

# **MONTGOMERY COUNTY DEPARTMENT OF POLICE**



## **INTERNAL AFFAIRS DIVISION ANNUAL REPORT 2023**

## DIRECTOR'S MESSAGE

The Montgomery County Police Department (MCPD) has prioritized building public trust through transparent communication, accountability, and professionalism. All MCPD staff members are expected to perform their duties diligently, interact with the public courteously, impartially, and professionally, and encourage reporting of any concerns regarding the department's employees, including both sworn officers and non-sworn staff.



The Law Enforcement Bill of Rights was repealed, and the Maryland Police Accountability Act of 2021, also known as Legislative House Bill 670, became effective for all sworn personnel when the Montgomery County Police Department Fraternal Order of Police Union's collective bargaining agreement with the county expired on June 30, 2023.

House Bill 670, establishing the Police Accountability Board (PAB) and Administrative Charging Committee (ACC), was implemented. MCPD made technological advancements to enable seamless information transfer to and from the PAB. However, this has not affected how MCPD handles or investigates complaints. Complaints can be filed via the PAB website, MCPD website, email, mail, telephone, and any police facility.

Upon receipt of a complaint alleging employee misconduct, MCPD forwards it to the Internal Affairs Division (IAD) for review by the Director and Deputy Director, regardless of the source. IAD is responsible for conducting and managing administrative investigations into allegations of employee misconduct, ensuring that all investigations are conducted fairly, impartially, and promptly. Once an investigation is completed, the Chief of Police reviews the case and sends it to the ACC for charging if it falls within their purview.

The ACC shall determine if sufficient evidence (preponderance of evidence) exists to administratively charge a police officer. If charges are warranted, the ACC shall use the Uniform State Disciplinary Matrix and recommend a penalty to the agency head. The agency head may accept the recommendation or increase the penalty within the violation category and disciplinary range guidelines. An agency head may not reduce the ACC's recommendation.

A complaint of police misconduct that does not involve a member of the public (non-ACC-qualified cases) will be handled by the law enforcement agency of the officer involved using the Uniform State Disciplinary Matrix. For more information on PAB or ACC, please visit their websites.

IAD is also responsible for recording, maintaining, and reporting statistical information about the department's complaints, allegations made against MCPD employees, and the outcomes of all administrative investigations, including any disciplinary actions taken by the Chief of Police.

In keeping with MCPD's commitment to transparency, IAD prepared the 2023 Internal Affairs Division Annual Report on behalf of Chief Marcus G. Jones. The report presents statistical data collected in 2023. The department is committed to providing the highest quality of police services to those who reside, work, and visit Montgomery County,

Maryland. MCPD extends its appreciation to all those who raised concerns regarding the actions of MCPD employees, as it provided the department with an opportunity to review, assess, and address its employees' actions appropriately. It also allowed the department to communicate with concerned members of the public. Each complaint that was brought to the department's attention provided MCPD with an opportunity to evaluate its performance, hold itself accountable, and engage with a member of the public who had concerns, whether the outcome was IAI written counseling, additional training, disciplinary action for an employee, explaining to a concerned citizen why an employee's actions were deemed appropriate and consistent with department policy, or policy failure.

As we move forward into 2024 and beyond, MCPD encourages members of the public to continue communicating any concerns they may have with MCPD employees' actions. The department remains committed to enhancing its operations and providing the highest quality of policing and public safety services. The public's input is critical to achieving this objective.



Captain Monique Tompkins  
Director, Internal Affairs Division

## THE INTERNAL AFFAIRS PROCESS

The Montgomery County Police Department (MCPD) recognizes the importance of having a complaint and disciplinary process to adequately address and correct any action or behavior by a department employee deemed inappropriate or inconsistent with department policy. As such, MCPD utilizes a multi-level review process, described below, which enables the department to investigate complaints, address allegations of misconduct by employees, identify any failures in department policy, and protect employees from unwarranted criticism for adequately performing their assigned duties.

MCPD policy requires complaints to be received courteously by any police department employee. To ensure that members of the public and MCPD employees feel comfortable and able to express their concerns, the department will accept Anonymous and in-person complaints, via the MCPD website, by mail, e-mail, and the Police Accountability Board (PAB). Additionally, MCPD provides a complaint form (MCP Form 580) at all six (6) District police stations and the Executive Office Building (EOB), located in downtown Rockville, Maryland, or one can be downloaded and printed from the department's webpage at <https://www.montgomerycountymd.gov/pol/internal-affairs.html>. The complaint forms are also available in English and Spanish.

The Director and Deputy Director of the Internal Affairs Division (IAD) thoroughly review all complaints, regardless of their source or anonymity. That executive review and preliminary investigation determine the merit of the complaint, whether the allegation of misconduct is serious or minor, and whether it involves a member of the public.

June 30, 2023, the Montgomery County Police Department Fraternal Order of Police Union's collective bargaining agreement with the county expired. The Maryland Police Accountability Act of 2021, also known as Legislative House Bill 670, became effective for all sworn personnel when the Montgomery County Police Department.

MCPD implemented the following changes during the transition:

As of July 2023, the MCPD Internal Affairs Division investigates all misconduct allegations. Misconduct allegations investigations are either Command Level Investigation(s) (CLI), which will entail allegations of lower-level misconduct violations or Internal Administrative Investigations (IAI), which will entail serious allegations of misconduct. Examples of minor allegations of misconduct include traffic offenses (such as speeding), a lack of courtesy towards a citizen (such as using profanity), or a performance-related action or deficiency. Some examples of an IAI investigation include excessive use of force, discrimination, use of alcohol on duty, and theft.

Additionally, internal discipline is an administrative punishment. It is separate from an employee's punishment due to a criminal charge. If an employee is the subject of a criminal investigation or charge, the criminal investigation and IAI will occur separately but simultaneously.

Upon completion of an administrative investigation by the investigator, the investigative report and case file will be forwarded to the IAD Deputy Director and Director for review. Once the IAD Director is satisfied that the investigation is comprehensive, exhaustive, and does not involve any member of the public, a copy of the investigative report and case file will be transmitted to the commanding officer or division director of the employee concerned. The commanding officer or division director will then provide an initial finding

report, determining the validity of any allegations against the officer. The Internal Investigative Review Panel (IIRP) will make the final decision on all findings that have sustained allegations using the Matrix. The IIRP comprises the Assistant Chiefs, the IAD Director, and the involved employee's commanding officer/division director. The IIRP will also recommend disciplinary action for each sustained charge, which will be presented to the Chief of Police.

Upon completion of an administrative investigation by the investigator, if the case involves a member of the public, the investigative report and case file will be forwarded to the Deputy Director and Director of the Internal Affairs Division (IAD) for review. Once the IAD Director is satisfied that the investigation is comprehensive and exhaustive, a copy of the investigative report and case file will be transmitted to the Administrative Charges Committee (ACC) for findings.

In the event of a sustained charge by the ACC or the Internal Investigations and Review Panel (IIRP) as a result of an IAD investigation, signifying that an employee committed misconduct by violating a law or an MCPD rule, policy, or procedure, the employee in question is subject to disciplinary action. All recommended disciplines will adhere to the strict guidelines of the Uniform State Disciplinary Matrix. The Chief of Police has the ultimate authority for disciplinary action involving all sworn and non-sworn employees. The Chief of Police may increase or concur with the ACC/IIRP's disciplinary recommendations and, in non-ACC cases, may decrease them.

When an IAD investigation results in a sustained charge by the ACC or IIRP (a finding that an employee engaged in misconduct by violating a law or an MCPD rule, policy, or procedure), that employee is subject to disciplinary action, all recommended discipline will follow the strict guidelines provided by the Uniform State Disciplinary Matrix. The ultimate authority for disciplinary action involving all employees (sworn and non-sworn) rests with the Chief of Police, who can increase or concur with the ACC/IIRP's (none ACC cases may decrease) disciplinary recommendation(s).

The involved employee is served with an administrative statement of charges, which outlines each charge, the specification for each charge, and the disciplinary action being imposed by the Chief of Police for each charge. The employee may accept the recommended disciplinary action or appeal the decision of the Chief of Police. The Fraternal Order of Police (FOP) Collective Bargaining Agreement (CBA) permits officers to appeal discipline issued by the Chief of Police via a hearing board process. Civilian disciplinary actions are appealed through procedures established via collective bargaining and the Office of Human Resources (OHR).

A police officer can request to be heard before an Administrative Trial Board if they dispute the findings of the IAD investigation and/or the recommended discipline imposed by the Chief of Police. In accordance with the Annotated Code of Maryland, Public Safety Article, Section 3-107 (e)(1)(ii), "the [Administrative] hearing shall be open to the public, unless the Chief finds a hearing must be closed for a good cause, including protecting a confidential informant, an undercover officer, or a child witness." If a hearing board is scheduled, information regarding the date and time will be posted on the following IAD website:

<https://www.montgomerycountymd.gov/pol/internal-affairs.html>

It should be noted that officers have the right to settle their case prior to the start of any hearing board. Therefore, please contact the Internal Affairs Division at 240-773-6000 or check the website the morning of a scheduled hearing board to confirm that the scheduled hearing is still taking place. All visitors must pass through a security screening process upon entry to the building.

## OVERVIEW

The data outlined in this report shows the following outcomes for **2023**:

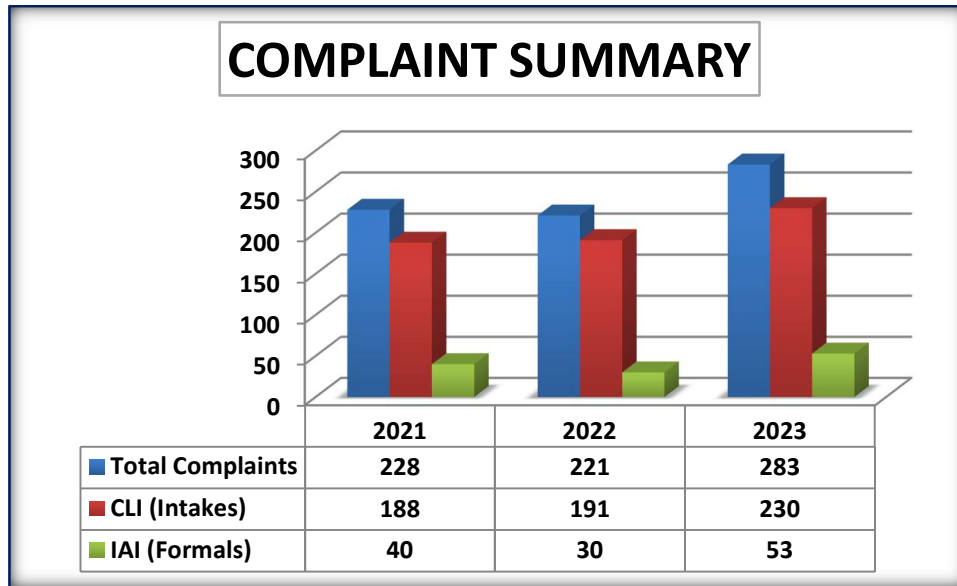
- ❖ IAD received 283 complaints, which is an increase of 28% compared to 2022.
- ❖ IAD opened 185 cases, of which 53 were assigned as *IAI* investigations.
- ❖ *CLI* investigations comprised 81% of all cases, and *IAI* investigations comprised the remaining 19%
- ❖ *CLI* investigations increased 20% and *IAI* investigations increased 77% from 2022.
- ❖ There was a total of 83 complaints declined for investigation by IAD. *(Please refer to the note on page 7 for an explanation concerning the reasons a complaint would be declined for investigation.)*
- ❖ A total of 13 of the 53 *IAI* investigations initiated in 2023 are now closed, and it took an average of 174 days to close each case.
- ❖ 92% of the personnel who were the subject of complaints were *sworn* officers, and 8% were *civilian* personnel.
- ❖ *Neglect of Duty/Unsatisfactory Performance* was the most common allegation, which comprised 43% of the allegations made against department employees, followed by *Conformance to Law* (26% and *Courtesy* (7%). Overall, these three complaint types comprised 76% of the allegations made against department employees.
- ❖ There were 211 known employees who were the subject of an allegation. There were 129 complaints which involved multiple allegations, and there were 22 *sworn* officers who had more than one complaint initiated against them. Additionally, there were 75 complaints in which the complainant did not provide enough information to identify one or more employees, or the employee identified was not a Montgomery County Police employee.
- ❖ 71% of the allegations received involved employees assigned to the Patrol Services Bureau (PSB).
- ❖ 65% of the known employees who were subjects of complaints identify as *White*, 15% identify as *Black*, 12% identify as *Hispanic*, and 8% identify as *Asian-American Pacific Islander (AAPI)*.
- ❖ 82% of the known employees who were the subjects of complaints identify as *male*, and 18% identify as *female*.
- ❖ 17% of the employees investigated by IAD were in the *21-29* age group, 41% were in the *30-39* age group, 25% were in the *40-49* age group, and the remaining 17% of employees were *50 and older*.
- ❖ 30% of the employees who were the subject of a complaint served on the department for *0-5 years*, 33% served on the department for *6-15 years*, and 37% served on the department for *16 years or more*.

## COMPLAINT SUMMARY

In 2023, there were 185 cases opened by the Internal Affairs Division, with a total of 510 allegations recorded. 81% of the cases were assigned as *CLI* investigations, while 19% of the cases were assigned as *IAI* investigations.

### Complaint Types

The following statistics reflect a three-year comparison, as well as an analysis of the complaints received involving both *sworn* and *civilian* personnel.



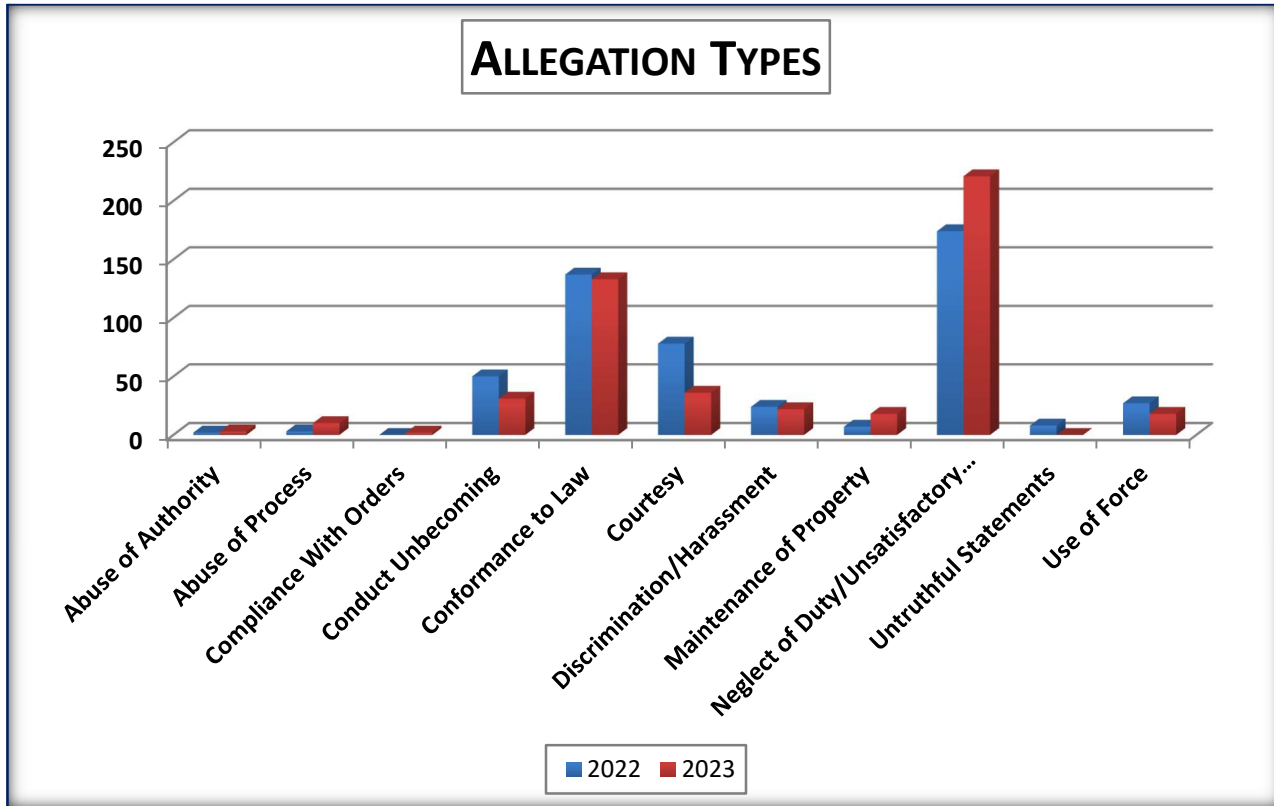
The data reflects a 28% increase in the number of complaints received in 2023 compared to 2022, and a 29% increase from 2021. *CLI* investigations increased from 2022 to 2023 by 20%, and *IAI* investigations increased by 77%.

There was a total of 83 complaints that were declined for investigation by IAD in 2023. (*\*See the note below for further explanation.*)

*\*Note:* A complaint is declined for investigation when an executive review and preliminary investigation determine that the complaint did not include sufficient information to identify a potential violation of department policy or county, state, or federal law; the alleged involved employee cannot be identified; the subject of the complaint is not employed by MCPD; or video evidence, such as a body worn camera recording, clearly establishes that the employee was in compliance with department policy.

## Allegation Types

The following chart summarizes the *types of allegations* received by IAD in 2023.



*Note: There may be more than one allegation made against an employee.*

In 2023, *Neglect of Duty/Unsatisfactory Performance* was the most common allegation received, which comprised 43% of the allegations made against department employees, followed by *Conformance to Law* (26% and *Courtesy* (7%). Overall, these three complaint types were responsible for more than three-quarters (76%) of the allegations received in 2023, which is consistent with data from 2022. Some examples of these allegations include an employee failing to perform a duty/task in an appropriate and satisfactory manner, committing a traffic violation (such as speeding or a parking offense), cursing at members of the public, acting in a rude manner, or losing their temper.



### ***Disposition of Investigations***

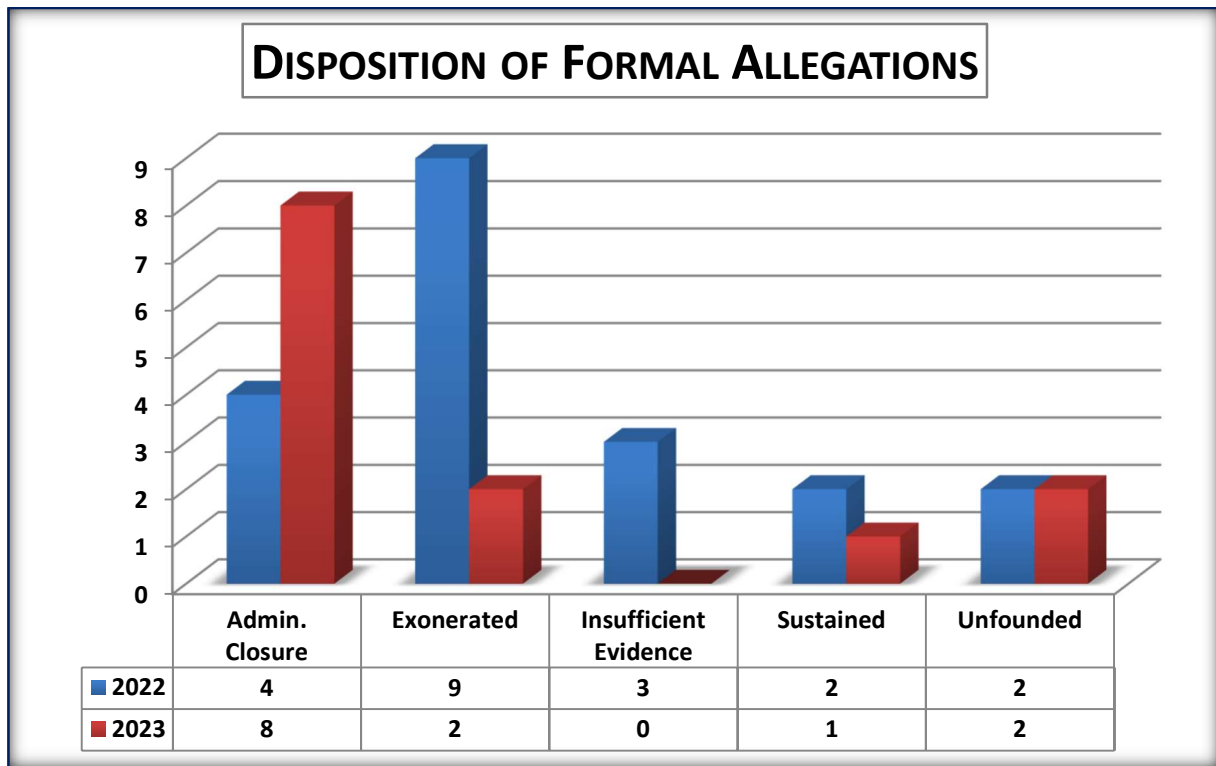
In 2023, a total of 53 IAI investigations were assigned to IAD investigators. Of those cases assigned in 2023, 13 are now closed. Those cases averaged 174 days to close. Cases are put on hold pending the completion of all criminal investigations involving the matter, but the number of days the case is held is still included within this average.

\*Note: IAI investigations generally take longer to complete for a variety of reasons. They often involve multiple allegations, and many involve multiple employees. The nature of these types of investigations can be serious and complex, and all IAI investigations are governed by the laws and procedures relating to employee rights, which also includes the employee’s right to appeal.

In 2023, there were 129 complaints which involved multiple allegations, and there were 22 employees who had multiple complaints.

In 2023, there were 53 IAI investigations involving 185 allegations against 70 individual employees (and no allegations which involved non-employees) compared to 2022 in which there were 30 IAIs involving 123 allegations against 33 employees. The data indicates that while the number of IAIs increased, the number of allegations contained within those IAIs decreased from 2022 to 2023.

The chart below provides a summary of the *dispositions* of the IAI investigations opened in 2023 which are now closed.



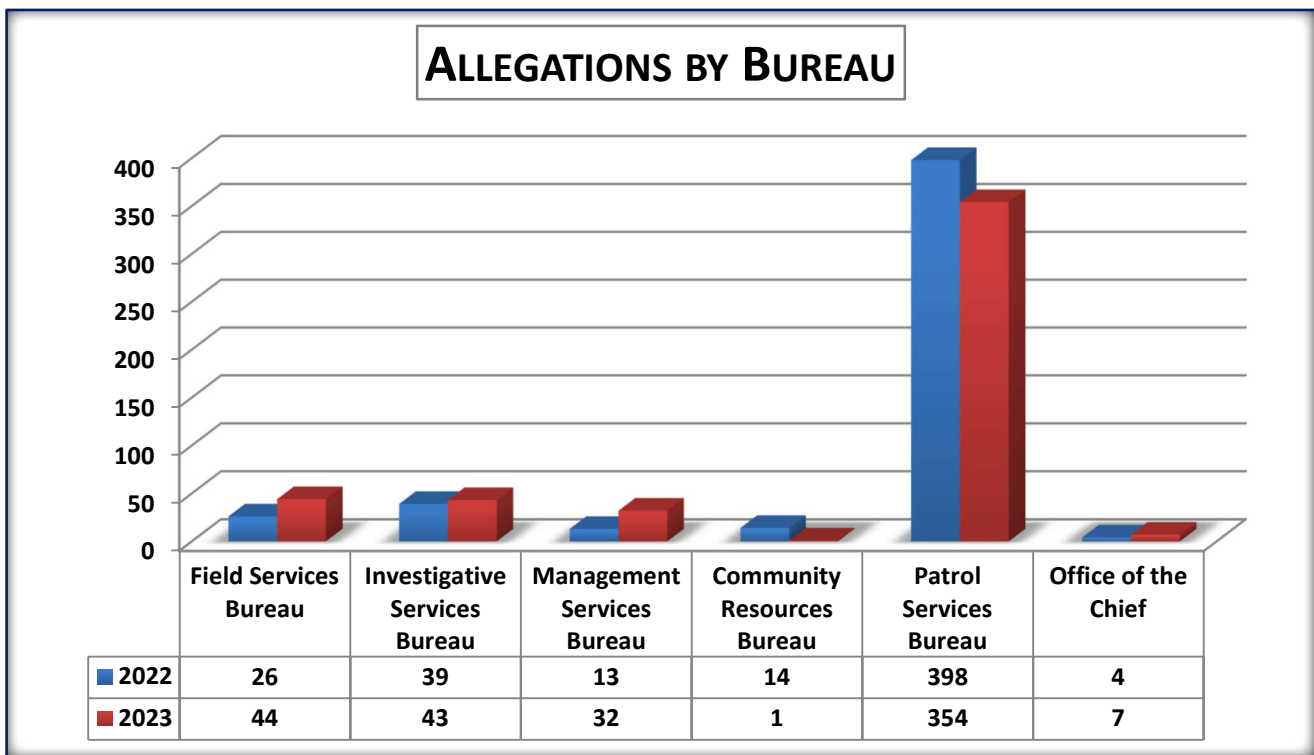
*Note: There are 40 (out of 53) IAI investigations initiated in 2023 that remain open at the time of this report.*

The following is a list of definitions for each of the dispositions shown in the referenced chart.

- *Policy Failure:* An administrative conclusion used to terminate an internal investigation which cannot proceed to a normal conclusion due to omissions or insufficient/ineffective policies.
- *Exonerated:* The incident did occur, but the actions of the involved employee(s) were justified, lawful, and proper.
- *Insufficient Evidence:* The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- *Sustained:* The investigation disclosed sufficient evidence to prove an allegation of misconduct.
- *Unfounded:* The investigation of the complaint reveals that the acts complained of did not occur.

**Allegations by Bureau**

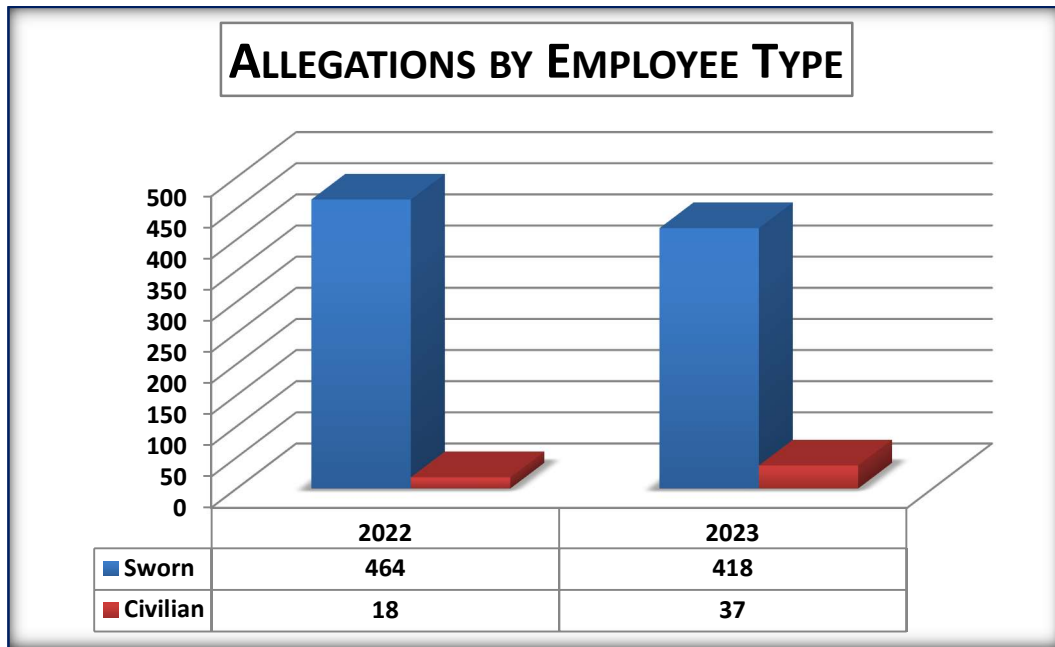
The below referenced chart provides a breakdown of the bureaus within the department that employees were assigned to at the time the allegations were made against them. Each bureau falls under the management of an Assistant Chief of Police.



The data indicates that 71% of the allegations made in 2023 involved employees assigned to the *Patrol Services Bureau* (PSB), compared to 81% of the allegations received in 2022. PSB is the largest bureau in the department and is comprised primarily of sworn officers assigned to the department’s six police districts.

### *Allegations by Employee Type*

The chart below provides a breakdown of *allegations by employee type* for known employees who were the subject of a complaint in 2023.

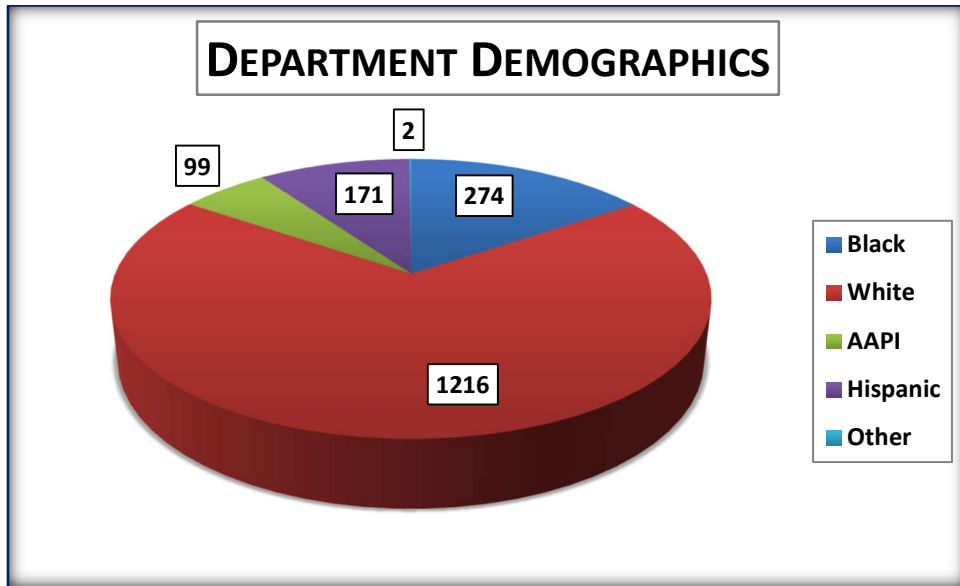


The data shows that 92% of the known employees who were the subject of a complaint were *sworn* personnel, and 8% were *professional or non-sworn* members of the department.

The following series of charts provide a summary of the *demographics* of those known employees who were the subject of a complaint received in 2023. This includes the *race/ethnicity, gender, and age* of the employees, as well as their *years of service* with the department at the time the complaint was made, based on available data. It should be noted that complaints are sometimes made against unknown employees for which the complainant does not have a name and can only provide a partial description.

## DEMOGRAPHICS

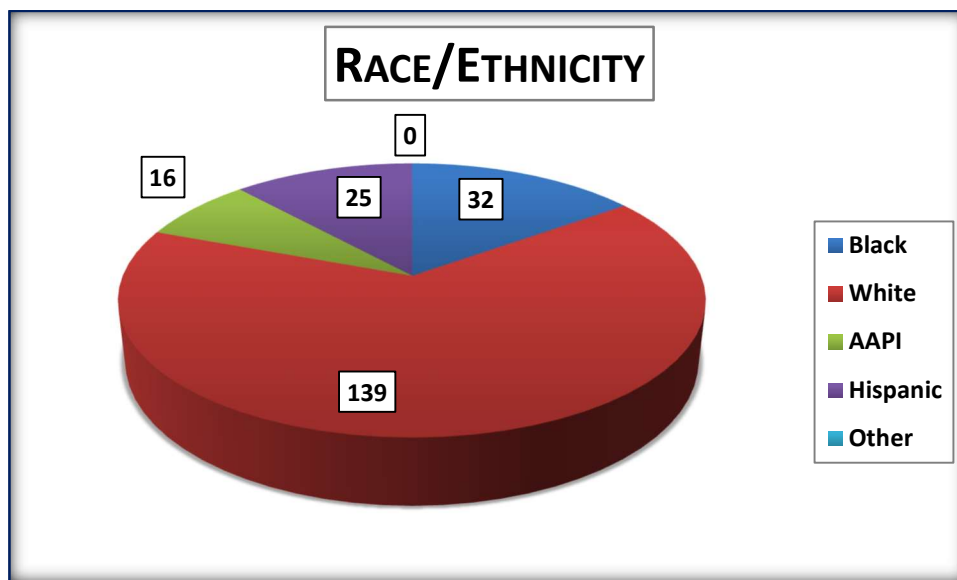
The following chart represents the *department's demographics* as of December 2023.



The data shows that approximately 15% of the department’s personnel identify as *Black*, 69% identify as *White*, 10% identify as *Hispanic*, 5% identify as Asian-American Pacific Islander (AAPI), and less than 1% are identified as *Other*.

***Race/Ethnicity***

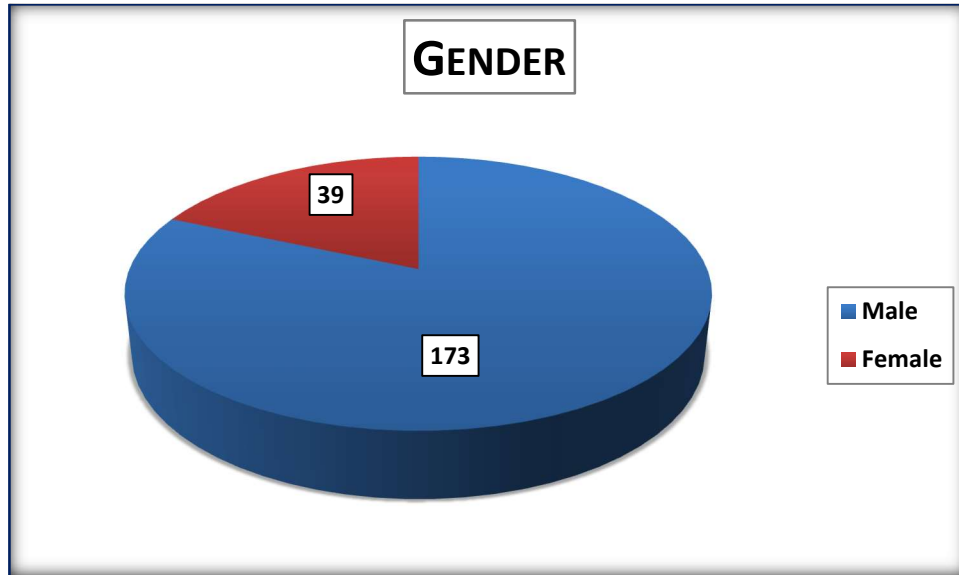
The following chart provides a summary of the *race/ethnicity* of those employees who were the subject of a complaint received in 2023.



In 2023, 15% of the employees who were the subject of complaints identify as *Black*, 66% identify as *White*, 8% identify as *Asian-American Pacific Islander (AAPI)*, and 11% identify as *Hispanic*.

### Gender

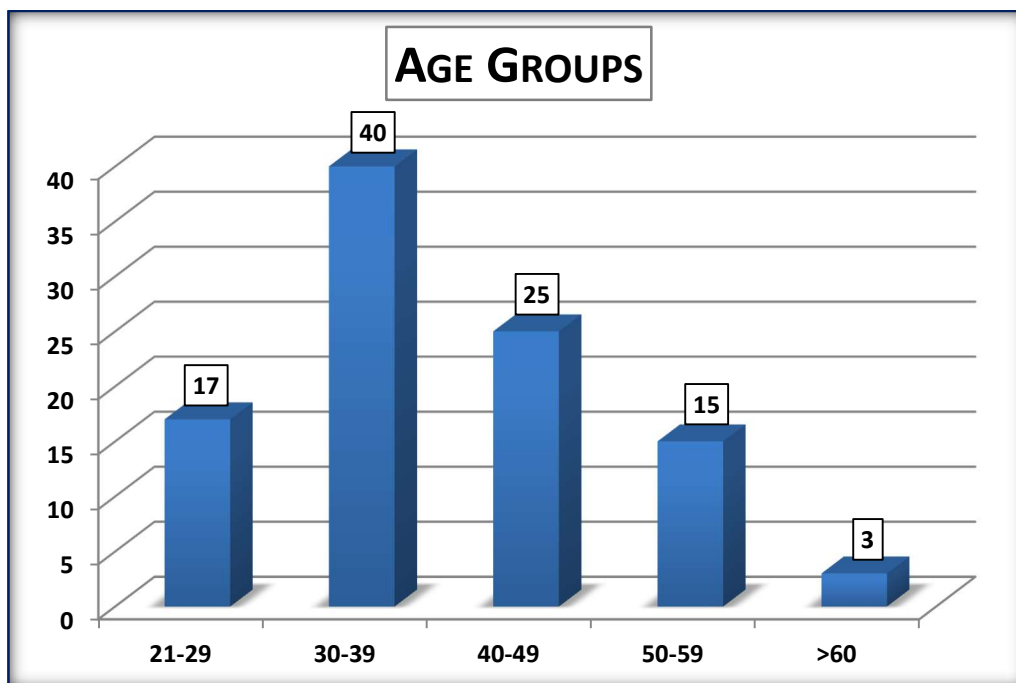
The following chart shows the *identifying gender* of the employees who were the subject of a complaint received in 2023.



In 2023, 82% of the known employees who were the subject of a complaint identify as *male*, and 18% identify as *female*, which is consistent with the data from the previous year (2022).

### Age

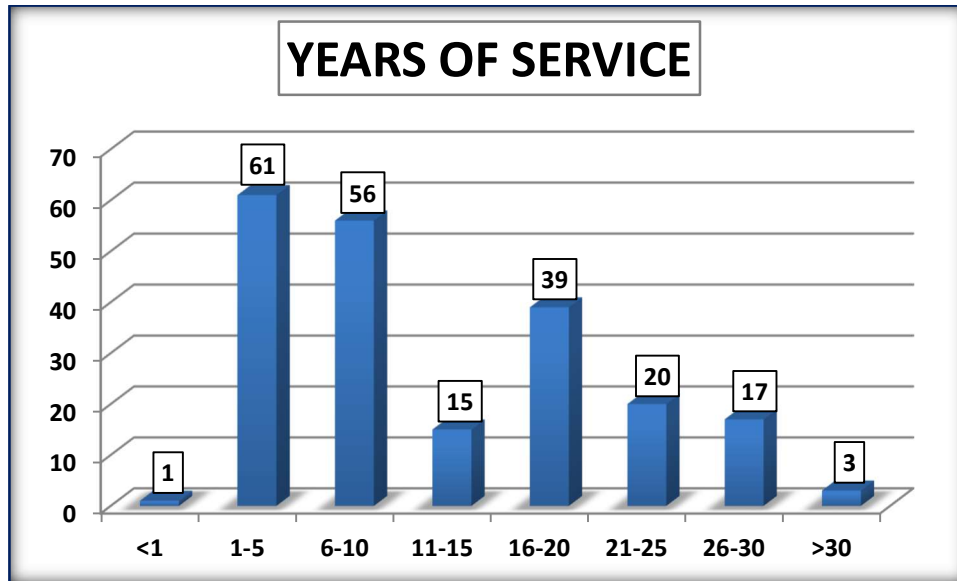
The following chart provides a summary of the *age groups* of the employees who were the subject of a complaint received in 2023.



In 2023, 17% of the known employees who were the subject of a complaint were in the 21-29 age group, 40% were in the 30-39 age group, 25% were in the 40-49 age group, and the remaining 18% were ages 50 and older.

### ***Years of Service***

The chart below summarizes the *years of service* with the department for the employees who were the subject of a complaint in 2023.



In 2023, 30% of the employees who were the subject of a complaint served on the department from 0- 5 years, 33% served on the department from 6-15 years, and 37% of employees served on the department for 16 years or more. In 2022, there were the same amount of employees in the 1-5 year category (61), and none were employed for less than a year.

Note: Race categories were standardized in 2022 to reflect the terms White, Black, Hispanic, Asian-Pacific Islander (API), and Native American. Categories were previously listed as Caucasian, African American, Latino, Asian, or American Indian. It should be noted that these categories are not exhaustive and do not capture the diversity within and among different racial and ethnic groups. Some individuals may not identify with any of these or may identify with multiple categories.

## SUMMARY

In the past, this report was prepared and presented internally to summarize allegations of misconduct made against employees and used to identify patterns or any other issues requiring corrective action.

This report is the fifth to be released to the public and provides context and analysis of the data made available to the public on the *dataMontgomery* website, [https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2/about\\_data](https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2/about_data), as part of the department's continued commitment to creating and maintaining a culture of transparency and accountability. Openness speaks to the integrity of the police department and builds on the trust and collaboration with our community.

This report is also an integral component of the department's responsibilities as a *Commission on Accreditation for Law Enforcement Agencies* (CALEA)-accredited law enforcement agency. MCPD has been a CALEA-accredited law enforcement agency since 1993. The *CALEA Law Enforcement Accreditation Program* is the primary method for an agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agencies' operations, policies, and procedures, and makes necessary adjustments to meet a body of internationally accepted standards. The department takes part in this annual administrative review of agency practices, which includes those policies and procedures that relate to the handling of citizen complaints and concerns. The department continues to provide training and implement corrective and disciplinary actions for sustained allegations of violations of department policy, which includes allegations of biased policing.

In 2023, IAD continued to provide training for entry-level and supervisory classes. Training continues to focus on complaint avoidance through professional service delivery, rather than the technical handling of complaints. IAD provided training as part of the in-service supervisory training and covered topics such as how to handle CLI complaints and how the IAI investigative process works. Training was also provided to residents who attended the Citizen's Academy, community groups, and the County Council Public Safety Committee.

The department's *Body Worn Camera System* (BWCS) program now includes approximately 1,000 officers who are equipped with the technology that helps document interactions between the police and individuals involved in the majority of calls for service. Body worn cameras have proven helpful in resolving complaints in a timelier fashion and in capturing valuable evidence for investigative purposes. The use of this technology has added an additional layer of transparency and accountability to the department's efforts in building trust and improving its standing with the communities it serves throughout the county.

The employees of the Montgomery County Police Department have dedicated their professional lives to making our community safe. In the performance of their duties, they make contact with hundreds of thousands of people each year. Internal Affairs investigations are designed to protect the public, the department, and employees, and to provide the basis for correcting improper employee behavior and ensuring that the department's high standards of professionalism and integrity are maintained. No matter what type of contact you have with a member of the department, you should always be treated with courtesy and professionalism. We remain accountable to those we serve, and we welcome any feedback from members of the public to let us know how we are doing and where we can improve.



**MONTGOMERY COUNTY**  
**DEPARTMENT OF POLICE**

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