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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Work Session

Regarding the Police Accountability Board

February 8, 2022; 3:00 p.m.

Via Webex Events

COUNCIL MEMBERS:

Chuck F. Callahan

Pete Leshner

Frank Divilio

Corey W. Pack

Laura E. Price

Reported by

Diane Houlihan

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1 TRANSCRIPT OF PROCEEDINGS

2

3 MR. CALLAHAN: Let's go ahead and get

4 started with Council in our meeting.

5 I'll probably turn it over to you. You

6 want me to turn it over to you, Clay, and get

7 us started?

8 MR. STAMP: I'd give it a try. Sure.

9 MR. CALLAHAN: That's good.

10 MR. STAMP: So we're here today to talk

11 about the Police Accountability Act of 2021.

12 And so Joe Gamble, our sheriff, is online, and

13 he's done a lot of work on this.

14 And what we thought we would do is walk

15 through a PowerPoint that Jessica has available

16 to her that she'll put up.

17 This is the Police Accountability Act of

18 2021 is not necessarily a good fit across the

19 state, with different jurisdictions across the

20 state, but there's no anticipation that there

21 will be any changes in the law this year. And

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1 the act has to be in place by July 1st.

2 This is an unfunded mandate, and it calls

3 for the creation of this Accountability Board

4 and the apparatus to support it.

5 And so the purpose of today is to talk

6 about how we, I think Council, the direction

7 I've been getting from Council members, how we

8 can collaboratively work with the towns to kind

9 of come up with the development of this

10 accountability act.

11 We have not done, the bill that we're

12 going to walk through, we've not done in a

13 vacuum. We've worked with other counties

14 across the state, other rural counties across

15 the state in particular, and stole some of the

16 best ideas that they have to come up with a

17 framework that we're going to go over.

18 So maybe first, President Callahan, maybe

19 we can just pass it to Patrick real quick for

20 just a few statements, overarching statements

21 about the process we'll have to go through and

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1 what the bill, that we have a bill proposed.

2 And then what I would propose we do is

3 that we go through the PowerPoint and have Joe

4 kind of take a bit of the lead with myself and

5 Patrick. And then, of course, we can all

6 engage in conversation as we walk through it.

7 That's what I would propose.

8 MR. CALLAHAN: Yup, yup. That sounds

9 good, Mr. Stamp.

10 So Patrick, are you with us?

11 MR. THOMAS: I am. Can you hear me?

12 MR. CALLAHAN: Yeah. Loud and clear. So

13 let's go ahead and start with you and give us

14 sort of your thoughts of how we need to start

15 off with this.

16 MR. THOMAS: Sure. As Mr. Stamp

17 explained, the Police Accountability Act, it

18 enacted various changes relating to law

19 enforcement. But as it most directly relates

20 to the county and municipalities and why we're

21 here, it requires each county to have a Police

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1 Accountability Board as well as an

2 Administrative Charging Committee.

3 And what we discussed doing is putting

4 this in the form of a bill that would be added

5 to Chapter 24 of the County Code, along with

6 the other boards, committees, and commissions.

7 And in order to do that, the bill has to

8 be introduced. And then it has three separate,

9 on three separate occasions it can be

10 introduced, then it's going to have a public

11 hearing, and then it will be finally voted on

12 by the Council. And then it takes effect 60

13 days after passage.

14 So we want to get this introduced within I

15 would say within a couple of months so that we

16 make sure that it's in effect by the July 1st

17 deadline.

18 So we already have a rough draft that we

19 worked on with Sheriff Gamble. It's by no

20 means a final product, but a lot isn't

21 discretionary. A lot of this is what the

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1 statute requires, but there's obviously some  
 2 room for discussion, and hopefully this meeting  
 3 will help further some of that.  
 4 MR. CALLAHAN: Appreciate that. So  
 5 Sheriff Gamble, you want to go ahead and get us  
 6 started?  
 7 SHERIFF GAMBLE: Sure.  
 8 MR. STAMP: Before Joe starts, I just  
 9 wanted to -- I know I've kind of stressed it.  
 10 But the purpose today is really a consensus  
 11 building exercise. We want to make sure that  
 12 we all are in agreement with the core the  
 13 framework we're coming up with.  
 14 So Joe, you want to take it off on the  
 15 PowerPoint?  
 16 And Jessica, if you put the PowerPoint up,  
 17 we'll start walking through it.  
 18 SHERIFF GAMBLE: Sure. So the first chart  
 19 is pretty accurate representation of we think  
 20 what the legislative intent was of the  
 21 legislature last year where they're looking for

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1 citizen's oversight of the police.  
 2 So each county has to come up with an  
 3 Accountability Board to serve everyone in  
 4 the -- all the police departments in the  
 5 county, except for State agencies. So the  
 6 State Police wouldn't be involved in this, this  
 7 local one, nor would the Natural Resources  
 8 Police, nor any federal agencies that come down  
 9 here and work.  
 10 If you can go to the next slide.  
 11 So you can see kind of overhead on that  
 12 first graph that talks about we want input, we  
 13 thought we wanted input from the towns that  
 14 have police departments.  
 15 You'll notice that Trappe is not on there  
 16 right now and that the Town of Queen Anne is  
 17 not on there right now, thinking that since the  
 18 Sheriff's Office serves those areas, that they  
 19 don't have a chief or a chief of police or a  
 20 police department at this point, that we would  
 21 leave them out.

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1 If you go to the next slide.  
 2 Well, the graph itself, with the County  
 3 Council. So the County Council will have to  
 4 appoint this Talbot County Accountability  
 5 Board. And then the Accountability Board,  
 6 we'll get more into that, the Accountability  
 7 Board will have to designate an Administrative  
 8 Charging Committee.  
 9 One of those people on the Talbot -- the  
 10 chairman of the -- we're going to call it the  
 11 TCPAB, Talbot County Police Accountability  
 12 Board, the chairman of that or his or her  
 13 designee would appoint one person to the  
 14 Charging Committee.  
 15 And the County Council, or what the law  
 16 says would be the chief executive officer for  
 17 the county, which could be either the president  
 18 or the entire County Council, depending on how  
 19 the County Council reads into that, would  
 20 appoint a person to the Charging Committee.  
 21 Basically, the Police Accountability

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1 Board -- go to the next slide. There you go.  
 2 First that slide right there. Establish the  
 3 membership, establish a budget and staff.  
 4 The law doesn't require a budget and  
 5 staff, but I'm not sure how you're going to  
 6 pull it off without it.  
 7 And Clay, you can weigh in anywhere on  
 8 this part that you want as far as that goes.  
 9 MR. STAMP: I mean initially we are --  
 10 we'll get into the details. But initially  
 11 we're thinking that we will try to leverage  
 12 existing staff.  
 13 And there's going to be an expense related  
 14 to this. And we're kind of trying to put the  
 15 budget together for it to propose to Council.  
 16 At this point, we're still looking into it.  
 17 SHERIFF GAMBLE: So the law requires that  
 18 the county appoint a chairman, a chair person,  
 19 with relevant experience. They don't define  
 20 relevant experience, but one of the things that  
 21 we need to, one of the take-aways that we need

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1 to understand from this is that this  
 2 Accountability Board and the discipline board,  
 3 when it goes into effect July 1st, there will  
 4 no more Law Enforcement Officers Bill of  
 5 Rights, which under Maryland law, if you  
 6 discipline a police officer, and I don't want  
 7 to get too far in the weeds, but when you  
 8 discipline a police officer, he or she, if they  
 9 don't agree with the discipline, they can  
 10 automatically appeal it to the Circuit Court  
 11 for Talbot County and ask the judge to rule on  
 12 whether the discipline was appropriate.  
 13 This board, the reason I think the  
 14 legislature put it in there is that you need a  
 15 person of relevant experience who has been  
 16 through some of these charging administrative  
 17 violations.  
 18 You have to understand this has nothing to  
 19 do with criminal charges on a police officer.  
 20 This is all administrative charges, violations  
 21 of policies and procedures by the police

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1 department, violation of standards.  
 2 Now, it does come into play if an officer  
 3 violates criminal law, but it gets very  
 4 convoluted there because criminal law always  
 5 takes precedence over violation of policies and  
 6 procedures. Hence, the reason they have a  
 7 person with relevant experience in there.  
 8 We put in the initial draft of this that  
 9 that should be someone that has had command  
 10 level experience at a police department,  
 11 meaning the rank of lieutenant and above who  
 12 has actually disciplined police officers  
 13 because if you don't hand down the appropriate  
 14 discipline, it will be overturned in Circuit  
 15 Court pretty quickly.  
 16 So anyway, that's one of the reasons they  
 17 have that and we'll talk a little bit more  
 18 about that. And obviously all this will have  
 19 to be documented, any of their meetings.  
 20 Their meetings, they have to meet  
 21 quarterly with the heads of law enforcement

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1 agencies in each of the jurisdictions and work  
 2 on matters to improve, "to improve matters of  
 3 policing". So they'll look at what charges  
 4 have been placed against the officers and then  
 5 sit down with each of the chiefs and the  
 6 sheriff separately and talk about how they feel  
 7 they can improve, that we can improve policing,  
 8 matters of policing.  
 9 So that board will receive complaints from  
 10 members of the public.  
 11 Now, it's interesting the way they wrote  
 12 the law, that if a civilian person complains  
 13 about the conduct of a police officer, then the  
 14 investigation would go back to the police  
 15 department, the police department would do the  
 16 investigation, then turn it back over to the  
 17 board, but they doesn't address any in-house  
 18 complaints.  
 19 For instance, most of our complaints or  
 20 violations of policy at the Sheriff's Office  
 21 and Easton PD, are violations that the command

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1 staff finds that citizens don't complain about,  
 2 i.e., they didn't follow a policy. Maybe they  
 3 didn't get their vehicle serviced at the  
 4 5,000-mile mark.  
 5 Well, that's violation of policies and we  
 6 charge them administratively for failure to do  
 7 the little stuff that they're required to do as  
 8 police officers. None of that will be  
 9 addressed by this oversight board. That will  
 10 all still be handled by the chiefs and the  
 11 sheriffs in-house. The law doesn't give any  
 12 authority to this board to handle anything  
 13 other than civilian complaints.  
 14 And by December 31st, they have to submit  
 15 a written report to the County Council and  
 16 recommend policy changes that would improve  
 17 policing in the county. It's interesting --  
 18 MR. STAMP: Can we advance the slide on  
 19 the screen?  
 20 SHERIFF GAMBLE: I'm sorry. Yeah, yeah.  
 21 Go to the next slide. I'm looking at -- John

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1 Bollinger is flipping them for me.  
 2 So you can see where they hold the  
 3 quarterly meetings. And many of the elected  
 4 officials on here might not even understand  
 5 what a trial board is.  
 6 So the Police Accountability Board would  
 7 then help appoint the Administrative Charging  
 8 Committee with the help of the County Council.  
 9 The Administrative Charging Committee, just say  
 10 we do the investigation, we turn it over to the  
 11 Administrative Charging Committee, the  
 12 Administrative Charging Committee says okay, I  
 13 think the officer should be -- a letter of  
 14 reprimand should go in his file, his or her  
 15 file.  
 16 That will come back to each chief or the  
 17 sheriff. The chief or sheriff will tell the  
 18 employee that what they're finding was, and the  
 19 chief can go higher or be more harsh in  
 20 discipline but can't be less harsh in  
 21 discipline.

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1 So say the violation is something fairly  
 2 minor and it's a letter of reprimand in his  
 3 file. If the officer or deputy doesn't agree,  
 4 then it would be to a Trial Board. The Trial  
 5 Board will be made up of a person, the -- help  
 6 me with this, John, the Charging Committee. So  
 7 the Accountability Board, the chair of the  
 8 Accountability Board will then sit on the Trial  
 9 Board or have someone else sit on the Trial  
 10 Board. And then the Talbot County Council --  
 11 this is not for the --  
 12 SPEAKER: This is the Charging Committee.  
 13 You're looking for the Trial Board?  
 14 SHERIFF GAMBLE: Yeah, I'm looking for the  
 15 Trial Board.  
 16 We're going to skip ahead to the Trial  
 17 Board real quick just to explain it. So just  
 18 say the officer doesn't take the discipline and  
 19 says no. Then it goes to a Trial Board.  
 20 One of those people is appointed by the  
 21 County Council, has to a retired judge or

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1 administrative law judge, one person is  
 2 appointed by the chief of police or the sheriff  
 3 or the --  
 4 SPEAKER: I believe it's got to be a  
 5 police officer of equal rank.  
 6 SHERIFF GAMBLE: A police officer of equal  
 7 rank.  
 8 SPEAKER: And then the third person is a  
 9 civilian appointed by the County Council.  
 10 SHERIFF GAMBLE: Right. And the County  
 11 Council would have a civilian who would be a  
 12 civilian.  
 13 So then it goes to a Trial Board. If the  
 14 Trial Board finds that the officer is guilty of  
 15 that, they could hand down a different  
 16 sentence. That automatically is appealable to  
 17 the Circuit Court. That's what we were talking  
 18 about earlier, how confusing this can get real  
 19 quick.  
 20 MR. STAMP: Joe, you might want to just go  
 21 back to that graphic on the front. That way

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1 you can just kind of highlight each little  
 2 block, what's going on. Because you're talking  
 3 about the Trial Board right there. You'll see  
 4 the County Council appoints --  
 5 SHERIFF GAMBLE: Go back to that. Go back  
 6 to the very first screen, John.  
 7 MR. STAMP: You can just reference that  
 8 maybe.  
 9 SHERIFF GAMBLE: Yeah. I'm confusing  
 10 myself. This is all so confusing.  
 11 MR. STAMP: This is difficult stuff.  
 12 SHERIFF GAMBLE: There we go. So if you  
 13 go back to that graph, you can see where the  
 14 County Council appoints Accountability Board,  
 15 has some influence on the Charging Committee.  
 16 But really your chairman of the Talbot County  
 17 Accountability Board will sit on the Charging  
 18 Committee or his or her designee.  
 19 And then if it can't be resolved and the  
 20 officer doesn't take the punishment, then it  
 21 goes to a Trial Board.

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1 And what's not on here from the Trial  
 2 Board, if he still doesn't agree with the  
 3 punishment, then it automatically goes to  
 4 Circuit Court. Hence, one of the reasons that  
 5 we believe that they have in the law a person  
 6 of relevant experience has to be the one  
 7 appointed as the chairman of the Talbot County  
 8 Police Accountability Board.

9 And the only people that I know that have  
 10 relevant experience in police discipline are  
 11 command staff level people who have served for  
 12 a number of years.

13 Go forward again to --

14 MR. STAMP: So Joe, just a question that  
 15 you might help with. Populating the  
 16 Accountability Board, so there's been some  
 17 discussion about how you might want to do that  
 18 or how we might want to do that collectively.

19 Would you like to talk about that, where  
 20 they would come from, what areas or whatever,  
 21 how many people?

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1 SHERIFF GAMBLE: Sure. So there's nothing  
 2 in the law that says how many people that you  
 3 have to have on your board.

4 One has to have relevant experience. We  
 5 propose to have six additional members  
 6 consisting of, to the extent possible, three  
 7 members, one from each of the specific patrol  
 8 areas of the Talbot County Sheriff's Office,  
 9 one north, a resident north, a citizen north, a  
 10 citizen south, and a citizen St. Michael's or  
 11 St. Michael's Road, the Bay Hundred corridor,  
 12 the Route 33 corridor. That way each of those  
 13 geographic areas would be represented in there  
 14 and they wouldn't all be like from the  
 15 metropolitan area of Easton.

16 Then each of the incorporated towns would  
 17 have the opportunity to recommend to Council  
 18 one person to be on that board, with the  
 19 exclusion of the Town of Easton, which I think  
 20 we talked about the Town of Easton would have  
 21 two since they have a large police department.

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1 So if you had -- and then one of those  
 2 folks, so you have three from the Sheriff's  
 3 Office or the sheriff's patrol areas, two from  
 4 the Town of Easton, one from St. Michael's, one  
 5 from Oxford, that would in essence give you  
 6 seven. And then one of those seven should be a  
 7 person of relevant experience to head it up, to  
 8 be the chairman.

9 Does that make sense? Anybody have any  
 10 questions?

11 MR. JARAMILLO: I do have a question  
 12 actually. So for the people that are going to  
 13 be making up this Administrative Charging  
 14 Committee.

15 SHERIFF GAMBLE: No. This is the  
 16 Accountability Board now.

17 MR. JARAMILLO: Okay. So this is the  
 18 Accountability Board. I'm looking at the slide  
 19 that has it there.

20 But I was curious to still know with the  
 21 experience, are you requiring everybody to have

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1 experience and not just the chairman? I mean  
 2 wouldn't that be the logical...

3 SHERIFF GAMBLE: Well, the law only  
 4 requires that the chairman have relevant  
 5 experience. So conceivably, you could have one  
 6 person with experience and six others with no  
 7 experience whatsoever.

8 MR. JARAMILLO: But from what I heard,  
 9 they allow us to define what experience looks  
 10 like; is that correct?

11 SHERIFF GAMBLE: Correct. It just says  
 12 relevant experience. And the legislature  
 13 wouldn't define what relevant experience is.

14 And we asked them that specifically, even  
 15 at the Training Commission. And they said that  
 16 they were going to leave that up to the  
 17 counties. They wanted counties to be able to  
 18 do their own thing --

19 MR. JARAMILLO: (Inaudible.)

20 SHERIFF GAMBLE: -- want the towns to do  
 21 anything apparently.

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1 MR. JARAMILLO: Right. Let me ask one  
 2 more follow-up question and then we can move  
 3 on. In your professional opinion, what does  
 4 relevant experience look like?  
 5 SHERIFF GAMBLE: I think relevant  
 6 experience for that chairperson should be  
 7 somebody with command level experience at a  
 8 police department who have actually disciplined  
 9 officers before.  
 10 So for instance, a sergeant in a typical  
 11 police department doesn't do discipline. They  
 12 would write up a complaint and send it to the  
 13 command staff and the command staff would make  
 14 a determination on discipline and whether the  
 15 violation actually is a violation and meets all  
 16 the standards necessary, because when we look  
 17 at that type of discipline, we're also looking  
 18 at court rulings, right, in previous cases.  
 19 For instance, I terminated a person here,  
 20 right. Sat down with the lawyer, talked to the  
 21 lawyer. We looked at past cases, similar

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1 issues and said okay, yeah, we've got a good  
 2 case, right. We've developed a good case  
 3 against this officer and it's a termination  
 4 case and we terminate him and it just was held  
 5 up in the Circuit Court.  
 6 So you need somebody with relevant  
 7 experience because somebody might come in and  
 8 say oh, no, I think you should do this to this  
 9 officer, you should suspend him out pay for 30  
 10 days. And then it gets to Circuit Court, and  
 11 Circuit Court says no, you grossly overdid your  
 12 discipline. And then the county gets sued, the  
 13 police chief gets sued, and probably people on  
 14 the Police Accountability Board get sued as  
 15 well, because there's nothing in the law that  
 16 protects anyone on the Police Accountability  
 17 Board or the Police Discipline Board from  
 18 lawsuits if they're not accurate.  
 19 Does that make sense, Jim?  
 20 MR. PACK: Can we do something real quick,  
 21 if you don't mind. On page five under section

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1 C, it talks about this person of relative  
 2 experience to the position. I'm looking at C3.  
 3 SHERIFF GAMBLE: Are you looking at  
 4 Patrick's? Are you looking at Patrick's?  
 5 MR. PACK: I'm looking at a copy of the  
 6 bill.  
 7 MR. THOMAS: He's looking at the draft  
 8 bill, yeah.  
 9 SHERIFF GAMBLE: Got you.  
 10 MR. PACK: I'm looking at the draft bill.  
 11 And I'm assuming the language is pulled  
 12 straight from the House Bill 670.  
 13 SHERIFF GAMBLE: Yeah. C3 is right from  
 14 the House Bill, correct.  
 15 MR. PACK: Right. So if you look at that,  
 16 to kind of maybe put a point on this what is  
 17 relative experience to the position, and it  
 18 gives some examples. The chairman of the TCPAB  
 19 shall. And then it gives us, if we turn to the  
 20 next page, retired sworn law enforcement  
 21 officer who is retired in good standing, with

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1 at least 20 years of experience in Maryland law  
 2 enforcement agency, B, shall have been a head  
 3 of an LEA on command or supervisor position  
 4 within LEA.  
 5 So it give you right there as to what  
 6 Sheriff was leaning towards, is that this  
 7 person should be someone in a position of  
 8 command level. So I think we have right there  
 9 in that subsection what we should be looking  
 10 for.  
 11 SHERIFF GAMBLE: Right. But just to be  
 12 clear, Mr. Pack, the A and B is what some other  
 13 counties have adopted. That's not in the  
 14 specific law.  
 15 The only thing in the law is 3C.  
 16 Does that make sense?  
 17 MR. PACK: I would turn to Patrick. Does  
 18 that make sense?  
 19 MR. THOMAS: Right. The State law  
 20 requires that the chairperson have relevant  
 21 experience to the position. And then I think

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1 Sheriff Gamble added thinking what would that  
 2 look like. He added that it be a retired sworn  
 3 law enforcement officer.  
 4 MR. PACK: So what we're looking at in the  
 5 bill is actually -- okay. So that's not from  
 6 the bill. I'm sorry.  
 7 MR. THOMAS: That's us trying to define --  
 8 MR. PACK: So that's not pulled from the  
 9 bill. Okay.  
 10 MR. THOMAS: What that would look like.  
 11 MR. STAMP: Would it be helpful for the  
 12 group if we put the bill up and walk through it  
 13 instead of the PowerPoint?  
 14 SPEAKER: It probably would.  
 15 MR. PACK: Yeah. I mean why did we come  
 16 to 20 years of service? Was there any reason  
 17 why we selected that number?  
 18 SHERIFF GAMBLE: I think only because you  
 19 couldn't have -- you know, the retired in good  
 20 standing, you're not going to be able to retire  
 21 from a law enforcement agency in Maryland with

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1 less than 20 years of service.  
 2 So no. It was put in there that in order  
 3 for somebody to get to a command level  
 4 experience where they've done a lot of  
 5 discipline, you're going to be in that 20 to  
 6 30-year range.  
 7 I mean a ten-year law enforcement officer  
 8 is not in a position to be disciplining. They  
 9 might be a sergeant, a corporal, you know what  
 10 I mean, where they're not --  
 11 MR. PACK: They don't have that authority,  
 12 right, to hand that, right.  
 13 SHERIFF GAMBLE: So I mean you're not  
 14 really to that point in your career until  
 15 you've got 20-plus years where you're handing  
 16 out discipline.  
 17 MR. PACK: If we looked around locally,  
 18 I'm just going to throw some names out just for  
 19 discussion purposes, a Chief Blue for an  
 20 example. I'm assuming he had more than 20  
 21 years when he left Easton PD.

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1 SHERIFF GAMBLE: He had 38 or 40 probably  
 2 by the time he left. I know it was high 30s or  
 3 40 years.  
 4 MR. PACK: Walter Chase was a former.  
 5 SHERIFF GAMBLE: Yeah. Probably had 35 or  
 6 40 years on him.  
 7 MR. PACK: Okay. So we're looking at  
 8 persons of that ilk. Okay. I got it.  
 9 SHERIFF GAMBLE: Okay.  
 10 MR. DIVILIO: I had a question kind of on  
 11 that line. Is there like a continuing  
 12 education that the law enforcement goes through  
 13 or a routine training that is done every year?  
 14 SHERIFF GAMBLE: Yeah. So the House Bill  
 15 that -- so we've always done, we've always had  
 16 in-service training that's mandated by the  
 17 Police Commission every year not to include  
 18 firearms, which you have to do multiple times a  
 19 year, firearms training. But whatever the  
 20 flavor of the day is for the legislature, we  
 21 have added training. And then de-escalation

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1 training and all those other trainings.  
 2 So with the bill that just passed, this  
 3 House Bill 1016 and 670 that you have,  
 4 basically looking at it, this is House Bill 670  
 5 that dictates this stuff, there's even more  
 6 training that everybody is going to have to go  
 7 through.  
 8 So the training basically doubled, the  
 9 yearly training basically doubled for every  
 10 police officer in Maryland effective July 1st.  
 11 MR. DIVILIO: I would think that the chair  
 12 of this board should be -- that we should  
 13 include that in this legislation. The chair  
 14 should go through all the current trainings as  
 15 required, including firearms if they're going  
 16 to be --  
 17 SHERIFF GAMBLE: The whole...  
 18 MR. PACK: If he had --  
 19 SHERIFF GAMBLE: That's your guys' call.  
 20 But let me just skip ahead just briefly on  
 21 this same topic. So everyone -- the Maryland



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1 Training Commission is going to do a training.  
 2 It's probably going to be a 40-hour training  
 3 for anyone on this board.  
 4 Is it just the Accountability Board or is  
 5 it the Discipline Board as well?  
 6 SPEAKER: Both.  
 7 SHERIFF GAMBLE: Both. So both boards --  
 8 SPEAKER: All three.  
 9 SHERIFF GAMBLE: -- will have to go to  
 10 mandated training in order to be on this, as  
 11 well as the Trial Boards.  
 12 So and those trainings, likely some of it  
 13 might be online, but it's entirely likely  
 14 they're going to have to go to Sykesville,  
 15 Maryland, for a week where the Maryland Police  
 16 Training Commission is, which I would assume  
 17 that the county is going to have to foot the  
 18 bill on their travel expenses and all that  
 19 stuff to go up there.  
 20 So they'll be put through like a 40-hour  
 21 crash course in how this stuff is supposed to

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1 work.  
 2 They haven't developed the training yet.  
 3 So it's not even available yet. But certainly,  
 4 you could add any additional training that you  
 5 wanted them to go through.  
 6 MR. DIVILIO: Yeah. I'm going to push  
 7 hard for that because if these individuals have  
 8 to come to you at the end of every year and  
 9 give you recommendations on your procedure,  
 10 then they should also be following it  
 11 themselves, as well as if they're making  
 12 decisions on how somebody's actions or uniform  
 13 was (inaudible) or what have you. They should  
 14 be at or above that level of education  
 15 regularly in order to do this.  
 16 MR. PACK: The only thing I have with A,  
 17 and again, I'm on the draft bill, since we're  
 18 trying to define what this relative experience  
 19 is --  
 20 SHERIFF GAMBLE: We'll find it. John will  
 21 find it for us.

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1 MR. PACK: -- that we're in.  
 2 SHERIFF GAMBLE: John, find the relevant  
 3 experience in the draft bill, what page it's  
 4 on.  
 5 SPEAKER: It's on 30 --  
 6 MR. PACK: In the draft bill, I'm on page  
 7 six, where you go through letter A, letter B.  
 8 SHERIFF GAMBLE: If you're actually  
 9 looking at the law, Corey, House Bill 670.  
 10 MR. PACK: Yeah.  
 11 SHERIFF GAMBLE: It's on page 32.  
 12 MR. PACK: Okay. So if we --  
 13 SHERIFF GAMBLE: House Bill 670.  
 14 MR. PACK: Right. And right to your  
 15 point, it doesn't specify or describe what that  
 16 relative experience for the position and  
 17 establish procedure and recordkeeping of the  
 18 Accountability Board.  
 19 So this chairperson is the one we're  
 20 talking about here, just for a moment. If we  
 21 had someone who was retired, I don't know

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1 whether a retired sworn officer, we should lock  
 2 ourselves into that, as much as you want to  
 3 look for that. Again, in the person of a Chief  
 4 Blue and a person of a Walter Chase.  
 5 But if you have someone who let's say was  
 6 retired from the Maryland Police Commission and  
 7 he worked administratively overseeing these  
 8 types of things for 20 years, 30 years with the  
 9 State, did retire as a sworn officer but he was  
 10 an executive or administrator and knew how  
 11 these procedures should be run, should be run,  
 12 I would like, and I may be getting a bit ahead,  
 13 I would like us to have that latitude that if  
 14 we came upon such an individual who was in one  
 15 of those positions that I just alluded to, that  
 16 we would have the ability to select.  
 17 And we got into somewhat of a loggerhead  
 18 with our STR legislation when we put in that  
 19 they had to be an attorney of real estate. And  
 20 it kind of locked us into trying to fit someone  
 21 into that requirement.

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1        So I just want to throw that out there. I  
 2 know we're not at that point yet, but just want  
 3 to put a pin in that because I think we should,  
 4 Council should leave ourselves some latitude  
 5 that you may find an administrator who is not a  
 6 sworn officer but has knowledge of these  
 7 procedures of discipline, how discipline is  
 8 carried out. They may be a prime candidate but  
 9 not a sworn officer. He may have worked in  
 10 administration all his life.  
 11        So that's what I'm saying.  
 12        SHERIFF GAMBLE: Well, nobody at the  
 13 Training Commission, civilians at the Training  
 14 Commission, even the Training Commission  
 15 doesn't discipline police officers.  
 16        MR. PACK: No, no, no. I'm just giving  
 17 that as an example.  
 18        SHERIFF GAMBLE: Got you, got you, got  
 19 you.  
 20        MR. PACK: I can't really fine tune it  
 21 right now.

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1        But I'm just saying I wouldn't want to  
 2 handcuff ourself so tightly as we're trying to  
 3 get this right coming off the block.  
 4        And I know when we set up our STR  
 5 legislation, we kind of hemmed ourself in with  
 6 being too restrictive.  
 7        So it's just a footnote. We can move on.  
 8        SHERIFF GAMBLE: All right. So the Police  
 9 Accountability Board will review the  
 10 complaints, the police department will  
 11 investigate it, turn it back to the  
 12 Accountability Board. They will then turn it  
 13 over to the Charging Committee, and then the  
 14 Charging Committee will determine what charges  
 15 are placed after reviewing the investigation.  
 16 And then they will hand down discipline, which  
 17 we've talked about.  
 18        And the chief or sheriff can impose that,  
 19 has to impose that discipline or it could be  
 20 harsher in their discipline. And then if they  
 21 don't agree, then it would go to the Trial

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1        Board, which we've touched on briefly.  
 2        MR. PACK: Would the Accountability Board  
 3 be taking is it a majority vote to forward to  
 4 the Charging Committee? Is that the idea?  
 5        SHERIFF GAMBLE: No. It automatically  
 6 goes.  
 7        MR. PACK: It automatically goes. So  
 8 you're not --  
 9        SHERIFF GAMBLE: It will automatically go.  
 10 If a citizen makes a complaint, the  
 11 Accountability Board notifies the chief or  
 12 sheriff within three days of receiving that  
 13 complaint. And then we do the investigation.  
 14 Then it goes back to them, and they basically  
 15 turn it right over to the Discipline Board.  
 16        They can find that it's unfounded, they  
 17 could find that they believe it's a sustained  
 18 complaint, meaning they believe that it  
 19 happened or there's enough information to  
 20 believe that it happened. And then they would  
 21 hand down discipline.

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1        They can also request -- the body camera  
 2 footage, all that stuff should be attached to  
 3 any competent investigation. And they could  
 4 ask for even more information. If they see  
 5 something in there that's lacking, they can say  
 6 hey, we want this or we want that.  
 7        And then the police department or the  
 8 chief or sheriff would give it to them and then  
 9 they would make a determination on it and then  
 10 it would go --  
 11        MR. PACK: This is the Accountability  
 12 Board?  
 13        SHERIFF GAMBLE: Accountability Board  
 14 would send it to the discipline, the Charging  
 15 Committee.  
 16        The Accountability Board takes the  
 17 complaint from the public, right, or the  
 18 sheriff or chief takes the complaint from the  
 19 public. If they take the complaint, they have  
 20 to notify us within three days.  
 21        We do the investigation. We hand it back

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1 to them. They then hand it to the Charging  
 2 Committee. The Charging Committee looks at it  
 3 and determines whether there should be charges  
 4 or not.  
 5 MR. WRIGHT: Sheriff, can I ask a question  
 6 real quick?  
 7 SHERIFF GAMBLE: Yes.  
 8 MR. PACK: Before your question. So  
 9 Accountability Board, and again, I just want to  
 10 put a fine tune on this, the Accountability  
 11 Board, they're not sustaining whether the  
 12 charges are founded or not. They're just a  
 13 pass-through to the Charging Committee?  
 14 SHERIFF GAMBLE: Right. But you got to  
 15 remember that the chairman of the  
 16 Accountability Board is also the chairman of  
 17 the Charging Committee or his designee is. So  
 18 they get it and it's just a pass-through.  
 19 MR. PACK: Okay.  
 20 SHERIFF GAMBLE: Like you said.  
 21 MR. WRIGHT: Okay. My question, I think

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1 you just answered that. But the Accountability  
 2 Board does not decide sustained or unsustained.  
 3 SHERIFF GAMBLE: Correct.  
 4 MR. WRIGHT: It's all the Charging  
 5 Committee determines if they're guilty or not  
 6 guilty, correct?  
 7 SHERIFF GAMBLE: Correct.  
 8 MR. PACK: And is the Charging Committee  
 9 doing that, that finding, by majority vote of  
 10 whether or not sustaining or not sustaining?  
 11 SHERIFF GAMBLE: Yes.  
 12 MR. PACK: I'm on page 35 now of the bill.  
 13 So they're taking a vote. And we want to have  
 14 an odd number to that committee, of course,  
 15 whether or not the charges are sustained or  
 16 not. Okay.  
 17 SHERIFF GAMBLE: Yeah. Review the  
 18 findings. The Charging Committee review the  
 19 findings of law enforcement agency  
 20 investigation conducted and forward (inaudible)  
 21 subsection, make a determination that the

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1 police officer, subject, should be charged or  
 2 not charged.  
 3 MR. PACK: Right.  
 4 SHERIFF GAMBLE: Correct.  
 5 MR. PACK: Okay. And then if he or she  
 6 appeals that finding, then we're off to the  
 7 Trial Board?  
 8 SHERIFF GAMBLE: We're off to the Trial  
 9 Board, correct.  
 10 MR. PACK: So let's turn to the next page  
 11 here, the Trial Board.  
 12 SHERIFF GAMBLE: All right.  
 13 MR. PACK: They have 15 days for their  
 14 finding, right? Is that what I'm reading?  
 15 SHERIFF GAMBLE: Correct.  
 16 MR. PACK: Page 37?  
 17 SHERIFF GAMBLE: Yup.  
 18 MR. PACK: Okay.  
 19 SHERIFF GAMBLE: And then you got the 30  
 20 days before the Trial Board begins, they  
 21 (inaudible) should be provided all this stuff.

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1 His lawyer will be asking for all that stuff.  
 2 So then at that point, so just say the  
 3 Charging Committee, and just so the towns  
 4 understand this, the Trial Board process, you  
 5 can have your own Trial Board process. Right.  
 6 You don't have -- there's not a county wide  
 7 Trial Board process. So each town can have  
 8 their own Trial Board process. They don't have  
 9 to have their own Trial Board process. They  
 10 could use the county's Trial Board process if  
 11 you will. But they can have their own Trial  
 12 Board process.  
 13 Once you get --  
 14 SPEAKER: But --  
 15 SHERIFF GAMBLE: Here is what you have to  
 16 also add into your budget. Once you get to  
 17 that Trial Board, who is going to be your  
 18 prosecutor. So your prosecutor will have to be  
 19 a hired attorney to prosecute that case.  
 20 So typically in Trial Boards, say the  
 21 State Police Trial Boards, they have attorneys

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1 on staff that are the prosecutor.  
 2 So once you get to a, if you get to a  
 3 Trial Board issue, the officer is certainly  
 4 going to be represented by his attorney,  
 5 whether it's the FOP attorney or some other  
 6 attorney, and then the county would have to  
 7 hire a prosecutor, in addition to the  
 8 administrative law judge, who their fee is \$500  
 9 an hour to sit on the Trial Board. Or the  
 10 judge, retired judge, they're 500 an hour and  
 11 plus your lawyer. So then you're really  
 12 starting to cut into cost.  
 13 And just so somebody understands this and  
 14 the towns understand this, I think last year --  
 15 I was talking to Dave Spencer a few months ago  
 16 before he retired about this. I think we had  
 17 three -- at the Sheriff's Office in the last  
 18 year, we had about 15 complaints. Three of  
 19 them were citizen complaints. The other 12  
 20 complaints were made by command staff on  
 21 personnel for not doing a proper investigation

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1 or not getting the rabies shot for their  
 2 canine dog before it expired. You know, minor  
 3 violations that we handle in house. So there  
 4 were three citizen complaints here.  
 5 And I think Chief Spencer thought they  
 6 were in the same neighborhood, three to five  
 7 actual citizen complaints that made it that far  
 8 and nobody -- like I haven't had a Trial Board  
 9 since I've been here. Came close once.  
 10 And Dave Spencer told me that I don't  
 11 think he had a Trial Board. Maybe I'm  
 12 mistaken. But I know that since I've been here  
 13 for seven years, that he hadn't had a Trial  
 14 Board either or he hadn't had one since he was  
 15 chief that went to a Trial board because most  
 16 of the time you confront the officer and the  
 17 officer says yes, you're right, hand me my  
 18 discipline. They don't say hand me discipline.  
 19 But they say yeah, you're right, I was rude or  
 20 discourteous or the minor violations in house.  
 21 Yeah, I forgot to get my car serviced on time.

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1 MR. PACK: Right.  
 2 SHERIFF GAMBLE: What are you going to do  
 3 to me, that kind of thing.  
 4 So it's not like it's going to happen  
 5 every day, but depending how the Charging  
 6 Committee goes, there could be more cases going  
 7 to Trial Board than you've ever seen before  
 8 depending how they do that.  
 9 Now, there will be a matrix, so everybody  
 10 knows, designed by the Training Commission.  
 11 The matrix will give them guidelines on what  
 12 they can discipline for.  
 13 So for instance, the guy is rude to  
 14 somebody. He tells the lady to have a, he  
 15 hopes she has a miserable day when he ends the  
 16 traffic stop. There's going to be a matrix  
 17 that says you can't go above this for a first  
 18 offense. And for a second offense, you can do  
 19 this. And for a third offense, you can do  
 20 this. But that matrix hasn't been created by  
 21 the State yet. The Training Commission is

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1 supposed to do that, and they're trying to get  
 2 all that stuff figured out as well. So there  
 3 will be some guidelines and some standards that  
 4 they'll have to follow.  
 5 MR. DIVILIO: (Inaudible.)  
 6 MR. PACK: -- 37 --  
 7 MR. DIVILIO: -- required to ride along  
 8 and be actively involved with the law  
 9 enforcement agency so that they get real world  
 10 experience to apply to their decisions?  
 11 SHERIFF GAMBLE: I'm sorry. You guys  
 12 stepped on each other.  
 13 MR. PACK: I'm sorry. Go ahead.  
 14 MR. DIVILIO: Do you think it would be  
 15 helpful for the chairs to do ride-alongs  
 16 regularly with the police so that they have an  
 17 opportunity to experience what they're going to  
 18 be judging on?  
 19 SHERIFF GAMBLE: I haven't seen what's  
 20 going to be in the training yet because they  
 21 haven't developed the training for these folks.

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1 I certainly don't think it would hurt to  
 2 have them do some ride-alongs. I mean I don't  
 3 know that you would them to do regular  
 4 ride-alongs because then they would start  
 5 developing relationships with the police, which  
 6 is exactly what the legislature doesn't want.  
 7 You know what I mean? They don't want the  
 8 people on these boards to be buddy-buddy with  
 9 the police. You know what I mean?  
 10 They don't want them to be enemies with  
 11 the police, but we're looking for fair.  
 12 I think it would --  
 13 MR. PACK: (Inaudible) in front of them,  
 14 partially, not impartially.  
 15 MR. DIVILIO: I would be willing to say  
 16 that the chair should be able to differentiate  
 17 themselves in the relationship that they're  
 18 building for the opportunity for that  
 19 experience.  
 20 I just don't think that these individuals  
 21 are going to be able to -- you can't pick a

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1 citizen off the street to have them have the --  
 2 and 40 hours of training, if that's all it took  
 3 to be a police officer, then why is there a  
 4 Police Academy?  
 5 I just, I feel like the individuals who  
 6 are going to apply for this, it's not the short  
 7 term or the liquor review. These are  
 8 individuals who are concerned for public  
 9 safety. And therefore, I think that they  
 10 should be held to a higher standard.  
 11 I just --  
 12 SHERIFF GAMBLE: I think you could --  
 13 MR. DIVILIO: -- vote for this.  
 14 SHERIFF GAMBLE: Certainly the Council has  
 15 every opportunity that you could, if you wanted  
 16 to pick an Administrative Oversight Committee,  
 17 what do we call it, John? The Accountability  
 18 Board. If you wanted to make an Accountability  
 19 Board of all people that had been police  
 20 officers, you certainly have the right to do  
 21 that.

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1 I think that you're -- that's not what the  
 2 legislature is looking for, but I certainly  
 3 think that if you had a leader on that board or  
 4 the chairman of that board who had relevant  
 5 experience, it should be his or her job to help  
 6 educate the other people on the board to say  
 7 no, this isn't a violation of policy or  
 8 procedure or the constitution or criminal law.  
 9 You know, a police officer does have a right to  
 10 stop somebody on a controlled access highway  
 11 and ask them for ID. You know what I mean?  
 12 There's so many nuances to the law that  
 13 you need somebody that knows how to discipline  
 14 cops and has disciplined cops before or we're  
 15 going to get a bunch of stuff back to us as the  
 16 chiefs and the sheriffs, and the law says we  
 17 have to institute it. And then we're going to  
 18 institute it knowing that this isn't going to  
 19 hold up in Circuit Court, that this won't hold  
 20 up in court. And then the county is going to  
 21 be hiring lawyers to defend why they're getting

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1 sued and why people on the Accountability Board  
 2 are getting sued because -- you know what I  
 3 mean?  
 4 The legislature has made up all this stuff  
 5 and it's just created a mess basically. But at  
 6 the end of the day, it's going to go to Circuit  
 7 Court if that officer doesn't agree with it.  
 8 You've got to get a judge based on law,  
 9 not based on them creating this that's going to  
 10 have to back it up. And if we're wrong, we're  
 11 going to get sued.  
 12 And if we're wrong on how we create this,  
 13 cops are going to leave Talbot County. If  
 14 Caroline County does it wrong, they're going to  
 15 leave and they're going to go to the counties  
 16 where they pulled off the right stuff.  
 17 And we're already seeing that from support  
 18 in Cambridge. Cambridge is down 50 percent of  
 19 their police officers, 50 percent right now,  
 20 because they're not getting support.  
 21 So you guys got to put a lot of time and

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1 effort into this. If you get it wrong, it's  
 2 going be to a mess.  
 3 MR. PACK: Yeah, absolutely. Can I go  
 4 back to the Trial Board process on page 37 of  
 5 the bill?  
 6 SHERIFF GAMBLE: Yup.  
 7 MR. PACK: So as you were saying, so it  
 8 sounds like a town can establish its own Trial  
 9 Board to hear, but the Trial Boards still have  
 10 to have the same makeup. So it still has to be  
 11 that --  
 12 SHERIFF GAMBLE: Correct.  
 13 MR. PACK: -- those three indicators still  
 14 have to be there. Or they can just use the one  
 15 that the county established and do it that way.  
 16 SHERIFF GAMBLE: Correct. And then you  
 17 have to determine like, okay, who is going to  
 18 bear the cost of that.  
 19 MR. PACK: Right.  
 20 SHERIFF GAMBLE: So if a town goes to a  
 21 Trial Board, are you going to dump all those

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1 costs on the town or how is that going to work.  
 2 Of if they want to use the county's Trial Board  
 3 process, how are you going to figure that.  
 4 Because I think a Trial Board is going to  
 5 cost you ten to \$20,000 per Trial Board with  
 6 attorneys' fees, the judge's fees, all that  
 7 stuff.  
 8 MR. PACK: Stenographer.  
 9 SHERIFF GAMBLE: Pardon me?  
 10 MR. PACK: Stenographer. You need  
 11 somebody to record it.  
 12 SHERIFF GAMBLE: Write all that stuff.  
 13 MR. PACK: Right. Okay.  
 14 SHERIFF GAMBLE: So I'm looking at the  
 15 same thing you guys are looking at on my  
 16 screen. So I think we've gotten through that.  
 17 They'll issue a written opinion that  
 18 describes their details. And then the chief,  
 19 they'll forward the written opinion to the  
 20 chief.  
 21 Let's go to the next screen, or sheriff.

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1 They can ask for anything they want, the  
 2 Charging Committee. They can find anything  
 3 from unfounded to exonerated or guilty.  
 4 Keep going, next one.  
 5 So then we'll have the chief or sheriff  
 6 will have 15 days to offer that discipline. We  
 7 can do the same or where we can raise it, but  
 8 we have to stay within an applicable range of  
 9 the matrix that will be created.  
 10 And then --  
 11 MR. PACK: Do they give you any timeframe  
 12 when that disciplinary matrix will come out?  
 13 SHERIFF GAMBLE: No, Corey. We're -- I  
 14 wrote a letter to the Attorney General's Office  
 15 in April of last year because they're  
 16 redefining use of force. They still have not  
 17 given us the definition of the new use of force  
 18 standard. And we have 17,000 police officers  
 19 in Maryland that has to be trained before  
 20 July 1st.  
 21 And the Attorney General and the Office of

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1 the State Prosecutor still have not defined --  
 2 not the local State's Attorney. The Office of  
 3 the State Prosecutor also would charge elected  
 4 officials, police officers, stuff like that.  
 5 They haven't given it to us. And we asked  
 6 for an extension now because we have 17,000  
 7 police officers and the Training Commission to  
 8 train, and they said no. The legislature said  
 9 no, even though --  
 10 MR. PACK: No to the extension?  
 11 SHERIFF GAMBLE: No to the extension  
 12 because we don't even know what the rules of  
 13 the game are starting July 1st.  
 14 MR. PACK: How can you train if you don't  
 15 know what -- okay.  
 16 SHERIFF GAMBLE: That's your Maryland  
 17 legislature for you.  
 18 MR. PACK: I know. Okay.  
 19 SHERIFF GAMBLE: So go to the next one.  
 20 MS. MORRIS: This is the last slide.  
 21 SHERIFF GAMBLE: So the concerns that

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1 like, if you go through, the concerns we have  
 2 is on the, from a police -- and I'll be totally  
 3 transparent, like I said earlier. If we don't  
 4 get this right and another county does get it  
 5 right, and I'm not saying that they have to be  
 6 law enforcement supporters, but we need fair  
 7 people on this board. Right.  
 8 We can't have people coming in with  
 9 agendas. If people are coming in with agendas,  
 10 it's not -- I don't think it's the intent of  
 11 the legislature, at least I hope it's not the  
 12 intent of the legislature, but I don't trust  
 13 too many of them anymore.  
 14 But if we don't get this right, public  
 15 safety will suffer severely in Talbot County.  
 16 MR. PACK: Can I ask a question regarding  
 17 this database on page 42, Sheriff, of the bill?  
 18 SHERIFF GAMBLE: Sure.  
 19 MR. PACK: I'm on under section 108,  
 20 letter B. It talks about each law enforcement  
 21 agency shall create a database that enables

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1 complaint to be entered by the complainant's  
 2 case number.  
 3 SHERIFF GAMBLE: Yes.  
 4 MR. PACK: Has that been created yet?  
 5 SHERIFF GAMBLE: We have a firm -- this  
 6 has to be in effect on July 1st. So we -- it's  
 7 actually in our budget, but I think we do have,  
 8 we have contracted with a firm that will create  
 9 that for us. And we just pass that information  
 10 over to Easton PD. And we can pass that on to  
 11 Chief Smith or anybody else.  
 12 They'll be able to go in with their  
 13 specific case number and they'll be able to see  
 14 where their, the status of that investigation  
 15 is.  
 16 MR. PACK: Chief Smith, you haven't looked  
 17 into creating this yourself, correct, this  
 18 database?  
 19 CHIEF SMITH: I'm sorry?  
 20 MR. PACK: The database for complaints,  
 21 have you looked into establishing it?

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1 CHIEF SMITH: No. I talked briefly back a  
 2 couple of months ago, I guess, Sheriff, when we  
 3 first started having meetings to brainstorm on  
 4 what to do.  
 5 So what Sheriff just described is  
 6 certainly something that I will just -- it  
 7 doesn't make sense to do it any other way.  
 8 Just figure out what the cost of that will be  
 9 and just dovetail on that.  
 10 SHERIFF GAMBLE: We'll send you the  
 11 contact for this company. It's a local  
 12 company, who actually did a bunch of work on  
 13 our website for us. We just revamped our  
 14 website to be in compliance with some of this  
 15 stuff. But we'll send you that information.  
 16 CHIEF SMITH: Thank you.  
 17 MR. PACK: Did we put it out to bid or you  
 18 just went with the company you were currently  
 19 working with?  
 20 SHERIFF GAMBLE: Yeah, we just -- yeah.  
 21 It's only a couple thousand dollars extra for

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1 her to do it.  
 2 Oh, you did get a couple of prices?  
 3 Yeah. This one was the cheapest, and  
 4 she's --  
 5 MR. PACK: So we did get bidding for it?  
 6 SHERIFF GAMBLE: Yeah. It's like a couple  
 7 thousand bucks I think. 2,500 bucks or less,  
 8 something like that. Less than 2,500 bucks to  
 9 be able to pull that off.  
 10 SPEAKER: And the other ones I got were in  
 11 the neighborhood of 10,000.  
 12 SHERIFF GAMBLE: Yeah. We had some in the  
 13 neighborhood of 10,000.  
 14 MR. PACK: 10,000?  
 15 MR. LESHAR: Can we identify what are --  
 16 obviously a lot of this is spelled out in the  
 17 State legislation.  
 18 But the one piece I've heard so far that  
 19 is discretionary for the Council in terms of  
 20 the creation of this is as the specific  
 21 qualifications for the composition of that

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1 Accountability Board.

2 SHERIFF GAMBLE: Correct. And --

3 MR. LESHER: And there's a choice for the

4 towns in whether or not to do their own Trial

5 Board.

6 Are there other choice points that we have

7 to make with this enabling legislation?

8 SHERIFF GAMBLE: Yes. The legislature

9 doesn't care how many people you put on your

10 Accountability Board. So you could totally

11 exclude the towns if you wanted. You could say

12 you know what, we're picking everybody. Or you

13 could have the town pick somebody.

14 So the numbers on the Accountability Board

15 is totally up to you and how you pick them is

16 totally up to you.

17 We just came up with these numbers

18 thinking okay, Oxford is a small PD,

19 St. Michael's is a small PD, Easton is the same

20 size or slightly bigger than the Sheriff's

21 Office, you know.

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1 But we also thought about when we were

2 talking with Clay and Patrick is to make sure

3 that the geographical regions of Talbot County

4 were represented, because that's one of the

5 intentions of the legislature is to hear from

6 citizens not just that live within two miles of

7 Easton. You know what I mean?

8 That's why we went with these patrol

9 areas. So a north, south, and west. So

10 somebody in the Bay Hundred area could be on.

11 You know what I mean?

12 So any of that is totally up to you,

13 totally up to the Council.

14 There are some other things in here

15 that -- we have in here, if you look -- well,

16 you don't have it in front of you. But it says

17 a chief or sheriff may make a written

18 recommendation to the Talbot County

19 Accountability Board in writing on discipline

20 matters.

21 So there's nothing in the law that

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1 prohibits the chief or sheriff from writing the

2 board and saying here is the investigation,

3 here is my opinion. They can certainly read it

4 or they can crumple it up in the trash and

5 throw it away. But there's nothing in the law

6 that disallows, and there's nothing in the law

7 that says that it's prohibited.

8 So we added that in there where the chief

9 or sheriff could make a recommendation, a

10 written recommendation to the board.

11 MR. PACK: And I would hope that that

12 procedure does take place.

13 But those records would have to be kept,

14 correct? They couldn't be -- if that

15 recommendation came in, the board --

16 SHERIFF GAMBLE: Yeah. I mean --

17 MR. PACK: I know what you're saying.

18 They can either --

19 SHERIFF GAMBLE: -- a recommendation.

20 MR. PACK: They would have to hold on to

21 that recommendation.

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1 SHERIFF GAMBLE: They could stick it in

2 the file. That would get me out of the lawsuit

3 when they're suing them for --

4 MR. PACK: They want to hold on to that.

5 Yeah.

6 SHERIFF GAMBLE: There's also in the

7 actual draft that Patrick and us, when we sat

8 down and went through this, that there's a

9 confidentiality agreement with members of

10 those.

11 So they can't be in that meeting and then

12 go out and post it on Facebook, right, when

13 they're making these decisions. And that there

14 would be some confidentiality issue, agreement.

15 And then we also put that people convicted

16 of, people convicted -- members that become

17 convicted of a felony, misdemeanor with two

18 years or more or a crime of moral turpitude

19 during the four-year term as a member shall

20 report the same to the Talbot County Council,

21 resign, and be subject to removal if they fail



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1 to resign.

2 So then we've had something about a

3 background, a small background investigation I

4 think somewhere in here that just to make sure

5 they haven't been convicted of crimes of moral

6 turpitude or perjury in court or something of

7 that nature.

8 There's other stuff in there about your

9 budget stuff that you don't have to supply any

10 funding to this I guess, other than you got to

11 pay for the judge on the --

12 MR. PACK: Did -- and I haven't read

13 through this draft yet. Did we take into

14 consideration having an alternate in case a

15 member of the Accountability Board has a

16 conflict of interest? Let's say the person in

17 question is a family member. And certainly,

18 you wouldn't want that person weighing in on

19 that or the Charging Committee, which is going

20 to make the finding. Did we factor in having

21 an alternate or how we would handle conflicts

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1 of interest?

2 SHERIFF GAMBLE: There is, under the

3 ethics part of this, which is late on page 15,

4 if you have a copy of the actual document.

5 MR. PACK: Yes.

6 SHERIFF GAMBLE: It talks about conflicts

7 of interest, but it doesn't have an alternate

8 in the sense because the law doesn't require

9 you to have a certain number of people.

10 I would hope that you would have to have a

11 quorum in order to reach a decision on a

12 discipline matter. You know what I mean?

13 So...

14 MR. PACK: If you had seven, one had to

15 recuse because of a conflict, you now have a

16 3-3 tie, a vote, from the Charging Committee.

17 What happens?

18 MR. LESHER: (Inaudible.)

19 SHERIFF GAMBLE: (Inaudible.) It's in the

20 law. If it turns out a tie, they're not

21 guilty.

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1 MR. PACK: Okay. That's great. Just want

2 to make sure we got that thought out.

3 MR. DIVILIO: So I'm reading under where

4 it says the resignation and removal, and I see

5 the line there about the felony and misdemeanor

6 two-year penalty.

7 But do you think, to all the law

8 enforcement on here, do you think that the

9 board members and chairs should go through the

10 background check and mental health evaluations

11 that law enforcement has to go through to be

12 appointed to this board?

13 SHERIFF GAMBLE: Then you'd have to put a

14 polygraph on there, too.

15 MR. PACK: You're adding more cost,

16 Mr. Divilio. You add to our cost.

17 MR. DIVILIO: I'm not prepared to stipend

18 them at all.

19 But I would believe that that should be

20 required. They should, again, have to go

21 through the steps. But as well as they are

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1 making determinations on individuals who had to

2 go through that. I believe that they should

3 have the same training or better and hold

4 themselves to the same rules or better than

5 those who they're evaluating.

6 MR. CALLAHAN: So thank you, Mr. Divilio.

7 So we need to start wrapping things up.

8 What does Council think about, just sitting

9 here thinking, about --

10 MR. LESHER: -- first and foremost, we

11 need to hear from the towns in this workshop

12 about what role they want to have --

13 MR. CALLAHAN: I was getting ready to do

14 that. I was getting ready to do that.

15 So what do you guys think about handing

16 the bill out to the municipalities so they can

17 read it and help put their evaluation on the

18 bill for feedback for us?

19 MR. PACK: It hasn't be introduced yet.

20 Normally we don't circulate bills until it's

21 introduced, as a practice.

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1 MR. CALLAHAN: I'm with you. But I just  
 2 kind of feel like it might be a little bit  
 3 different in this situation, but whatever you  
 4 guys think.  
 5 MR. LESHER: I think we want their input  
 6 and we have a draft together. It's a starting  
 7 point. Let's get their input. If we have it  
 8 today, if not, as soon as possible.  
 9 MR. THOMAS: I can even take it out of  
 10 bill form and just put it in a Word document  
 11 that just has the provisions and --  
 12 MR. PACK: There you go.  
 13 MR. CALLAHAN: There you go. That's good.  
 14 MR. THOMAS: -- marked draft --  
 15 MR. PACK: Why don't we do that, Patrick?  
 16 Why don't we just send it as a Word document?  
 17 MR. CALLAHAN: Yup.  
 18 MS. PRICE: That sounds good. Yup. Put  
 19 it out that way. I think the towns do need to  
 20 give some input, make sure they feel like  
 21 they're represented.

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1 MR. DIVILIO: And I'm fine with not  
 2 following normal procedure when we have  
 3 legislation requirements that we do this. I  
 4 think it's beneficial that we do get public  
 5 input as well as we stay organized with this.  
 6 MR. CALLAHAN: I do, too. The whole  
 7 purpose is of being collaborative with  
 8 everybody and everybody feel they've got a part  
 9 in it. And all the chiefs need to -- we want  
 10 to make sure that nobody is singled out and we  
 11 work together on this.  
 12 MR. PACK: And although Oxford does not  
 13 have a police force and neither does Trappe  
 14 currently --  
 15 MR. STAMP: Oxford does.  
 16 MR. CALLAHAN: You meant Trappe, right?  
 17 Oxford does.  
 18 SHERIFF GAMBLE: You meant Queen Anne and  
 19 Trappe.  
 20 MR. PACK: I'm sorry. Yeah. Queen Anne  
 21 and Trappe.

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1 MR. CALLAHAN: You're going to make him go  
 2 off, Corey.  
 3 SPEAKER: (Inaudible.)  
 4 MR. PACK: I'm sorry, Chief. I apologize  
 5 Chief. I got my towns mixed up. I apologize.  
 6 Queen Anne and Trappe. It still needs to  
 7 go up there to them and down to Trappe for  
 8 their input and consideration.  
 9 MR. STAMP: Corey, don't drive down to  
 10 Trappe tonight. Listen to me. Don't drive  
 11 through Oxford.  
 12 MR. CALLAHAN: Don't drive through Oxford.  
 13 MR. PACK: -- pulled over. (Inaudible)  
 14 waiting for me, right.  
 15 SPEAKER: It's okay if you go to  
 16 St. Michaels or Easton.  
 17 MR. CALLAHAN: I got you.  
 18 SHERIFF GAMBLE: Councilman Leshner, just  
 19 to draw your attention, you asked a question  
 20 earlier. When you get down to the terms, when  
 21 you look at this draft bill, look at the terms.

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1 Those are all kind of what our thoughts were.  
 2 Those are all -- the terms, the number of years  
 3 that they serve so the whole board doesn't get  
 4 replaced every four years or every five years.  
 5 So there's different terms, and none of that is  
 6 legislated.  
 7 MR. LESHER: Terrific. Thank you.  
 8 SHERIFF GAMBLE: You've got a tremendous  
 9 amount of wiggle room.  
 10 And I think Patrick can probably send you  
 11 the draft where I highlighted everything in  
 12 yellow.  
 13 MR. PACK: Yeah. Got there.  
 14 SHERIFF GAMBLE: Everything in yellow is  
 15 subject for discussion. Anything not in yellow  
 16 is law. If that makes sense. It's State law.  
 17 MR. PACK: It's very clear. Thank you.  
 18 Do we want to give the towns a time when  
 19 we want to get this back from them?  
 20 MR. CALLAHAN: I'd say we would. I'd say  
 21 maybe try to get together first of March or

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1 middle of March. The sooner the better because  
 2 we got a deadline.  
 3 MR. THOMAS: (Inaudible.)  
 4 MR. PACK: Patrick send it out.  
 5 MR. THOMAS: Yeah. I'll get this out by  
 6 the end of the week.  
 7 I mean I think ideally we want to have  
 8 this introduced no later than April to get it  
 9 in --  
 10 MR. PACK: Yeah.  
 11 MR. THOMAS: Even late March to get it in  
 12 effect by July 1st.  
 13 MR. LESHER: It will need to be adopted at  
 14 our second meeting in April.  
 15 SHERIFF GAMBLE: You're also going to need  
 16 time to get these people trained because you  
 17 can only imagine that once the training comes  
 18 out, you're going to want your list together of  
 19 who is going to this training because they're  
 20 going to be overwhelmed with the Training  
 21 Commission.

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1 Once they put the training out, you're  
 2 going to want to be able to jump on it. So the  
 3 sooner that you get it done, the better because  
 4 you're going to want to have your people in  
 5 that first training session because it's going  
 6 to be -- every county in the State is screaming  
 7 at the Commission right now trying to find out  
 8 when they can get people trained for this.  
 9 MR. PACK: Hopefully they'll do some  
 10 virtual training, too. To that point, Sheriff,  
 11 you're right.  
 12 And Sheriff, if that discipline matrix  
 13 does come out, could you make sure we get that?  
 14 SHERIFF GAMBLE: They haven't even started  
 15 it, but I will. As soon as I get it, I will.  
 16 I think they're forming the committee next  
 17 week.  
 18 MR. PACK: They don't even have the  
 19 committee yet. That's great.  
 20 MR. CALLAHAN: So let's get this wrapped  
 21 up. So I want to give each of the towns a

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1 little bit. A few minutes left here.  
 2 So Oxford, do you have any closing  
 3 comments?  
 4 MR. MAXWELL: Thanks, Chuck. I've got  
 5 some grave concerns about some of this.  
 6 Any legislation that has been put together  
 7 hastily, like this has, has ramifications. And  
 8 I can just see the lawsuits coming. Lawyers  
 9 will be aligning up.  
 10 We need to get this right and protect the  
 11 rights of allegedly, I use the word allegedly.  
 12 I've been doing this for 40 years. Alleged  
 13 violations, are they violations or not.  
 14 Another concern is is the people on there,  
 15 say everything, do everything, and check out.  
 16 And then all of a sudden that snake rears its  
 17 head and you start seeing agendas. So we need  
 18 to do this correctly and have the right people  
 19 in place.  
 20 If somebody is guilty, then so be it.  
 21 A lot of discretion has been taken away,

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1 rights are being taken away. I just see this a  
 2 gigantic train wreck. I hope it's not.  
 3 We've never had these issues down here in  
 4 Oxford. Can't speak for the others. I've  
 5 heard the statistics from the sheriff.  
 6 Like I said, I got grave concerns. And  
 7 I've spoken to a constitutional attorney, and  
 8 he has basically the same concerns I do.  
 9 So we need to get this right, make sure  
 10 everyone's rights are protected because I just  
 11 see lawsuits coming and the lawyers getting  
 12 rich.  
 13 And that's it.  
 14 MR. CALLAHAN: Yup. Okay. I really  
 15 appreciate your input. Really do.  
 16 St. Michael's, Chief.  
 17 CHIEF SMITH: I'm good. You guys did a  
 18 good job going over it. Joe did a good job.  
 19 So just looking forward to trying to get  
 20 the final product.  
 21 Thanks for you guys' patience.

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1 MR. CALLAHAN: No problem.  
 2 Easton.  
 3 MR. SILVERSTEIN: Just when the  
 4 information is sent over, we need to make sure  
 5 that we know exactly what kinds of  
 6 qualifications we're looking for to pick  
 7 individuals.  
 8 SPEAKER: Hey, Chuck.  
 9 MR. CALLAHAN: Yes, sir, Mayor.  
 10 SPEAKER: I think also we are waiting to  
 11 see the bill itself. I think I have parts of  
 12 it.  
 13 We've also submitted some names to you  
 14 already that we'll take a fresh look at it to  
 15 make sure that they're adequate and then we'll  
 16 go from there.  
 17 But please have this sent over as quickly  
 18 as possible to Cathy (inaudible).  
 19 MR. CALLAHAN: Thank you, Mayor. We sure  
 20 will. We sure will.  
 21 SPEAKER: Thank you, Chuck.


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1 SPEAKER: Chuck, could you add the  
 2 PowerPoint to that? It would be helpful for  
 3 our (inaudible) too.  
 4 MR. CALLAHAN: Okay. No problem. We'll  
 5 take care of that.  
 6 Did I forget anybody? Anybody else would  
 7 like to speak before we -- anybody else have  
 8 anything?  
 9 MR. STAMP: So Mr. President, we will send  
 10 a copy of the piece of legislation. We'll send  
 11 a marked up Word document to the towns and we  
 12 will send the PowerPoint right away. And then  
 13 we'll try to schedule something so we can get  
 14 back together in the next 25, 30 days.  
 15 MR. CALLAHAN: That sounds good.  
 16 So I'm looking forward to it.  
 17 Sheriff Gamble, you've done a great job at  
 18 this point.  
 19 And I really appreciate all the towns  
 20 being with us. This is a good opportunity  
 21 really for all of us to come together and work

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1 together on this.  
 2 And like Patrick said, we got to make this  
 3 right. So I'm looking forward to it. Council  
 4 is going to do a good job and work for you and  
 5 make sure that we make this right.  
 6 Other than that, please reach out to us if  
 7 you need anything. Thank you.  
 8 (Work Session concluded at: 4:11 p.m.)  
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1 STATE OF MARYLAND  
 2 I, Diane Houlihan, a Notary Public in and  
 3 for the State of Maryland, County of Baltimore City,  
 4 do hereby certify that the within named, Talbot  
 5 County Council Audio, personally appeared before me  
 6 at the time and place herein set according to law,  
 7 was interrogated by counsel.  
 8  
 9 I further certify that the examination was  
 10 recorded stenographically by me and then transcribed  
 11 from my stenographic notes to the within printed  
 12 matter by means of computer-assisted transcription  
 13 in a true and accurate manner.  
 14  
 15 I further certify that the stipulations  
 16 contained herein were entered into by counsel in my  
 17 presence.  
 18  
 19 I further certify that I am not of counsel  
 20 to any of the parties, not an employee of counsel,  
 21 nor related to any of the parties, nor in any way  
 interested in the outcome of this action.  
 AS WITNESS my hand Notarial Seal this 18th  
 day of February, 2022, via Webex.  
  
 Diane Houlihan  
 Notary Public  
 My commission expires September 16, 2025

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