



BALTIMORE COUNTY POLICE ACCOUNTABILITY BOARD MEETING MINUTES
MEETING #17-JUNE 24, 2024 @ 12:00 PM,
MEZZANINE CONFERENCE ROOM, HISTORIC COURTHOUSE AND VIA WEBEX

Call to Order:

- Chair Linda Shields (District 2) called the meeting to order at 12:04 p.m.

Roll Call

- Chair Linda Shields (District 2), Peter Fitzpatrick (District 1), Ralph Dennis (District 3) and Elizabeth Dishon-Feuer (District 7), appeared in person. John Chambers (District 4), Renee Streib (District 5), Scott Richman (District 6), Kara White (At-Large) and Nigeria Rolling-Ford (At-Large) appeared via WebEx.
- Senior Coordination Manager for Public Safety and Accountability Henry Callegary and Executive Secretary Kelly La Valley were in attendance from the Baltimore County Administrative Office.
- Alek Stathakis was in attendance from the Baltimore County Office of Law.

Approval of Minutes:

- Ralph Dennis (District 3) moved to adopt the minutes of the May 10, 2024 Baltimore County Police Accountability Board Meeting. The motion was seconded by Elizabeth Dishon-Feuer (District 7).
- The motion was approved unanimously.

New Business:

➤ **Remarks and presentation by Chief McCullough and Major Matt Gorman (Baltimore County Police Department):**

- Baltimore County Police Department (BCPD) continues to meet all of the requirements as an agency in terms of police accountability and police reform, which includes training, as well as any other required tasks. BCPD will continue to focus on community policing and messaging to make sure that its members are treating the citizens of Baltimore County with the utmost dignity and in respect in all encounters etc. BCPD continues to work with the Administrative

Charging Committee via Internal Affairs and have taken measures to improve the Internal Affairs process. The Internal Affairs section will be moved to 305 Washington Avenue, Towson, MD 21204. There continues to be an increase in the workload and some additional personnel has been added.

- Major Matthew Gorman commented on the Internal Affairs division (IA). There are two types of complaints that are “triaged.” Administrative complaints are handled within the Department, and anything that involves the community goes to the ACC. Currently there are 104 open cases that involve the community. IA is working hard to meet any deadlines for the ACC to review the cases and have time to send back any questions or if further investigation is needed. Cases are trending up from at this time last year. It is about to hit the one-year mark under the new rules for IA, with a 71% increase in public complaints from last year.
- What is the reason is for the increase in complaints? Major Gorman explained it is because before the complaints would go directly to the precinct in question and often never reached the level of being sent to Internal Affairs. Now all complaints are forwarded to Internal Affairs for investigation. Another reason for the increase in cases is due to the ACC now hearing motor vehicle collision cases. Chief McCullough stated that BCPD is working on addressing any issues and making corrections that are needed.
- How does the 71% increase in Baltimore County cases compares to other jurisdictions? Major Gorman stated that he would assume that other jurisdictions are seeing similar increases.
- How does it affect BCPD’s Standard Operating Procedure (SOP)? It does not really affect the SOP; it effects the efficiency of BCPD. At some point a reevaluation needs to take place and some adjustments and improvements should be made.
- Does the data reflect the uptick that is taking place in certain precincts or certain categories? Chief McCullough stated that he had recently looked at the 4th quarter report and the upticks are occurring within the usual precincts, the western and eastern precincts, Precincts 1, 2, 11, 12 and Towson occasionally, which corresponds with how busy they are and the types of problems, volume, and types of calls that they deal in comparison to other precincts. The trends are in a similar pattern to which they have been in the past.
- Do all of the Motor Vehicle Collisions (MVCs) go to Internal Affairs or just the ones that happen in the course of a response? BCPD has a process for handling departmental accidents whether it a true collision or just body damage to a vehicle. The case goes to a committee, who then investigates, and if it is discovered that the collision or damage to the vehicle is preventable, and the officer is at fault, it would be considered misconduct in accordance with the Uniform Disciplinary Matrix; and if it involves a member of the public, it would then go before the ACC. MVC’s that don’t involve a member of the public would stay on the administrative side.
- The term punishment was used, is that a cultural term or progressive discipline? They are seen in the same way. Progressive discipline occurs when there’s multiple infractions of the same thing, so the discipline is what’s required. But, if you have one accident and it happens maybe every five years, it was looked upon as the cost of doing business as long as there aren’t any egregious factors.
- If the ACC does not charge an officer for an accident, there will be no discipline? That is correct.
- Does the need to re-train versus to do corrective action still serve as discipline? Under the current system, I don’t think it allows for education, that will have to be double checked. Chief McCullough stated that there is a place for education-based discipline in the department.

- How are the ACC opinions being received by the officers? Overall, there has been a good reception, little to no pushback from the Fraternal Order of Police (FOP), or any other groups or organizations.
- The Baltimore Sun has recently written an article about Baltimore City not tracking pursuit cases. What is the current county pursuit policy and is there any tracking or analysis of whether or not they result in a crash? BCPD follows a pursuit matrix for which everyone is trained and is adhered to. For the most part there isn't any problems with violations of the Matrix. BCPD tracks pursuits, which are initiated at the officer level and are reviewed up through the chain of command to the precinct captain, who forwards it to the area major who reviews it. Anything that is deemed questionable is forwarded to the operations bureau, to the executive law officer, the colonel and Internal Affairs. BCPD can provide statistics upon request. BCPD averages 90 to 100 pursuits per year.
- Of the April 8, 2024 crash on the beltway, the officer's actions were commendable.

➤ **Remarks and presentation by Deputy Chief Sheriff Black (Baltimore County Sheriff's Office):**

- As a result of the Baltimore County Sheriff Department's mandated duties there is significantly less confrontational interactions with the general public by officers, which leads to less complaints.
- The Sheriff's Office assists BCPD on a regular basis and will engage in some proactive enforcement, but based on staffing levels, are barely maintaining the mandated functions. Because there is little proactive enforcement there are no open Internal Affairs complaints at this current time.
- The sergeant in charge of professional standards was contacted by the PAB regarding an incident that occurred at an eviction. However, after a preliminary investigation, it was discovered that this occurred at the District Court level, where a constable was involved.

➤ **Review and recap of Administrative Charging Committee proceedings:**

- See attachment below.
- Elizabeth Dishon-Feuer (District 7) explained that just in the month of June the ACC had 29 opinions, for which there were approximately 57 ½ hours of body-worn camera footage, in addition to reading reports and supporting documents. This is not included the three-to-four-hour meetings that are held by the ACC monthly.
- The question was asked if there are any trends in what's being charged? There is not enough information to establish a trend at this time.

Old Business:

➤ **Discussion and vote on amendment to Rules of Procedure:**

- Mr. Callegary explained that at the May 10, 2024 PAB meeting Linda Shields (Chair-District 2) introduced an Amendment to the PAB Rules of Procedure on how the PAB would appoint Trial Board members, moving from a process where the PAB appointed each individual Trial Board member (which often required convening the PAB for a meeting on short notice) to where the Trial Board member would be appointed on a more procedural basis, where it does not require individual meetings each time. Scott Richman (District 6) introduced a Substitute Amendment

to the PAB Rule of Procedure, which has been circulated, and approved by the Office of Law, that would tweak slightly Chair Shields' proposed amendment. Since the board voted to put Chair Shields' amendment on the agenda for the June 24, 2024 PAB meeting, if Mr. Richman (District 6) moves the Substitute Amendment to PAB Rules of Procedure, and there is unanimous support it will be adopted today.

- Mr. Callegary read the proposed Amendment to PAB Rules of Procedure from the May 10, 2024 PAB meeting and a discussion was had on any potential substitute amendments as well.
- The proposed Amendment of PAB Rules of Procedure and the Substitute Amendment to PAB Rules of Procedure are as follows:

▶ AMENDMENT TO PAB RULES OF PROCEDURE

Section 1.04 (Functions and Duties) (B). The amendment is to add the following language after "Appoint civilian members to charging committees and trial boards":

A nominating committee shall be responsible for interviewing and recommending members of the public to serve on trial boards and charging committees. Upon recommendation by the nominating committee, members of the public shall be confirmed by the full membership of the Police Accountability Board. A member of the public confirmed to serve on trial boards shall complete any required training. Upon completion of their training, a member of the public will be added to a trial board "roster." When a trial board is requested, the Executive Secretary and/or Coordination Manager or their designee shall inform the Police Accountability Board. A member of the trial board "roster" will be automatically appointed to serve on the trial board based on the date they completed training (in descending chronological order), and their service on any prior trial boards. No member of the roster will be appointed to additional trial boards until all members of the "roster" have had the opportunity to serve on the same number of trial boards (i.e. no member will serve on a third trial board until all members of the trial board roster have had the opportunity to serve on a second trial board.)

▶ SUBSTITUTE AMENDMENT TO PAB RULES OF PROCEDURE

Section 1.04 (Functions and Duties) (B). The amendment is to add the following language after "Appoint civilian members to charging committees and trial boards":

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- Chair Linda Shields (District 2) asked if anyone would like to be heard on the Substitute Amendment to PAB Rules of Procedure? Scott Richman (District 6) moved to adopt the revised language proposed to the Amendment to PAB Rules of Procedure and commented that the purpose of the revision is to automate the process. The concern was that the language was two-fold, one being that there was a set order of the cycle of Trial Board members, leading the

possibility of Trial Board member “shopping” in each individual case. This amendment would randomize the process. Also, for instance when a new Trial Board member comes on board, the requirement that they have the same number of trials as someone else, whereas on if each roster member has participated in five trial boards, a new member would essentially be required to serve on five boards before the other members of the roster could participate.

- Peter Fitzpatrick (District 1) asked if there should be a provision that a member wouldn't serve on consecutive trial boards? Somebody could get picked two or three times in a row at random. Mr. Callegary replied that it could call in to question the randomness of the process. There are six Trial Board members that have presently been trained, for which five have served on the Trial Board. The only member not to have served on a trial board so far will have the first opportunity to serve.
- Elizabeth Dishon-Feuer (District 7) asked if it the randomized selection process should be defined? Mr. Callegary answered that the plan is to create a numerical list i.e., the first person completed is number one etc. and then randomize to whatever number comes up next.
- Scott Richman (District 6) read the Substitute Amendment to PAB Rules of Procedure onto the record and moved to adopt the Substitute Amendment to PAB Rules of Procedure. The motion was seconded by Ralph Dennis (District 3).
- The motion was approved unanimously.
- Chair Linda Shields (District 2) will be stepping down as Chair of the Baltimore County Police Accountability Board as of June 24, 2024. Samantha O'Neil, Senior Advisor to the Baltimore County Executive, presented Ms. Shields with a Citation of Appreciation from the Baltimore County Executive.
- Ralph Dennis (District 3) has been appointed Chair of the Police Accountability Board by the County Executive.

Public Comment:

- A member of the public "Bianca Hughley" commented on the May ACC meeting. There was a good question asked as to why the officers are asked “can they recall” during an interview. This is because in the police academy, they are actually taught to say they “don't recall”, so that they can avoid a perjury charge. If you are charged with perjury as an officer you can't testify in court rendering you on the “do not call list” and if you can't testify what good are you as an officer. One of the opinions addressed an officer not providing name and ID, which makes it important to note that recently in March 2024 a man was charged with impersonating a police officer. Also, how can it be said that persons who file multiple complaints are loosely called habitual complainers when such situations as the aforementioned are taking place. It is important that we not become jaded based on the person who is making the complaint. Ms. Hughley made a recommendation that the public comment time limit, which is now three minutes be extended.

➤ District Two Vacancy Update:

- Per statute Councilman Patoka was notified of the vacancy getting the process underway. The application can be found for any that is interested on the PAB's

website; <https://www.baltimorecountymd.gov/boards-commissions/executive/PAB>.

Adjournment and Next Meeting:

- Chair Linda Shields (District 2) reminded members of the Baltimore County Police Accountability Board meeting on September 16, 2024 at 12:00 p.m. which will be held in Room #118, of the Baltimore County Historic Courthouse at 12:00 p.m. and via WebEx.
- At 1:15 p.m., Ralph Dennis (District 3) moved that the Baltimore County Police Accountability Board adjourn until September 16, 2024 at 12:00 p.m. Elizabeth Dishon-Feuer (District 7) seconded the motion.
- The motion was approved unanimously.

Administrative Charging Committee Meetings 04/05/24, 04/12/24, 05/03/24, 06/07/24

Reviewed & deliberated 94 cases

Rendered 91 opinions, 3 opinions deferred pending info requested from IA

Of the 91 cases resolved (all BCPD)

Total 15 UoF cases for this reporting cycle

*15 DA.....11 officers charged; 4 officers not charged

*1 unlawful arrest & failure to ID self...charged

*3 failure to address calls for service, violation of BWC policy, failure to complete incident report...3 not charged for failure to address calls for service & BWC violation, 3 charged for failure to complete incident report

*1 false issuance of a traffic warning, racial discrimination, improperly questioning a juvenile, and excessive UoF...not charged

*1 rude & discourteous conduct, violation of BWC policy, and failure to write report...not charged

*2 rude & discourteous conduct & violation of BWC policy....2 not charged for rude & discourteous, 1 charged for BWC violation, 1 not charged for BWC violation

*1 rude & discourteous conduct & unnecessary UoF...not charged

*1 harassment...not charged

*1 sexual assault...not charged

*1 improperly issuing criminal charges...not charged

*1 improperly requesting ID from a citizen...not charged

*1 failure to properly investigate a complaint against a citizen...not charged

*3 failure to fully investigate an incident...3 not charged

*1 rude & discourteous conduct, issuing unnecessary traffic warnings & citations, and requesting excessive backup...not charged

*1 rude & discourteous conduct, failure to ID self, and giving unlawful orders...not charged

*1 violating a no contact order...not charged

- *1 excessive UoF & making a false stmt in charging documents...not charged
- *1 failure to investigate a call for service...not charged
- *1 rude & discourteous behavior & recording without consent...not charged
- *1 rude & discourteous behavior & exhibiting bias...not charged
- *2 racial bias & harassment...not charged
- *4 unnecessary UoF...4 not charged
- *3 excessive UoF...3 not charged
- *1 harassment & assault...not charged
- *1 failure to communicate in a timely fashion...not charged
- *1 failure to obey traffic laws resulting in the death of an animal...charged
- *2 rude & unprofessional conduct & racial bias...2 not charged
- *1 unlawful traffic stop, unlawful seizure of vehicle plates, including false info on traffic citations...not charged
- *1 refusal to accept complaint against another BCPD LEO & failure to provide a departmental form...not charged
- *3 mistreatment & use of foul language...3 not charged
- *1 inappropriate behavior...not charged
- *1 rude & discourteous conduct & racial bias...not charged
- *1 failure to conduct an investigation...charged
- *1 unfair treatment, failure to f/u on a call for service, and failure to write an incident report...not charged for unfair treatment & failure to f/u on a call for service, charged for failure to write an incident report
- *1 rude, discourteous, & unprofessional conduct, failure to accept a complaint against another BCPS LEO...not charged
- *1 use of brutal force...not charged
- *4 damage to personal property...4 not charged

- *1 making inappropriate comments...not charged
- *1 rude & discourteous behavior & lying about a search warrant...not charged
- *1 rude & discourteous behavior & damage to personal property...not charged
- *2 unlawful entry & improper threat to arrest...2 not charged
- *1 racial profiling & issuing fraudulent citations...not charged
- *1 failure to write a report & failure to conduct a proper investigation...charged for both
- *1 violation of BWC policy.... charged
- *1 failure to take necessary police action, failure to recover evidence, violating investigation procedures, and failure to write a report.... charged for all
- *1 associating with persons of questionable character & leaving duty assignment without permission...not charged
- *1 racial profiling & harassment and action causing a citizen to fear for their life...not charged
- *1 failure to resolve a call for service...not charged
- *2 excessive UoF & racial disparity...2 not charged
- *1 unnecessary UoF & failure to provide medical care...not charged
- *1 speeding in a patrol vehicle without the use of lights & sirens and running a red light...not charged
- *7 rude & discourteous conduct...7 not charged