



Police Accountability Self Advocacy Toolkit

PURPOSE

From 2015 to 2022, 123 people in Maryland were killed by the police. This number is too great and doesn't even count the people, families, and whole communities who survive so much physical and mental harm from needless – often racist – run-ins with police. This institutional failure is made worse by flawed “accountability” structures designed to protect police and bypass justice.

This self-kit describes ways a person may use existing, though inadequate, accountability structures. We also hope this self-kit will highlight the flaws of the system and encourage you to change it. To see how the ACLU of Maryland works to reform systems and upend white supremacy, please see the Issues page on our website at <https://www.aclu-md.org/en/issues>.

We see policing as a major part of a larger blanket of oppression against many communities. The inevitable result of these connected systems is harm against you, your neighbors, and people you love. The recommendations of this self-kit may not restore these harms. For resources that can better support you or others in healing and restoration, please see Appendix A: Community Supports on page 15. Our best advice for using this self-kit:

1. *Take what you need, leave the rest.* These recommendations will not perfectly address every policing experience; if something here doesn't apply to you or simply did not work, we hope other strategies are a better fit.
2. *Expect to experience shortcomings.* These methods call on a deeply flawed system, which rarely operates according to its express intent. Think of your effort as activism loudly calling out wrongs but understand you may not get a satisfactory response from the government or public.

At the ACLU of Maryland, we are rooting for your victory in accountability *and* healing. Hopefully, this self-kit will help along the way.

We value feedback to make our service better. Do you have recommendations or know of resources? Have you found success or challenge using this self-kit? Let us know! Complete our survey at this website: <https://action.aclu.org/legal-intake/aclu-maryland-experience-survey>.

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START AT “GO”

Harmful police encounters are no trivial matter. Yet, police commonly control narratives by creating a competing version of police encounters, approaching rights violations much like a strategy game. Police have privileges, like immediate access to lawyers, video recordings, and the power to shape a false narrative through reporting systems. Taking notes about what really happened while your memory is fresh and gathering records quickly can help equalize this disadvantage. We want you to start at – not behind – the “GO” line.

Remember: **You are the expert on what happened to you.** You don’t need to be perfect, and you don’t need to remember everything exactly. You know how the officers made you feel and what they told you, so lean into that, especially if officers exaggerate or dishonestly report facts later. **You are not alone.** You are just one person, but there are many more people and organizations who have felt or witnessed police misconduct. Later, we list resources that may provide more support or advice to you.

GATHER FACTS

Unfortunately, many improper police encounters result in serious physical, emotional, and mental injuries. We encourage anyone harmed by police to prioritize their care, treatment, and recovery *first*. While this section suggests urgency in responding to police encounters, you should take time for recovery and return to this process only when you’re ready.

Once you’re safe, note the details and timeline of your police encounter in as much detail as possible. This first record can be just for personal use – you may be upset, use strong language, or jumble timing as you process your experience – but you can reference this later when consulting your attorney or filing complaints. *Consider:* a voice note description, videorecording yourself, bullet points in a note app on your mobile, or any quick method available.

The point is to preserve your feelings and memories quickly while they’re fresh.

1. **WHEN?** Consider context, such as a call/text before the incident, your most recent meal, or where the sun was in the sky, to pinpoint the incident time.
2. **WHO?** Review details of officer clothes or colors/markings of police vehicles to confirm department; don’t assume their department based on your location.
3. **WHERE?** Remember landmarks, mile markers, or nearby road signs to help pinpoint location.
4. **WHAT?** You may not recall every detail but record everything you do remember.
5. **WHY?** Include both the reason officers told you and any reasons for the stop you suspect. Officers rarely admit to discrimination.

If you later retain an attorney, the records you collect can support their investigation. You can find a fillable form in Appendix B: Incident Memory Form on page [17](#). Other things to do after your encounter:

- Keep & digitize copies of all records cops gave you (snap a photo on your phone & send to someone you trust, save on your computer, etc.)
- Take photos of any injuries & keep records of any medical treatment received.
- Note any missed work, appointments, and any financial losses (lost wages, damage repair, impound fees, medical costs, etc.).
- List of nearby businesses or structures that may have had cameras (ATMs, gas stations, toll gates).
- List the number of witnesses, identifying anyone you recognized.

CHOOSE YOUR OWN ADVENTURE

Once you get your memories recorded, your next steps depend on your kind of encounter. Choose the description that closest matches your incident:

- If you have a citation, property damage, or a criminal charge from your police encounter, you may need an attorney ASAP – more details and recommendations at “Caught a Charge” on page 6.
- If you walked away from the police encounter with no citations, charges, property damage, or property taken, begin at “Collect Records” below.

COLLECT RECORDS

POLICE RECORDS

You have your memories from the police incident, but the police agency began creating documents the moment the police decided to stop you or pull you over. There may also be other parts of the government that created records. You should find ways to get copies of as much as you can as soon as you can. Here are some examples though all may not apply:

- Body-worn or dash camera footage
- Police or incident report
- Statement of charges or citation
- 911 call recordings and/or transcripts
- Use of force report
- Search form or inventory list of items seized (taken by police)
- Bystander mobile phone or business surveillance videos

Most of these records – the ones created and held by the police department – are usually publicly available to you under “**Anton’s Law**,” which is part of the Maryland Public Information Act.¹

Although the purpose of the Maryland Public Information Act is to make most government records available to anyone – and the purpose of “Anton’s Law” is to make police records public – the government can say “no” in some cases. You can find a sample police records request under the MPIA in Appendix D: Templates & Attachments on page 21.

You may also be required to pay money for the records since it takes time and staff to pull them together. The police may ask you to pay extremely high amounts of money to deter you from getting the records. See the following resources for details about which records you can ask for, what to do if your request is denied or there are high fees, and other questions:

- Office of the Attorney General Public Information Manual:
<https://www.marylandattorneygeneral.gov/Pages/OpenGov/piamannual.aspx>
- Contact for the MPIA Ombudsman: to submit an assistance request, email pia.ombuds@oag.state.md.us or call (410) 576-6560.
 - [See this form on their website for guidance regarding the information that should appear in the request](http://news.maryland.gov/mpiaombuds/request-mediation/) (<http://news.maryland.gov/mpiaombuds/request-mediation/>).

¹ Maryland Code, General Provisions § 4-311. This means you should be able to submit an MPIA request for any records related to past misconduct of the officer(s) you encountered. If you asked the police for these records under the law and were denied, please submit an intake to the [ACLU Maryland Legal Advocacy Team](http://www.aclu-md.org/help).

- Find general information about the MPIA Ombudsman at these websites:
 - <https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2018/11/OmbudsInformation.pdf>
 - <https://news.maryland.gov/mpiaombuds/faq/>

MEDICAL EXAMINER REPORTS

In the devastating event that someone's life is lost while interacting with police or law enforcement (like correctional officers of jails and prisons), there may be a medical examination. After the Office of the Chief Medical Examiner (OCME) completes their review, the Office issues the cause(s) and manner of death – which is documented on a death certificate – and a more detailed medical analysis of how a person died in a medical examiner (ME) report. You may want to see the death certificate and report, but there are rules controlling when a ME report is created.

So, when is a ME report created? Usually, medical examinations are done when a person's death is suspected to be caused by violence, suicide, suddenly without apparent cause, or in any suspicious manner.² Medical examiner (ME) reports are typically public information you can request under the PIA law, but there may be exceptions. Practically, there are often delays in release of ME reports which are longer than estimated by the OCME. There are also fees for copies of reports – similar to other public records, and the amount of the fee depends on the requester's familial relationship to the person who died.³ If you or someone you know was denied an ME report or waited longer than a year to get one, please contact the ACLU Legal Advocacy Team at our website: <https://action.aclu.org/legal-intake/aclu-maryland-legal-intake-affiliate>.

Changing an ME Report

Medical examinations are important to police accountability in two key ways: 1. the cause and manner of death recorded on the death certificate, and 2. the detailed explanation of how a person died in the ME report.

If the medical examiner decides the manner of a person's death was accidental, natural, or undetermined while the person was with police, advocates and lawyers will have fewer legal pathways to hold police accountable. Language used by OCME on death certificates and in ME reports impact how courts view the person's death under the law.

Except for the homicide manner-of-death designation, families may ask OCME to correct decisions of cause and manner of death within a short 60-day window from the publication of the report. This request starts a legal process in which families may ultimately ask a court to review the ME report.⁴

INDEPENDENT INVESTIGATIONS UNIT (IIU)

The Independent Investigations Unit (IIU) was created under the Maryland Police Accountability Act of 2021 as an independent division within the Maryland Attorney General's Office. The IIU is responsible for investigating police-involved deaths and is required to give a report of its findings to the State's Attorney's

² Maryland Code, Health – General §5-309 (2008). For more details about death investigations, please see the OCME FAQ website: <https://health.maryland.gov/ocme/Pages/faqs.aspx#:~:text=An%20autopsy%20report%20may%20be,3225%20to%20make%20an%20appointment>.

³ COMAR 10.35.01.14. Find the request for Medical Examiners Report form here: <https://health.maryland.gov/ocme/docs/Autopsy%20Report%20Request.pdf>

⁴ *The above appeal process was improved thanks to the tireless advocacy of Rev. Marguerite Morris; countless other community advocates – especially Ms. Tawanda Jones – helped us develop knowledge in every issue area of this guide. To protect their anonymity, they are not all named here, but we cannot overstate the value of courageous everyday people in exposing police misconduct.*

Office within 15 days of completion.⁵ The IIU is relatively new, but we have seen their investigations usually involve law enforcement agencies, but not typically inside places of detention.

IMPORTANT DUE DATES

If you are considering a lawsuit against the police department, **it is extremely important that you send a letter stating your intention to seek monetary award in court within a year of the incident.** This notice letter is not a lawsuit. Your letter gives the government knowledge that your claim exists and extends your time to file a lawsuit. The notice letter is like calling a manager when an employee violates a rule: the police did something wrong, and the notice letter informs their “boss.”

State law requires you to send your notice letter to different officials depending on the police agency involved. Please consult the Maryland Tort Claims Act⁶, and the Local Government Tort Claims Act⁷ for specifics and consult the tort letter resources in Appendix D: Templates & Attachments on pages [22-24](#).

- General guide for which agencies fall under which law:
 - Most municipal, city, or county “police” departments are **local** agencies.
 - Maryland State Police & Department of Natural Resources Police are examples of **state** agencies.
 - Most “sheriff’s offices” and Baltimore City Police Department are examples of police that are **all-in-one local and state agencies**.

Submitting tort notice doesn’t require an attorney, but the rules can be confusing; when in doubt, always contact an attorney to protect your claims.

CAUGHT A CHARGE

Being the target of discriminatory policing is terrifying enough, but you may also walk away with charges that may result in jail or prison detention. This entire legal process is stressful to the accused, their family, and others in their communities; it may be difficult to focus and remember rules, so get an attorney immediately and follow their advice. With that said, remember there are people and advocates supporting you. Community support is critical during complicated and stressful times like these.

Whenever you are in police custody (before or after arrest), [here on our "Know Your Rights" webpage](#) are the main things to remember:

- Police will try to speak to you throughout your encounter to fool you into giving evidence, but **once you have been arrested or told you are not free to leave (detained), police must advise you:**

⁵ Maryland Code, State Government § 6-602(e)(1), available at this website: <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gsg§ion=6-602&enactments=false>.

⁶ Maryland Code, State Government § 12-106, available at this website: <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gsg§ion=12-106&enactments=false>.

⁷ Maryland Code, Courts & Judicial Proceedings § 5-304, available at this website: <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcj§ion=5-304&enactments=false>.

- You have the right to remain silent. Once you clearly say you want to remain silent, police must stop asking you questions.
- Anything you say to them may be used as evidence against you later. Police can lie to persuade you to speak, so don't say anything at all.
- You have the right to an attorney. Once you ask for an attorney, they cannot ask you any questions until an attorney is present.
- If you cannot afford an attorney, one will be appointed for you.
- **Beware:** If you start talking to police after they stop questioning, those statements may later be considered evidence in any case against you.
- **Beware:** Police do not have to read a script to advise you of your rights; they can use any words that fully communicate your rights.⁸

CHILDREN

- **Under the 2022 Child Interrogation Protection Act, police must make efforts to reach a guardian and allow a child to consult an attorney *before* interrogating the child.**⁹ Read details of our victory securing due process for children in the legal justice system on our website: <https://www.aclu-md.org/en/publications/2022-general-assembly-report>.
- **Maryland police are required to use age-appropriate language to explain a child's *Miranda* rights under this law.**
 - However, your children should know their rights already (start [on our website here](#)) and memorize two emergency mobile numbers just in case.

GET A LAWYER: CRIMINAL CHARGES

Find a criminal defense attorney to handle criminal charges *first* – before getting more records beyond what you already have. If you want to file a civil lawsuit about a police incident later, you must generally resolve the related criminal case first.¹⁰

Start your attorney search with the Office of the Public Defender on their website at <https://www.opd.state.md.us/apply-for-a-lawyer>, good referrals from your contacts, or the county's lawyer referral services listed in Appendix C: Legal Services on page 18.

- You should ask questions, get comfortable, and carefully read the retainer contract with your defense attorney – regardless of whether they are private or a public defender – to decide whether they are the best fit for your case.
- Once you sign a retainer, your defense attorney works for you regardless of cost. Ask whatever questions you need to understand your case – this is about *your* freedom.

You always have the right to fire any lawyer or public defender. However, the court may refuse to appoint another public defender or grant extra time while you find a new lawyer. Try to resolve any differences with your attorney, and carefully consider the consequences before firing your attorney.

⁸ For a more complete explanation of Miranda requirements, see Cornell Law School webpage: <https://www.law.cornell.edu/constitution-conan/amendment-5/requirements-of-miranda#fn12>. For more info about threats to *Miranda* protections, see this ACLU blog: <https://www.aclu.org/news/civil-liberties/supreme-court-rejects-promise-miranda-rights>.

⁹ Maryland Code, Courts & Judicial Proceedings § 3-8A-14.2, available at this website: <https://mgaleg.maryland.gov/mgawebbsite/laws/StatuteText?article=gcj§ion=3-8A-14.2&enactments=false>.

¹⁰ For the detailed rule, please see the court opinion from [*Heck v. Humphrey*, 512 U.S. 477 \(1994\)](#).

THE DIFFERENT PLEAS

In Maryland, you respond to the accusation that you committed a crime (charges) by pleading not guilty, guilty, not criminally responsible by reason of insanity, or *nolo contendere* with consent of the court.¹¹

You may be offered a plea agreement, which is an offer from prosecutors to accept guilt for a lesser charge or for a lenient sentence to avoid the unpredictability of trial. However, entering into a plea agreement usually means you accept some guilt for some charge. This is why plea agreements are treated as “convictions” even if you did not go to trial or were immediately released from detention. These convictions can impact other areas of your life, such as immigration status¹², employment, housing, or access to education and public benefits.

For more details about different pleas, read Appendix E: The Different Pleas on page [26](#).

PUBLIC PRESSURE

Ask your lawyer if community support could help or hinder your case. Community support can help court watch for a fair trial, fundraise legal fees, and expose problem officers, but may also increase unwanted or unhelpful public attention to your case. Your attorney is best situated to coordinate your defense and media strategies with you.

A CIVIL LAWSUIT

THE LEGAL PROCESS

A civil lawsuit is one accountability measure for police. However, a major flaw of our court system is its inadequacy to restore immeasurable loss¹³. Litigation more easily provides monetary awards than system changes to stop misconduct. Further, lawsuits can continue for years, are expensive, and add stress to an already painful experience. For example, the court process often requires the harmed family to endure questions by police lawyers, who may dishonor the person who died to win. Families may also be asked to give over personal devices, reveal social media activity, and other intrusive asks. Finally, this is the civil process – any other penalties against the police require criminal charges or workplace discipline, which are different processes. For these reasons and others, we want you to have a realistic understanding of the civil legal process.¹⁴

Before you can make some legal claims based in state law, **you must have already sent a notice letter to the government within one year of the incident** (which – if properly done – would give you three total years to bring your lawsuit). For details regarding this notice letter, please read “Important Due Dates” on page [6](#).

¹¹ Maryland Court Rule 4-242, available at this website:

[https://govt.westlaw.com/mdc/Document/NB22D38B09CEA11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/NB22D38B09CEA11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

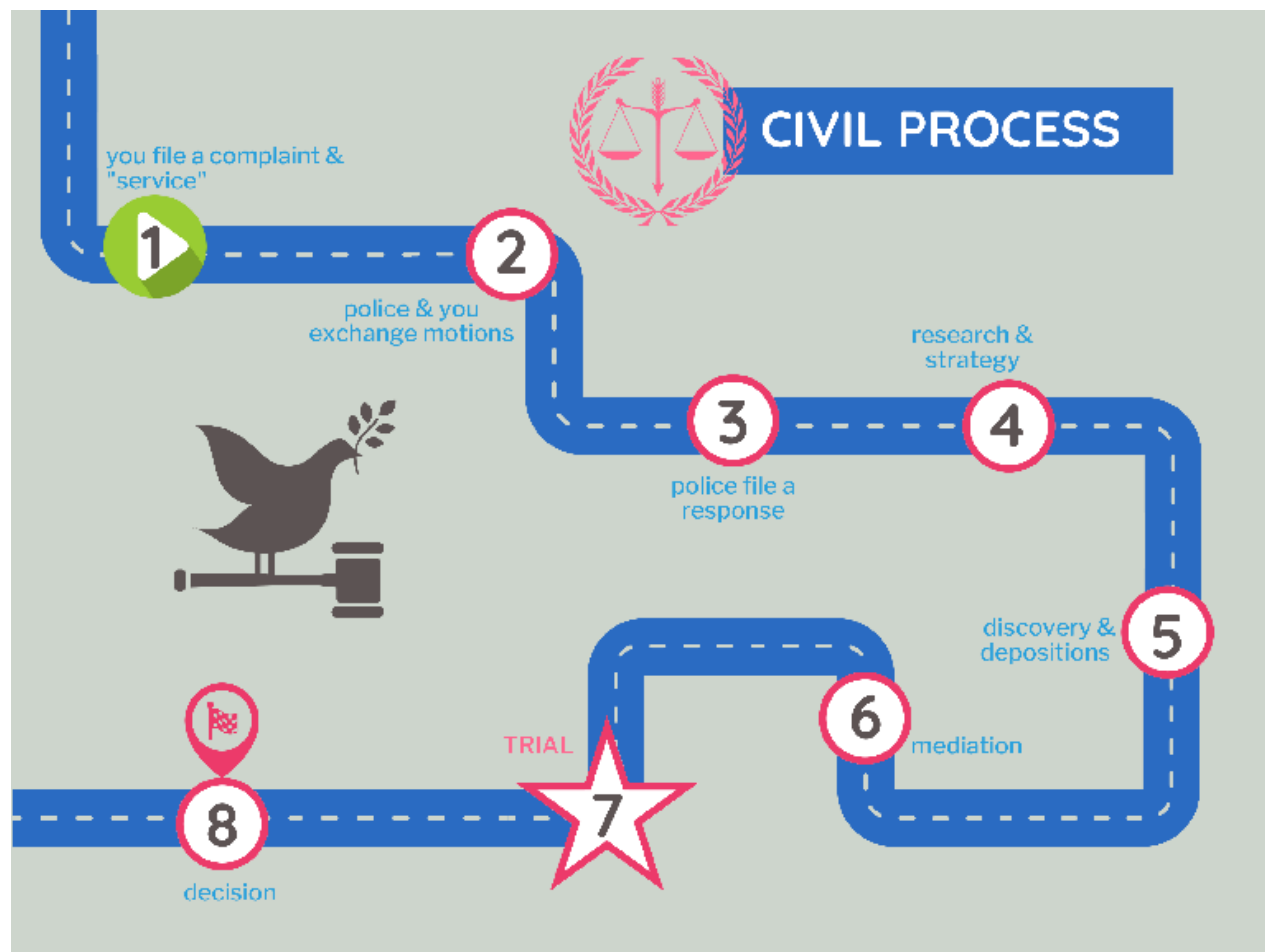
¹² Public defenders are required to give a *Padilla* advisal to clients whose immigration status may be affected by a criminal case. This means the public defender must explain the immigration consequences of their criminal cases, including plea agreements. If the client is not advised and the criminal result negatively impacts their status, the client may have a basis to challenge the criminal result later. Find the court opinion that gave this rule its name at this website: [Padilla v. Kentucky, 559 U.S. 356 \(2010\)](#).

¹³ The most common remedies from civil suits are listed and described below:

- Preliminary relief: temporary court orders to prevent further harm until a lawsuit is resolved.
- Damages: money ordered for loss, injury, pain, restitution intended to restore harm.
- Injunctive relief: an order to do or stop doing something to cease the harm.
- Declaratory relief: an order “declaring” that a law or right was violated without money or action.

¹⁴ Cornell Law School offers Legal Information Institute at their website <https://www.law.cornell.edu>, which is a free online resource to understand and research laws and courts, including the civil legal process.

The flow chart below shows key points in the civil legal process, but please understand this is a simplified generalization, and few cases progress exactly this way.



1. You file a complaint in federal or state court¹⁵ and your complaint must be “served” to the police agency according to the court rules.
 - The complaint must state all the facts important to your case, name all the parties involved, and list all the legal claims you intend to prove in your case. *We strongly urge* you to get an attorney for your lawsuit to ensure you the best chance of success.
 - Writing a complaint is very difficult – your entire case could be thrown out of court if the complaint is not drafted correctly, and legal claims are complex.
 - There are important differences between filing in state or federal courts (*See footnote 15.*).
2. The police will likely ask the court to dismiss your case through a written request called a “motion.”
 - You will have a chance to reply to that motion, and usually the case doesn’t progress until the judge decides whether to grant or deny the motion.

¹⁵ Generally, Maryland courts hear cases about the Maryland constitution and laws. State cases may continue into federal courts where there is an issue about federal law or the U.S. Constitution. For more information, please see the U.S. Courts website “Comparing Federal & State Courts” at <https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>.

- 3.-5. If the case survives motions, the police will reply to your complaint, fully explaining why they haven't harmed you or broken laws. At this point, you and the police have a clear idea of the core arguments of the case; this begins a research period to detail case strategy, and both sides will submit requests for documents (discovery) and record key witness statements under oath (depositions) to use as evidence in the case.
6. The court will usually require mediation at some point to determine whether the case can be resolved without a costly trial.
7. The critical phase of pre-trial preparation and trial occurs. Both you and police will organize all the laws and evidence into a cohesive, straightforward argument for the judge and jury.
8. After trial, the jury will decide what evidence are facts, and the judge will decide which laws apply, and award to the prevailing party.

This process is a very broad overview and does not include every stage of every lawsuit. Again, we *strongly recommend* you consult an attorney who is licensed to practice in Maryland courts and may give you the best chance for success.

Get a Lawyer: Civil

Finding the best person to represent you is critical. You should shop for legal services the way you would shop for any other service, like medical or tax services: choose the professional who is the best fit for *you*.

Beware of legal professionals who baldly promise or guarantee a certain result. You should also be clear about an attorney's hourly fee amounts, payment structure, and the stages of the legal process the attorney agrees to complete for the amount you pay. If you are unclear on fees, you may risk your attorney withdrawing from the case due to nonpayment.

Ultimately, you should consider the following:

- Are you confident the attorney has the skills and experience to handle your case?
- Do you feel comfortable communicating with the attorney and find them responsive to your questions?
- Do you sense the attorney understands your perspective and experience? Or, alternately, does the attorney appear to operate out of concerning presumptions or bias about you, police, or anything else?
- Are you clear on what the attorney charges hourly, and how much you must pay them to continue working on your case?

Finally, understand you are only represented by an attorney **after you have both signed a retainer agreement** – a contract between you and the attorney. The retainer agreement will probably answer many of the questions above.

We do not recommend people file police lawsuits without an attorney for many reasons.

The judicial legal process is complicated and privileges people who are legally trained and practiced in court process and laws. While it is possible to represent yourself, it is very difficult to successfully bring a claim against the police without formal legal training and experience. Even the most experienced attorneys are challenged by the barriers to winning police misconduct cases.

If you are unable to retain an attorney and must represent yourself, the People's Law Library of Maryland has detailed recommendations you may find helpful: <https://www.peoples-law.org/cat/how-do-i/start-respond-case>). People representing themselves in court without the assistance of an attorney are known as *pro se* ("PRO-say") litigants. However, we recognize a critical flaw of the American legal system is the high costs of legal services and relatively short due dates for most people.

Understand that filing a lawsuit is a significant undertaking even with representation. Filing your own briefs and appearing for all hearings is a substantial time commitment which may be disruptive in other

areas of your life. Proceeding *pro se* should only be done after long, careful consideration; the footnote contains additional resources for *pro se* litigants.¹⁶

ADDITIONAL PATHWAYS TO ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARDS & DISCIPLINARY COMPLAINTS

If you suffered misconduct by a police officer(s), you should consider filing a police misconduct complaint with the police accountability board (PAB) where the incident occurred. Each county in Maryland and the state are required to have PABs by a 2021 statute¹⁷. PABs authorize select people who are not police department employees to review police misconduct complaints. Two jurisdictions in Maryland have had a more powerful kind of PAB called a “civilian review board” (CRB): Baltimore City and Prince George’s County. In 2023, our legislature – which creates the laws written in our state code – considered two bills which would dissolve the Baltimore City CRB. For the latest information regarding community accountability bodies in Baltimore City, please see the Baltimore City Office of Equity and Civil Rights website: <https://civilrights.baltimorecity.gov/police-accountability>.

Each PAB has different processes and eligibility requirements, so you should find the PAB where your police incident occurred and follow their process for complaints. Reviewing the notes and records you gathered will help you thoroughly document what happened in your internal affairs complaint. [*Please review “Gather Facts” here: 3.*] You may even attach key records to support your complaint; however, please do not attach records you are uncomfortable sharing with police: when you file your complaint with a civilian review board, the complaint will be cross-filed with the police agency’s Internal Affairs Department or Office. Your complaint may be investigated by both the PAB and the police department.

You also have the right to file a complaint directly with the police agency’s Internal Affairs Office or Division even if the misconduct isn’t a constitutional violation.

Remember that an Internal Affairs complaint is NOT the same as criminal charges or a civil rights lawsuit against an officer. The internal affairs process is an administrative employment review for discipline by the police department which is different from PAB reviews. Each police department has its own process in place for internal affairs complaints. You should consult the police department website for details; if you are unable to find the information, call the police department and ask for their Internal Affairs form or contact information.

Once your complaint reaches Internal Affairs for investigation (either by PAB cross-filing or direct complaint), be prepared for some police departments to ask for an in-person interview. This may be an intimidating process; if you have any hardship after filing a complaint with police or PABs, please contact the [Legal Advocacy Team](#).

POLICE ACCOUNTABILITY BOARDS VS. INTERNAL AFFAIRS OFFICES	
Police Accountability Boards	Internal Affairs Office

¹⁶ If you choose to represent yourself, here are additional online resources:

- Pro Se Document Forms: <https://www.mdd.uscourts.gov/forms?page=1>
- Civil rights complaint: <https://www.mdd.uscourts.gov/sites/mdd/files/forms/Instructions%26SampleForm1983.pdf>
- Complaint in civil action: <https://www.mdd.uscourts.gov/sites/mdd/files/forms/Complaint.pdf>
- Consent to receive notices of electronic filing: <https://www.mdd.uscourts.gov/sites/mdd/files/forms/ProSeConsentForm.pdf>

¹⁷ Maryland Code, Public Safety § 3-102, available at this website: <https://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=gps§ion=3-102&enactments=False&archived=False>.

May be less intimidating than complaining to police from the same department you encountered.	Often has stronger authority to discipline officers including suspension and termination.
Monitors for patterns of officer misconduct for faster, more public accountability from outside police departments.	Can consider <i>all</i> police misconduct complaints – even those insufficient for lawsuits – with no scope limits.
Less incentive to protect police (some members are not police employees) and may strongly advocate for you in the investigation.	Investigation creates publicly requestable “paper trail” of problem officers within a department.

Before filing a complaint, you should request and receive all information you want [see “Gather Facts” on page 3], unless the complaint due date doesn’t give you time to await copies of records. Please be careful of any deadlines in the various complaint processes.

Criminally Charging a Cop

Many people want to file criminal charges against a police officer after experiencing harm. We understand and agree that serious police injustices should be criminal because of the great power police hold. Yet, our current flawed legal system often protects police from criminal prosecution.

We do not detail a process for seeking criminal charges against a police officer because prosecutors rarely charge them. If you believe your police encounter involved criminal misconduct: we recommend you gather your facts, consult a private attorney as soon as possible, file formal complaints with either the Police Accountability Board or Internal Affairs Office, and consult your attorney about possibly contacting state or local prosecutors.

You may also do your research into the police agency to find other possible avenues for accountability. For example, some police departments – like Baltimore City – may be under a federal consent decree for breaking laws in the past, which may mean a court monitor or federal law enforcement may review complaints and take legal action.¹⁸

Community Healing

Seeking accountability for police harms in court, review boards, and within police departments is a great service to the larger community and important step in protecting people targeted for their race and other identities. However, our legal system doesn’t always prioritize restoring harmed people, nor is it best equipped to do so. Holistic, community-based restoration is gradually entering mainstream and policy discourse in justice. There are longstanding and new organizations and groups which may offer you more direct services now.

- Roberta’s House [<https://robertashouse.org>] is a family grief support network which helps people through the trauma of grief and loss. They provide trauma-informed care and address grief as a public health service. They believe all children, adults, and families suffering the loss or death of a loved one should have support and a safe place to heal and recover.

¹⁸ Additional information about the Baltimore City Police Department’s federal consent decree may be found at the Department of Justice website: <https://www.justice.gov/opa/pr/justice-department-and-baltimore-police-department-provide-progress-report-five-years-after>, and the Baltimore City PD website: <https://www.baltimorepolice.org/transparency/consent-decree-basics>.

- The University of Maryland Rebuild, Overcome, and Rise Center (ROAR) [<https://www.umaryland.edu/roar/>] is a survivor-led, trauma-informed, and healing-centered community that provides holistic support and services for victims of crime and systemic injustice.
- The Coalition of Concerned Mothers (<http://www.cocmdmv.org>) supports community by connecting mothers affected by police and/or community violence. The coalition supports legal, legislative, and community driven change. Coalition of Concerned Mothers is open to anyone in the DC/Maryland/Virginia region.

Beyond these established organizations, you may find more local support in faith groups, people in your social network with similar experiences, and even mental healthcare. An additional list of community and support resources is in Appendix A on page [15](#).

[END]

APPENDIX

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APPENDIX A: COMMUNITY SUPPORTS

Silver Spring Justice Coalition

<https://silverspringjustice.wordpress.com>

SSJC began following the murder of Robert White who was unarmed yet “accosted, pursued, and then shot and killed” by an officer. The organization aims to “create a paradigm shift” in interactions between the community and the police. It is composed of civil and human rights organizations, faith groups, community members, and neighbors of Robert White. SSJC is located in Silver Spring, MD.

Contact: silverspringjustice@gmail.com

Montgomery County Civil Rights Coalition

<https://mococivilrights.wordpress.com/about/>

The coalition consists of organizations and community members who advocate for local, county, state, and national legislation that protect and defend civil rights and liberties. The coalition is based in Montgomery County, MD.

Contact: mococivilrights@gmail.com

The Baltimore Eclipse & West Wednesdays

<https://baltimoreeclipse.wordpress.com/west-wednesday/>

The Baltimore Eclipse analyzes how media portrayals reflect and define our society. Tyrone West was a victim of police brutality. Every Wednesday following his death, his family leads protests entitled West Wednesdays in which they demand justice for Tyrone West and victims of police brutality everywhere. The Baltimore Eclipse and West Wednesdays are based in Baltimore, MD.

Community Empowerment and Police Accountability (CEPA)

<https://twitter.com/cepacoalitionpg?lang=en>

The CEPA Coalition joins people of various racial, ethnic, and religious backgrounds to advocate for police accountability and community upliftment overall. CEPA is located in Prince George’s County, MD.

Resources for Immigrant Support and Empowerment (RISE) Coalition of Western Maryland

<https://www.risewesternmd.com>

RISE is an organization dedicated to the advancement and empowerment of immigrant communities. The coalition provides safe spaces and numerous other resources to immigrant communities. RISE is based in Western Maryland.

CASA

<https://wearecasa.org>

CASA organizes and advocates for Latino and immigrant communities. The organization assists with educational, financial, legal, employment, and more opportunities. CASA currently has offices located in Hyattsville, Silver Spring, Baltimore, Rockville, Langley Park, and Wheaton.

Contact: 1-866-765-2272

Maryland Coalition for Justice and Police Accountability (MCJPA)

<https://www.mcjpa.org>

MCJPA consists of over ninety organizations that support and demand real change of Maryland's policing system. The top five reforms prioritized by this coalition are to repeal LEOBR, restore local control to Baltimore City, make police misconduct investigations transparent, limit law enforcement officer's use of force, and remove police from schools. MCJPA is a statewide organization.

Media Contacts: media@aclu-md.org, adam@lbsbaltimore.com

Community Actively Seeking Transparency (C.A.S.T.)

<https://www.forkathyssake.com/C-A-S-T-.html>

This organization hosts critical community forums to discuss improvements needed in the accountability and transparency of government and police agencies. C.A.S.T. offices are located in Severna Park, MD.

Leaders of a Beautiful Struggle (LBS)

<https://lbsbaltimore.com>

LBS is a grassroots organization that seeks to elevate the public policy interest of Baltimore's black community. The group prioritizes "youth leadership development, political advocacy, and autonomous intellectual innovation." LBS is based in Baltimore, Maryland.

Contact: 410-374-7683 or info@lbsbaltimore.com

Together We Will (TWW): <https://togetherharford.org>

TWW is a neighborhood organization that mobilizes and educates the community to stand up whenever democracy is compromised. TWW supports racial and economic justice, civic engagement, and community empowerment. TWW is located in Harford County/Upper Chesapeake.

Contact: 410-804-3607 or info@togetherharford.org

Coalition for Justice for Anton Black

<https://www.facebook.com/CoalitionForJusticeForAntonBlack/>

At nineteen years old, Anton Black was falsely accused of a crime and later passed away in police custody. This coalition came together to assist Anton's family members and supporters mobilize to fight for answers and receive justice. The Coalition is local to Caroline and neighboring counties.

Contact: coalition4justice4antonblack@gmail.com

Prince George's People's Coalition

<https://www.facebook.com/groups/307736529291436/>

This coalition consists of social justice organizations and concerned community members committed to eliminating oppression within their community. The coalition is based in PG County, Maryland.

Young People for Progress (YPP)

<https://www.yppforprogress.org/our-history>

YPP is a community organizing, social justice group for those 35 and younger. It aims to empower children and young adults by working on issues such as voting, education, and police reform. The group successfully created the Police Incident and Documentation PIDP, a civilian account of Montgomery County's police incidents. Through YPP, civilians are connected with pro bono legal resources. YPP is located in Montgomery County, MD.

APPENDIX B: INCIDENT MEMORY FORM



GUIDE QUESTIONS

WHEN?

- ☐ Think context: a call/text time stamp, a recent meal, the sun's sky position - to pinpoint timing.

WHO?

- ☐ Think details of officer clothes, colors/markings of police cars – don't assume, confirm!

WHERE?

- ☐ Think landmarks, mile markers, or nearby road signs.

WHAT?

- ☐ Record everything you remember – just write everything down and fix the time order later.

WHY?

- ☐ Think of what officers told you, even if it doesn't make sense. Also, write down your inklings or suspicions about why they really violated your rights.

police incident memory chart

When? Who? Where?

WHAT? WHY?

List any witnesses, video, photos, recordings, other here.

APPENDIX C: LEGAL SERVICES

Police Misconduct Attorneys

Brown Law

1 North Charles Street
Suite 1301
Baltimore, Maryland 21201
410.244.5444

Brown, Goldstein, Levy

120 East Baltimore Street
Suite 1700
Baltimore, Maryland 21202
410.962.1030

Hansel Law

2514 N Charles Street
Baltimore, Maryland 21218
301.461.1040

Joseph, Greenwald, & Laake, PA

111 Rockville Pike
Suite 975
Rockville, Maryland 20850
877.412.7429

Dwight Pettit, P.A.

3606 Liberty Heights Avenue
Baltimore, Maryland 21215
410.542.5400

Roberts & Wood

6801 Kenilworth Avenue
Suite 202
Riverdale, Maryland 20737
301.699.0764

APPENDIX C: LEGAL SERVICES

Maryland Bar Lawyer Referral Services

Source: msba.org/public/lawyer-referral.aspx

These services may provide relevant attorney referrals for a small flat fee. Counties that do not have their own referral service are supplied with numbers for offices in neighboring counties. We recommend starting with the county where your case is active, or a county near where you live.

Allegany County	301.525.9995
Anne Arundel County	410.280.6961
Baltimore City	410.539.3112
Baltimore County	410.337.9100
Calvert County	410.535.6100
Caroline County*	410.337.9100
Carroll County	410.337.9100
Cecil County	410.337.9100
Charles County*	410.535.6100
Dorchester County*	410.337.9100
Frederick County	410.337.9100
Garrett County	301.525.9995
Harford County	410.337.9100
Howard County*	301.279.9100
Kent County*	410.337.9100
Montgomery County	301.279.9100
Prince George's County	301.952.1440
Queen Anne's County*	410.337.9100
Saint Mary's County	410.535.6100
Somerset County*	410.337.9100
Talbot County*	410.337.9100
Washington County*	301.525.9995
Wicomico County*	410.337.9100
Worcester County*	410.337.9100

JUSTIS Connection

A legal referral service promoting attorneys of color in the District of Columbia, Maryland, Virginia area. 240.391.8535 | justisconnection.com

Maryland Volunteer Lawyers Service

410. 547. 6537 | 800.510.0050

Maryland Legal Aid Bureau

Allegany/Garrett	888.465.2468
Baltimore City	410.951.7750
Anne Arundel/Howard	410.972.2700
Baltimore County	410.427.1800
Cecil/Harford	410.836.8202
Howard	410.480.1057
Lower Eastern Shore	410.546.5511
Midwestern Maryland	888.465.2468
Montgomery	888.465.2468
Prince George's	301.560.2101
Southern Maryland	888.465.2468
Upper Eastern Shore	410.763.9676

APPENDIX D: TEMPLATES & ATTACHMENTS

POLICE RECORDS PUBLIC INFORMATION REQUEST SAMPLE

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

(Police Department Public Information Custodian)

(Department Name)

(Street Number & Name)

(City, ST ZIP)

Re: Maryland Public Information Act Request

Dear Custodian of Records:

This is a request under the Maryland Public Information Act as amended, General Provisions Article, Sections 4-101 to 601. I would like a copy of all records in your custody and control regarding:

A police stop by _____ (officer name/s), on _____
(date) around _____ (time) at _____ (location),
involving _____ (details) including, but not limited to:

- Any video and/or audio recordings;
- Incident reports;
- Canine unit logs;
- Radio logs;
- Charging documents;
- Traffic violation warnings, tickets, and/or citations;
- Complaint control card;
- Results of test(s) for alcohol concentration;
- Results of test(s) for drugs; and
- all disciplinary records for the officers named in the incident report.

If some portions of the requested records are not disclosable, please provide all disclosable records under the act. If all or any part of this request is denied, please provide the reasons for denial, the legal basis for denial, a brief description of the record, and any available remedies as required by Md. Code, Gen. Prov., § 4-203(c)(1).

Please advise me of the cost for the collection and copies for the records. Also, please inform me of your criteria for fee waivers for inability to pay.

If I do not receive a notice in 10 days and a response in 30 days, I will assume that my request is denied and consider any available remedies. Please contact me with questions about the request at my address or the following phone: _____.

Yours truly,

(sign here)

LOCAL TORT NOTICE LETTER SAMPLE

Sample Notice of Tort Claim Under Local Government Tort Claims Act

Date

**Deliver In Person or by
Certified Mail, Return Receipt Requested**

City Solicitor
City Hall
100 North Holliday Street
Baltimore, MD 21202

Dear City Solicitor:

Pursuant to the Annotated Code of Maryland, I hereby submit a claim based upon actions by the Baltimore City Police Department.

1) Summary of Facts [This is just an example to help you determine what *kind* of information to include. You will describe the incident that happened to *you*. Be sure to include the time, the place, and the cause of the damage you sustained.]

On [date], I was approached by Officer [name]... I was later arrested and taken to Central Booking where I was informed that the charges had been dropped. I feel that I was arrested without probable cause.

2) Claims

It is my intention to pursue tort claims against the officer who wronged me in this manner and against Baltimore City, including but not limited to, claims of wrongful arrest under the Fourth Amendment of the U.S. Constitution and Article 24 of the Maryland Declaration of Rights.

3) Damages

I demand \$ _____ in settlement of the claims set forth above. (NOTE: \$400,000 is the maximum amount a local government is allowed to pay per individual claim under the Local Government Tort Claims Act. \$400,000 is the maximum amount under the Maryland Tort Claims Act.)

4) Parties

The Officer involved was [name] of the [District]. I was the victim of this action; my address is listed below.

Sincerely,

[sign your name and then print/type your name, address and phone number]

MARYLAND TORT NOTICE LETTER SAMPLE

Sample Notice of Tort Claim Under Maryland Tort Claims Act

Date

**Deliver In Person or by
Certified Mail, Return Receipt Requested**

Dereck E. Davis
c/o Insurance Division
Louis L. Goldstein Treasury Building
80 Calvert Street, Room 442
Annapolis, MD 21404

Dear Mr. Davis:

Pursuant to the Annotated Code of Maryland, I hereby submit a claim based upon actions by the Maryland State Police.

1) Summary of Facts [This is just an example to help you determine what *kind* of information to include. You will describe the incident that happened to *you*.. Be sure to include the time, the place, and the cause of the damage you sustained.]

On [date], I was approached by Office [name]... I was later arrested and taken to Central Booking where I was informed that the charges had been dropped. I feel that I was arrested without probable cause.

2) Claims

It is my intention to pursue tort claims against the officer who wronged me in this manner and against Baltimore City, including but not limited to, claims of wrongful arrest under the Fourth Amendment of the U.S. Constitution and Article 24 of the Maryland Declaration of Rights.

3) Damages

I demand \$ _____ in settlement of the claims set forth above. (NOTE: \$400,000 is the maximum amount the state is allowed to pay per person per incident under the Maryland Tort Claims Act.)

4) Parties

The Officer involved was [name] of the [District]. I was the victim of this action; my address is listed below.

Sincerely,

[sign your name and then print/type your name, address and phone number]

LOCAL TORT NOTICE GOVERNMENT ADDRESSES

Addresses for Notice of Tort Claim Pursuant to the Local Government Tort Claims Act

If the incident involved an employee or agency of a *local* government (for example, a county or municipality), send your letter (either in person or by certified mail, return receipt requested, as follows:

<u>For incident in:</u>	<u>send letter to:</u>
Baltimore City	City Solicitor City Hall 100 North Holliday Street Baltimore, MD 21202

[Note: If your complaint is against the Baltimore City Police Department, you should also send a letter claiming damages under the Maryland Tort Claims Act to: Dereck E. Davis; c/o Insurance Division; Louis L. Goldstein Treasury Building; 80 Calvert Street, Room 442; Annapolis, MD 21404.]

<u>for incident in:</u>	<u>send letter to:</u>
Howard County	County Executive
Montgomery County	County Executive
Anne Arundel County	County Attorney <u>or</u> County Solicitor
Baltimore County	County Attorney <u>or</u> County Solicitor
Frederick County	County Attorney <u>or</u> County Solicitor
Harford County	County Attorney <u>or</u> County Solicitor
Prince George's County	County Attorney <u>or</u> County Solicitor
All other Maryland counties	County Commissioners <u>or</u> County Council <u>or</u> "corporate authorities of ... local government" (for municipalities)

PATIENT MEDICAL RELEASE FORM

AUTHORIZATION TO DISCLOSE INFORMATION

Patient Name: _____ Date of Birth: _____ DOC# _____

1. I, _____ [patient], hereby authorize _____ [institution] ("you") to furnish full and complete medical records, including records containing private health information, or a copy thereof, requested by _____ [designee]. For purposes of this authorization, "information" means all records or knowledge concerning my health, any injuries, medical history, mental and physical conditions, before and after the date of this authorization, regardless of the time of occurrence. For purposes of this authorization, the term "records" includes, but is not limited to, written or graphic documentation, including notes, billing records or statements, sound recordings, computer records and diagnostic documentation such as X-rays, lab test results, or other test results. This authorization also extends to the release of any records received by you from other providers.

2. You are requested to cooperate and communicate directly with _____ [designee] and furnish such information as may be requested and to assist in the collection of any and all information requested. You should not disclose information to any other person without my written authorization unless required by law to do so.

3. I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug abuse.

4. This information may be disclosed to and used by _____ [designee]. I agree that: (1) This authorization overrides any existing agreement to restrict information pursuant to 45 CFR 164.502(b)(2)(ii); (2) I understand that I have a right to revoke this authorization in writing by mailing the revocation to _____ [designee] or to _____ [institution] ("you"); (3) A copy of this authorization is as valid as an original; (4) I understand that the information provided pursuant to this release might be re-disclosed as necessary for purposes of representing me and no longer protected under HIPAA; and (5) I have read and understood this authorization.

5. I understand I have the right to revoke this authorization at any time. I understand if I revoke this authorization I must do so in writing. I understand the revocation will not apply to information that has already been released in response to this authorization. This authorization will expire **two years** from the date written below, opposite to my signature.

6. I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I need not sign this form in order to assure treatment. I understand I may inspect or copy the information to be used or disclosed, as provided in 45 CFR 164.524. I understand any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal confidentiality rules.

Patient Signature

Date

APPENDIX E: THE DIFFERENT PLEAS

The definitions of the pleas and terms in this chart are taken from the Maryland Courts “Glossary of Court Terms” website, available at <https://mdcourts.gov/reference/glossary>.

TYPE	DESCRIPTION	RESULT
ALFORD PLEA	A special type of guilty plea by which the defendant does not admit guilt but concedes that the State has sufficient evidence to convict; normally made to avoid the threat of greater punishment.	Accepting or agreeing to this plea is treated as conviction.
GUILTY	The word used by an accused in pleading to the charges when he confesses to committing the crime of which he is charged. It is also used by the judge if he finds that the accused committed a criminal offense or a traffic infraction.	Accepting or agreeing to this plea is treated as conviction.
INSANITY PLEA	A claim that the defendant lacks the soundness of mind required by law to accept responsibility for a criminal act.	Accepting or agreeing to this plea is treated as a conviction.
NOLO CONTENDERE	Latin term meaning “I will not contest it.” The name of a plea in a criminal action having the same legal effect as a plea of guilty so far as regards all proceedings in the case and on which the defendant may be sentenced.	Accepting or agreeing to this plea is treated as a conviction.
NOT GUILTY	A plea refusing responsibility for or innocence of a charge.	Accepting or agreeing to this plea is equivalent to acquittal; however, this is typically only offered in exchange for conviction on a different charge.
NOTABLE TERMS: THESE ARE NOT “PLEAS” THAT A PERSON CAN MAKE IN RESPONSE TO A CRIMINAL CHARGE. HOWEVER, THEY ARE IMPORTANT TO UNDERSTAND.		
PROBATION BEFORE JUDGMENT (PBJ)	A conditional avoidance of imposition of sentence after conviction; failure to satisfy the terms and conditions may cause imposition of sentence after a finding of violation of probation.	While this may change a sentence, a PBJ is still treated as a conviction.
EXPUNGEMENT	The effective removal of police and/or court record from public inspection.	After a conviction, some lesser offenses may be eligible for the purge of court and police records, which removes the history of the conviction.
ACQUITTAL	The finding of a judge that the evidence is insufficient to support a conviction, or a verdict that the accused is not guilty.	This is the court result equivalent to “innocence” of a charge, but the charge may remain publicly visible.
NOLLE PROSEQUI (“NOL PROS”)	Latin phrase meaning “to be unwilling to proceed.” A formal motion in a case by the prosecutor,	This result is not treated as conviction.

APPENDIX E: THE DIFFERENT PLEAS

STET	indicating that the charges will not be prosecuted. Latin meaning “to stand.” A conditional stay of all further proceedings in a case. On motion of the prosecutor, the court may indefinitely postpone trial of a charge by marking the charge “stet” on the docket.	This result is not treated as conviction, but prosecutors may reactive the charges within a certain time period.
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