



HOWARD COUNTY POLICE ACCOUNTABILITY BOARD

2023 Annual Report

TABLE OF CONTENTS

01	LETTER FROM THE CHAIR
02	EXECUTIVE SUMMARY
03	POLICE ACCOUNTABILITY BOARD MEETING SUMMARIES
04	2024 OBJECTIVES
05	THE ADMINISTRATIVE CHARGING COMMITTEE
06	PAB PORTAL COMPLAINTS RECEIVED
07-08	TRACKING TRENDS IN POLICE DISCIPLINE
09-11	POLICY RECOMMENDATIONS
12	RESOURCES



HOWARD COUNTY POLICE ACCOUNTABILITY BOARD

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2171
Voice/Relay

Keyonna Kinsler, Executive Secretary
pabinfo@howardcountymd.gov

410-313-4305

December 31, 2023

To: The Honorable County Executive Dr. Calvin Ball and County Council Members

Re: Police Accountability Board Annual Report 2023

The Police Accountability Board (“PAB” or “Board”) submits this annual Report to the County Executive and the County Council to identify trends in the disciplinary process of law enforcement in the County and to make policy recommendations that would improve police accountability.

Pursuant to Maryland Public Safety Code Ann. §3-102, The Board is required to hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing. The Board met ten times throughout the year. This report includes summaries of those meetings.

The Board met with Gregory Der, Chief of the Police Department and Captain Darrin Granger, of the Sheriff’s Office. The Board requested the LEAs to provide data on disciplinary matters from July 1, 2023, through the end of the year.

The Police Accountability Board received six (6) reports from the public involving alleged police misconduct. These included alleged property damage, alleged illegal search, alleged illegal release of personal information, and alleged hostile work environment and discrimination involving a superior. All cases are pending internal affairs investigations. Therefore, the Board cannot report current trends in disciplinary process in the Police Department.

The Sheriff’s Office reported one incident of sheriff misconduct. It was resolved through mediation.

The Board met with State’s Attorney Richard Gibson. Mr. Gibson explained his vision of policing in Howard County. He also shared the progress his office has made since starting his term. Mr. Gibson also shared his perspective on policy recommendations under consideration by the Board, including policy recommendations Mr. James Gormley, a former Board member, suggested. These recommendations are detailed in this report. Of particular note are recommendations to maximize the use of body-worn cameras, coordinate a qualified third-party review of the dashboard the Police Department created and collect additional data concerning traffic stops.

In 2024, The PAB will continue its statutory mandate to work with the LEAs and the community to ensure police accountability and transparency in Howard County.

Sincerely,

Nellie A. Hutt
Chair, Police Accountability Board

EXECUTIVE SUMMARY

The Howard County Police Accountability Board (hereinafter referred to as “PAB” or “Board”) was established on July 1, 2022, with seven members with staggered terms, including one member representing each of the five councilmanic districts in Howard County and two at-large members. One member was appointed to serve as the Board Chairperson. Since its inception, the Board has focused on its mandate (see below). One new Board member, Steven Bolen representing Councilmanic District five, was appointed after an inaugural Board member’s term expired.

Council Bill 83-2021, the Maryland Police Accountability Act and related Code of Maryland Regulations (COMAR), set out the following responsibilities for the PAB:

Accept and forward complaints from members of the public for investigation by the police and sheriff’s departments.

Appoint members to the Administrative Charging Committee and Trial Board.

Review outcomes of disciplinary matters considered by the Administrative Charging Committee and Trial Board.

Submit an annual report to the County that identifies any trends in disciplinary actions against law enforcement personnel and makes policy recommendations that would improve police accountability.

Meet with community youth representatives at least twice a year.

Hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing (Maryland Public Safety Code Ann. § 3-102).

Work to ensure public accountability and transparency over the powers exercised by law enforcement agencies (COMAR 12.04.09.03)

POLICE ACCOUNTABILITY BOARD MEETING SUMMARIES

In 2023, the Board convened ten (10) meetings which are summarized below. For a more comprehensive overview, please refer to [Police Accountability Board | Howard County \(howardcountymd.gov\)](https://www.howardcountymd.gov/police-accountability-board).

January 18, 2023: The Board met with local law enforcement agencies regarding complaints that had been filed. It discussed the law enforcement agencies' policies and best practices for accountability and transparency.

February 8, 2023: The Board hosted a 'meet and greet' with the Administrative Charging Committee.

April 19, 2023: The Board reviewed data the Sheriff's Office provided and discussed it with Captain Darrin Granger. The Board discussed plans for community engagement, body-worn cameras, and investigations of critical incidents.

June 7, 2023: PAB invited Howard County State's Attorney Richard Gibson to participate in this meeting. Mr. Gibson shared highlights of his career, including the progress the State's Attorney's Office has made since his term began. He shared his perspective on policy recommendations the Board is considering, including those suggested by former PAB member, Mr. James Gormley. The Board voted to send a letter to the local law enforcement agencies making the adopted policy recommendations.

June 20, 2023: The Board reviewed the data provided by the Howard County Police Department and invited the department to a future meeting to discuss the questions and concerns about traffic data.

August 2, 2023: The Board reviewed the statistical information that the Howard County Police Department provided. Representatives from the Police Department explained the data and answered questions from the Board.

October 18, 2023: Chair Hutt discussed some community engagement events and Mr. Paul Rivers updated the Board about ACC cases. Keyonna Kinsler, Executive Secretary, prepared a draft Annual Report. The Chair requested Board members to review and comment on the draft.

December 6, 2023: The Board worked on the annual report. The Board also scheduled their first meeting for 2024.

December 21, 2023: The Board met virtually and continued to work on the Annual Report.

December 28, 2023: The Board met virtually to finalize the Annual Report.

OBJECTIVES for 2024:

- Consistently engage in community events throughout Howard County to understand the community's perception of policing more fully in the County. This engagement will allow members of the PAB to identify additional ways it can effectively assist with enhancing police accountability.
- Establish a relationship with the student member of the Howard County Board of Education that will yield a meaningful dialogue with other youth within the community.
- Continue to identify, review, and report on law enforcement trends. Collect data, and review policies, and reports currently maintained by law enforcement agencies (LEAs) that apply to accountability and transparency.
- Continue to meet with the LEAs to collaboratively establish key metrics for tracking accountability and transparency.
- Review the statistics and outcomes of officer complaints and evaluate accountability measures with LEAs and the County. Prepare an annual report that identifies any trends in the disciplinary process of police officers and makes recommendations on changes to policy that would improve police accountability.

THE ADMINISTRATIVE CHARGING COMMITTEE

THE COMMITTEE AND WHAT THEY DO:

The Administrative Charging Committee (ACC) was formed as part of the Police Accountability Act of 2021. This Committee determines whether an officer should be administratively charged after reviewing the investigation conducted by the relevant Law Enforcement Agency. In September 2022, the County Executive appointed two members to the ACC. Pursuant to the Public Safety Article, the Police Accountability Board also appointed two members to the ACC. One member serves as the Chairperson.

Goals Accomplished by the Committee to date:

1. Met eleven (11) times to establish their roles as committee members.
2. The Maryland Public Safety Training Commission provided training to the ACC from January 30, thru February 3, 2023.
3. On February 8, 2023, the ACC met with the PAB in an open meeting.
4. Reviewed and decided three (3) Police misconduct complaints.

Upcoming for the ACC in 2024:

Review and decide all police misconduct complaints.

Assist the PAB in establishing trends in policing.

Continue to enhance trust for the police in Howard County.

Ensure transparency and provide feedback to the public and the LEAs.

PAB COMPLAINTS RECEIVED

This section provides details of complaints the Police Accountability Board received from July 2023 thru December 2023.

August 15 – Alleged property damage by HCPD.

October 6 – Alleged illegal search by HCPD.

October 15 – Alleged illegal release of personal information by HCPD.

October 16 – In connection with the complaint made on October 15, for alleged illegal release of personal information.

October 30 – Alleged hostile work environment from superior within HCPD.

November 14 – Alleged hostile work environment and discrimination from superior within HCPD.

POLICE ACCOUNTABILITY BOARD DISPOSITION:

All complaints have been forwarded to the respective law enforcement agencies within 24 hours of receipt. All cases are pending investigation.

TRACKING TRENDS in POLICE DISCIPLINE

The Police Accountability Board is tasked with submitting this annual report to the County Executive and the County Council, in part, to identify trends in the disciplinary process of police officers in the County. To that end, the Board requested the Police Department and Sheriff's Office to provide data on police discipline matters that have been initiated pursuant to the PAB and ACC established process.

The Police Department provided the following data on police discipline matters from July 1, 2023¹ to December 20, 2023:

ACC IAD Investigations	Citizen Initiated/Impact
Work Performance	4
Use of Force	1
Conduct/Rudeness	7
Departmental Collisions	8
Total	20
Complaint Dispositions	
Administratively Charged	1
Not Administratively Charged	2
Active	17
Total	20

The ACC adjudicated three matters.

Given the very few incidents adjudicated, the Board cannot identify any trends in police discipline this calendar year. However, 17 investigations are pending as of December 31, 2023. The Board will review the disposition of those matters in the next calendar year to determine whether they permit the Board to identify any trends in police discipline.

The Board requested the Sheriff's Office to provide data on police disciplinary matters. Captain Darrin Granger informed the Board that the Sheriff's Office received a single Code of Conduct complaint. It concerned a Deputy Sheriff. The parties resolved the complaint through mediation. The Sheriff's Office did not inform the Board of the nature of the complaint nor refer it to the PAB through the process consistent with Council Bill 83-2021, the Maryland Police Accountability Act, and related Code of Maryland Regulations (COMAR). Complaints from the public handled through mediation shall be: (a) tracked with other citizen complaints; and (b) reported to the PAB. Md. Code Regs. 12.04.09.06.

¹ The PAB and ACC review process was effective upon the expiration of the Police Department Collective Bargaining Agreement on June 30, 2023.

This single incident is not sufficient for the Board to make any conclusions about trends in discipline concerning the Sheriff's Office. In the next calendar year, the Board will review any discipline matters pertaining to Sheriff Office personnel and any member of the public to determine whether the Board is able to identify any trend in discipline within the Sheriff's Office in its next annual report.

POLICY RECOMMENDATIONS

Under relevant Public Safety Article provisions, the Board makes “recommendations regarding policy that would improve police accountability in the county”. MD PUBLIC SAFETY §3-102. Police accountability directly corresponds to law enforcement’s interaction with members of the public. Therefore, the Board sought and reviewed data pertaining to law enforcement officers’ contact with members of the public. It was the Board's intent to review such data to determine whether any policy recommendations were appropriate for improving police accountability in the County. Below is data collected from each law enforcement agency within the purview of the Board’s jurisdiction and any discussion on policy recommendations about police accountability.

HOWARD COUNTY POLICE DEPARTMENT

During this past year, the Howard County Police Accountability Taskforce contacted the PAB several times regarding what it perceived as significant racial disparities in police contact with citizens throughout the County. It noted that according to the Howard County Demographic Overview that was prepared by the County’s Department of Planning and Zoning Research Division in 2022, the latest American Community Survey from 2021 indicated that about 48% of Howard County residents are White, 20% are African American, 20% are Asian, and 8% are Hispanic. When comparing this demographic data to data the Police Department reported regarding the department’s contact with citizens involving arrests, use of force, adult criminal citations, and juvenile citations, racial disparities in policing are evident.

By letter dated May 11, 2023, the PAB requested Chief Der to attend a meeting to discuss these disparities. On August 2, 2023, Chief Der attended a public meeting. During this meeting, Chief Der offered that the racial disparities evidenced in the Police Department’s data are affected by non-resident travelers.² While acknowledging this fact, the PAB believes that it would benefit the community to have a qualified third-party data analysis consultant review and interpret the data. As part of this report, the PAB recommends that the County Executive and the County Council retain a qualified third-party to analyze the data and make recommendations on how to address this disparity in policing traffic stops.

The Board also recommends that the Police Department capture more data regarding traffic stops. Specifically, the traffic stop data does not include checkpoint or roadblock stops, stops of multiple vehicles due to traffic accidents, an emergency requiring vehicles to stop for public safety, stops based on the use of radar, laser, or VASCAR (Visual Average Speed Computer and Recorder) technology, or those based on the use of license plate reader technology. Including such data would present a more complete picture of policing traffic stops in the County.

² Interstate 95 provides access to 15 states. Interstate 70 provides access to 10 states. Howard County also has several major roads, including, Routes 32, 94, 97, 100, 103, 104, 108, 144, 175, 216 and 857, that are heavily traveled by non-residents.

Chief Der also informed the Board about the “flagging system”. This is an internal operating system that allows the responding officer to know that a person has an intellectual disability or mental health condition. Chair Hutt stated that it would be a great idea if this system could be implemented in overall policing, including within the school system. Mr. Rivers added that this information should be shared at Parent Teacher Association Meetings.

HOWARD COUNTY SHERIFF’S OFFICE

The Sheriff’s Office has a more limited jurisdiction than the Police Department. Under State law, the primary duties of the Sherriff include: (1) the security of the circuit court, and the performance of such duties as may be required of the Sheriff by that court; (2) the service of process of writs, summonses, orders, petitions, subpoenas, warrants, orders to show cause, and other legal papers; and (3) additional duties, including law enforcement as may be requested by law enforcement or other criminal justice agencies, the circuit court, or the county government, when necessary for the public safety. Md. Code Ann., Cts. & Jud. Proc. §2-327.

Based on the enumerated jurisdiction of the Sheriff’s Office, data pertaining to contact with members of the public is limited. Nonetheless, the PAB requested from the Sherriff’s Office data pertaining to Deputy Sheriffs’ contact with the public. On December 6, 2023, it received the requested data. As suspected, preliminary review of the data shows that Deputy Sheriffs had limited contact with the public. The Board has not analyzed the data and cannot provide any recommendations regarding accountability or transparency involving the Sheriff’s Office. The Board intends to review the data in the next calendar year and engage the Sherriff’s Office in any findings made by the Board. The Board will report any findings on this data in the Board’s 2024 annual report.

POLCY RECOMMENDATIONS

In June 2023, the Board met with Howard County States Attorney, Mr. Richard Gibson and reviewed policy recommendations that were proposed by former Board member, James Gormley. The Board considered and voted on the following policy recommendations.

Mr. Gormley recommended that “. . . LEAs shall make every effort to advance the investigation of a critical incident to a point where the related body-worn camera recording can be publicly released within 45 days”. Ms. Wyre seconded the motion. The motion passed unanimously (7-0).

Mr. Gormley recommended that “. . . PAB members be given a right of access, consistent with applicable law, to data, records, and reports that are relevant to accountability and transparency”. Mr. Morales seconded the motion. The motion passed unanimously (7-0).

Policy recommendations Mr. Gormley suggested but failed included:

That officers involved in a critical incident [shall be] prohibited from viewing related body-worn camera recordings before making their statements or being interviewed. Ms. Wyre seconded the motion. The motion failed for lack of a majority vote (3-3; 1 abstention)

That the LEAs and the State’s Attorney . . . report to the Chair on the status of the investigation prosecution, every 15 days. Ms. McChriston seconded the motion. The motion failed (5-2).

That any decision by a LEA to delay public release of body-worn camera recording related to a critical incident beyond 45 days, consistent with applicable law, may only be made after full consultation with the PAB Chair. The motion failed for lack of a second.

That the PAB shall recommend the Chair have immediate, unrestricted right of access to body-worn camera recordings of critical incidents. The motion failed for lack of a second.

That the LEAs each conduct with internal staff, supported by the PAB, an assessment of the compliance accountability programs consistent with the federal government guidelines and industry best practices. This will include an initial self-assessment, identifying gaps, areas of noncompliance, developing and implementing an accountability improvement plan to address the identified gaps and risk. Mr. Morales seconded the motion. The motion failed (5-2).

RESOURCES

Howard County Police Accountability Homepage

<https://www.howardcountymd.gov/boards-commissions/police-accountability-board>

Howard County Council Bill 83-2021: Police Accountability Board

<https://apps.howardcountymd.gov/olis/GetFile.aspx?id=31400>

Howard County Online Complaint Form

https://services.howardcountymd.gov/hcportal?id=sc_cat_item_311&sys_id=1eab1e1287d455906ac52f47cebb3561

Howard County Administrative Charging Committee Homepage

[Administrative Charging Committee | Howard County \(howardcountymd.gov\)](#)

Howard County Demographic Overview

<https://www.howardcountymd.gov/sites/default/files/2022-10/Howard%20County%20Demographic%20Overview%20-%202022.pdf>