



HARFORD COUNTY SHERIFF'S OFFICE

JEFFREY R. GAHLER
SHERIFF

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www.harfordsheriff.org

June 12, 2020

**To: NAACP-Harford County, Harford County Caucus of African American Leaders,
BRIDGE Maryland and Together We Will Harford County/Upper Chesapeake**

Re: Response to Letter to Harford County Law Enforcement Agencies

Thank you for your letter dated June 6, 2020, and for taking the time to share your thoughts, concerns and the 10 Actions for a Better Harford County with me. As Sheriff, along with my command staff, we take great pride in the fact that the men and women of the Harford County Sheriff's Office provide quality services to the public and protect the rights and dignity of all citizens. In partnership with our communities, we strive to preserve the peace and provide for a safe environment for all in concert with our core values of courage, honor and integrity. Citizens should never be without a voice and input when it comes to public safety.

Even with the national current climate and intense focus and scrutiny on the profession, I am optimistic about the future of law enforcement and community relations. The level of cooperation, sophistication, and professionalism in the public safety arena has never been higher or more inclusive. I am honored to serve alongside our community and look forward to the weeks and months to come. We have our work cut out for us, but together, with our community, I believe we can continue to make a real and meaningful difference.

Since I was elected Sheriff, the Harford County Sheriff's Office has embraced recommendations derived from many studies and federal consent decrees and has included many of them within our policies and operational guidance. Crime in Harford County is at historic lows while the number of arrests have been reduced. Crime which directly affects our more densely populated areas, especially violent crime, is trending downward and has been for six years. This does not happen without strong involvement from the community and their support of law enforcement.

An incredible incident occurred just the other week. We arrested an individual in one of the more troubled areas of Edgewood for discharging a firearm in the community. After receiving information from the community an arrest was made. The arrest was met with applause from the residents of the area. This does not occur without trust and partnership.

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I am proud of my team's efforts to stay ahead of the ever-changing landscape of best practices, legislative changes, and court decisions. Included in the modernization of the Sheriff's Office are many policies that did not exist within the Office prior to my administration. The Sheriff's Office did not have a policy on Unbiased Policing, a modern Use of Force Policy, a Stop and Frisk Policy, an Early Intervention Program – a system and policy to monitor employee complaints and other issues in order to determine if some sort of undisclosed issue might be affecting the employee or their judgement. We do now. The Sheriff's Office did not have a clear disciplinary and penalty matrix for acts of misconduct – ensuring there is no confusion that termination is the punishment for discrimination – termination is the punishment for racial profiling and termination is the punishment for lying. We do now. We put all of these important policies/programs in place early in my first term in office not because of public pressure, but because they were the right things to do.

Promoting community policing; embracing systemic reforms; and improving police equipment, training, policies, and procedures will require both dedicated resources and an enduring commitment from police leaders, community members, and elected officials. The solutions will not be simple or cheap, but it is what is necessary to effectively address the challenges that confront us. Please allow me the opportunity below to state our position for each of the 10 Actions provided.

1. By July 15th, 2020, develop a community survey with community input on the parameters of the survey, to assess the level of trust between the community and the LEA (Law Enforcement Agency).

The Harford County Sheriff's Office will be happy to develop a community survey, crafted with community input, to assess the level of trust between the Office and our community. It has been several years since our last survey which focused on crime victims and their satisfaction with the services provided by the Sheriff's Office. That survey was crafted and conducted by students enrolled in the Criminal Justice Program at Towson University – Harford Community College Campus - who developed the survey after reviewing crime reports and conducting interviews with members of the Sheriff's Office. The survey conducted involved a completely random sampling of individuals throughout the County who had interactions with our deputies as the result of a call for service.

It was very telling that more than 83% of respondents were very (65.2%) or fairly (17.4%) satisfied with the response of the deputy who handled their incident. These were the two highest ratings. As a whole, 81% of victims had a high opinion of the Sheriff's Office. I do believe our men and women do a great job for all of our citizens and am confident any properly crafted and conducted survey of County residents will reflect just that. That said, this type of random survey can (and does) get very expensive depending on the scope and scale. As the Sheriff's Office has

no direct line item in our Budget to accommodate such a large expenditure, it would be my hope that the organizations requesting this partnership would be willing and able to help financially support the effort should the need arise.

As Sheriff, I am happy to work with your organizations, the local Chiefs of Police and our Sheriff's Community Board, to begin the process of developing the survey. Please let me know who the point of contact(s) will be for your collective group so we can begin this process.

2. By August 15th, 2020, create and publish procedures that provide transparency for the community regarding misconduct investigations.

The Harford County Sheriff's Office has all of our policies posted on our website at <https://harfordsheriff.org/about/policies/>. Our Code of Conduct and each step required as part of the disciplinary process, to include misconduct investigations, is clearly outlined within our Personnel Policies, PER0201 through PER0210.

Included in the policies posted are several that did not exist within the Sheriff's Office prior to my administration. As mentioned in my opening thoughts, the Sheriff's Office did not have a policy on Unbiased Policing, a modern Use of Force Policy, an Early Intervention Program – a system and policy to monitor employee complaints and other issues in order to determine if some sort of undisclosed issue might be affecting the employee. Something that was also concerning when I was first elected was that the Sheriff's Office did not have a clear disciplinary and penalty matrix for acts of misconduct. This matrix ensured no confusion that termination is the punishment for discrimination, that termination is the punishment for racial profiling, and that termination is the punishment for lying. These strong statements were among some of the early changes we brought to the Sheriff's Office. A disciplinary matrix now exists and the penalties for acts of misconduct including the serious misconduct mentioned above are known to all employees.

3. Immediately mandate independent investigation and prosecution of officer-involved shootings and in-custody deaths. Special Prosecutors must be appointed at the State or Federal level.

As an elected Sheriff, the citizens of this County have elected and entrusted me to conduct these investigations when called upon. One might think this would be an easy decision for an elected official; to pass the responsibility and duty of the office to another person and to wipe one's hands clean of any negative findings. In truth, the citizens of Harford County did not elect the head of the State Police or another county's sheriff or police chief and have no way to hold these

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officials accountable. To abdicate the responsibilities of the Office of the Sheriff for Harford County is not something that I support.

Currently, investigations involving officer-involved shootings - once the investigation has been completed - are presented to a team from the Office of the State's Attorney for Harford County. The prosecutorial team is provided access to investigative reports, investigators, evidence, and all information that supports investigative findings and after a thorough review returns a finding as to the legality of the action(s) taken by the deputy.

While the team of prosecutors from the State's Attorney's Office reviews the investigation, a parallel investigation is initiated and conducted by the Office of Professional Standards to determine if all actions on the part of the Harford County Sheriff's Office are in compliance with Office policy. This investigation is separate from the investigation reviewed by prosecutors as its purpose and scope are distinctly different.

Legislation introduced in Annapolis two years ago, Maryland House Bill 983 and Maryland Senate Bill 898, Investigations of an Officer Involved Death, would have required another agency to conduct these investigations, but it failed for a variety of reasons. Last session, Maryland House Bill 1251, Attorney General Independent Investigation of Law Enforcement Involved Death, was introduced. This bill would have required the Attorney General's Office to conduct a parallel investigation in all police related or in-custody death cases. I fully support the portion of that bill that would have required the Attorney General to conduct an independent investigation or a review of a completed investigation. As we are witnessing in Minneapolis, the Federal Department of Justice has initiated an investigation into the death of Mr. Floyd in addition to the countless other investigations being conducted. This too is appropriate, and I would have no issue, nor would I delay, requesting such an investigation if the circumstances of the case called for such action.

- 4. Within 4-6 months, reevaluate training, hiring, and LEA employment evaluation standards and practices to ensure procedural justice, remove implicit bias, enhance cultural proficiency, and teach how to de-escalate situations without the use of deadly force. These new standards and practices should be published in all local newspapers and e-papers on the Harford County website, individual jurisdictions' websites, and on all relevant social media platforms.**

As stated previously, I am proud of my team's efforts to stay ahead of the ever-changing landscape of best practices, legislative changes, and court decisions. The Harford County Sheriff's Office has also embraced recommendations derived from many studies and federal consent decrees and have included many of them within our policies and training. This activity

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takes place on a constant and even on a daily basis as new information is shared or learned impacting policies or practices.

It should be noted that the State of Maryland requires police departments provide training to objectives already established by Public Safety Article, Title 3-207. This law requires each police officer in the State to receive training that includes attention to, and the study of, anti-discrimination efforts and use of force de-escalation. This training is required during initial entrance level training, and at least every two years following while attending mandated in-service instruction.

The following is a list of the training our personnel receive pertaining to diversity, antidiscrimination, implicit bias and/or related to de-escalation. The following courses of instruction deal specifically with these topics but are in no way all-inclusive of the training our personnel receive. I will note that our Deputies receive far more than the required training to become or remain certified as a law enforcement officer in the State of Maryland.

- Racial Intelligence Training and Engagement (RITE)
 - Goal of RITE is to educate public service professionals and the community with Racial Intelligence tools that will help them personally, professionally, and publicly. Includes training related to implicit bias and use of force de-escalation and alone brings the Sheriff's Office into compliance with Public Safety Article, Title 3-207,
- Integrating Communications, Assessment, and Tactics (ICAT) Program
 - Under my administration we initiated this training that was developed by the Police Executive Research Forum (PERF) to train police officers how to respond to volatile in which subjects are behaving erratically and often dangerously, but do not possess a firearm,
- Crisis Intervention Training (CIT), is specialized training for police officers to interact with individuals in the community that are experiencing a mental health crisis,
- VirTra Judgmental Use of Force Training Simulator used to practice de-escalation skills with a judgmental use of force simulator incorporating the entire use of force spectrum,
- Mental Health First Aid Training provides officers the skills to understand and respond to people in crisis,
- Hearing Voices Training places officers in the shoes of an individual with a Mental Illness who hears voices or sees visions or has sensory experiences (between 3% and 10% of the population) to better equip them with different ways to manage distressing, confusing or difficult sensory experiences, and
- Suicide Prevention.

In 2016, Maryland House Bill 1016, the Public Safety and Policing Workgroup Recommendations Bill, required all law enforcement policies to be added to the organization's website; or, for those law enforcement agencies who did not have a website, their policies are hosted on the Maryland Police Training Commission's Website to ensure this information is available to the public. This effort was meant to provide for a completely open and transparent

manner for the public to view operational policies for each agency at no cost. The Harford County Sheriff's Office has posted all of our policies on our website at <https://harfordsheriff.org/about/policies/>.

As we are always interested in continuing to improve our workforce, I am more than willing to discuss this action item in greater detail to review existing policies and trainings that address the above areas in order to ascertain what specific suggestions might be offered. This can begin immediately, and I believe can be accomplished within the requested time frame.

5. Within 4-6 months, abolish the “double standards” that shield police accused of misconduct. Revise the Law Enforcement Officers’ Bill of Rights to eliminate the 5-day waiting period before an officer is interviewed.

This action, a change to the Law Enforcement Officers Bill of Rights, requires a change to Maryland law and cannot be instituted by any police chief or sheriff. This is outside the reach of a law enforcement executive and must be directed to the Maryland legislature for action.

In 2016, Maryland House Bill 1016, the Public Safety and Policing Workgroup Recommendations Bill, modified the Law Enforcement Officers Bill of Rights and reduced this period of time from ten days to five days before an officer is interviewed. Through my 33 years of police and command experience, I can tell you that this waiting period has never proven to be a hindrance to conducting internal investigations for acts of misconduct. Please know, that this waiting period does not apply to criminal investigations, only the administrative “in-house” investigation. A police officer who is accused of committing a criminal act has no more protections than any other citizen accused of the same crime.

6. Immediately implement effective data collection on all use-of-force incidents. There is a proposed bill in the Maryland legislature called the “Law Enforcement Trust and Transparency Act”; use this bill as a blueprint for implementation of effective data collection.

In 2019, there was a bill in Annapolis named the “Law Enforcement Trust and Transparency Act.” To the best of my knowledge, that bill did not include data collection, rather centered around the concepts from Question #3 above. I am also not familiar with any legislation that has been drafted for the next legislative session in 2021 and do not feel it is appropriate to commit to something I have not had the opportunity to read. If someone has a copy of the referenced document, I would be happy to review.

The Harford County Sheriff's Office, in addition to complying with current state requirements on reporting use of force incidents mandates, by way of a policy published since I took Office, the

reporting, supervisory and administrative review of each use of force incident. Additionally, a committee meets quarterly to review Use of Force incidents and prepares an annual report identifying patterns or trends that could be addressed by policy, equipment and training opportunities.

That said, and to the general principle of the question, I have no opposition to this action if it is done with the objective of identifying and correcting unacceptable practices on the part of law enforcement and/or suggesting legislative action directed at those who perpetrate violence against law enforcement to lessen the opportunity or occurrence.

7. By January 2022 (the next election cycle year), establish an independent Civilian Review Board to address and respond to any complaints of bias, discrimination, or misconduct by police and sheriffs.

In many communities, residents participate to some degree in overseeing aspects of their local law enforcement agencies. The degree varies greatly as there are legal impediments to some ideas and operational considerations and concerns associated with others. I am, however, open to conversation on the topic and consider boards that review the findings of internal police investigations related to bias and discrimination, and boards that review the process of accepting and investigating complaints and the preparation of reports the best opportunity to advance the oversight concept.

As stated in my responses to questions above, I believe it is impossible to run a successful police agency without the support, participation and involvement of the community we serve. To this need, last year, I formed a new workgroup, the Sheriff's Community Board, to create yet another opportunity for our community to engage with us on identifying, learning, developing and implementing solutions to community concerns. The volunteer group is comprised of a diverse membership of concerned, committed, and engaged citizen leaders and officials from throughout Harford County and serves as a liaison between the community and the Sheriff's Office.

While the Governor's Executive Orders have limited the Sheriff's Community Board's ability to meet over the last four months, members of the board have already examined and made recommendations and suggestions (some have already been implemented) on improving our diversity hiring in our law enforcement ranks.

To accomplish such a mutually desired goal in a fair and just manner, it's my belief that it is appropriate for civilian members to acquire an understanding of the training, tactics, laws, and policies, that form the parameters for the actions of our law enforcement personnel. While it is understood that no one system works best for everyone, I see opportunity in the concept as long as the talent, fairness, dedication, and flexibility of key participants are recognized as significant

factors to the procedure's success. Together, with commitment and effort from all, this is something we can accomplish.

8. By January 2022 (the next election cycle year), add funding for the implementation of body and vehicle cameras to the budgets of Harford County and all local municipalities to the extent not presently in place. Also, develop privacy, storage, and review and release policies around the use of these cameras in anticipation of their implementation.

When first elected in 2014, I was disappointed with the status of the Harford County Sheriff's Office's In-Car Camera Program. Most of the equipment was outdated or just inoperable and very few vehicles in the fleet had a functioning system. I saw this as a big deficiency in the Sheriff's Office's ability to provide transparency to our citizens and our personnel. As a result, I made correcting this deficiency a priority, and over the course of the first two budget cycles, we were able to reallocate nearly two million dollars of unused salary funding from the Sheriff's Office Budget to purchase and install all new state of the art digital in-car-camera systems.

Every deputy on patrol and most supervisors now have a patrol vehicle equipped with this technology and it has more than proven its value on many occasions while serving as that unbiased observer and collector of evidence. We have also added these state-of-the-art camera systems to our transport vans to ensure every arrestee/prisoner ingress and egress as well as transport, is monitored and recorded.

A high priority has been placed by the Sheriff's Office on implementing a full Body Worn Camera (BWC) Program and ensuring that Agency members are provided with the most technologically advanced systems available.

For the past two budget cycles, the Sheriff's Office has requested funding for BWCs. An initial pilot BWC Program was conducted in 2015 to assess the technology and to ascertain what would be involved/needed for a full deployment. In 2018, we partnered with a new equipment provider that offered increased opportunities. The pilot program has now been made permanent with an original 20 cameras issued to 10 deputies. However, a large financial commitment is required to expand the program to all law enforcement patrol deputies.

In addition to the equipment costs for the BWC project, the Sheriff's Office anticipates it will need at least three civilian personnel. The personnel hired under this project will be responsible for the administrative tasks associated with the program to include answering FOIA (Freedom of Information Act) requests for camera footage, copying, and sending footage for specific cases to the State's Attorney's Office, tagging video submitted by uniformed personnel, reviewing footage to ensure compliance with the program and other duties yet unanticipated. Also, the Office of the State's Attorney anticipates they would need several administrative personnel and potentially two prosecutors to keep up with the video evidence requirements. It is estimated the

five-year cost to taxpayers for a BWC Program within the Sheriff's Office is just over five million dollars.

The current Sheriff's Office Budget does not have the funding to support the addition of a BWC Program. In past years, although the requests for funding have been submitted, to my knowledge, there has not been one member of the community write or testify in support the funding requests. Not one person stepped forward to support the funding requests as the Budgets were prepared or through the County Council's approval process. This fall, I will again, for the third year, make a request for the necessary funding for a full BWC Program. Accordingly, I would welcome the organizations that have shared their desire to see a BWC Program fully implemented at the Sheriff's Office to express their support during this year's budget process.

As these programs are taxpayer funded expenses, it is also important to note with the very expensive initial investment needed for a BWC Program and in addition to those monies already invested in the In Car Camera Program, there are also ongoing costs associated with these programs related to maintenance, repair, replacement, storage, etc. The additional costs have a permanent impact to the Sheriff's Office Budget and must be considered with any request.

9. By 2023 (within three years), increase the diversity hiring of women and underrepresented minorities so that the personnel makeup of Law Enforcement Agencies is representative of the demographics of Harford County.

Although the Harford County Sheriff's Office as a whole is representative of the County demographics, I have made no secret of the fact I inherited an Agency lacking diversity in our law enforcement positions. I have also made it no secret that I am determined to do better to ensure we add more diversity to our ranks.

To begin this process, we did not wait. In 2015, to better understand the challenges of attracting and hiring qualified minority candidates, I directed my staff to track each step of the application and testing process. Then together, first through our Diversity Hiring Workgroup meetings; and, now the Sheriff's Community Board, we began to revise our approach to recruiting and hiring. These groups, each comprised of a diverse cross section of our citizens, were asked to join us and together we reviewed the data and the entire hiring process in order to identify methods to recruit a more diverse workforce. To my knowledge, this detailed examination of the hiring process, and involving members of the community in the process, had never been done here in the past. Although we have a long way to go, we have made sincere efforts while working together.

An example of some of the recommendations and changes that we have acted on in an attempt to improve our diversity within the agency are as follows: enhanced pay and benefits, changed Agency policy to permit visible tattoos, added additional recruit testing days, times and

locations, made modifications to physical testing standards, instituted a local recruiter program, conducted in person recruiting efforts at historically black colleges, offered applicant and employee bonuses, ensured additional communication with applicants throughout the process and as recently as May 24, 2020 and based on the recommendation of the Sheriff's Community Board, ran radio recruiting advertisements on Baltimore's 92Q radio station.

As I believe most people are aware, prior to the death of Mr. Floyd, and the resulting civil unrest, there was already a national crisis related to recruiting and retention in the law enforcement field. I have no doubt that in the immediate future, the number of men and women considering a career in law enforcement will decline further and the search for qualified candidates will be even more challenging. There has never been a greater need for our community members and organizations to work together on this effort.

10. Immediately abolish the use of chokeholds and strangle holds.

Although chokeholds or strangle holds are not tactics taught to Sheriff's Deputies as a way to subdue a person or specifically written as being permitted by Harford County Sheriff's Office Policy, I have already directed a specific revision to our Use of Force Policy that will specifically state personnel are not permitted to perform chokeholds, which cut off a person's oxygen, neck restraints that cut off the flow of blood, or any similar tactics on any individual, except in the very limited situations when deadly force is necessary to address an imminent threat to life.

To reiterate again, I could not be more proud of my team's efforts to stay ahead of the ever-changing landscape of best practices, legislative changes, and court decisions. This revision to our policy is taken from the New Jersey State Police and was recently shared by the State's Attorney General as guidance. In the state of New Jersey, it is the Attorney General who provides one standard Use of Force Policy for all of law enforcement organizations.

On this topic I feel it is also important to note, for the conversation, that just a few decades ago, officers in some agencies were trained to use the "kneeling" technique with subjects that are resisting arrest, not while an individual was handcuffed and detained. It is my understanding that most agencies in Maryland no longer use or teach this method, but some law enforcement agencies around the Country still permit it. Much has changed over the years and I proffer that a majority of agencies have transitioned to different, and safer, tactics to safely control an uncooperative arrestee.

CLOSING THOUGHTS:

It was recognized years ago in Harford County that it is imperative police and communities focus on how to address conflict in a peaceful, collaborative, problem-solving way. At the Sheriff's

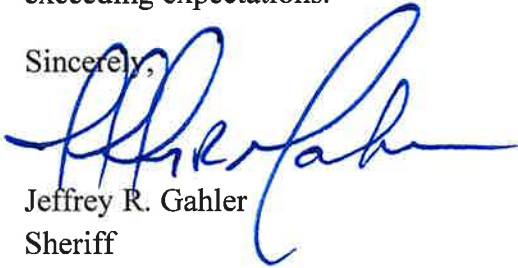
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Office, we have made a long-term sustained investment in our community relations which has made it possible to seize on many opportunities and make those we serve a genuine priority. Highlighted in the above responses are parts of the progress we have made by working hand in hand with our community members. A relationship forged long before the tragic in-custody death of Mr. Floyd.

I have never been one to accept the status quo and for those police leaders who find themselves at this late hour trying to initiate relationships with their community members, they have waited too long. Solid productive relationships are not made in a day; they are made every day and so many in our ranks take, and make, every opportunity to develop them. It should not take a crisis to cause a leader to look within an organization to see what can be done to improve the organization and again, as Harford County's Sheriff, I am proud of the progress we have made over the last six years. I know all of our County's citizens are served well by the dedicated men and women of the Harford County Sheriff's Office and remain committed to meeting and exceeding expectations.

Sincerely,



Jeffrey R. Gahler
Sheriff