

**MEMORANDUM**

October 23, 2019

TO: Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney *AMH*

SUBJECT: Bill 14-19, Police – Policing Advisory Commission - Established

PURPOSE: Worksession #2 – Committee should make recommendation on bill

Those expected to attend today's worksession:

- Captain Ed Pallas, Director, MCPD Policy, Planning & Quality Assurance Division

**Background**

Bill 14-19, Police – Policing Advisory Commission - Established, sponsored by Lead Sponsor Councilmember Riemer and Co-Sponsors Councilmembers Jawando, Hucker, and Glass was introduced on June 18. A public hearing was held on July 9 and a Public Safety Committee worksession was held on September 9. The Council received testimony and correspondence from individuals and organizations both in support of, and in opposition to, the bill.<sup>1</sup>

**Provisions of Bill 14-19**

**Composition** The Commission would be composed of 13 members. Nine of those members would be public members that have an interest in policing matters and should either be an individual or representative of an organization that operates in the County. Four of the members would be nominated by the Executive. In addition, the Police Chief and a representative of the police union would be ex officio, non-voting members of the Commission.

**Duties** The Commission would:

- advise the Council on policing matters;
- provide information regarding best practices on policing matters;
- recommend policies, programs, legislation, or regulations;
- comment on matters referred to it by the Council;

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<sup>1</sup> #MoCoPolicingCommission

- conduct at least one public forum each year for community input on policing matters;
- engage in public education; and
- submit an annual report.

**Advocacy** As with most County boards, the Commission would be prohibited from engaging in advocacy activity at the State or federal levels unless those activities are approved by the Office of Intergovernmental Relations. This language does not prohibit the Commission for advocating at a County level (one of the specific duties of the Commission is to advise the Council on policing matters). Nor does this language prohibit an individual Commission member from advocating *as an individual* on State and/or federal matters.

### **First Committee worksession**

The Committee held its first worksession on Bill 14-19 on September 9. The Committee was provided an overview of the bill and issues raised by testimony and correspondence. A summary of those issues, which was included in the staff report for the first Committee worksession, is on ©40-42. The Committee also reviewed an amendment proposed by Councilmember Riemer (©43-44) and an amendment proposed by Councilmembers Jawando and Hucker (©45).

At the worksession, Chair Sidney Katz requested that Council staff provide a list of commissions that may make recommendations on police practices. That list, compiled by Legislative Analyst Susan Farag, is on ©18. In addition to this list, as Council staff understands it, MCPD consults with the following organizations regarding best practices for policing:

- Police Executive Research Forum<sup>2</sup>
- International Association of Chiefs of Police<sup>3</sup>
- The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)<sup>4</sup>

### **Additional correspondence received**

The Council has heard from individuals and organizations in support of, and in opposition to, Bill 14-19. Testimony and correspondence received as of August 30 was attached to the staff report for the first Committee worksession. Those are not reprinted in this staff report.<sup>5</sup> Attached on ©19-39 is correspondence that the Council received as of October 21, with one caveat. The Council received dozens of e-mails urging the Council to incorporate 2 amendments to Bill 14-19: to add 2 seats on the Commission for young people (Jawando/Hucker amendment), and to specify that the composition of the commission would reflect the racial and economic diversity of the County (would be included in the Riemer amendment). Council staff has not attached each letter that is

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<sup>2</sup> <https://www.policeforum.org/>

<sup>3</sup> <https://www.theiacp.org/>

<sup>4</sup> <https://www.calea.org/>

<sup>5</sup> The staff report for the September 9 worksession can be found at the following link:

[https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2610\\_1\\_9403\\_Bill\\_14-19\\_Committee\\_20190909.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2610_1_9403_Bill_14-19_Committee_20190909.pdf)

substantially similar, but did include a representative sample as attachments to this packet. In addition, some letters urged that the Council include a non-voting member that is an expert in police reform.

### **Issues for Commission Discussion**

As noted above, on ©40-42 is an excerpt from the September 9 staff report that details the issues raised by testimony and correspondence as of August 30. Not all of those issues are discussed in this memorandum. Council staff has highlighted the following issues for Committee discussion:

***Individual nominations?*** As introduced, the Commission would have 13 members, 4 members nominated by the Executive and 9 members nominated by the Council (©2, lines 10-16). Regarding the members nominated by the Council, Bill 14-19 as introduced envisions that each Councilmember would nominate one member. At the first worksession, some Councilmembers raised concerns with this approach and indicated that the members should be appointed through the typical process used for other Council-appointed bodies (i.e., Charter Review Commission, Board of Appeals, Merit System Protection Board).

Council staff does not have any legal concerns with either approach. If Committee members prefer the latter approach, the Committee can recommend the following amendment on ©2, lines 11-14:

- (2) The Council should appoint 9 public members with an interest in policing matters. Each member should represent a community organization operating in the County or be an individual. [[Each Councilmember should nominate one member.]]

***Member who is a “police expert”?*** As introduced, Bill 14-19 would include a representative from MCP and the FOP as ex officio non-voting members (©2, lines 17-21) The most recent round of correspondence that the Council has received urges an amendment to the bill to include an expert in police reform as a non-voting member. At least 1 letter noted that this amendment was recommended by Showing Up For Racial Justice. Though Council staff is not opposed to the concept, Council staff is unsure as to how an individual is designated as, or becomes, an “expert in police reform”.

***Union representative*** As introduced, Bill 14-19 would include as an ex officio non-voting member, “a representative of an employee organization certified under Article V of Chapter 33.” In other words, this person would be a representative of the Fraternal Order of Police. Dale Tibbits, testifying on behalf of the County Executive, noted that the bill does not expressly say that the union can nominate their own member for the Commission and recommended an amendment to specify that this be the union president or president’s designee (©19).

It is Council staff’s understanding that the intent was for the Council to appoint a representative of the union that was chosen by the union. Council staff does not have any legal concerns with this recommended amendment. If the Committee supports this clarification, Council staff recommends the following amendment on ©2, lines 20-21:

(4) The Council should appoint the following as non-voting ex officio members:

(A) the Police Chief or the Police Chief's designee; and

(B) [[a representative]] the President of an employee organization certified under Article V of Chapter 33 or the President's designee.

**Rierner amendment** The lead sponsor of Bill 14-19, Councilmember Rierner, has proposed an amendment to Bill 14-19 to address some of the concerns articulated at the hearing and in written correspondence (©43-44). Councilmember Rierner's amendment would:

- add language to the bill so that the public members appointed to the Commission are representative of the diverse population of the County or have an interest in policing matters;
- allow the Commission to elect a chair and vice chair (after initial designation by the Council);
- require the Commission to accept correspondence and comments from members of the Commission; and
- require the County (including MCPD) to respond to Commission requests for information within 30 days after receiving the request.

**Jawando/Hucker amendment** Councilmembers Jawando and Hucker indicate that they support including 2 younger Commission members. Specifically, the amendment on ©45 would designate 2 of the Executive's 4 nominees to be youth (one member between 18 and 25 years of age and one members between 26-35 years of age. Councilmember Rierner also indicated his support to include 2 younger Commission members. The text of the amendment is reprinted below:

On ©2, lines 15-16:

(3) The Council should appoint 4 members nominated by the Executive. Of these members:

(A) one member should be 18-25 years of age; and

(B) one member should be 26-35 years of age.

This packet contains:

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Bill No. 14-19  
Concerning: Police – Policing Advisory  
Commission - Established  
Revised: 5/16/2019 Draft No. 6  
Introduced: June 18, 2019  
Expires: December 18, 2020  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Riemer  
Co-Sponsors: Councilmembers Jawando, Hucker, and Glass

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**AN ACT** to:

- (1) create and specify the membership and duties of a Policing Advisory Commission;
- (2) generally amend County law relating to policing and boards, commissions, and committees.

By adding

Montgomery County Code  
Chapter 35, Police  
Section 35-6

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1        **Sec. 1. Section 35-6 is added as follows:**

2        **35-6. [Reserved] Policing Advisory Commission.**

3        (a)    Definitions.    In this Section the follow words have the meanings  
4        indicated:

5        Commission means the Policing Advisory Commission.

6        Department means the Montgomery County Police Department.

7        (b)    Established.    County Council must appoint a Policing Advisory  
8        Commission.

9        (c)    Composition and terms of members.

10        (1)    The Commission has 13 members.

11        (2)    The Council should appoint 9 public members with an interest in  
12        policing matters. Each member should represent a community  
13        organization operating in the County or be an individual. Each  
14        Councilmember should nominate one member.

15        (3)    The Council should appoint 4 members nominated by the  
16        Executive.

17        (4)    The Council should appoint the following as non-voting ex officio  
18        members:

19        (A)    the Police Chief or the Police Chief's designee; and

20        (B)    a representative of an employee organization certified under  
21        Article V of Chapter 33.

22        (5)    The term of each member is 3 years. After an appointment to fill  
23        a vacancy before a term expires, the successor serves the rest of  
24        the unexpired term.

25        (d)    Voting, officers, meetings, and compensation.

26        (1)    Except the ex officio members, all members of the Commission  
27        are voting members.

(2) The Council must designate the Chair and Vice-Chair.

(3) The Commission meets at the call of the Chair. The Commission must meet as often as necessary to perform its duties, but not less than 6 times each year.

(4) A member must serve without compensation. However, a member may request reimbursement for mileage and dependent care costs at rates established by the County.

(e) Duties. The Commission must:

(1) advise the Council on policing matters;

(2) provide information regarding best practices on policing matters;

(3) recommend policies, programs, legislation, or regulations;

(4) comment on matters referred to it by the Council;

(5) conduct at least one public forum each year for community input on policing matters; and

(6) engage in public education

(f) Annual Report. By July 1 each year, the Commission must submit to the Executive and the Council an annual report on its functions, activities, accomplishments, and plans and objectives.

(g) Advocacy. The Commission must not engage in any advocacy activity at the State or federal levels unless that activities is approved by the Office of Intergovernmental Relations.

(h) Staff. The Executive Director of the Office of the County Council must provide appropriate staff to the Commission.

LEGISLATIVE REQUEST REPORT  
Bill 14-19

*Police – Policing Advisory Commission – Established*

**DESCRIPTION:** Bill 14-19 would create and specify the membership and duties of a Policing Advisory Commission.

**PROBLEM:** Although the County has the Criminal Justice Coordinating Commission, there is not a County advisory Committee that focuses on best practices on policing matters.

**GOALS AND OBJECTIVES:** To create an entity that will inform the Council on policing best practices.

**COORDINATION:**

**FISCAL IMPACT:** To be requested

**ECONOMIC IMPACT:** To be requested

**EVALUATION:** To be requested

**EXPERIENCE ELSEWHERE:** To be researched

**SOURCES OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** n/a

**PENALTIES:** n/a





**MONTGOMERY COUNTY COUNCIL**

ROCKVILLE, MARYLAND

**HANS RIEMER**  
COUNCILMEMBER (AT LARGE)

CHAIR  
PLANNING, HOUSING, AND  
ECONOMIC DEVELOPMENT COMMITTEE

TRANSPORTATION, INFRASTRUCTURE,  
ENERGY, AND ENVIRONMENT COMMITTEE

March 29, 2019

Dear Colleagues,

I am writing to ask for your support for legislation to create a Policing Advisory Commission to review our current practices in a variety of areas, research best practices from across the country, and provide recommendations to the Council.

Montgomery County's Police Department is widely respected for its progressive leadership and dedicated and professional officers. Our public safety agencies do an excellent job of keeping us safe. But our police can only keep all Montgomery County residents safe if they have the full trust of everyone in our community. Recent events in our County and the growing national dialogue about the role and practices of police, particularly in communities of color, have put a sharp focus on trust, transparency and accountability.

For the past six months I have worked with representatives from the Montgomery County chapter of the NAACP and other groups to consider several reforms.

We extensively discussed creating a Civilian Review Board to enable public review and oversight of police disciplinary matters. After careful analysis with Council legal staff, we concluded that state law puts significant limitations on what information could be shared with any Civilian Oversight Board, and ultimately with the public. I hope that the general assembly will reform these laws and I am pleased that the Council has supported state legislation this session to amend the MPIA and make it easier for a Civilian Review Board, members of the public, and even government officials like our Inspector General to view important records when their are complaints against police officers.

Councilmember Jawando, meanwhile, has proposed legislation to have an independent criminal investigation when there is an officer-involved death; as well as to make all possible information public after a charging decision has been made. I am a co-sponsor of that legislation and I appreciate Mr. Jawando's strong leadership on the proposal. Since joining the Council, he has worked closely with me on this legislation as well.

The concept for a Policing Advisory Commission was first presented to me and to others by Robin Gaster, a Silver Spring resident who has been active at the County and State level on criminal justice

reform issues. The Commission should examine the strategies that our department uses to promote public safety (for example, data collection and sharing, community policing, officer training, discipline) as well as the specific rules that officers are trained to follow (for example, use of force or when to pursue).

The Commission would report to the Council. There would be eleven civilian members of the Commission, as well an ex-officio or non-voting seat for the Police Department and for the Fraternal Order of Police. Each Councilmember would appoint one civilian member of the Commission (a suggestion made by Councilmember Jawando), and the Executive would recommend two civilian members for appointment. There would be an ex-officio or non-voting seat for the Department as well as the Fraternal Order of Police. The Public Safety Committee would review the reports and recommendations from the Commission.

Each Councilmember would decide who to appoint and I hope we can work together to ensure a broad spectrum of voices is heard. Perhaps you would recommend someone who is active with a community organization; or a career federal employee with expertise in police oversight issues; or an academic or criminal justice policy expert. There are many possibilities.

Thank you for your consideration. Please be in touch with Ken Silverman in my office if you would like more information or to co-sponsor the legislation.

Regards,

A handwritten signature in black ink that reads "Hans". The letters are cursive and slightly slanted.

Hans Riemer  
Councilmember (At Large)



**MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND**

**COUNCIL PRESIDENT NANCY NAVARRO  
DISTRICT 4**

**CHAIR, GOVERNMENT OPERATIONS AND FISCAL  
POLICY COMMITTEE**

**EDUCATION AND CULTURE COMMITTEE**

**MEMORANDUM**

Friday, March 29, 2019

**TO:** Councilmember Hans Riemer  
**FROM:** Council President Nancy Navarro  
**SUBJECT:** Policing Advisory Commission Bill

Dear Hans,

I would like to acknowledge and thank you for the work you have put into your proposed legislation for the Policing Advisory Commission. Your legislation would create a body that would review our current practices in the various areas of law enforcement, research best practices from across the country and provide recommendations to the Council. This is a laudable initiative and I pledge my support in creating an effective oversight group that would work with the Police department and key stakeholders to ensure accountability and trust between our communities and those entrusted to keep them safe.

Let me share a few suggestions as you continue your work on this initiative:

1. The Montgomery County Police Department (MCPD) is currently a member of the Commission on Accreditation for Law Enforcement Agencies (CALEA), which awards accreditation to law enforcement agencies. As part of having their accreditation renewed, CALEA reviews current policies and compares them to recommended best practices. MCPD has been reaccredited every three years by CALEA since joining in 1993, with the most recent policy review and reaccreditation having occurred in 2016, and another to be expected sometime in 2019 under the current cycle. It would be helpful for you to review that process to see how it aligns with your goals and also whether its work could be integrated into this bill.
2. The Criminal Justice Coordinating Commission is a 32-member body, with 12 voting members (7 of whom are members of the general public) and 20 ex-officio members from various law enforcement, judicial, and legislative bodies within Montgomery County. The Commission has the power to review and comment on programs at the request of either the Executive or the Council, and it can make reports and recommendations to the Executive and Council periodically, as it deems appropriate. Additionally, the Commission can provide

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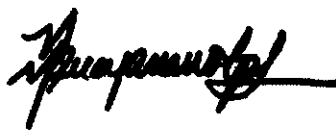
analyses concerning criminal justice programs at the request of the Executive, Council, or judicial system. The Office of the Chief Administrative Officer (CAO) provides staff, subject to appropriation. It would be helpful to work with the Office of Legislative Oversight (OLO) to review the work of the Commission, including its charter, reporting and oversight requirements with a view to seeing how the work of the commission aligns with your vision.

Based on your review and analysis of the above groups, you could recommend legislation that establishes one or both of the following:

- A. Create a new commission that reports to the County Council and request the County Executive to disband the Criminal Justice Coordinating Commission if you deem it duplicative and not meeting all the stated objectives of reporting and oversight.
- B. Based on OLO staff review, reconstitute the Criminal Justice Coordinating Commission by:
  - 1. Authorizing greater oversight authority to the Criminal Justice Coordinating Commission. Instead of solely focusing on program analyses, the Commission could also be authorized to look at broader departmental policies.
  - 2. Assigning the Office of Legislative Oversight to assist the Commission in a way similar to the current role of CAO staff.
  - 3. Requiring an annual report to the County executive and County Council that is presented before the full Council at a public session with follow-up work by the Public Safety Committee as appropriate
  - 4. Providing more independence to the Commission by making it a Commission of the Council, rather than of the County Executive.

Again, I thank you for all your work on this initiative and look forward to supporting you in the shared goal of ensuring greater oversight of our Police force.

Sincerely,



Nancy Navarro  
Council President

CC: Councilmembers

Attachments: Police Advisory Commission Bill (f:\law\bills\19xx policing advisory commission\bill 4.docx)  
[Montgomery County Code Section 2-60 webpage](#)  
[MCPD's "About Us- Accreditation" webpage](#)  
[CALEA's "Law Enforcement Accreditation: Cost" webpage](#)



HANS RIEMER  
COUNCILMEMBER AT-LARGE

COMMITTEES:  
CHAIR  
PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT (PHED)  
MEMBER  
TRANSPORTATION AND ENVIRONMENT (T&E)

## MONTGOMERY COUNTY COUNCIL ROCKVILLE, MARYLAND

May 22, 2019

The Honorable Nancy Navarro  
President, Montgomery County Council  
Stella Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Council President Navarro,

Thank you for agreeing to schedule introduction on June 18 of the Policing Advisory Commission legislation that I am proposing with Councilmember Jawando.

I am grateful for your support and I appreciate the opportunity to clarify why a new Commission is necessary. You requested that we review the possibility of adapting the existing Criminal Justice Coordinating Commission (CJCC) for this purpose. Other Council Members have also asked about this topic, as have the County Executive and Council staff.

Having now looked closely at the structure, mission, and operations of the CJCC, we believe it would not be a suitable body to take on the work of a Policing Advisory Commission, for three main reasons:

- 1) Membership and leadership. Only 7 of the 32 members of the CJCC are civilians, and the leadership is dominated by officers and staff from county criminal justice agencies. While their expertise is invaluable, they would collectively present the wrong impression for an entity that must be – and must appear to be – community driven and independent. The purpose of our proposed body is to provide for civilian or community participation in policing policy-making; the CJCC is substantially made up of public safety officials, as is appropriate for its mission.
- 2) Mission. The CJCC has the critical responsibility of coordinating between the numerous county agencies with responsibilities relative to the criminal justice system, or other organizations that interact with those agencies. CJCC's efforts and focus are tied directly to this cross-departmental mission – and not to the equally important task of improving MCPD in specific high-priority areas. It would not be fair or appropriate to burden the CJCC with this additional mission or to ask other county departments and agencies to recommend policies for MCPD. Nor would it be beneficial to allow the CJCC's work to be slowed or made more difficult by tasking that body with some of the more controversial issues that the Policing Advisory Commission should take on.

3) Operations. The CJCC is a coordinating body. Its meetings are focused on smoothing links between the various entities, and making the first responder network as efficient as possible. It does not produce public reports or recommendations, and indeed has no defined process for doing so. Nor could CJCC provide the detailed assessment and firm empirical analysis, based on data, that should underpin any recommendations.

Some have suggested that the CCJC could use changes; we do not have a strong view on that question at this time. We would welcome a separate discussion about it to ensure that the mission of that body is well served.

You also alluded in your letter to CALEA, the police accreditation body. CALEA also plays an important role, but CALEA's mission is to ensure that police departments meet *minimum* standards; we believe this is already true for MCPD, but we want to see MCPD rise far above minimum standards, and adopt *best practices*. Furthermore, CALEA cannot directly address concerns raised by the community, which we see as a central function for the proposed PAC. As a national body, CALEA is not in a position to address local issues on an ongoing basis.

For these reasons, we believe that a new body is needed to perform the key function of ensuring community involvement in the development of police policy, and therefore building greater community trust.

Thank you for working with us to advance this legislation, supported by the NAACP, Identity, Casa de Maryland, Jews United for Justice, and ACLU of Maryland, among other groups.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hans', with a long, sweeping horizontal stroke extending to the right.

Hans Riemer

(10)



June 12, 2019

County Executive Marc Elrich  
Montgomery County Executive Office Building  
101 Monroe Street, 2nd Floor  
Rockville, MD 20850

Dear County Executive Elrich:

We are writing to support the proposed legislation establishing a Policing Advisory Commission for Montgomery County. The Advisory Commission will address policing policy across several dimensions, and we believe will become an important pathway to enhance trust between the community and the Police Department. Thank you for meeting with a coalition of groups to discuss this issue on April 1, 2019, and for agreeing to lend your support for the legislation.

Our proposed Policing Advisory Commission differs in important ways from the Civilian Oversight Board model used in other jurisdictions. Most notably, our Commission would focus on *policy*, while a review board typically addresses matters of *discipline*. We stress that the proposed Policing Advisory Commission will *not* address discipline for individual officers. It will instead focus on key policy issues: use of force, recruiting and training, traffic stops, policing in schools, dealing with the mentally ill, technology and policing, and others. Such policies are the backbone of the Police Department's interaction with the community.

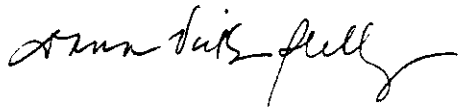
The Policing Advisory Commission will provide a high-quality review for these policies and will generate public reports and recommendations that can be the basis for further Police Department, Council, and Executive actions. But equally, the Commission will provide a direct voice for communities that have not always been heard on policing issues. We strongly believe that *our* voice has *not* been sufficiently heard and that the Policing Advisory Commission offers a pathway to a better and more sustained dialog between all segments of the community and the Police Department.

Current opportunities and institutions are insufficient. The Criminal Justice Coordinating Committee, for example, provides neither a voice for stakeholders (such as our organization) nor a focus on policing policy. It seems to be an important and useful body, but it cannot function as a Policing Advisory Commission.

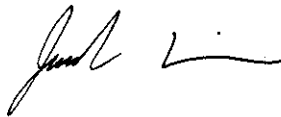
Policing policy is a matter of considerable importance to us. As elsewhere, there are urgent issues to address here in Montgomery County. The police-involved shooting death of a man with mental illness in Silver Spring last year is one such issue, raising entirely understandable concerns about police policy and training for such situations. Similarly, sharp differences in rates of traffic stops by race need a clear explanation and a detailed analysis. These issues are included here to illustrate the kinds of cases in which a Policing Advisory Commission analysis and recommendations could address community concerns and also provide a way to build better relations between the Police Department and the community at large.

Given the significance of this progressive initiative both to our members and to Montgomery County as a whole, we hope that you become part of the coalition and that you will provide full and public support for the proposed legislation.

Cordially,



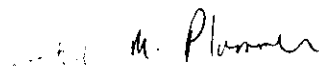
Dana Vickers Shelly  
Executive Director, ACLU of Maryland



Jacob Feinspan  
Executive Director, Jews United for Justice



Gustavo Torres  
Executive Director, CASA



Linda Plummer  
President, Montgomery County NAACP



Diego Uriburu  
Executive Director, Identity

cc: Montgomery County Councilmembers



**The Post's View** Opinion

# Allow civilian oversight of Montgomery police

By Editorial Board  
May 18

THE IDEA that police are no good at conducting high-stakes investigations of themselves prompted Montgomery County lawmakers to enact a measure requiring that outsiders — meaning law enforcement officers from elsewhere — be enlisted to look into the county's own police-involved deaths and report the findings publicly. Nice idea. In practice, no outsiders want the job so far.

Prompted by the legislation, sponsored by council member Will Jawando (D-At Large), Montgomery officials have been scouring area localities in search of a police department willing to enter into a reciprocal arrangement to investigate each other's cases when a police officer causes a civilian's death. So far, they've found no takers, possibly because other nearby departments are smaller and are busy with their own matters.

That raises a larger question: What are best practices to ensure that police-involved deaths are subject to honest, transparent investigations fully accountable to the publics they serve?

Nationally, a number of state police departments or other state-level investigative agencies have units empowered to investigate police-involved deaths in localities. Maryland has no such provision. It should. Moreover, the Maryland legislature, in thrall to police unions, has barred civilians from access to police personnel records, meaning they can take no part in reviewing police-involved deaths when they occur.

In Montgomery, lawmakers on the all-Democratic County Council have limited options. They may not be able to change the status quo under which police investigate their own when police-involved deaths occur. However, they can inject some sensible civilian oversight of law enforcement, even if it is not in the investigative process. (A reciprocal arrangement under which state prosecutors in Montgomery and Howard counties have agreed to review police-involved deaths in each other's jurisdiction does not apply to initial police investigations.)

A bill being drafted by council at-large member Hans Riemer would establish a civilian board that would oversee and make recommendations on police policy and procedures. It is unpopular with police and getting a skeptical reception from some council members who question why such a board would be foisted on law enforcement but not on other county agencies and departments.

There's a simple and compelling answer to that: because other agencies and departments are not empowered and equipped to kill civilians. And while Montgomery's police department is highly professional and well regarded, it has had instances of police-involved deaths — including one last year — and likely will have them again. It is foolish to believe that the county's police force, with 1,200 sworn officers, is immune to mishaps, misjudgments and even malicious conduct, some of which may result in unwarranted deaths.

13

With more than 1 million residents, Montgomery is Maryland's most populous jurisdiction. It is a bellwether and a leader whose example could prompt other localities to fashion more meaningful civilian oversight of law enforcement. It can move proactively now, or be forced to act later, under pressure and amid controversy, when an unwarranted death occurs at the hands of police. The former is the smarter way to go.

**Read more:**

Rachel Barkow: Prosecutors need to treat police shootings like a threat to public safety

Eugene Robinson: Bulldoze the 'blue wall' of silence — or black men will keep dying

The Post's View: Black man down — again

The Post's View: Police killed two good guys with guns. Arming more people isn't the answer.

The Post's View: The FBI stonewalls again on Bijan Ghaisar's killing

**Fiscal Impact Statement**  
**Bill 14-19, Policing Advisory Commission – Established**

**1. Legislative Summary**

Bill 14-19 establishes the Policing Advisory Commission; and sets its membership, duties, and reporting requirements. The legislation also specifies that the Executive Director of the Office of County Council must provide staff for the Commission.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

The Bill might require additional personnel to staff the Commission. For illustrative purposes, one full-time (1.0 FTE) Legislative Analyst position costs \$78,000.

Operating expenses are estimated to be approximately \$5,000 annually for costs related to hosting an annual public forum including venue-related costs, public engagement activities, and printed materials.

The members of the Policing Advisory Commission are appointed and serve without regular compensation. Members of the Commission would be eligible for mileage and dependent care reimbursements. The costs of these reimbursements cannot currently be estimated.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

Staff costs cannot be reliably estimated at this time. Should one Legislative Analyst position be required for implementation, the Bill could cost up to \$498,000 over the six years for staff costs and operating expenses.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable.

**5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

No IT-related expenditures are anticipated as a result of this legislation.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

While this Bill does not authorize future spending, there will be ongoing costs associated with its implementation.

**7. An estimate of the staff time needed to implement the bill.**

See Question 2.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

It is unknown how the new responsibilities will affect the workload of the attorney and legislative service coordinator.

**9. An estimate of costs when an additional appropriation is needed.**

Not applicable.

**10. A description of any variable that could affect revenue and cost estimates.**

Not applicable.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Although the members of the Commission are expected to serve without compensation, the Bill does allow for reimbursements for mileage and dependent care costs at current County-established rates. These costs are highly variable and specific to each members' activities and cannot currently be estimated.

**12. If a bill is likely to have no fiscal impact, why that is the case.**


Not Applicable.

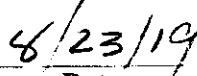
**13. Other fiscal impacts or comments.**

Not applicable.

**14. The following contributed to and concurred with this analysis:**

Dale Tibbitts, Special Assistant to the County Executive, Office of County Executive  
Caroline Sturgis, Assistant Chief Administrative Officer, Office of County Executive  
Jane Mukira, Office of Management and Budget  
Naeem Mia, Office of Management and Budget

  
Richard S. Madaleno, Director  
Office of Management and Budget

  
Date

**Economic Impact Statement**  
**Bill 14-19 Bill 14-19 Police – Policing Advisory Commission – Established**

**Background:**

Bill 14-19 would create and specify the membership and duties of a Policing Advisory Commission.

**1. The sources of information, assumptions, and methodologies used.**

There were no sources of information, assumptions, or methodologies needed in the formulation of this economic impact statement. Although the County has the Criminal Justice Coordinating Commission, there is not a County Advisory Committee that focuses on best practices on policing matters.

**2. A description of any variable that could affect the economic impact estimates.**

There are no variables that could affect the economic impact estimates from this legislation. The goal of the legislation is to create an entity that will inform the Council on policing best practices and includes the following duties:

- advise the Council on policing matters;
- provide information regarding best practices on policing matters;
- recommend policies, programs, legislation, or regulations;
- comment on matters referred to it by the Council;
- conduct at least one public forum each year for community input on policing matters; and
- engage in public education.

**3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**


The Bill will have no measurable effect on employment, spending, savings, investment, incomes, or property values in the County.

**4. If a Bill is likely to have no economic impact, why is that the case?**

Please see paragraph 3.

**5. The following contributed to or concurred with this analysis:**

David Platt, Dennis Hetman – Department of Finance.

  
\_\_\_\_\_  
Michael Coveyou, Acting Director  
Department of Finance

7/2/19  
\_\_\_\_\_  
Date

**State and County entities that may make recommendations regarding police practices:**

**State:**

Maryland Police and Correctional Training Commissions: this state entity establishes and enforces standards for training, education, and prevention programs.

Maryland Center for School Safety (established by the 2018 Maryland Safe to Learn Act): Has a School Safety Subcabinet and Advisory Board that work together to recommend best practices for school safety. This includes School Resource Officer training.

**County:**

Criminal Justice Coordinating Commission: Evaluates the organization and adequacy of law enforcement and the administration of justice.

Domestic Violence Coordinating Council: Advises the CE, Council, and CJCC on policies, programs, and legislation necessary to prevent domestic violence. Primarily focused on service delivery for programs like shelters and the FJC. But may include recommendations on police practices.

Commission on Juvenile Justice: Advises the CE, Council, and the Juvenile Court on matters concerning juvenile justice. Work is primarily focused on the court system, but may include recommendations on police practices.

Advisory Boards/Groups: Any of the various advisory boards may request or recommend changes to police practices.

- East County Citizens Advisory Board
- Mid-County Citizens Advisory Board
- Silver Spring Citizens Advisory Board
- Silver Spring Urban District Advisory Committee
- Upcounty Citizens Advisory Board
- Western Montgomery County Citizens Advisory Board
- Wheaton Urban District Advisory Committee
- African-American Advisory Group
- Asian American Advisory Group
- Latin American Advisory Group
- Middle Eastern Advisory Group
- Faith Community Advisory Council
- Senior Committee



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
County Executive

July 9, 2019

### **Bill 14-19 Testimony**

Good evening Council President Navarro and members of the Council.

I am Dale Tibbitts, Special Assistant to County Executive Elrich. I am here on behalf of Executive Elrich in support of Bill 14-19 Policing Advisory Commission.

The Executive wishes to state that support for public input through this bill does not in any way mean a lack of support for the hardworking, dedicated police officers who serve our county every day. Input from the community will make our department even better.

The Bill would create a commission, consisting of community members and other appointed members, to advise the Council on policing matters, best practices, policies and public education. The Council would appoint 9 public members. The County Executive would nominate 4 members for the Commission. The Police Chief, or the Chief's designee, would also sit on the commission as a non-voting ex officio member. There is also a representative of the employee organization certified under Article V of Chapter 33 – the FOP police union.

The Bill would require the Commission to meet at least 6 times during the year, to hold at least one public forum each year for community input on policing matters and to engage in public education.

The Executive has two recommendations:

- The Bill does not expressly say that the union is permitted to nominate their own member for Council confirmation to the commission. Like the other ex-officio member, the Police Chief or the Police Chief's designee, it should specify the union president or the president's designee.
- Under Duties, the Commission should advise the Council and the Executive on policing matters.

Thank you for this opportunity to express the County Executive's view on this bill.



# Montgomery County Lodge 35, Inc.

18512 Office Park Drive  
Montgomery Village, MD 20886 703 771 10 11 3 49

Phone: (301) 948-4286

Fax: (301) 590-0317

RECEIVED  
MONTGOMERY COUNTY  
JUL 11 2019

AM  
CC  
MM  
ML

July 11, 2019

Dear Council President Navarro:

Thank you for hosting the public hearing for Bill 14-19. The testimony provided by those who spoke publicly was very informative. Several key topics were brought up during the discussions. We believe council should pay close attention to the desire of community members to have a robust community policing philosophy as you consider where Bill 14-19 should go from here. The room was divided almost evenly of citizens who supported and opposed Bill 14-19. One could easily come to that conclusion by the applause after testimony. Unfortunately, there were approximately only (150) one hundred fifty of the 1.1 million residents of Montgomery County who attended this meeting. Based on the participation, you can also conclude that, if the policies of the Montgomery County Police Department desperately needed citizen input, there would have been more Montgomery County residents attending this meeting in support of this bill.

Of the approximately thirty members of the community who testified in support of Bill 14-19, almost everyone had competing visions of the bill design and desired future results. Considering the differing opinions of the speakers, it would be difficult to assume that thirteen community members, who are appointed to sit on this commission, will be able to reach a unanimous agreement on policy recommendations. We believe the bill, as it is written, would cause greater divide and mistrust of the police and the commission if the commission fights among themselves over policy recommendations.

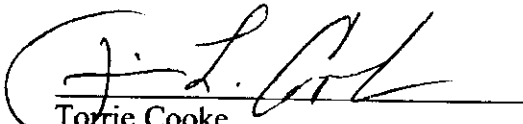
At the end of the night, the majority agreed that Montgomery County Police officers and the community need to collaborate on how communities in Montgomery County should be policed (community policing). Our police department must fully embrace community policing and reject stat driven policing. Police leaders must embrace the community policing philosophy and encourage officers to engage with the community. Collaborating and building strong relationships within the community must be the priority of policing in Montgomery County and reinforced by police leadership.

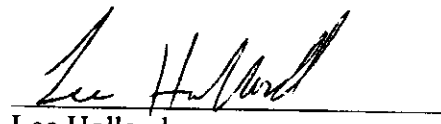
Your closing comments about the need to establish a bill on community policing is exactly something that we support and believe community members will support. Bill 14-19 could be amended to have this commission consider community policing best practices, specific needs of policing in each county district, etc. Instead of voting on recommendations, every commission member's recommendations can be detailed on an annual report that would be made public and presented to the police department, County Executive, and County Council.



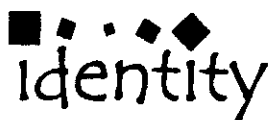
We and the members of Fraternal Order of Police Lodge 35 look forward to working with you on developing a bill that encourages community members input on community policing. The community should have a voice in how the community and police officers work together in creating collaborative relationships to improve trust. Ultimately, the goal for the community and police officers is to prevent tragedies and discord, through developing trust and establishing strong relationships with one another. This kind of community policing commission model could be the blueprint for a national model created to change the narrative on policing in the United States.

We look forward to your leadership in establishing a bill that will focus on community policing efforts rather than police policies which are already vetted to make sure our policies are the best practices in policing.

  
Torrie Cooke  
President

  
Lee Holland  
Corporate Vice President

cc: Councilmember Andrew Friedson  
Councilmember Craig Rice  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Will Jawando  
Councilmember Hans Riemer  
Councilmember Sidney Katz  
Councilmember Tom Hucker



October 21, 2019

Montgomery County Council  
Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

Dear Esteemed Councilmembers:

We are writing to ask that you support our request to amend Bill 14-19, establishing a Policing Advisory Commission, to add two youth and young adult seats to the Commission; one for a person under 25 years of age, and the other for a person under 35 years of age. Both members would be selected and approved by a majority vote of the full County Council. We believe it is a necessary step in rebuilding trust between the community and the Police Department and ensuring those most negatively impacted by police interactions are represented on the Commission.

Thank you for your support of Bill 14-19. We appreciate your leadership and thoughtful consideration of this very serious issue.

While the proposed Policing Advisory Commission would provide a much needed outlet for community input on policing policy and is a good start, it is not nearly enough as is because it does not guarantee people who have the most negative interactions with the police are represented. Young adults often interact most with the police and have the most negative experiences. Accordingly, in order to have a chance at truly fixing the problem, this community needs to be fully represented in developing a solution, including representation on the Commission.

Young adults aged 18 to 34 comprise approximately 21% percent of the population of Montgomery County, but they comprised 60% of adults arrested from July 6th to August 5th, 2019.<sup>1,2</sup> They were arrested at a rate three times higher than their share of the population and higher than every other age demographic. Many of those young adults, 24% of those arrested in that time period, were 18 to 24 years of age. However, we do not need data to know that young people have disproportionate contact with the Montgomery County police.

Almost all of the disturbing high profile and public incidents involving profiling or misuse of force have been against civilians younger (often significantly) than 35 years old. The young men

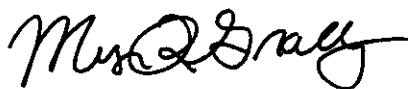
22

detained at a McDonald's in White Oak this past May, where an officer was caught on camera using a racial slur, were all in their twenties. The young man assaulted by an officer at an Aspen Hill McDonald's in early July was nineteen years old.

Many of these incidents in which civilians are stopped and frisked, profiled, or subject to aggressive force or offensive and discriminatory language-- the incidents for which the community is calling for accountability and better policing--are all committed against young people of color. Yet of the county's over 75 already existing boards, committees, and commissions, very few comprise young people of color, few even have any members under 35 years old. Even in looking at those most involved and heard in advocating and negotiating for the creation of this Commission: despite being the most affected, young people have not been the loudest voice. Therefore, there is little reason to believe the voices and experiences of young adults, one of the groups most affected by this issue, will be adequately represented unless they are explicitly included and given a seat at the table.

Every time we are mistreated by the police and see inadequate action, we begin to feel our lives and personhood are not valued. We lose trust in the police and in our elected officials. When we do not see ourselves included in the solutions, our trust and faith in our government further erodes. Now we have an opportunity to take an important step in rebuilding trust in our community and we hope you will help us in taking this step. Thank your work and leadership. We hope you will support our healing and rebuilding of trust by giving young people a meaningful seat at the table.

Cordially,



Lupi Quinteros-Grady  
President & CEO, Latin American Youth Center



Gustavo Torres  
Executive Director, CASA



Diego Uriburu  
Executive Director, Identity

**DISCLAIMER:** This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Email transmission cannot be guaranteed to be secure or error-free, as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Identity Inc. accepts no liability for any damage caused by any virus transmitted by this email.

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

A year and a half ago, a Montgomery County police officer killed an unarmed man in my neighborhood. A rigged process allowed him to avoid facing criminal charges, and as a consequence my neighbors and I now have to think twice each time we call the police. Is it worth the risks to our community?

A strong, independent policing advisory commission will give the people a voice in shaping police policy in Montgomery County. This commission is one tool to help our county address systemic racism and the breakdown of trust between police and the community.

The Policing Advisory Commission needs to include representatives from the communities most impacted by police misconduct. Please vote for important amendments to add two seats on the commission for young people and to strengthen the language about the make up of the commission to ensure the members reflect the racial and economic diversity of Montgomery County.

Thank you for supporting accountable policing. Please make this a meaningful step toward justice.

Sincerely,  
Mr. Max Socol  
9051 Manchester Rd Silver Spring, MD 20901-4126  
mbsocol@gmail.com

24

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

The time for action is now. This issue has been discussed enough. A strong, independent policing advisory commission will give the people a voice in shaping police policy in Montgomery County. This commission is one tool to help our county address systemic racism and the breakdown of trust between police and the community. Let's make this action happen.

The Policing Advisory Commission needs to include representatives from the communities most impacted by police misconduct. Please vote for important amendments to add two seats on the commission for young people and to strengthen the language about the make up of the commission to ensure the members reflect the age, race and economic diversity of Montgomery County.

Thank you for supporting accountable policing. Please help make this a meaningful step toward justice.

Sincerely,  
Cheryl SLOAN  
613 Philadelphia Ave Takoma Park, MD 20912-4111  
csloan5@verizon.net

25

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

A strong, independent policing advisory commission will give the people a voice in shaping police policy in Montgomery County. This commission is one tool to help our county address systemic racism and the breakdown of trust between police and the community.

The Policing Advisory Commission needs to include representatives from the communities most impacted by police misconduct--specifically Black, Indigenous, Latinx, and sex worker community members. Please vote for important amendments to add two seats on the commission for young people and to strengthen the language about the make up of the commission to ensure the members reflect the racial and economic diversity of Montgomery County.

Thank you for supporting accountable policing. Please make this a meaningful step toward justice.

Sincerely,  
Alex Burnett  
555 Thayer Ave Apt 208 Silver Spring, MD 20910-5343  
alexburnett10877@gmail.com

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

We trust and respect our police officers. They defend and protect us. We look to them for safety. But when the confidence in police department is undermined by the allegations of wrongdoing by any, it undermines them all. It benefits everyone, above all the police department, when there is independent public oversight over allegations of wrongdoing by a few. Without the appearance of fairness and transparency, the whole police department suffers undeserved blame.

The establishment of a strong and independent police advisory commission that is truly representative of all segments of society -- based on economic status, race and ethnicity, gender, age etc. -- will instill confidence in police department.

Proposed legislation must contain language that assures diversity on the proposed Policing Advisory Commission. Without a Commission that is truly representative of all segments of County diversity, the effort and expense in creating the Commission will be a waste of opportunity to keep the County safe for all and maintain confidence in our police officers.

Thank you for doing all you do to keep the residents of this great community safe. Hope you will support efforts to strengthen diversity on this Commission.

Sincerely,  
Raj Gupta  
5 Cumbernauld Ct Rockville, MD 20850-2728  
rajkgupta13@hotmail.com

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Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

Police need to be held accountable for their actions. One was to address systemic racism and the breakdown of trust between police and the community is to have representatives from the communities most impacted by police misconduct on the Policing Advisory Commission . Please vote for the amendment to strengthen the language about the make up of the commission to ensure the members reflect the racial and economic diversity of Montgomery County.

Thank you for supporting accountable policing.

Sincerely,  
Ms. Cindy Brach  
8 Hilltop Rd Silver Spring, MD 20910-5446  
cindy.brach@gmail.com



Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

Misconduct and use of excessive force by our police is a stain on our community. The only way to curtail it is something like the commission, which will provide oversight and accountability.

Please include amendments that will add committee seats for young people and clarify language about the makeup of the commission to ensure that it reflects the population of our County.

Sincerely,  
Hannah Wald  
632 Azalea Dr Rockville, MD 20850-2003  
bookbeast@gmail.com

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

Civilian oversight of police is a century-old concept with special relevance in a time where failures in police procedure have resulted in civilian deaths and eroded trust in the police.

There is growing support and research across the country for this approach to engaging the community in holding police accountable, and Montgomery County should not only be taking part but taking the lead in best practices and data gathering.

I strongly support not only the Commission, but the addition of representatives that represent the communities most impacted--young people and poor people of color.

Thank you for your commitment to creating a more just and equitable County.

Sincerely,  
Julia Ridgely  
823 Aster Blvd Rockville, MD 20850-2037  
jsridgely@yahoo.com

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

The PAC should include two youthful members ("youth" is a category that over-reaches all the other categories of affected people, such as Native Americans; homeless; immigrant; etc. -- which makes it worth this special treatment, and specific naming, in the bill).

The PAC should include a professional specialist on community policing (i.e., real reform, not a status-quo "expert")

The PAC should be empowered to see and study ALL data, policies, and materials on ALL aspects of policing, including recruitment, training, performance evaluation, discipline, malpractice investigation, administration, and reporting. Of course, within the limits of the law (and the LEOBR is a real hobble ... but maybe that will end some day).

The PAC should exclude voting or even ex-officio members of the police. Their expertise can be asked for when it is needed. This is a civilian committee.

Thank you for supporting accountable policing. Please make the PAC a meaningful step toward justice that is empowered to shine a powerful light on all aspects of public safety, and to make recommendations that have meat and bone on them, not fluff.

Sincerely,  
Mr. Steven Lapham  
18737 Purple Martin Ln Gaithersburg, MD 20879-1749  
StevenSellersLapham@gmail.com

31

**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Monday, October 21, 2019 3:58:55 PM  
**To:** Council President  
**Subject:** FW: Police Advisory Commission

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**From:** James Ehrman <sjehrman@msn.com>  
**Sent:** Monday, October 21, 2019 3:58 PM  
**To:** Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>  
**Cc:** Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; SURJMOCOMD <surjmocomd@googlegroups.com>  
**Subject:** Police Advisory Commission

**[EXTERNAL EMAIL]**

Dear Councilmembers,

A message from SURJ Montgomery County refers to 3 amendments, promoted by the Silver Spring Justice Coalition, to be added to Councilmember Riemer's bill to create a Policing Advisory Commission. The amendments concern adding people to the Commission to ensure it is representative of a broad swath of our County's demographics.

To enhance the Commission's inclusivity, I hope the Council will approve these amendments. I hope the Council will instruct the Commission to address the related issues of police force relations with members of our County's "minority" communities and stress reduction among police force members. That force is not composed of supermen/superwomen but of men and women who, day after day, contend with the seamier side of life and the predictable emotions such contact arouses. As those of us who live near Downtown Silver Spring have reason to know, the stress of living and dealing with intense, even accumulating emotions, can produce tragic results -- both among community members and those who wear a police uniform.

Establishing and sustaining close rapport between minority communities and police will not eliminate all problems, but it can make managing them easier.

James Ehrman  
District 5

Dear Members of the Montgomery County Council:

With police shootings threatening to increase in our nation and Montgomery County, we need to build trust between our police and and our community.

Please include the following amendments in your bill to create a Police Advisory Commission for our county:

- Language that designates spots on the Police Advisory Commission for a young person 25 or under, and a young person between 26 and 35, both as appointed by the county executive in addition to the four appointments he already has in the original bill.
- Voting members of the Police Advisory Commission reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial and economic diversity of the county's communities, with an emphasis on those most proportionately impacted by inequities. Members have experience in redressing disparate impacts of policing.
- Include a non-voting member who is an expert in police reform to the Police Advisory Commission, in addition to a non-voting member of the Police Department and a non-voting member of the Police Union.

Thank you,  
David Ward  
106 North Brook Lane  
Bethesda 20814  
202.997.1112  
he/him/his/them

Dear Montgomery County Council,

I sent this message to the Public Safety Committee to urge support for important amendments to Bill 14-19, the establishment of a Policing Advisory Commission.

I am following up a previous message to encourage you to support the following amendments to the Police Advisory Commission bill:

- Adding language to the bill that designates spots on the Police Advisory Commission for a young person 25 or under, and a young person between 26 and 35, both as appointed by the county executive in addition to the four appointments he already has in the original bill.
- Voting members of the Police Advisory Commission should reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial and economic diversity of the county's communities, with an emphasis on those most proportionately impacted by inequities. Each member should have some experience in redressing disparate impacts of policing.
- We request an additional non-voting member who is an expert in police reform to be added to the Police Advisory Commission; the current language of the bill already includes a non-voting member of the Police Department and a non-voting member of the Police Union.

I urge you to support representation as outlined above in the Police Advisory Commission bill.

Sincerely,

Ms. Helen Avner

14916 Joshua Tree Rd North Potomac, MD 20878-2564

[helen@helenrubin.com](mailto:helen@helenrubin.com)

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**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Tuesday, October 15, 2019 12:26:52 PM  
**To:** Council President  
**Subject:** FW: Police Advisory Commission bill

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**From:** Sara Baum <baum.sara@gmail.com>  
**Sent:** Tuesday, October 15, 2019 9:48 AM  
**To:** Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>  
**Subject:** Police Advisory Commission bill

**[EXTERNAL EMAIL]**

Hello Councilmembers,

I am a Silver Spring resident, business owner, and member of the Silver Spring Justice Coalition. I live in the same neighborhood as Robert White who was killed by police two summers ago.

I'm writing to share my support for the following amendments to the Police Advisory Commission Bill.

- ? Adding language to the bill that designates spots on the Police Advisory Commission for a young person 25 or under, and a young person between 26 and 35, both as appointed by the county executive in addition to the four appointments he already has in the original bill.
- ? Voting members of the Police Advisory Commission should reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial and economic diversity of the county's communities, with an emphasis on those most proportionately impacted by inequities. Each member should have some experience in redressing disparate impacts of policing.
- ? We request an additional non-voting member who is an expert in police reform to be added to the Police Advisory Commission; the current language of the bill already includes non-voting member of the Police Department and a non-voting member of the Police Union.

I feel particularly strongly about there being an expert in police reform added to the Commission, so that we can get some new voices at the table and learn from best practices around the country.

Thank you for the work you are doing to increase transparency and accountability for police. I know that policing is difficult and brave work and that individual police officers may generally have good intentions, but it is also clear that policing as an institution has major issues of racial profiling and brutality that must be addressed.

Also I hope to see you all at the Police Accountability Workshop on November 6th, where legislators and citizens will discuss police accountability and how to improve it. Flyer is attached.

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Thank you,  
Sara Baum



logo

**Sara Baum**

Owner

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301-200-2265

sara@sharpcopytranscription.com

www.sharpcopytranscription.com

■ ■ ■

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## Email Viewer

Message	Details	Attachments	Headers
Source			

[HTML](#)

From: "MCCouncil@App.MontgomeryCountyMD.gov"

<MCCouncil@App.MontgomeryCountyMD.gov>

Date: 8/29/2019 12:31:41 PM

To: "county.council@mccouncilmd.lmhostediq.com"

<county.council@mccouncilmd.lmhostediq.com>

Cc:

Subject: MCPD review board - Submitted By: Mrs Andrea Kronzek - (Attn: All CMs, Council Webform)

I am writing to you in support of our wonderful Montgomery County Police Department. A citizen review board is not safe or fair for those officers who risk and sacrifice so much to keep our community safe. A review board should ONLY be comprised of individuals who have knowledge and experience in the profession of law enforcement, especially those who know what it's like to have "boots on the ground," like any other professional review board.

I have been a Montgomery County resident since 1980 and have been served well by MCPD. They do so much for us; please do what's right by them.

Sincerely,

Andrea Kronzek

Close

**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Thursday, August 29, 2019 4:18:42 PM  
**To:** Council President  
**Subject:** FW: Montgomery County Police Department

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**From:** J Eastman [mailto:jte4@verizon.net]  
**Sent:** Thursday, August 29, 2019 4:18 PM  
**To:** Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>  
**Subject:** Montgomery County Police Department

**[EXTERNAL EMAIL]**

Dear Councilmember,

I support MCPD and do not feel as though a citizen review board is safe or fair for those officers out there risking their safety, sacrificing their holidays and birthdays with family to keep my family and neighbors safe. A review board should only be comprised of individuals who have knowledge and experience in the profession of law enforcement, as with any other professional review board.

I have been a resident for 50 years and have been served well by MCPD.

Sincerely,  
Joyce Eastman

*Joyce Eastman*  
*Enchanted Adventures Travel*

301-257-4939  
<http://www.enchantedadventurestravel.com/>  
"Like" Enchanted Adventures Travel on [Facebook](#)

**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Friday, September 27, 2019 12:06:04 PM  
**To:** Council President  
**Subject:** FW: Civilian Review Board

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**From:** Ron / Becky Sterling <rsling@verizon.net>  
**Sent:** Friday, September 27, 2019 11:54 AM  
**To:** Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando@montgomerycountymd.gov; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Marc Elrich <Marc.Elrich@montgomerycountymd.gov>  
**Subject:** Civilian Review Board

**[EXTERNAL EMAIL]**

Dear Councilmembers and County Exec:

I am a resident of Montgomery County. I do not support a civilian oversight board for the police department, especially one that would include civilians with no expert law enforcement experience. I am also confused as to how the proposed board, though proposed to be comprised of people in a non-paying position, will somehow cost the county an additional \$200,000.

On October 28, vote against the civilian oversight board.

Sincerely,

Ron Sterling  
Retired MCP

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## Issues for Future Committee Discussion

Individuals and organizations suggested several amendments to Bill 14-19 and they are described in this section.

**Composition** Several individuals and organizations recommended changes to the composition of the Commission. Many of these recommendations related to ensuring that there was diversity on the Commission. For instance, Mike Mage recommended that the 9 members appointed by the Council should have demonstrated “public activity or advocacy on behalf of police reform and equity” and that the members should include persons whose interactions with the police have shown the need for police reform” (©105).

Specifically, the following amendments were requested related to diversity on the Commission:

- Public members should reflect the diversity of the county, including LGBTQ people and people of color – LGBTQ Democrats of Montgomery County (©101).
- Showing Up for Racial Justice (©109) and Takoma Park Mobilization (©112-113) expressed their concern that groups “most impacted” by these issues should be represented on the Commission.
- Latin American Youth Center, CASA and Identity (©96-98) and Young People for Progress (©116-117) urged an amended to add 1 Commission member that is under 25 years old and 1 member under 35 years old.
- The City of Takoma Park urged an amendment to require representation on the commission of young people of color and those who work with special needs (©111).

**Council staff note:** The Riemer amendment on ©118-119 would add language to the bill so that the public members appointed to the Commission are representative of the diverse population of the County or have an interest in policing matters. Additionally, Councilmembers Riemer and Jawando support including 2 younger Commission members.

Related to whether MCPD and the FOP should have representation on the Commission, the Council heard a variety of viewpoints. As introduced, MCPD and the FOP would each have a non-voting ex officio member. Councilmembers heard requests for amendments to:

- make MCPD a voting member of the Commission – League of Women Voters (©99-100).
- remove MCPD and the FOP as members of the Commission – Michael Rubin (©103-104) and Showing Up for Racial Justice (©109).
- remove FOP as members – ACLU of Montgomery County MD (©92-92A) and Takoma Park Mobilization (©112-113).
- The Executive recommended an amendment to specify that the union representative is the union president or president’s designee (©91).

Other composition-related suggested amendments include:

- The number of Executive-nominated members should be reduced from 4 to 3 – Mike Mage (©105).
- Commission members should be elected, not appointed – Takoma Park Mobilization (©112-113), Jews United for Justice (©94-95), and Showing Up for Racial Justice (©109).
- The number of Commission members should be increased – Mitchell Berger (©106-108).

- The number of ex officio members should be increased and include the Sheriff's Office, Department of Correction and Rehabilitation, the State's Attorney's Office, the Public Defender, Fire & Rescue Service, Department of Health and Human Services, and Montgomery County Public Schools. Additionally, there should be specific liaisons from the Mental Health Advisory Committee, Commission on Children and Youth, Criminal Justice Coordinating Commission, Domestic Violence Coordinating Council, Human Rights Commission, and Victim Services Advisory Board – Mitchell Berger (©106-108).

**Compensation for members** Some individuals and organizations, specifically Michael Rubin (©103-104), Takoma Park Mobilization (©112-113), and Jews United for Justice (©94-95), noted that the bill prevents a Commission member from receiving compensation for serving on the Commission. They raised concerns that this could limit the likelihood of low income individuals from serving on the Commission. Council staff notes that most County advisory boards, committees, and commissions, including the Community Action Board, Interagency Commission on Homelessness, include this language regarding compensation.

**Council staff note:** If Councilmembers are interested in reviewing this policy, it may be helpful to have a broader conversation about compensation for service on County boards, committees, and commissions.

**Access to data** The ACLU of Montgomery County (©92-92A), Jews United for Justice (©94-95), Mike Mage (©105) and Takoma Park Mobilization (©112-113) all noted that it is critical that the Commission be provided with data in order to review policies and make recommendations. Under existing law, the Commission would be entitled to have any publicly available data and information. Bill 14-19 could be amended to specify this.

**Council staff note:** The Riemer amendment on ©118-119 would require the County (including MCPD) to respond to Commission requests for information within 30 days after receiving the request.

**Commission Recommendations** The Council heard from many individuals and organizations that urged amendments to specify the process by which recommendations are provided by the Commission. For instance, ACLU of Montgomery County (©92-92A), Takoma Park Mobilization (©112-113) and Jews United for Justice (©94-95) all suggested that the Commission's recommendations be presented to the full Council in a public hearing setting and to require a public response from MCPD.

Other recommended amendments include:

- Specifically allow the Commission to transmit recommendations to MCPD – Art Brodsky (©93). Similarly, the Executive recommended that the Commission also advise the Executive (not just the Council) on policing matters (©91).
- Ensure the recommendations of the Commission are made public – ACLU of Montgomery County (©92-92A) and Mike Mage (©105).
- Showing Up for Racial Justice (©109) and Takoma Park Mobilization (©112-113) urged an amendment to require the Commission's recommendations be adopted.

**Advocacy** As noted above, the Commission would be prohibited from engaging in advocacy at the State or federal levels unless those activities are approved by the Office of Intergovernmental Relations. Several organizations and individuals took issue with this restriction (as an example, ACLU of Montgomery County (©92-92A), Showing Up for Racial Justice (©109), and Takoma Park Mobilization (©112-113). Jews United for Justice urged an amendment to clarify that individual members can engage in advocacy and suggested providing a mechanism for the Commission to engage in state and federal advocacy when necessary (©94-95).

**Council staff note:** The County law establishing most County boards, committees, and commissions include this advocacy language. The purpose of this language is to ensure that county “speaks with one voice” when advocating at the state and federal levels. This language is not intended to inappropriately hinder a board’s advocacy of issues within its jurisdiction. In fact, the Office of Intergovernmental Relations can often be helpful for boards wishing to advocate at the State or federal level.

As noted above, this language does not prohibit the Commission for advocating at a County level (one of the specific duties of the Commission is to advise the Council on policing matters). Nor does this language prohibit an individual Commission member from advocating *as an individual* on State and/or federal matters.

**Other proposed amendments** In addition to the amendments raised above, the Council heard the following proposed amendments:

- The Commission should select its own chair and co chair – Takoma Park Mobilization (©112-113). [**Council staff note:** The Riemer amendment on ©118-119 would address this concern.]
- The Commission should take petitions from the public – ACLU of Montgomery County (©92-92A). [**Council staff note:** The Riemer amendment on ©118-119 would require the Commission to accept correspondence from the public.]
- The Commission meetings should provide time for public comment – Jews United for Justice (©94-95). [**Council staff note:** The Riemer amendment on ©xx would require the Commission to accept comments from the public.]
- The Commission meetings should be open to the public – Takoma Park Mobilization (©112-113). [**Council staff note:** the Commission would be subject to the State Open Meetings law, which generally requires open meetings except for certain specified reasons to close a meeting.]
- Some organizations/individuals urged an amendment to specify resources and staffing needed for the Commission – Takoma Park Mobilization (©112-113), Jews United for Justice (©94-95), and Mitchell Berger (©106-108)
- Clarify that the Commission’s scope includes all law enforcement agencies in the county, including municipalities, County Sheriff, Metro Transit, State police – Mitchell Berger (©106-108). [**Council staff note:** the County does not have jurisdiction over all these law enforcement agencies.]
- Broaden the duties to include support for additional outreach from the Police Department to residents – League of Women Voters (©99-100).

## AMENDMENT

To Bill 14-19

### BY COUNCILMEMBER RIEMER

PURPOSE: To make various amendments to Bill 14-19 to strengthen the bill.

*Beginning on page 2, after line 16, add new subparagraph (c)(4) and renumber remaining subparagraphs to read:*

- 1           (4) The public members appointed under paragraphs (2) and (3)  
2           should:  
3           (i) be broadly representative of the diverse population of the  
4           County; or  
5           ((ii)) have an interest or expertise in policing matters.

*Beginning on page 3, line 28 change paragraph (d)(2) to read:*

- 6           (2) The [[Council]] Commission must [[designate the]] elect a Chair  
7           and Vice-Chair from among its voting members.

*Beginning on page 3, after line 50 add an uncoded section to read:*

#### 8   Sec. 2. Transition.

9           Notwithstanding paragraph (d)(2), the Council must designate the Chair and  
10          Vice-Chair until the Commission elects the Chair and Vice-Chair.

*Beginning on page 3, lines 35-42 change paragraph (e) to read:*

- 11          (e) Duties. The Commission must:  
12           (1) advise the Council on policing matters;  
13           (2) provide information regarding best practices on policing matters;  
14           (3) recommend policies, programs, legislation, or regulations;  
15           (4) comment on matters referred to it by the Council;

- 16           (5)   conduct at least one public forum each year for community input  
17                   on policing matters; [[and]]  
18           (6)   accept correspondence and comments from members of the public;  
19                   and  
20           (7)   engage in public education.

*Beginning on page 3, after line 42 add new paragraph (f) and renumber remaining paragraphs to read:*

- 21           (f)   Requests for information. The County, including the Police Department,  
22                   should respond to Commission requests for information within 30 days  
23                   after the County receives the request.



## AMENDMENT

To Bill 14-19

### BY COUNCILMEMBERS JAWANDO AND HUCKER

PURPOSE: To include young members on the Commission.

*Beginning on page 2, line 15-16, amend subparagraph (c)(3) to read:*

- 1           (3) The Council should appoint 4 members nominated by the  
2           Executive. Of these members:  
3           (A) one member should be 18-25 years of age; and  
4           (B) one member should be 26-35 years of age.

f:\law\ills\1914 policing advisory commission\jawando amendment.docx