

CARROLL COUNTY POLICE ACCOUNTABILITY BOARD

2024 YEAR END REPORT

Quarterly meetings: held in March, June, September and December 2024. Additionally, a joint session between PAB (Police Accountability Board)/ACC (Administrative Charging Committee)/LEA (Law Enforcement Agencies) and Wayne Silver (Executive Director, Police Training and Standards Commission) in April 2024, and administrative working sessions held on an ad hoc basis as needed. Each quarterly meeting was an opportunity for LEA to provide reports, and to also make the PAB aware of trends within the law enforcement community. At each PAB meeting, there was a brief review of the matters that the ACC had heard over that quarter, as well as general information regarding any changes in policy, upcoming trainings and events, etc. More comprehensive reviews of the ACC cases were provided to PAB in administrative sessions.

Trainings/Other: ACC members participated in the one-day follow up round table at the Department of Public Safety and Correctional Services Training Center in Sykesville, which has been a good way to connect with other jurisdictions and compare notes of process and procedures. One day PAB training was also attended by current members and new appointees. 40 hour mandatory training attended by newly appointed ACC members. ACC Chair, Tom Beyard, assisted with mental health training for LEA in May. PAB chair participated in PERF (Police Executive Research Forum) questionnaire information gathering. Local LEA participated in the PERF conference regarding that information.

PAB Board observations/recommendations:

Administrative tasks for both PAB & ACC: the time and energy needed to support the Boards has increased and it is likely to continue to do so. The Board chairs work with County Attorney and the administrative assistant in charge of these two boards but much of the hard work falls on that administrative assistant. That individual is responsible for coordinating the case information for ACC matters, in confirming room arrangements, tech arrangements, agendas, etc. for all meetings, for managing the applications for new board members, and keeping that information up to date, for keeping minutes for ACC meetings and preparing the final ACC decisions for signature and delivery, and for keeping up to date on what other counties are doing and keeping ACC/PAB abreast of any updates. We would recommend additional funding to the County Attorney's Office in recognition of the added work load of these boards. Given the current time commitment for the volunteers on these two bodies, there is little additional time available to extend the information regarding the PAB/ACC process out into the local community, and no provision for financial resources for the PAB to initiate any county-wide citizen education program. That would be something for future PAB members to consider, namely adding some kind of community outreach educational program as to the PAB/ACC process, so that members

of the general public can become more informed and have a better understanding of the efforts of all stakeholders in these processes, and also develop a better understanding of what the complaint process itself involves, both from the point of view of the complainant and from the law enforcement agency perspective. We also recommend that the County include funds in the PAB budget so as to support such a program of community outreach and education. Aside from the need to make the general public aware of the complaint process and to give them a better understanding of reasonable expectation for citizen encounters with law enforcement, a robust community outreach program would also generate more citizen awareness of the overall PAB/ACC board operations, thus potentially increasing the pool of possible applicants for future board openings (see additional discussion below on “Board membership and continuity”).

Communication and Technology: While initially it was assumed that a County email address would be the best way to communicate for members of both the PAB and the ACC, that has proven to be less crucial now that the ACC has been provided with County issued tablets, which is how the ACC gets the investigative case files prior to ACC meetings. It has been very helpful to have the case files provided by the LEA to the County Attorney’s Office in advance of the ACC meeting dates, as the ACC members can now collect their tablets and review the files ahead of time. This has reduced the time needed for the agency to present, and has made the process more streamlined.

That said, there have been some technology challenges presented in terms of getting case information for the ACC members to review. The video files and audio files are on occasion cumbersome to navigate, and the accessibility of those files varies between the local law enforcement agencies. Additionally of note is the component of the “investigative report”, which the ACC finds an essential part of any investigative file which it reviews. Some of our local agencies regularly provide such a report which provides the ACC with a valuable tool and an overview of the complaint, a summary of the investigation and a ready identification of any agencies’ policies alleged to have been violated. These summaries/reports help the ACC members to frame their review of the video, audio, and written material in the case file in a way that is efficient and organized. For the local agencies that do not regularly provide such a summary as part of the investigative files forwarded to the ACC, we would encourage them to consider adding that to their file, as it helps the ACC to expedite their review and ultimately the deliberation portion of the ACC process.

In order to make all the information easily accessible to the ACC members we would like to see some dedicated technological assistance from the County, ideally someone that can also be a resource for the local agencies and perhaps assist in developing some standardized system for obtaining these various files to make them more user friendly. If the ACC members are unable to access case materials readily, there is the potential for greater delays in reviewing the investigative files, and by extension in then making the ACC recommendations.

As a special report from the ACC regarding technology, the departing ACC informal tech specialist Dean Horvath has provided a more detailed description of the ACC technology arena as follows (*in italics*):

Carroll County Administrative Charging Committee (CCACC)

End of CY 2024 Information Technology Discussion

The information technology environment supporting the ACC has evolved over the initial two years of CCACC case reviews. This evolution is the combined effort of the CCACC, the county law enforcement agencies and, the County Attorney's office and the county Technology Services organization.

As 2024 ends, county law enforcement agencies provide the county attorney's office with digital evidence on removable media that is further transferred to iPad tablets prior to the case review by the CCACC. CCACC members travel to Westminster (typically in the week prior to scheduled CCACC meetings) to pick up the tablets. This allows CCACC to review documentary and video evidence provided by the agencies in advance of case deliberations. CCACC members then return to the tablets to the County Attorney's office after meeting.

CCACC members use these tablets to review three categories of data in advance of monthly meetings:

- *Documentary (investigations, incident/arrest reports, computer-aided dispatch logs, policy and legal references). These are usually either Word or .pdf files that are easily recognized and displayed by the Apple tablets in current use.*
- *Video (officer-worn, in-car and surveillance video). These arrive in a variety of video formats, depending on the agency delivering the content. Of note, at least one county agency (Manchester) delivers its video as .avi files. These are NOT natively played as the Apple tablets are currently configured.*
- *Audio (interviews, dispatch calls). These have been mostly .mp4 and .wav files.*
- *In addition to the germane documentary and video files, some agencies are also including material that is essentially residue of their data extraction process (typically in the form of .js or .xml files...but there are many others). While these are not usable by CCACC members, the directories they reside in must be explored to ensure they don't contain usable documentary or media files. This is unnecessarily time consuming, and –while it hasn't happened yet— creates the potential for pertinent evidence to be overlooked.*

The current process has been mostly successful, but has not been without challenges. While some (such as general user familiarity with Apple/iOS devices

and touchscreen interfaces) are beyond the scope of this discussion, the following recommendations are offered to improve the CCACC's efficiency when reviewing digital evidence.

- 1. The County Attorney and Technology Services organizations should collaborate with the technology subject matter experts in each county law enforcement agency to determine the final user formats of video and audio files from their investigative systems as the agencies deliver them to the County Attorney.*
- 2. The Technology Services organization should ensure the devices provided to CCACC members (whether the current iPad tablets or a different future solution) are then capable of playing all the media types that may be delivered.*
- 3. County law enforcement agencies should deliver ONLY the pertinent documentary, video and audio files to the county attorney. This will eliminate the need for CCACC members to search data-dense directories of non-germane content.*
- 4. The County Attorney and Technology Services organization should explore a secure portal/online repository of final documentary and media files accessible to CCACC members via the web. This would eliminate the need to configure five separate tablets for each monthly meeting and eliminate the need for physically exchanging tablets each month.*

Also helpful to the PAB is the written quarterly report from the Westminster City Police Department, as it gives us a snapshot of that agency's current disciplinary matters. While we acknowledge that this type of written summary is likely more burdensome for the smaller agencies, it has been a plus from the PAB viewpoint, and supports a trend towards greater transparency which aligns with the foundational goals of the Police Accountability Act.

Additionally, the Carroll County Sheriff's Office has taken the lead in developing a more streamlined protocol for situations when a complaint is readily discounted by viewing the available video. The ACC supports this development, as it will allow the agency to focus more time and attention to those complaints which are more serious in nature, and allows for the officers to move through the ACC system more efficiently in cases where the complaints are clearly not supported by any evidence. We anticipate that the other local agencies will develop similar protocols as well. The ACC will be formally amending its' Rules of Procedure to include this streamlined process at its' upcoming January 2025 meeting.

Board membership and continuity: The theme of recruitment and retention for LEA continues to be an important consideration for those agencies, and as a parallel the same is true for the PAB and ACC bodies. In particular the time commitment for members of the ACC is substantial— with the initial 40 hour training being just the beginning of that time commitment. There are the

monthly meetings, for which there are often significant investigative case files to review in advance. Some of the cases presented this year included hours of body worn and in car video and recorded statements as well as a thorough review of the written investigation materials. While we recognize that the legislation imposed an unfunded mandate upon the County, we also note that a robust PAB and ACC keeps the process moving forward, both in efficient handling of law enforcement disciplinary matters and in providing resources for developing additional programs which address the need for community education, outreach and transparency. We recommend that the Commissioners consider increased funding to the County Attorney for administrative support as noted previously, and increased stipends in recognition of the time and energy these Board members contribute. We also recommend amending the resolution to create 3 year terms (instead of 2 year terms)—this is based upon the training requirements for the ACC members, and new training programs being created for the PAB members. It takes several months to get acclimated to the process and to develop some familiarity with the various stakeholders involved in these matters, and a three year term would afford more time for board members to learn the ropes and then be able to more actively participate in the boards. It would also help to ease the crunch of having to regularly and rapidly fill vacant board positions. We would recommend that the Commissioners reach out to other counties to compare notes on how they have structured their boards, rather than trying to reinvent the wheel. Also consider whether it might be wise to allow for slightly increased board sizes, so that maintaining a quorum is easier (perhaps by adding two members to each, for a total of 7 members for both the PAB and ACC). Additionally, the Commissioners may want to brainstorm ways to make Board participation more accessible for individuals who are employed (full or part-time), or who are juggling child care or other constraints which would make it more challenging for them to otherwise volunteer for these Boards.

On-going goals: install the ACC case tracker (this has been updated and is ready for addition to the PAB webpage, however the County will need to assist with this matter); add a compliment form to the PAB website (this can be similar to the compliment forms on some of the local law enforcement agencies website, however it will also require some coordination with County IT to establish); polish up the existing PAB complaint form to include a section for complaints of a “rights violation” nature, which are general in nature (the current form on the PAB webpage is fairly comprehensive in its current format, and provides for complainant attachments as well, however the future PAB members may wish to revisit this periodically to insure that the form is as “user-friendly” as possible).

Review of 2024 ACC matters:

January: the ACC reviewed one matter, which was a citizen complaint to the local agency stemming from a stop and search, the complaint alleging sexually inappropriate touching and property damage during the course of that search. The ACC determined no violations of policy occurred, nor any evidence of either property damage or sexually inappropriate contact, thus the officer was not administratively charged, however, the ACC grappled with some of the other

aspects of the case, particularly the length of the stop, the location and circumstances surrounding the stop, and the sense that the underlying complaint actually stemmed from a basic rights complaint rather than the matters that the complainant had alleged. This case was a learning experience for the ACC in terms of overall case considerations and resulted in the ACC also tightening up its procedures to ensure that time frames were being followed. It also led to considerations of adding an additional section to the PAB complaint form to citizens for whom their complaint falls more under the general category of constitutional rights violations, rather than a specific statutory or departmental policy based complaint.

February: there were two citizens' complaints which originated from the PAB website complaint form. One involved a correctional officer, and thus did not fall under the jurisdiction of the ACC for review. The other was a complaint with very little information provided, stemming from a matter that had already been resolved in a Circuit Court hearing, and thus was not subject to the ACC review process. Both were handled directly by the agency responding to both complainants.

March and April: no cases were forwarded to the ACC.

May: one case originated from a complaint to the local agency, involving an allegation of officer speeding and using a computer while driving. The ACC found no evidence to support the complaint, and the complainant had not witnessed the matter but was relying on information from a third party. The officer was not administratively charged.

June: one case originated from an internal investigation of the local agency, involving reckless driving, vehicle damage and injury and policy matters related to weapons. This matter involved a complicated investigation on the scene and thus many hours of video footage were reviewed by the ACC. This was a serious matter, in which the ACC did administratively charge the officer and recommended termination. The decision prompted some feedback from the agency regarding the specificity of the ACC written decision, and the ACC has incorporated that information into its process for future decisions, as it is essential for the local agencies to have specific policy violations noted, particularly when the officer elects to go to the Trial Board. Of primary concern to the ACC in this matter was the high speed nature of the police pursuit and the potential threat to the safety of the officer involved, the suspect involved and the overall safety of the general public. This matter did go to a Trial Board—see later discussions in “trends”.

July: Two matters were reviewed, both of which arose from complaints made to the local agencies. In the first, the underlying complaint was for harassment, unauthorized search and abuse of authority. Review of the body worn camera footage clearly demonstrated no such violations occurred and the officer was not administratively charged. This case raised a topic for discussion involving the interaction between officers and citizens with whom those officers have had regular contact in the course of their duties (see discussion in trends). The second case involved a complaint of fourth amendment violations. Video (in this case from the complainant's security system) served to clear the officer of the charge in the citizen complaint, however the

ACC did administratively charge as to the policy violation (namely the office did not activate body worn camera).

August: two cases were reviewed. The first originated from an internal investigation of the local agency regarding “use of force”, specifically whether the officer employed a chokehold (as defined by policy). The body worn camera was helpful, as was additional information presented regarding the training and administration of various use of force options and both were important parts of the analysis. The ACC did not administratively charge the officer, finding that there was not an excessive use of force, and noted that the body worn camera video revealed the agency to have managed the potentially volatile situation effectively and professionally. The second matter originated from a citizen complaint to the local agency, with the allegation being an officer’s untruthfulness in Court (the Court matter was the result of a traffic stop some months prior). The review of the investigative file, video and audio recordings and statements did not support the complaint, and the ACC did not administratively charge the officer. It was notable that the complainant was a former police officer, and the entire interaction between the complainant and the officer at the time of the traffic stop was courteous and professional.

September: no cases were presented to the ACC.

October: Two matters were presented to the ACC, both stemming from citizen complaints made to the local agencies. The first involved a citizen complaint as to untruthfulness of an officer who had stopped the citizen for a seatbelt violation. A review of the investigation and available video did not support the allegations in the complaint, and the officer was not administratively charged. The second matter involved a number of complaints made by a citizen who had been detained during a domestic dispute, including unprofessional behavior by the officer, improper detention of the citizen, failure of the officer to address citizen’s medical condition, and that the officer did not return citizen’s personal property. A review of the video, investigative file and department policy revealed that as to the substantive complaints made by the citizen, none were supported by the evidence and the officer was not administratively charged as to those complaints. There was, however, a violation by the officer of the local agency’s handcuff policy, and as to that issue the officer was administratively charged.

November: four matters were presented to the ACC, all the result of citizen complaints that were made to, or forwarded to, the local agencies. The first matter involved allegations of fourth amendment violations by officers who had entered the complainant’s home after responding to a call regarding an unattended minor child. The video and case file revealed the officers’ actions to be reasonable under the circumstances (they were trying to find contact information for the parent(s)/Guardian(s) and were confirming that there were no other individuals in the home at the time). The officers were not administratively charged and were exonerated. The second matter involved various policy and other complaints including an alleged assault and alleged theft, made by a citizen in connection with a police response to the complainant’s home. The complainant had been involved in a traffic accident which occurred at the complainant’s home,

and police responded to provide assistance. The officer against whom the complaint was made immediately arranged medical treatment for the citizen, and the officers conducted their investigation to determine if the citizen was under the influence at the time of the accident. A review of the case investigation file and video revealed no policy or other violations, and also showed the police response to be professional and responsive to the other trauma experienced by the complainant's family members, thus the officer was not administratively charged, and was exonerated. Notable was the fact that the complainant had filed charges with the State's Attorney's Office, rather than making a complaint directly to the agency, and those charges were ultimately not filed once the State's Attorney had reviewed the available video. The third matter was a citizen complaint following a traffic stop for a window tint violation. The complaint alleged lack of civility and discourteousness by the officer. A review of the case file and video confirmed no discourteousness on the part of the officer, who was professional in his dealings with the complainant. The officer was not administratively charged, and was exonerated. The last matter involved a citizen complaint that the officer failed to properly handle a wellness check, and that the alleged failure then endangered the complainant's children. The review of the available video, and the case presentation presented to the ACC provided details which did not support the complaint, and did confirm that the officer was following policy and procedure. The officer was not administratively charged and was exonerated.

December: Five matters were brought before the ACC, however in two of those cases the matters were deferred for a month in order to secure the necessary video footage for ACC review. The remaining three matters were as follows: One case from Westminster City Police, with the complaint being lack of civility, discourteous behavior and harassment—that matter was not administratively charged and the officer was exonerated, based upon a review of the case file and available video. The second matter was from Hampstead Police, with the complaint being unreasonable entry into complainant's residence and use of restraints—that matter was also not administratively charged and the officer exonerated, based upon a review of the case file and available video. The third matter was also from Hampstead Police, with the complaint being failure to notify the complainant that she was being videotaped, and failure by the officer to identify himself and the reason for the stop—in this matter the ACC did administrative charge and found a violation within the category A of the disciplinary matrix, with the recommendation being for formal written counseling.

Trends/Other Matters

A caveat to the identification of identifiable "trends" is that the overall number of complaints which have come before the ACC from inception to date has been fairly small, and thus it is difficult to draw a strict correlation between event and complaint, however we have made the following observations:

Stop and Search—these are among the most intrusive interactions between citizens and police. While officers understandably have safety concerns any time they pull someone over, it is also

important to remember that the citizens they are pulling over are also often in a heightened state of anxiety, and frequently because they do not have any idea why they are being pulled over. Recent policy modifications have helped to address some of these concerns (namely having the officer identify themselves, and why they pulled the individual over at the outset of the stop). However, when these stops then trigger the appearance of a K-9 scan, the stakes tend to get higher. As was the case from January discussed previously, the officer called for a K-9, but the officer had initially stopped the vehicle for a violation of historic license plate. The unspooling of the events over the next 30-40 minutes, which led to the complainant submitting to two substantial frisks, removal of shoes and socks, and all while being in full view of a busy fast food restaurant was invasive. And the result of the search, namely finding no illegal substances, appeared to ratchet up the entire encounter. This is an example of an opportunity for education, for both the general public (in terms of understanding what realistic expectations a citizen should have when they are the subject of a traffic stop) and the agencies. It also is another instance of the K-9 alerting, but no illegal substances found (Of the 13 active cases heard since the inception of the ACC, 2 have involved K-9 alerts and in both instances no illegal substances were ultimately involved or charged). There appears to be a correlation between individuals being stopped (particularly for minor offenses), and searched based on K-9 alerts, where no substance is found, and those individuals then subsequently filing a complaint. The embarrassment of being publicly searched may have much to do with these complaints, particularly if the complainant feels the original stop was unwarranted or unnecessarily invasive in relationship to the alleged infraction.

High Speed Chases—Out of the 13 cases reviewed since the inception of the ACC, 2 involved officers who chased suspects at high rates of speed through residential areas, resulting in vehicle damage (to others, and to department vehicles) and injury (to both suspects). Neither of the underlying alleged offenses/charges in these two matters were related to a serious threat to the public that warranted this level of response. In one incident, the chase involved a motor bike that was making too much noise, and for whom the officer was aware of the address of the suspect. In the other, the officer was responding to the scene of a suspected shoplifting, and engaged in a rapid response to the scene and chase of the suspected shoplifter at times with speeds in excess of 100 mph. These types of cases are very concerning as they involve law enforcement behaving in ways that seemingly contradict their mission of protecting lives. Fortunately, there were no serious injuries to the general public in either episode, but there easily could have been. While understandably frustrating for the agencies, in that suspects know they can flee the scene of a theft, the PAB is supportive of the efforts of our agencies to modify policy to require greater supervision and command oversight in these chase scenarios. The PAB and ACC were concerned that the decision of the Trial Board on the latter of these two cases was contradictory to the recommendations of the ACC. It is unclear whether the Trial Board viewed the video upon which the ACC had based its recommendations.

Mental Health/De-escalation: This is a positive trend, in that the local agencies have all been actively increasing their training programs in these areas. Evidence of the benefits of this training has been seen in the review of many of the ACC cases where officers have successfully navigated mental health challenges in their interactions with the public. The PAB supports these efforts, as additional resources provided to law enforcement in dealing with these challenging concerns are beneficial to the community, and they help the agencies to reduce citizen complaints. In future we recommend that the PAB continue to partner with the agencies and consider joining in more formally by offering workshops that both members of the public and local departments could participate in (along the lines of the CC Health Department's Mental Health First Aid training).

Other Observations: One area of discussion in the PAB has been to notice that the combination of a relatively minor offense (for example, a noise complaint, or non-moving traffic offense) with a police response that may appear to the complainant to be disproportionate in relation to the offense, can lead to more citizen complaints. This may not fall under the description of a "trend", however, there does appear to be a correlation between these two factors. Overall, the agencies have instituted policies which bolster the professionalism of their forces, and which over time will likely result in reduced complaints in these types of scenarios. The immediate identification of who the officer is, and why he or she has made a stop or is making an inquiry has helped to reduce the likelihood of these interactions then resulting in a complaint being filed.

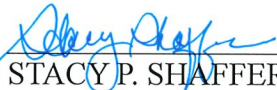
Custodial Exchanges: On at least two occasions over the past year complaints have been made regarding law enforcement interaction with the public occurring at the police station which was the site of a custodial exchange derived from a family law matter. These situations generally arise in divorce or child custody matters where there is a high degree of conflict between the parties, and the Court attempts to have the child exchanges occur at a neutral location. For the smaller law enforcement agencies this poses some problems, as they may not be staffed during these times, or alternatively, if a conflict erupts during such an exchange, the officers who are on duty are placed in the position of needing to intervene. The likelihood of complaints arising from this constellation of factors is significant. In response, the PAB has discussed the matter with the local bench, to alert the members of our local judiciary to some of the potential ancillary complications that can arise. With that information in hand, the bench can then consider this factor in determining the best "neutral" location for these custodial exchanges to occur.

Legislative Matters: The PAB finds the current statutory provisions regarding the retention of findings from complaints on officers' permanent personnel records to be overreaching, particularly in matters where there was no administrative charge imposed and when the officer was exonerated. The PAB would encourage the Maryland legislature to consider amendments to the statute to provide for some type of an expungement process.

CONCLUSION:

As the outgoing chair of the PAB, I have had the opportunity and the privilege, along with my fellow Board members on both the PAB and ACC, of developing strong professional relationships with our local law enforcement agencies. These relationships have been grounded in a mutual respect for the process. Over the course of the last 2+ years, our Boards and the local law enforcement agencies have collaborated and built trust, as the PAB and ACC provide feedback to our law enforcement agencies which they can then use to improve their day-to-day operations, while also providing transparency to the public as to the handling of citizen complaints. The citizens of Carroll County are fortunate to have law enforcement agencies who are strongly invested in the community, and in striving to a high level of professional excellence. It is the on-going goal of the PAB and ACC that we continue to work towards the common goals of supporting responsive policing and providing transparency for the public as to the law enforcement disciplinary process.

Respectfully submitted,



STACY P. SHAFFER, Chair
Carroll County Police Accountability Board

12/27/2024

Date