

GAIL H. BATES  
Legislative District 9  
Carroll and Howard Counties

Education, Health, and  
Environmental Affairs Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

October 29, 2018

The Honorable William V. Tucker  
Administrative Judge, Howard County Circuit Court  
8360 Court Avenue  
Ellicott City, MD 21043

Judge Tucker:

I am writing to express my concern regarding the breach of courthouse security that occurred on September 30, 2018. According to a statement issued by the Howard County Sheriff's Office, on this date "a deputy from the Howard County Sheriff's Office was conducting area checks of the Circuit Courthouse during a time in which the Court was closed for business. The deputy saw a gathering of people at the Courthouse entrance. He learned that the group had gained entry to the building using an access card that was provided to them by an elected official, who is independent of the Circuit Court. The official was not present." The identity of this elected official has since been confirmed by Sheriff McMahon to be Byron Macfarlane.

As the State Senator who represents the Howard County Circuit Courthouse, I am deeply concerned by this breach of security at a state building in my district. In addition to the obvious danger unauthorized individuals could pose to the physical security of the Courthouse, the individuals who were present in the Courthouse could have tampered with files and other sensitive materials or could have allowed others - intentionally or unintentionally - to do the same if the Sheriff's deputy did not intervene. This unauthorized access could have endangered the ability of our judicial system to render a fair judgement on pending cases.

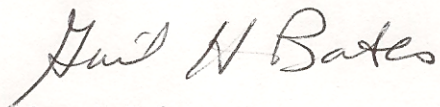
I have had constituents ask me what is being done to address this matter. The statement from the Sheriff's Office said that the matter was referred to the Administrative Judge of the Howard County Circuit Court. Therefore, I have the following questions for you so I can be responsive to their inquiries:

1. Has there been an investigation conducted into this breach of security? If not, will there be one and when would you expect it to be completed?
2. Are there existing state laws prohibiting individuals with access cards to courthouses from giving those cards to other individuals to gain entry to courthouses when the Court is closed for business?
3. What administrative actions can the Chief Administrative Judge take against an individual who allows others to gain entry to the Courthouse after hours with their access cards?
4. If there are existing laws or administrative actions in your power, do they apply equally to elected officials as they would to other Courthouse employees?
5. This incident occurred on September 30 and was not known to the public until a citizen made a specific inquiry to the Sheriff's Office. Why was the public not informed sooner that this serious security breach had occurred?

Thank you in advance for your prompt response to these inquiries.

The Honorable William V. Tucker  
October 29, 2018  
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Sincerely,

A handwritten signature in cursive script that reads "Gail H. Bates". The signature is written in dark ink and is positioned above the printed name.

Senator Gail H. Bates

cc: The Honorable Mary Ellen Barbera, Chief Judge, Maryland Court of Appeals