’s vehicle struck an officer. There was no evidence of any baton strikes. It was determined the use of force was consistent with the resistance encountered.

Background & Allegations: A complainant alleged police intentionally acted in a threatening manner while handling a noise complaint and suspecting underage drinking. One officer used inappropriate language. Disciplinary referrals contained factual errors.

Disposition: Not sustained.

Additional Information & Comments: The investigation did not substantiate allegations of threatening demeanor. Factual errors were not discovered in disciplinary referrals submitted by police. An officer was informed the use of the acronym “SOL” was inappropriate.

Background & Allegations: A complainant alleged an officer banged loudly on the door to her building while trying to get her to come out and speak with him. The complainant alleged she was harassed by the officer because her son had previously been arrested.

Disposition: Not sustained.

Additional Information & Comments: The officer had no involvement in the complainant’s son’s arrest. The investigation did not substantiate misconduct.

Background & Allegations: It was alleged police response time to an attempted breaking and entering was too long.

Disposition: Not sustained.

Additional Information & Comments: A delay in response was cause by factors outside agency control. Supervisory personnel conducted debriefings with agency personnel to improve performance in future situations.
DISCIPLINARY ACTION / INVESTIGATIONS NOT REQUIRED

In cases where the facts of an incident are not in dispute, investigations are not required to initiate disciplinary action. During the year 2006, the following additional actions were initiated.

- A written reprimand was issued to an officer who failed to appear in court as required.
- A written reprimand was issued to an officer who failed to appear for scheduled overtime as required.
- 4 hours loss of annual leave and a written reprimand were issued to an employee for failure to take appropriate action in a timely manner while handling a call for service.
- 8 hours loss of leave and a written reprimand were issued to an officer for failure to maintain proper possession of departmental equipment.
- A written reprimand was issued to an officer for failure to submit paperwork in a timely manner.
- A written reprimand was issued to an officer for an arrest and evidence seizure done improperly.
- A written reprimand was issued to an officer for a search and related documentation done improperly.
- 20 hours suspension without pay and a written reprimand were issued to an officer for failure to remain in court as required.
- 10 hours loss of leave and a written reprimand were issued to an officer for failure to complete documentation and submit evidence in a timely manner.
- A written reprimand was issued to an employee for failure to submit medical documentation for sick leave usage as required. The employee’s time sheet was corrected from “Sick Leave” to “Unauthorized Leave Unpaid.”
USE OF FORCE

Reviews are routinely conducted by supervisory and administrative personnel in each incident where police officers discharge firearms; point firearms or FN-303 less-lethal launchers at persons; deploy shotguns or rifles from an agency vehicles; utilize defensive batons; deploy Oleoresin Capsicum (OC); take actions resulting in, or are alleged to have resulted in, injuries or death; apply physical force when conducting police functions; or engage in vehicle pursuits. In the year 2006, 88 Use of Force reviews were conducted. They involved the following use of force components: 1 = firearm discharged (dispatch injured deer); 41 = firearm pointed at persons; 4 = impact weapon; 1 = FN-303 less-lethal launcher pointed at persons; 4 = OC deployed; 43 = other physical force (e.g., hands, etc), and; 21 = vehicle pursuit. Note: One Use of Force review may contain several force components, e.g., a firearm may be pointed at the driver after a vehicle pursuit, etc. Except where otherwise mentioned within this report, these routine reviews concluded that personnel acted in accordance with policy with regard to the application of use of force.

In one instance, an officer received a written reprimand and remedial training for utilizing a firearm without sufficient justification. The officer was also prohibited from working plainclothes details until further notice. In one instance, a supervisor received verbal counseling when too many police vehicles engaged in a vehicle pursuit. In one instance, an officer received verbal squad level counseling (including a review of policies) for deploying a rifle while looking for an armed robbery suspect. In one instance, an officer received written counseling for force used in apprehending a fleeing disorderly individual. In one instance, use of force components were reviewed in the context of an investigation and their results are included in the “Individual Case Synopsis” portion of this report. Seven incidents are pending final review.
TRAFFIC ACCIDENTS INVOLVING AGENCY PERSONNEL

Supervisory and administrative personnel routinely conduct reviews when employees are involved in traffic accidents. In the year 2006, 42 accidents reviews were conducted. Two traffic accident reviews are pending final review. In 27 of these instances, it was determined agency employees (20 sworn officers; 7 non sworn personnel) failed to comply with some aspect of department rules and regulations. Sanctions included the following:

<table>
<thead>
<tr>
<th>Sanction Imposed For Traffic Accidents</th>
<th>Number Of Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Leave &amp; Written Reprimand</td>
<td>1</td>
</tr>
<tr>
<td>Written Reprimand Only</td>
<td>1</td>
</tr>
<tr>
<td>Training &amp; Counseling</td>
<td>5</td>
</tr>
<tr>
<td>Training Only</td>
<td>1</td>
</tr>
<tr>
<td>Counseling Only</td>
<td>17</td>
</tr>
<tr>
<td>Administrative Closure</td>
<td>2</td>
</tr>
<tr>
<td>Pending Final Review</td>
<td>2</td>
</tr>
</tbody>
</table>

DEPARTMENT PROPERTY LOSS

Supervisory and administrative personnel routinely conduct reviews when agency property is lost, stolen, and/or damaged. In the year 2006, 73 property loss reviews were conducted. One review is pending final review. Beginning during calendar year 2004, broken keys in locks and flat tires caused by impaled objects were excluded from the routine review process. In eighteen instances, it was determined that failure to adhere to policies contributed to the property loss and/or impacted the department’s ability to assign accountability for property losses (e.g., failure to conduct timely inspections). Three instances resulted in “Administrative Closure” when personnel were no longer employed with this agency. Based on mitigating and aggravating circumstances, remaining cases resulted in either verbal or written counseling or reprimands.