

STATE OF MARYLAND

v.

JAMES D. BURT

Defendant

*** IN THE**

*** CIRCUIT COURT FOR**

*** ALLEGANY COUNTY**

*** CASE NO.: C-01-CR-25-000569**

*** * * * ***

CRIMINAL INDICTMENT

The Grand Jurors for the State of Maryland, for the body of Allegany County, do on their Oaths and affirmations, present the following:

I. INTRODUCTION AND BACKGROUND

At all times relevant to this Indictment:

1. JAMES D. BURT (“BURT”) was born in 1973. BURT was 6 feet 4 inches in height and weighed approximately 250 pounds. BURT served as a sworn law enforcement officer employed with the Cumberland Police Department (“CPD” or “the Department”) since approximately June 2003.
2. In or about July 2003, BURT took the Oath of Office as a CPD Law Enforcement Officer.
3. Beginning in or about November 2021, BURT held the rank of Captain with CPD, serving as the only Captain in the entire police department, second in command to the Chief of Police. As the sole Captain of the Department, BURT was a supervisor to every sworn officer within CPD.
4. While serving as a sworn law enforcement officer with CPD, BURT held various additional roles, including but not limited to, Acting Chief of Police beginning in or about January 2023 through February 2023; the Recruitment Liaison, which made BURT responsible for guiding

new police recruits through the police academy and monitoring their time and progress; and the Training Coordinator, which made BURT responsible for ensuring that CPD officers were up to date on all training topics, including ethics, fraternization, defense tactics, and sexual harassment, among others.

5. In or about March 2019, BURT graduated from the Federal Bureau of Investigation (“FBI”) National Academy Program at Quantico, Virginia, which consisted of ten weeks of advanced leadership, communication, and fitness training.

6. In or about December 2022, BURT completed a course through Police One Academy, entitled “De-escalation and Minimizing Use of Force.”

7. From in or about April 2012 through in or about April 2021, BURT completed numerous courses of study through the Allegany College of Maryland, Center for Continuing Education & Workforce Development. The courses BURT completed included, but were not limited to: “Mental Health for the Criminal Justice System: Anger Management.” (April 2012); “Ethics and Integrity for the Public Safety Officer” (March 2014); “Sex Offenses: Maryland’s Legal Approach (September 2015); “Leadership and Succeeding as a Supervisor” (February 2017); and “Comprehensive Wellness and Safety Workshop for Law Enforcement Officers: Strategies for Stress Reducing and Enhancing Resilience” (April 2021).

8. In or about April 2022, BURT completed a Leadership training through the Department of Homeland Security’s Federal Law Enforcement Training Center, entitled “Leading through Crisis and Implementing Change.”

9. BURT completed multiple trainings on Internal Affairs (“IA”) investigations and Adjudication of Misconduct cases for police through the Maryland Police and Correctional Training Commission.

10. On or about September 20, 2022 and November 22, 2024, BURT attended CPD Defense Tactics Training, where officers were trained that an officer “may not use force against a person unless, under the totality of the circumstances, the force is necessary to and proportional to prevent an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective.” BURT and other officers were also taught pressure point techniques and that “wrist manipulation and pain compliance” techniques “are used as a means of control[.]” At each of these Defense Tactics Trainings, BURT signed a “Sanctity of Life Pledge,” promising that at all times, whether on duty or off duty, he would “respect every human life and act with compassion towards others.”

11. During his tenure as a leader of the Department, BURT commonly referred to young female CPD officers as his “daughters” or his “babies” and referenced his rank as the Captain of the Department and his role in hiring the officers when communicating with the female officers and prospective female CPD police officers.

12. Beginning at a time unknown, but at least 2024, Captain BURT regularly physically assaulted younger female CPD officers in the presence of other subordinate female officers, by applying various pain compliance pressure points to them while the female officers and BURT were on duty and working inside the CPD building. Pain compliance pressure points target nerve bundles and sensitive areas to cause temporary pain, disorientation, or submission. The pressure point techniques BURT used on the female CPD officers were taught in Defense Tactics Trainings that BURT and the other officers attended, as a law enforcement technique used to garner compliance from a noncompliant suspect, typically during an arrest, due to the pressure points causing physical pain.

II. **VICTIM 1**

13. Paragraphs 1 through 12 of this Indictment are incorporated as though fully set forth herein.

14. VICTIM 1, born in 1993, was a female police officer with CPD, beginning in approximately February 2024, and held the rank of Patrol Officer.

15. When hired by CPD in February 2024, VICTIM 1 entered into a two-year probationary period with the department, meaning she was vulnerable to termination without cause at any time during this period.

16. Shortly after VICTIM 1 graduated from the police academy and formally joined CPD as a Patrol Officer, and continuing through at least April 2025, BURT would routinely walk up to VICTIM 1 (whom he supervised) while she was working and apply pain compliance pressure points to her, without warning. BURT applied these painful pressure points in various locations on VICTIM 1's body, including, but not limited to, the pressure points behind her ear and on her hands.

17. On April 23, 2025, VICTIM 1 encountered BURT in the enclosed stairwell of the CPD building, when she was travelling down the stairs, while BURT had been coming up the stairs. BURT put his arm up toward VICTIM 1 and approached her. Fearing BURT was about to assault her, VICTIM 1 put her arm up to protect herself, at which time BURT told VICTIM 1 "no, no, I just want to give you a hug" as he leaned in and hugged VICTIM 1 and slowly kissed her neck while breathing in, in a sensual manner.

COUNT ONE **(Misconduct in Office)**

18. In or about mid-December 2024 through April 2025 (due to the passage of time and the nature of the offense and the continuing course of conduct, the State is unable to further specify

the date(s)), at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer when he physically assaulted VICTIM 1, whom he supervised, by applying pain compliance pressure points to VICTIM 1 when BURT and VICTIM 1 were on duty working inside the Cumberland Police Department, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law

CJIS Code 2-0645

Penalty: Anything not cruel and unusual

COUNT TWO
(Second Degree Assault)

19. In or about mid-December 2024 through April 2025 (due to the passage of time and the nature of the offense and the continuing course of conduct, the State is unable to further specify the date(s)), at Allegany County, Maryland, JAMES D. BURT, did assault VICTIM 1 in the second degree in violation of CR 3-203, by applying pain compliance pressure points to VICTIM 1 when VICTIM 1 was on duty working inside the Cumberland Police Department, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the State.

CR 3-203(c)(2)

CJIS Code 1-1415

Penalty: 10 years and/or \$5,000

COUNT THREE
(Misconduct in Office)

20. On or about April 23, 2025 at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit

misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer when he kissed VICTIM 1 on her neck while inside the Cumberland Police Department building, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law

CJIS Code 2-0645

Penalty: Anything not cruel and unusual

COUNT FOUR
(Second Degree Assault)

21. On or about April 23, 2025, at Allegany County, Maryland, JAMES D. BURT, did assault VICTIM 1 in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the State.

CR 3-203(c)(2)

CJIS Code 1-1415

Penalty: 10 years and/or \$5,000

COUNT FIVE
(Fourth Degree Sex Offense)

22. On or about April 23, 2025, at Allegany County, Maryland, JAMES D. BURT, did unlawfully commit a sex offense in the fourth degree upon VICTIM 1, in violation of CR 3-308 by engaging in sexual contact with VICTIM 1 without VICTIM 1's consent.

CR 3-308(b)(2)

CJIS Code 4-3600

Penalty: 1 year and/or \$1,000

III. VICTIM 2

23. Paragraphs 1 through 17 of this Indictment are incorporated as though fully set forth herein.

24. VICTIM 2, born in 1998, was a female police officer with CPD, holding the rank of Patrolman First Class, from approximately 2018 continuing through her resignation in or about August 2024.

25. While VICTIM 2 was employed as a police officer with CPD, Captain BURT would frequently send VICTIM 2 text messages that were personal in nature, such as “your smile is beautiful.”

26. While VICTIM 2 was employed by CPD, through at least August 2024, BURT would routinely walk up to VICTIM 2 (whom he supervised) while she was working and apply pain compliance pressure points to her, without warning. BURT applied these painful pressure points in various locations on VICTIM 2’s body, including, but not limited to, the pressure points behind her ear and on her hands.

27. After her resignation from CPD in August 2024, VICTIM 2 became a Sheriff’s Deputy with the Allegany County Sheriff’s Office.

28. On March 15, 2025, VICTIM 2 attended the Hooley Pub Crawl in her personal capacity, with VICTIM 4, a friend of VICTIM 2’s who was a federal correctional officer. Held annually each March, the Hooley Pub Crawl is an Irish festival in downtown Cumberland, Maryland, featuring music and other entertainment. While on duty and working for CPD in order to assist in crowd control and ensuring participant safety at the Pub Crawl, BURT approached VICTIM 2 and grabbed her around the chest/shoulder area and applied a pressure point behind her ear.

29. On April 11, 2025, while employed as a Sheriff’s Deputy with the Allegany County Sheriff’s Office, VICTIM 2 was participating in a “warrant sweep” operation, where officers from the Allegany County Sheriff’s Office were working with officers from CPD to go out into the

community to attempt to serve numerous outstanding arrest warrants. On this date, BURT approached VICTIM 2 from behind while she was at CPD preparing to execute arrest warrants with other officers, and grabbed her, pulled the hood of her sweatshirt over her face, and then forcibly grabbed VICTIM 2 by her hair and shoved her head in the back of her police vehicle.

COUNT SIX
(Misconduct in Office)

30. In or about January through August 2024 (due to the passage of time and the nature of the offense and the continuing course of conduct, the State is unable to further specify the date(s)), at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer when he physically assaulted VICTIM 2, whom he supervised, by applying pain compliance pressure points to VICTIM 2 when BURT and VICTIM 2 were on duty working inside the Cumberland Police Department, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law
CJIS Code 2-0645
Penalty: Anything not cruel and unusual

COUNT SEVEN
(Second Degree Assault)

31. On or about March 15, 2025, at Allegany County, Maryland, JAMES D. BURT, did assault VICTIM 2 in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the State.

CR 3-203(c)(2)
CJIS Code 1-1415

Penalty: 10 years and/or \$5,000

COUNT EIGHT
(Misconduct in Office)

32. On or about April 11, 2025, at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer on duty when he physically assaulted VICTIM 2 when BURT and VICTIM 2 were outside of the Allegany County Sheriff's Office preparing to conduct a warrant operation, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law

CJIS Code 2-0645

Penalty: Anything not cruel and unusual

COUNT NINE
(Second Degree Assault)

33. On or about April 11, 2025, at Allegany County, Maryland, JAMES D. BURT, did assault VICTIM 2 in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the State.

CR 3-203(c)(2)

CJIS Code 1-1415

Penalty: 10 years and/or \$5,000

IV. VICTIM 3

34. Paragraphs 1 through 17 and 23 through 29 of this Indictment are incorporated as though fully set forth herein.

35. VICTIM 3, born in 1997, was a female police officer with CPD beginning in approximately 2020, and held the rank of Patrolman First Class.

36. While employed at CPD, throughout the calendar year of 2024, BURT would routinely walk up to VICTIM 3 (whom he supervised) while she was working and apply pain compliance pressure points to her, without warning. BURT applied these painful pressure points on VICTIM 3's body, including, but not limited to, the pressure points on her hands/wrists.

COUNT TEN
(Misconduct in Office)

37. In or about 2024 (due to the passage of time and the nature of the offense and the continuing course of conduct, the State is unable to further specify the date(s)), at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer when he physically assaulted VICTIM 3, whom he supervised, by applying pain compliance pressure points to VICTIM 3 when BURT and VICTIM 3 were on duty working inside the Cumberland Police Department, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law
CJIS Code 2-0645
Penalty: Anything not cruel and unusual

V. VICTIM 4

38. Paragraphs 1 through 17, 23 through 29, and 34 through 36 of this Indictment are incorporated as though fully set forth herein.

39. VICTIM 4, born in 1998, was a correctional officer at the Federal Correctional Institution ("FCI") located in Cumberland, Maryland.

40. On March 15, 2025, VICTIM 4 attended the Hooley Pub Crawl with VICTIM 2, who was a friend of VICTIM 4's. While working and on duty on March 15, 2025, after being introduced to VICTIM 4 for the first time, BURT, who served as the recruitment liaison for the Cumberland Police Department at the time, squeezed VICTIM 4's bicep, while suggesting she should come work for CPD because of her physical appearance.

COUNT ELEVEN
(Misconduct in Office)

41. On or about March 15, 2025, at Allegany County, Maryland, JAMES D. BURT, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer when he squeezed VICTIM 4's bicep, while suggesting she should come work for the Cumberland Police Department because of her physical appearance, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law

CJIS Code 2-0645

Penalty: Anything not cruel and unusual

Charlton T. Howard, III
Maryland State Prosecutor

By:

Mary W Setzer

Mary W Setzer, Esquire
Abigail E. Ticse, Esquire
Senior Assistant State Prosecutors
Office of the Maryland State Prosecutor
300 East Joppa Road, Suite 410
Towson, Maryland 21286
Phone: (410) 321-4067
Fax: (410) 321-3851
Mary.Setzer@maryland.gov
AIS No. 1212130272
Abigail.Ticse@maryland.gov
AIS No. 1612149924