

MEMORANDUM

September 22, 2021

TO: Public Safety Committee

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 45-20, Police – Community Policing – Data

PURPOSE: Worksession 3– Committee to make recommendations on bill

Expected Attendees

Chief Marcus C. Jones, Montgomery County Police Department
Lt. J. Satinsky, Montgomery County Police Department
Dr. Elaine Bonner-Thompkins, Office of Legislative Oversight

Bill 45-20, Police – Community Policing – Data, sponsored by Lead Sponsor Councilmember Jawando, then-Council President Katz, then-Council Vice President Huckler, and Councilmember Alborno, and Co-Sponsors Councilmembers Riemer, Rice, Friedson, Navarro and Glass, was introduced on November 17, 2020.¹ A public hearing was held on December 8, 2020. A first worksession was held on January 21, 2021. A second worksession was held on March 11, 2021.

Bill 45-20 would require the Montgomery County Police Department (MCPD) to make certain reports to the County Executive and County Council, and to post certain datasets regarding officer-community interactions on Data Montgomery.

BACKGROUND

The purpose of Bill 45-20 is to implement recommendations of the Office of Legislative Oversight (OLO) regarding the use of data to enhance community policing. On July 21, 2020, OLO issued a report on *Local Policing Data and Best Practices* (Report Number 2020-9). (©7). In its report, OLO made the following recommendations:

1. County Council define the term “detention” in the County’s Community Policing Law (Bill 33-19) to include all stops, searches, citations, arrests, and use of force.

¹ #PoliceTransparency
#PoliceAccountability
#OpenPoliceData
#OpenPoliceDataMoCo

2. MCPD track and report on data on street stops (i.e., stop and frisks) and field interviews.
3. MCPD regularly survey residents and staff on police-community relations and contact.
4. MCPD build capacity to use policing data to advance best practice in constitutional and community policing.
5. MCPD collect and report race and ethnicity data for every policing dataset.
6. MCPD post additional policing data on Data Montgomery that aligns with internal datasets, including data on criminal and civil citations.

SPECIFICS OF THE BILL

Bill 45-20 would amend Section 35A-6 of the Code, which already contains various reporting requirements for the Montgomery County Police Department (MCPD). Under the bill, MCPD would be required to report annually to the Council (among other data):

- demographic information regarding individuals stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident by the Department, including:
 - race;
 - ethnicity;
 - gender; and
 - any other demographic information voluntarily provided by the detainee.

The bill also would require MCPD to post on Data Montgomery information about each of the following types of incidents, including information about race and ethnicity:

- use of force incidents;
- field interview reports;
- juvenile citations;
- criminal citations, including trespassing citations;
- alcohol beverage violations;
- possession of marijuana violations less than 10 grams;
- smoking marijuana in public places; and
- any other interactions with the public for which MCPD maintains an internal dataset.

SUMMARY OF PUBLIC HEARING

At a public hearing on December 8, 2020, four speakers testified in support of the bill. On behalf of the County Executive, Police Chief Marcus Jones supported the bill and emphasized that the bill will enhance transparency. He noted that the Montgomery County Police Department (MCPD) is purchasing a new data management system, which should be operational by 2022. He also noted that some critical data, including data about traffic stops, is not “owned” by MCPD and would require coordination with other agencies, like the State Police.

Several community groups spoke in support of the bill and requested amendments to:

- require MCPD to report on the outcomes of interactions with community members;
- include district-level data in police data sets;
- require the police to report on the outcomes of mental health calls;
- require data collection on each instance when an officer draws a service weapon; and
- require data collection on stay-away orders and trespass violations.

SUMMARY OF THE FIRST WORKSESSION

At the first worksession on January 21, the Committee received updates from Chief Jones regarding the Department's acquisition of a new data management system, which would be critical for implementing the requirements of Bill 45-20. A contract for the new data system was expected within approximately 60 days. Chief Jones and Assistant Chief Patil also informed the Committee that the Department and municipalities use the same records management system.

The Department further explained that additional professional staff and resources would be needed by the Department to implement the requirements of the bill. Some of the data not currently collected by the Department includes youth referrals, the number of mental health and substance abuse calls, the number of stop and frisks by demographic group, the number of juvenile citations, and the number of alcohol citations.

After robust discussion, the Committee voted (3-0) to recommend two amendments to the bill:

- an amendment to require an explanation by the Department if certain data sets about interactions with individuals are required to be kept confidential under applicable law; and
- an amendment to require an annual survey of residents and officers regarding issues of community trust.

The two amendments adopted by the Committee are reflected in the attached version of the bill (©1). In addition to these amendments, the Committee discussed whether to amend subsection (c)(3) of the bill to require the collection and online reporting of certain mental health calls and the deployment of service weapons, tasers, pepper spray, and batons. The Committee did not decide upon amendments to subsection (c)(3), but the Committee agreed (3-0) that information about the deployment of certain weapons (e.g., pointing a gun as opposed to simply drawing it) should be tracked.

The Committee requested Council staff and the Department to provide supplemental information, including information about:

- the upcoming recommendations of the 2021 Reimagining Public Safety Task Force;
- a delineation of what information the Department can collect on its own, versus the information collection that requires cooperation from other agencies;
- a summary of the types of data the Department can collect immediately, versus the types of data that will require more long-term planning; and
- specific information about the amount of resources needed by the Department to implement the requirements of the bill.

SUMMARY OF THE SECOND WORKSESSION

At a second worksession, on March 11, 2021, the Committee reviewed recommendations of the 2021 Reimagining Public Safety Task Force, and recommended (3-0) amendments to: (1) disaggregate data by gender consistently throughout the bill; (2) require in the Department's annual report information about officer discipline, violations of the use of force policy, and the number of investigations conducted by Internal Affairs; (3) require the reporting of data regarding the pointing of weapons – pending the development of specific language for the Committee's review and approval; (4) require data disaggregated by race and ethnicity concerning trespass enforcement, including trespass orders – pending the development of specific language for the Committee's review and approval; and (5) requiring the identification of a public point of contact for data within the Department. These amendments are reflected in the attached bill (© 1).

The Committee also requested: (1) additional information about whether a townhall or public hearing should be required regarding the Police Department's annual report under the bill; (2) a list from the Department of all police interactions, and recommendations on when racial and ethnic demographic data should be collected for each interaction; and (3) information about data collection practices in other jurisdictions.

The Committee further discussed that pending state legislation might affect police data collection requirements and requested an additional worksession after completion of the General Assembly's 2021 session.

ISSUES FOR THE COMMITTEE'S CONSIDERATION

The Committee might wish to discuss the following issues and potential amendments regarding Bill 45-20.

1. Data Collection Practices in Other Jurisdictions

At the second worksession, the Committee requested additional information regarding data practices in other jurisdictions.

Like the state of Maryland, a number of states mandate the collection of certain types of police data. *See* Kan. Stat. Ann. § 22-4610(d) (data collection on bias-based profiling complaints); N.C. Gen. Stat. Ann. § 143B-903(a) (data collection on traffic stops); Tex. Code Crim. Proc. Ann. Art. 2.139 (data collection on officer-involved injuries and deaths).

In terms of other local police departments:

- The Metropolitan Police Department of the District of Columbia maintains an online portal for stop data. [Stop Data: January 1-June 30, 2021 | mpdc](#) The data includes race, gender, and age information for each individual who is stopped by the police.
- Prince George's County, Maryland maintains crime data on an open data portal. [Results matching category of Public Safety | Page 1 of 2 | Open Data | Socrata](#)

(princegeorgescountymd.gov). However, the open data portal does not appear to contain data regarding police stops or other data about community-police interactions.

- The Baltimore City Police Department has an open data portal, [Open Data | Baltimore Police Department](#), which contains information on crimes, arrests, and service calls. The data includes information about gender, race, and age.
- The New York City Police Department (NYPD) maintains a number of interactive public dashboards, [Reports & Analyses - NYPD \(nyc.gov\)](#), including a detailed dashboard regarding use of force by precinct and by gender, race, and age. [Microsoft Power BI \(powerbigov.us\)](#). One can easily see, for example, that 55% of individuals who experienced a use of force by NYPD so far in 2021 are Black.
- Pursuant to an ordinance, the San Francisco Police Department maintains data and issues quarterly reports on stops, searches, arrests, uses of force, and complaints of bias. Data is broken down by race, ethnicity, and sex. [Arrests, Use of Force and Stop Data, Admin Code 96A | San Francisco Police Department](#)

Based upon this information about other jurisdictions, the Committee might wish to add “age” data within the demographic information regularly collected and reported on by the Department. The District of Columbia, NYPD, Baltimore City, and San Francisco all collect age data in addition to race and gender data.

Decision point: Whether to require the collection of age data wherever demographic data must be collected under the bill.

2. Task Force Recommendations Related to Data Collection and Transparency

At the first worksession, the Committee asked Council staff to review the recommendations of the 2021 Reimagining Public Safety Task Force, which were issued after the worksession, and to identify recommendations that could be incorporated into Bill 45-20. The Committee reviewed some, but not all, of the relevant recommendations of the task force during the second worksession.

The following chart identifies each outstanding task force recommendation pertaining to data collection and transparency, whether the bill includes the recommendation and, if not, a potential amendment to include the recommendation:

Task Recommendation	Force	Is the recommendation covered by the bill?	Potential Amendment to the Bill
Improve accountability and transparency through annual public hearings, annual reports on incidents and discipline.		Annual reports are required. Annual hearings are not required.	Add a new subsection to require that: <u>The Council must hold a public hearing on each report submitted under subsection (a).</u>

Task Force Recommendation	Is the recommendation covered by the bill?	Potential Amendment to the Bill
There are significant portions of racially disaggregated data where an individual’s race is categorized as “other”. It is important to clarify when “other” is used and why.	No, the bill does not explicitly address this issue. The Policing Advisory Commission (PAC) has noted the importance of contextualizing the data and defining terms consistently throughout the Department.	Amend lines 53-57 as follows. (2) <u>The Department must:</u> (A) <u>for every dataset it maintains regarding interactions with individuals, collect race and ethnicity data; and</u> (B) <u>post the data on the web portal identified in Article XIV of Chapter 2, including an explanation of terms used in the data, such as the term <i>other</i> to identify race or ethnicity, and guidelines regarding how to navigate the data.</u>

With respect to mandatory public hearings on MCPD annual reports, the Council may hold public hearings regardless of whether the Code requires a hearing in a certain instance. In addition, it should be noted that mandatory public hearings are specified in the Code when a specific decision follows the hearing, *e.g.*, the enactment of legislation, the adoption of Board of Health regulations, or the adoption of subdivision plans or master plans. Council staff would recommend limiting mandatory hearings to these situations in which a public body is making a binding decision on a specific issue.

Decision Point: Whether to adopt the amendments described above to implement task force recommendations.

3. Contents of the Annual Report from MCPD to the Council and Executive

A number of recommendations of the Silver Spring Justice Coalition (SSJC) and other advocates overlap with recommendations of the Task Force, discussed above under Issue #2. In addition to the overlapping recommendations, SSCJ has recommended that the Department should be required to report annually to the Council and the County Executive regarding:

- with respect to civilian complaints, “the distribution of complaints across police districts and individual officers (i.e., X officers received Y complaints in the reporting period; X % of complaints in the reporting period were made against Y number of officers)”;
- with respect to mental health calls, “include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was

a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate a suspicion of a mental health disability”;

- with respect to substance abuse calls, “include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate a suspicion of substance abuse”;
- “the number of calls for service involving a person suspected to be homeless. This subsection should include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate that the subject was homeless.”; and
- “the number of overtime hours worked, per district, per officer (meaning, what percentage of officers worked overtime, and how many hours of overtime did they work).”

The Policing Advisory Commission (PAC) also has noted the importance of data regarding the outcomes of civilian complaints. If the Committee wishes to add these additional data sets to the annual report requirements of subsection (c)(1), it could adopt the following amendment to subsection (c).

(c) *Reporting requirements.*

- (1) By February 1 each year, the Montgomery County Department of Police must report the following information to the Executive and Council for the prior calendar year:

* * *

(J) the number of calls for service involving substance abuse, including whether the individual was stopped, arrested, issued a citation, referred to another agency or service provider, and whether use of force was employed;

(K) the number of calls for service involving mental health issues, including whether the individual was stopped, arrested, issued a citation, referred to another agency or service provider, and whether use of force was employed;

* * *

- (S) with respect to civilian complaints, the number of complaints per police district, the number of officers against whom the complaints were made, and the outcomes of the complaints;
- (T) the number of overtime hours worked per police district; and
- (U) the number of service calls involving a homeless individual, including whether the individual was stopped, arrested, issued a citation, referred to another agency or service provider, and whether use of force was employed.

Regarding data on overtime, it is unclear how overtime data pertains to community interactions with the police. The Committee might wish to discuss the issue of overtime with MCPD and the FOP as a management issue separate and apart from this bill.

Decision Point: Whether to adopt the amendments described above.

4. **Collection of Data on Police/Community Member Interactions**

The bill contains two subsections regarding the collection and online publication of data related to police-community interactions. The first of these subsections, (c)(2), is a *general catch-all* provision, and the second subsection, (c)(3), would require data collection about *specific types* of police-community interactions. As originally drafted, the catch-all provision, (c)(2), would provide:

- (2) The Department must:
 - (A) for every dataset it maintains regarding interactions with individuals, collect race and ethnicity data; and
 - (B) post the data on the web portal identified in Article XIV of Chapter 2.

a. Is paragraph (c)(2) overly broad? At the second worksession, the Police Department expressed some concern about the breadth of this catch-all requirement. Further, the Department was concerned that there might be certain types of interactions in which asking an individual to disclose their race or ethnicity is unhelpful or unrealistic. In response, the Committee asked the Police Department to provide a list of all types of interactions with residents and, with respect to each type of interaction, to recommend whether demographic data regarding race, ethnicity, and gender should be collected.

Based upon Council staff discussions with MCPD, main interactions with the police include use of force, arrests, stops, and searches. Although there are myriad other interactions with the police department, it is not feasible to list them all. The Police Department has noted that when someone is asking for assistance, such as in the context of a service call, asking the person's race or ethnicity might have an unintended chilling effect.

Given the concerns about the ability to identify every type of interaction – and the concern that asking for the race and ethnicity of callers might dissuade calls for help - the Committee might wish to consider deleting the catch-all provision and, instead, enumerate each situation – as in done in section (c)(3) of the bill – in which the collection of race and gender data is most crucial.

b. Should paragraph (c)(2) require the collection and publication of district-level and division-level/bureau-level data? The SSJC has requested amendments to require the Department to collect district-level data – in addition to race and ethnicity data – for every data set it maintains regarding interactions with individuals.

If the Committee wishes to require district-level data, it could adopt the following amendment.

Amend lines 53-57 as follows.

(2) The Department must:

(A) for every dataset it maintains regarding interactions with individuals, collect race and ethnicity data and data by police district; and

(B) post the data on the web portal identified in Article XIV of Chapter 2.

In addition to adding district-level data, the Committee might wish to consider a recommendation from Councilmember Riemer to require the collection of division- or bureau-level data. An amendment would be as follows.

Amend lines 53-57 as follows.

(2) The Department must:

(A) for every dataset it maintains regarding interactions with individuals, collect race and ethnicity data and data by police division, police bureau, and police district; and

(B) post the data on the web portal identified in Article XIV of Chapter 2.

Decision points: Whether to adopt the amendments above regarding data by division/bureau and by police district. In addition, whether to delete the catch-all provision, (c)(2), based upon feedback from the Police Department.

5. Specific Datasets that Must Be Maintained and Published Online

Subsection (c)(3) of the bill would require the collection and online publication of data regarding specific types of police-community interactions. Advocacy groups have recommended amendments to subsection (c)(3) to require the maintenance and online publication of demographic and district-level data regarding: (1) arrests on or immediately adjacent to MCPS property; including whether the call for service was placed by MCPS staff; (2) no-knock warrants; (3) number of searches conducted and whether contraband was found; (4) calls identified as false or frivolous by the reporting officer; and (5) mental health calls. The Committee also might wish to explicitly require the collection of data regarding stops. Data on stops is required for MCPD's annual reports, but the bill does not currently require stop data to be published online.

If the Committee wishes to expand subsection (c)(3) to include these additional datasets, it could adopt the following amendment.

Amend lines 58-67 as follows.

(3) Subject to state and federal law, the Department must maintain the following public datasets, to include race and ethnicity data and data by police district, on the web portal identified in Article XIV of Chapter 2:

* * *

(H) service calls related to mental health;

(I) service calls related to substance abuse issues;

(J) arrests, including arrests on or immediately adjacent to school property;

(K) execution and outcomes of no-knock warrants;

(L) searches, including searches that result in arrest or the discovery of contraband;

(M) calls identified as false or frivolous by the reporting officer; and

(N) stops (including stop and frisks that does not result in citations or arrests).

Note that age information could be added, as could division- or bureau-level data.

Note also that data on no-knock warrants and searches is now mandated by state law (see Item # 7). For consistency with state law, the Committee might wish to adopt the amendment described in Item #7, instead of including search warrants and no-knock warrants within the amendment described above.

It also should be noted that, per Council staff discussions with MCPD, frivolous call data is not maintained. Although it would be helpful to have data on the number of calls to police that are motivated by the caller's bias, MCPD is concerned that labeling calls as "frivolous" will deter legitimate calls, and also that the responding officer often will not be able to determine if a call is "frivolous".

Decision Point: Whether to adopt the amendments described above, including whether to add age data, division- and bureau-level data, search data, and frivolous call data.

6. SWAT Team Data

Under state legislation passed during the 2021 Legislative Session, [2021 Regular Session - House Bill 670 Chapter \(maryland.gov\)](#), local police departments are required to report, every 6 months, regarding the deployment of SWAT Teams. The reported data must include:

(1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED AND DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS 6 MONTHS;

(2) THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH ACTIVATION;

(3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM;

(4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY, FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

(5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM, INCLUDING:

(I) THE NUMBER OF ARRESTS MADE, IF ANY;

(II) WHETHER PROPERTY WAS SEIZED;

(III) WHETHER A FORCIBLE ENTRY WAS MADE;

(IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM MEMBER; AND

(V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED OR KILLED BY A SWAT TEAM MEMBER.

The Committee might wish to add to the bill a requirement that this SWAT team information be reported online on Data Montgomery, and that the information must include demographic data on residents who interact with the SWAT team. A potential amendment would be:

(3) Subject to state and federal law, the Department must maintain the following public datasets, to include race, gender, and ethnicity data, on the web portal identified in Article XIV of Chapter 2:

* * *

(J) information identified under Section 5 of Chapter 59 of the 2021 Laws of Maryland regarding the activation, deployment, and results of the SWAT team.

Decision Point: whether to adopt the amendment described above regarding SWAT team data. Alternatively, whether to require simply that MCPD posts a copy of the state-mandated SWAT team report to the MCPD website.

7. Search Warrant Data

The Maryland Police Accountability Act of 2021, [2021 Regular Session - Senate Bill 178 Chapter \(maryland.gov\)](#), will require police departments to report annually to the Governor's Office of Crime Control and Prevention the following information concerning search warrants:

(1) THE NUMBER OF TIMES A NO-KNOCK SEARCH WARRANT WAS EXECUTED IN THE PREVIOUS YEAR;

(2) THE NAME OF THE COUNTY AND MUNICIPAL CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE EACH NO-KNOCK SEARCH WARRANT WAS EXECUTED;

(3) FOR EACH SEARCH WARRANT EXECUTED, THE NUMBER OF DAYS FROM THE ISSUANCE UNTIL THE EXECUTION OF THE SEARCH WARRANT, DISAGGREGATED BY WHETHER THE SEARCH WARRANT WAS A NO-KNOCK SEARCH WARRANT;

(4) THE LEGAL BASIS FOR EACH NO-KNOCK SEARCH WARRANT ISSUED;

- (5) THE NUMBER OF TIMES A SEARCH WARRANT WAS EXECUTED UNDER CIRCUMSTANCES IN WHICH A POLICE OFFICER MADE FORCIBLE ENTRY INTO THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED SPECIFIED IN THE WARRANT;
- (6) THE NUMBER OF TIMES A SWAT TEAM WAS DEPLOYED TO EXECUTE A SEARCH WARRANT;
- (7) THE NUMBER OF ARRESTS MADE, IF ANY, DURING THE EXECUTION OF A SEARCH WARRANT;
- (8) THE NUMBER OF TIMES PROPERTY WAS SEIZED DURING THE EXECUTION OF A SEARCH WARRANT;
- (9) THE NUMBER OF TIMES A WEAPON WAS DISCHARGED BY A POLICE OFFICER DURING THE EXECUTION OF A SEARCH WARRANT; AND
- (10) THE NUMBER OF TIMES A PERSON OR DOMESTIC ANIMAL WAS INJURED OR KILLED DURING THE EXECUTION OF A SEARCH WARRANT, DISAGGREGATED BY WHETHER THE PERSON OR ANIMAL WAS INJURED OR KILLED BY A POLICE OFFICER.

The Committee might wish to add to the bill a requirement that this search warrant information be reported online on Data Montgomery, and that the information must include demographic data on residents affected by the execution of search warrants. A potential amendment would be:

- (3) Subject to state and federal law, the Department must maintain the following public datasets, to include race, gender, and ethnicity data, on the web portal identified in Article XIV of Chapter 2:

* * *

- (K) information identified under Section 1 of Chapter 62 of the 2021 Laws of Maryland regarding the activation, deployment, and results of the SWAT team.

The Police Department has asked that, to the extent data collection is mandated under state law, it not also be mandated by local law, but in a different format. Along these lines, the Committee might wish to delete existing references to search data and no-knock warrant in the bill and, instead, to adopt the amendment described above.

Decision Point: whether to adopt the amendment described above regarding search warrant data. Alternatively, whether to require simply that MCPD posts a copy of the state-mandated search data report to the MCPD website.

NEXT STEP: The Committee is expected to vote on whether to recommend enactment of Bill 45-20, including the amendments identified in this memorandum.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 45-20
Concerning: Police – Community Policing
– Data
Revised: 9/17/2021 Draft No. 4
Introduced: November 17, 2020
Expires: May 17, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Jawando, Council President Katz, Council Vice President Hucker,
and Councilmember Alborno
Co-Sponsors: Councilmembers Riemer, Rice, Friedson, Navarro and Glass

AN ACT to:

- (1) require the Montgomery County Police Department to make certain reports;
- (2) require the Montgomery County Police Department to post certain datasets on Data Montgomery; and
- (3) generally amend the law governing policing.

By amending

Montgomery County Code
Chapter 35, Police
Section 35-6A

Boldface	<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:

- 27 (K) the number of calls for service involving mental health
 28 issues;
- 29 (L) demographic information regarding individuals [detained]
 30 stopped (including a stop and frisk that does not result in a
 31 citation or arrest), searched, cited, arrested, or the subject of
 32 a use of force incident by the Department, including:
- 33 (i) race;
 - 34 (ii) ethnicity;
 - 35 (iii) gender; and
 - 36 (iv) any other demographic information voluntarily
 37 provided by the detainee;
- 38 (M) demographic information regarding individuals subject to a
 39 [[street stop or]] field interview, including:
- 40 (i) race;
 - 41 (ii) ethnicity;
 - 42 (iii) gender;
 - 43 (iv) location; and
 - 44 (v) any other demographic information voluntarily
 45 provided by the detainee;
- 46 (N) a description of the Department’s training standards and
 47 practices, including training and practices related to
 48 de-escalation; [[and]]
- 49 [(N)] (O) a description of the Department’s community policing
 50 efforts, including community policing programs,
 51 participation in town hall meetings, and efforts to engage
 52 with schools, recreation centers, community centers, and
 53 senior centers;

- 54 (P) the number of officers subject to each type of officer
 55 discipline;
- 56 (Q) the number of violations of the use of force policy, and the
 57 number of officers found to have violated the use of force
 58 policy; and
- 59 (R) the number of investigations conducted by the Internal
 60 Affairs Division of the Department.
- 61 (2) The Department must:
- 62 (A) for every dataset it maintains regarding interactions with
 63 individuals, collect race, gender, and ethnicity data; and
- 64 (B) post the data on the web portal identified in Article XIV of
 65 Chapter 2.
- 66 (3) Subject to state and federal law, the Department must maintain the
 67 following public datasets, to include race, gender, and ethnicity
 68 data, on the web portal identified in Article XIV of Chapter 2:
- 69 (A) use of force incidents;
- 70 (B) field interview reports;
- 71 (C) juvenile citations;
- 72 (D) criminal citations, including trespassing citations;
- 73 (E) alcohol beverage violations;
- 74 (F) possession of marijuana violations less than 10 grams;
 75 [[and]]
- 76 (G) smoking marijuana in public places;
- 77 (H) the pointing of a service weapon, taser, or pepper spray at
 78 an individual; and
- 79 (I) the issuance of a stay-away order for trespass enforcement,
 80 and the location of property where the enforcement occurs.

- 81 (4) If state or federal law prevents the Department from publishing a
82 dataset under paragraphs (2) or (3), the Department must, in its
83 report under paragraph (1), identify the dataset and explain the
84 reason that the dataset is confidential.
- 85 (5) The Department must also provide the information reported under
86 paragraph (1) to the Policing Advisory Commission established
87 under Section 35-6.
- 88 (d) *Annual survey.*
- 89 (1) The Department annually must conduct an anonymous survey of
90 residents and officers regarding police-community relations,
91 including, at a minimum, the levels of trust communities have in
92 the police.
- 93 (2) The survey must be administered to residents in multiple
94 languages.
- 95 (3) The survey must contain demographic information, including
96 racial, ethnic, age, gender, and geographic information, regarding
97 respondents.
- 98 (4) The Department must post the survey results on the web portal
99 identified in Article XIV of Chapter 2.
- 100 (e) The Department must designate an individual officer as the point
101 of contact responsible for the data collection and transparency
102 requirements under this Section.

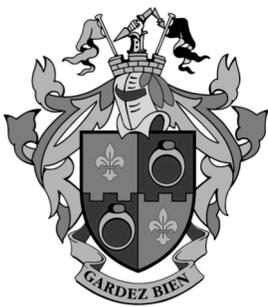
LEGISLATIVE REQUEST REPORT

Bill 45-20

Police – Community Policing – Data

DESCRIPTION:	Bill 45-20 would require the Montgomery County Police Department to make certain reports; require the Montgomery County Police Department to post certain datasets on Data Montgomery; and generally amend the law governing policing.
PROBLEM:	Per OLO Report Number 2020-9, the need for better data regarding race and ethnicity regarding to police interactions with the public
GOALS AND OBJECTIVES:	Implement recommendations of OLO Report Number 2020-9.
COORDINATION:	OLO; MCPD
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	Office of Legislative Oversight
EVALUATION:	
EXPERIENCE ELSEWHERE:	To be researched
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Applies to MCPD
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Local Policing Data and Best Practices

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Local Policing Data and Best Practices

Executive Summary of OLO Report Number 2020-9

July 21, 2020

Summary: This report describes the Montgomery County Police Department's practices for compiling data on police interactions with the public, and their alignment with best practices to advance constitutional and community policing. Overall, OLO finds that:

- MCPD tracks a number of policing metrics that align with best practices and will report more data publicly to comply with the Community Policing Law (Bill 33-19) in February 2021.
- MCPD does not track data on street stops (e.g. stop and frisks) and does not consistently record data by ethnicity, which may undercount MCPD's interactions with Latinx residents.
- Available data demonstrates wide disparities in police-public interactions by race and ethnicity in the County, especially for traffic stops and violations, arrests, and use of force.

These findings suggest that improved collection and monitoring of MCPD policing data is warranted to evaluate and monitor for constitutional and community policing. Based on these, OLO offers six recommendations for improving the alignment of local policing data practices to best practices.

Best Practices for Policing Data

MCPD, like most other law enforcement agencies, prioritizes the collecting and reporting of crime statistics as performance measures of effectiveness. To ensure that agencies do not undermine the law to enforce the law, researchers recommend that agencies also track and monitor policing data that describes their interactions with the public to assess how well they conduct their work. Two sets of policing data best practices emerge from the research:

- Collect and monitor data on police interactions with the public by race and ethnicity.
- Collect and monitor data on four sets of police interactions with the public:
 - Detentions (including all stops, searches, citations, and use of force incidents),
 - Police- and resident-initiated contacts,
 - Civilian and internal complaints against the police, and
 - Surveys of police-community relations from residents and law enforcement.

MCPD Policing Data Practices and Alignment to Best Practices

MCPD collects a variety of crime and policing data in electronic and paper files as noted in Chart 1.1. In general, MCPD's internal datasets offer more information than the subsets of data excerpted on Data Montgomery or described in MCPD annual reports. Additionally, several MCPD datasets, at least partially, align with policing data best practices. These include tracking data on:

- **Detentions** by race and ethnicity for traffic stops, violations, searches and arrests tracked via E-Tix, arrest data tracked in CRIMS, and use of force data compiled from MCP Form 37.
- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD's Computer Aided Dispatch system; and

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- **Police complaints** tracked by the Internal Affairs Division.

Yet, MCPD’s policing data practices do not completely align with best practices. For example:

- MCPD’s detention datasets do not track street stops (i.e. stop and frisks) between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of criminal and civil citations (including trespassing tickets) that would enable them to monitor for disparities;
- MCPD’s existing forms and systems do not consistently record data on ethnicity. Race and ethnicity data are also not collected as fields in the Computer Assisted Dispatch;
- MCPD’s internal affairs police complaints database does not collect race and ethnicity data for every complainant, despite prompts for doing so included in Form MCP 580; and
- MCPD neither surveys nor reports residents’/staff’s perceptions of police-community relations.

Chart 1.1: Montgomery County Police Department Crime and Policing Datasets

Category		Database	Datasets/Forms	
<u>Electronic Data Sets</u>	Crime Data	E-Justice	Crime Incidents*Δ	
			Bias Incidents*Δ	
	Policing Data	Computer Assisted Dispatch	Police-Initiated Incidents Δ	
			Resident-Initiated Incidents Δ	
			CRIMS (DOCR)	Arrests*
			Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
			Community Engagement Division	Community Engagement Events*Δ
			Vehicle Pursuits	MCP 610 Forms*
			Use of Force	MCP 37 Forms*
			Delta Plus (Maryland State Police)	E-Tix (Traffic Violations) Δ
Automated Crash Reporting System Δ				
Field Interview Reports				
<u>Paper Data Sets</u>	Policing Data	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)	
		Civil Citations	Alcohol Beverage Violation	
			Possession of Marijuana (< 10 grams)	
			Smoking Marijuana in Public Place	
			Other infractions (Municipal, DNR)	

Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>

Disparities in Local Police-Public Interactions

Available data displays wide disparities in police interactions by race and ethnicity. For example, compared to representing 18 percent of the County’s population, African Americans accounted for:

- 32% of MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases compared in 2018.

Further, an analysis of 2019 traffic stop and violation data suggests that:

- 27% of Black adults experienced a traffic stop compared to 14-17% of White and Latinx adults, and 7% of Asian adults;
- Black men were three times as likely as White men to receive any traffic violation (46% v. 17%), Latino men were nearly twice as likely (32% v. 17%) and Other men were more than twice as likely (42% v. 17%).

These racial and ethnic disparities in police interactions with the public suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities in police-community interactions may signal biased policing. While disparities do not prove biased policing, they signal that unconstitutional policing could be a problem that merits investigation.

OLO Recommendations

Based on these findings, OLO offers six recommendations for improving the alignment of MCPD policing data practices to best practices.

- 1. County Council define the term “detention” in the County’s Community Policing Law (Bill 33-19) to include all stops, searches, citations, arrests, and use of force.**
- 2. MCPD track and report to data on street stops (i.e. stop and frisks) and field interviews.**
- 3. MCPD regularly survey residents and staff on police-community relations and contact.**
- 4. MCPD build capacity to use policing data to advance best practices in constitutional and community policing.**
- 5. MCPD collect and report race and ethnicity data for every policing dataset.**
- 6. MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.**

For a complete copy of OLO-Report 2020-9, go to:

<http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>

Office of Legislative Oversight Report 2020-9

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Chapter 1: Authority and Scope

OLO FY20 Work Program, Resolution 19-173, Adopted July 23, 2019

The Montgomery County Police Department (MCPD) collects a variety of criminal justice data that at the broadest levels can be categorized in two ways:

- **Crime statistics/data** that describe criminal activity by type, severity and location.
- **Policing data** that describe police interactions with the public, including arrests, citations and video from vehicle dashboard and body cameras.

Whereas crime statistics can serve as metrics of a law enforcement agency's effectiveness at preventing and reducing crime, policing data can serve as metrics of *how* an agency conducts their work.

Recognizing that sharing data on policing practices and outcomes can enhance trust, transparency, and accountability with communities, MCPD participates in the Police Data Initiative by posting several datasets online.¹ The intent of open data is to enable individuals to review information for themselves rather than to rely on other's explanations. The policing data posted on Data Montgomery, however, usually represents only a subset of the information that MCPD collects within its internal datasets. MCPD also annually releases a suite of reports that describe and analyze data points on policing practices. But, like Data Montgomery, the data presented in MCPD's annual reports represent a subset of the information that MCPD collects and tracks.

To improve the Council's understanding of the data points that MCPD collects, this OLO project describes policing data points currently collected by MCPD. This project also includes descriptions of policing data collected by MCPD but managed by other agencies, such as the Maryland State Police.

This report's overview of MCPD data points is intended to help inform the County Council's oversight and specificity of data requests. Further, the focus of this report is to describe MCPD's collection of policing data that describes its interactions with the public, rather than to describe crime data routinely reported to the public, the state, and the Federal Bureau of Investigation. Given the Council's increasing focus on racial equity, social justice and community policing, this OLO report also focuses on the availability of MCPD policing data by race and ethnicity.

This OLO report is presented in six chapters:

Chapter 2, Constitutional and Community Policing, sets the context for why policing data matters. This chapter describes how constitutional and community policing and data metrics reflecting these performance goals can enhance law enforcement effectiveness.

Chapter 3, Recommended Policing Data and Local Practices, compares recommended practices for tracking data on police-community interactions with data points tracked in Montgomery County.

Chapter 4, Datasets Collected by MCPD, describes local policing data in detail by describing the data points collected within each MCPD dataset and data limitations.

¹ <https://www.policedatainitiative.org/>

Chapter 5, Avenues for Future Data Analysis and Reporting, offers a sample of the analyses that can be conducted with available MCPD policing data.

Chapter 6, Findings and Recommendations, summarizes key project findings and offers recommendations for County Council and MCPD action.

OLO Senior Legislative Analyst Elaine Bonner-Tompkins and OLO Legislative Analyst Natalia Carrizosa authored this report. Literature reviews on policing data, community policing, and best practices for using data to promote transparency informed the development of this report, as well as interviews with MCPD personnel and reviews of MCPD documents that include departmental policies, regulations, reports and forms. MCPD data available on Data Montgomery and County Council worksessions and public hearings on community policing also informed the development of this report.

Several key findings emerge from the information and data reviewed:

- Best practices recommends that police departments collect data on their interactions with the public disaggregated by race, ethnicity, gender, and location.
- MCPD collects and reports data on a variety of metrics, some of which align with best practices for tracking and reporting policing data disaggregated by race, ethnicity and gender.
- MCPD datasets available in Data Montgomery often represent a subset of the actual data that MCPD collects and tracks.
- Analyses of MCPD datasets and annual reports with available data demonstrate sizable disparities in police interactions with the public by race, ethnicity and gender.

Based on these findings, OLO offers the following recommendations for County Council action:

- Clarify MCPD reporting requirements under the Community Policing Act (Council Bill 33-19) to include reporting data on all stops, searches, and criminal and civil citations.
- Require MCPD to annually survey residents and departmental employees on the quality of police interactions with the public and residents on their interactions with the police.
- Request MCPD to collect and report all policing data by race and ethnicity.
- Encourage MCPD to develop its capacity to compile and analyze policing data to help inform its constitutional and community policing efforts.
- Encourage MCPD to make available datasets on Data Montgomery that mirror their internal datasets and the data points collected in them as permissible by law.

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Chapter 2: Constitutional and Community Policing

Police departments are part of a larger criminal justice system that includes prosecutors, courts, juvenile justice systems, prisons, and probation and parole departments.² Police departments do not write laws; they are tasked with the responsibility of enforcing laws that are enacted by elected officials and interpreted by the courts. Enforcing laws is just one of many different roles of the police. Other important roles include working with communities to prevent crimes and solve various “quality of life” problems, maintaining order, and conducting investigations.

While law enforcement agencies care about a number of priorities, what often gets prioritized for performance management is crime prevention. In response to the question of “What metrics does MCPD track?” the most often cited answer among various MCPD respondents was crime statistics. On several occasions, this response led to an extensive discussion on the distinction between NIEBRRs, and UCR crime and incident reporting requirements to the federal government.

Jessica Sanders of the RAND Corporation, however, warns that to “focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals.”³ She warns that in addition to statistics on property and violent crimes, police departments need “performance metrics to incentivize and demonstrate constitutional policing that is bias free” and that “placing all emphasis on crime levels creates a dangerous tension because it overlooks police officers other roles and functions that should include police-community relations.”⁴

This chapter describes constitutional and community policing, and data metrics that law enforcement can use to monitor progress across these performance goals. Subject matter experts find that effective law enforcement agencies combine constitutional and community policing methods – they go hand-in-hand, but they are not the same. They find that constitutional, bias-free policing lays the framework for implementing community policing approaches that build trust and foster legitimacy for local law enforcement among impacted communities. A description of these two concepts and how oversight bodies can use performance measures to advance constitutional and community policing follows.

1. Constitutional Policing

Constitutional Policing (which can be described as legal policing, unbiased policing, procedural justice or fair and impartial policing) refers to policing conducted in accordance with the parameters set by the U.S. Constitution, state constitutions, and the many court decisions that have defined what the text of the Constitution means relative to policing practices.⁵ Constitutional policing recognizes individual’s civil rights and treats citizen’s equally regardless of race, ethnicity, gender identity, age, religion, sexual orientation, or other qualifiers. In short, constitutional policing ensures that law enforcement officers treat everyone fairly and impartially.

² See U.S. Justice Department’s Policing 101 (<https://www.justice.gov/crs/file/836401/download>)

³ Jessica Sanders, The RAND Corporation, Performance Metrics to Improve Police-Community Relations, before the Committees on Public Safety, California State Assembly and Senate, February 10, 2015

⁴ Ibid

⁵ Policing 101

In policing, biases can lead to racial profiling, an unconstitutional practice. According to the National Institute for Justice, racial profiling by law enforcement is commonly defined as a practice that targets people for suspicion of crime based on their race, ethnicity, religion, or national origin.⁶ When communities believe that the police engage in biased policing behaviors, their trust in law enforcement is damaged.

The Police Executive Research Forum further notes that constitutional policing is more than just policies that hold up in court.⁷ It says police departments should continually examine practices to make sure they “advance the broad constitutional goal of protecting everyone’s civil liberties and providing equal protection under the law.”⁸ Moreover, PERF finds that a foundation of constitutional policing should inform everything police do. However, there are certain areas where law enforcement leaders should be especially careful to promote constitutional policing. These include police:

- Use of force,
- Stop and frisks,
- Issues of racial bias, and
- Interactions with people who have a mental illness.

PERF advises that in every interaction, police must walk the line of enforcing the law to keep people and communities safe, while also respecting the rights of every individual they interact with. The President’s Task Force on 21st Century Policing also advises that police agencies must also promote transparency and accountability to demonstrate to the community that officers act fairly and impartially, and that there are systems in place to detect mistakes or abuses of authority.⁹ They further note that public trust and cooperation are key elements of effective policing, and are lost when police officers and employees engage in unconstitutional or unprofessional conduct.

To track whether law enforcement agencies engage in constitutional policing, the President’s Task Force advises that law enforcement agencies should track and analyze the level of trust communities have in the police, just as they measure changes in crime.¹⁰ This can be accomplished through annual community surveys. Further, they recommend agencies partner with local universities to conduct surveys by zip code, for example, to measure the effectiveness of specific policing strategies, assess any negative impact they have on a community’s view of police, and gain the community’s input.

2. Community Policing

Experts advise that once a law enforcement agency has established a base of constitutional policing, they can apply and adapt those concepts to advance community policing.¹¹ Community policing, or community-oriented policing, refers to a strategy of policing that focuses on building ties and working closely with members of communities to build mutual understanding and trust. How stakeholders approach community policing, however, can depend on their vantage.

⁶ Ibid

⁷ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

⁸ Ibid

⁹ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹⁰ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

¹¹ <https://www.powerdms.com/blog/constitutional-policing-vs-community-policing-looking-at-complementary-strategies/>

For some police departments, changing community behavior to reduce criminality serves as the focus of community engagement and policing. Towards this end, police departments focus on developing relationships with community members and, in particular, youth aimed at improving public relations with communities impacted by crime. This can include hosting community events, mentoring youth and engaging in other efforts that foster favorable impressions of the police. The implied theory of action is that if communities develop stronger affinities for law enforcement, their rates of criminality will decrease and/or their cooperation in criminal investigations will increase.

For many community-based stakeholders, however, changing policing behavior rather than community behavior serves as the primary focus of community policing. There is recognition that biased policing has undermined the legitimacy of law enforcement among community members, poisoning police-community partnerships essential to reducing crime. To reverse this pattern, community stakeholders partner with law enforcement to plan, problem solve and implement activities aimed at building trust and mutual accountability between law enforcement and communities. They also use this partnership as a bridge to developing and implementing crime reduction efforts that are supported by impacted communities. The theory of action is that as police departments advance unbiased policing and partnerships with impacted communities, they will increase their legitimacy within those communities and the effectiveness of their crime reduction efforts.

Best practices for community policing generally endorse the community-based vantage. The U.S. Department of Justice finds that positive police-community relationships are essential to maintaining public safety.¹² They note that these relationships help to reduce fear and biases and build mutual understanding and trust between the police and the community. Towards this end, the Department of Justice's Office of Community Oriented Policing Services describes three essential components to community policing that focus on law enforcement change rather than community change:

- Community Partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police;
- Organizational Transformation that aligns organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving;
- Problem-Solving Processes that engage in the proactive and systemic examination of identified problems with the community to develop and evaluate effective responses.

As such, community policing is more than a program focused on enhancing the public's perceptions of the police: it is an organizational philosophy that recognizes that the community's support is a critical factor in the ability of the police to effectively address crime. The relationship between the police and the communities they serve determines whether or not police will have community support, and these relationships are strengthened or weakened by every police-community interaction.

¹² U.S. Department of Justice – Community Relations Services Toolkit for Policing 101

As noted by the Police Executive Research Forum,¹³ positive police-community relationships contribute to increased community perceptions of the legitimacy of the police to enforce the law. Perceptions of police legitimacy impact the willingness of community members to support policing strategies and cooperate with police directives. In short, police need the community's help in maintaining order just as the community needs fair, just, and effective law enforcement. This collaboration and cooperation improve public safety and officer safety. And perhaps most importantly, a community-policing philosophy emphasizes police relationships within the community. Rather than just sending officers into an area to respond to calls, many departments are requiring officers to patrol on foot. They encourage officers to get out of their squad cars and regularly interact with civilians.

To track law enforcement agencies performance with community policing, the President's Task Force recommends that agencies collaborate with communities to develop comprehensive policies on their use of force, mass demonstrations, consent before searches, gender identification, and racial profiling. Further, they recommend that each of these policies include provisions for collecting demographic data for all parties involved. They also encourage law enforcement agencies to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests).

Last year, the County Council enacted Bill 33-19 requiring MCPD to implement specific community policing practices that include ensuring cultural competency throughout the department, increasing community outreach activities, and providing adequate training in de-escalation tactics. The Community Policing Act also requires MCPD to report data on:

- Use of force and detention
- Civilian complaints regarding use of force, discrimination and harassment
- Officers suspended with and without pay
- Youth referred to intervention programs
- Service calls received for substance abuse and mental health issues

Late in 2019, the County Council also enacted Bill 14-19 establishing the Police Advisory Commission to advise the Council on policing matters, provide information on best practices, recommend policies, programs, legislation and/or regulation, and to conduct at least one public forum annually seeking community input on policing matters.

3. Performance Metrics for Constitutional and Community Policing

Much of the research on best practices for advancing constitutional and community policing emerges from jurisdictions that have been forced to reform while under federal consent decrees.¹⁴ For example, in response to a consent decree requiring them to become an effective and constitutional police force, the Los Angeles Police Department (LAPD) adopted a set of performance metrics for constitutional and community policing that transformed their department.¹⁵

¹³ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

¹⁴ In 2015, Jessica Sanders of the RAND Corporation in testimony to the California State Assembly and Senate noted that about twenty police departments had entered into agreements to be monitored usually under the threat of civil rights lawsuits.

¹⁵ See Stone, et. al. – *Policing Los Angeles Under a Consent Decree*

Based on LAPD's experience and other jurisdictions, Jessica Sanders of the RAND Corporation recommends that legislatures require law enforcement agencies to report performance metrics that include constitutional policing practices (bias-free policing and use of force) and police-community relations (police satisfaction, trust in police, and police legitimacy) to "demonstrate that the agencies are meeting these requirements for all of the communities they serve."¹⁶ She recommends that new data collection efforts include community surveys to gauge public satisfaction and data looking for the absence of bias in detentions and use of force.

Sanders offers three additional findings, relative to police departments using performance metrics, to improve police-community relations:

- Placing all the emphasis on crime levels creates a dangerous tension because it overlooks police officers' other roles and functions that should include police-community relations. To focus exclusively on one goal (e.g. crime reduction) at the expense of the others is to invite poor performance on alternative goals (e.g. constitutional and community policing).
- Collecting data, in and of itself, changes behavior because performance metrics are one of the policy levers to influence actions. Measuring police-community relations and incorporating these measures into the way police officers and departments are judged will change behavior. There should also be performance metrics that incentivize and demonstrate constitutional policing, meaning policing that is bias-free and that uses force only when necessary.
- Transparency is key to building community trust. The vacuum in performance data tracking public satisfaction with the police, use of force, biased policing, complaints against the police and holding officers accountable for misconduct makes the public dependent on opinions, news stories and their own anecdotal experience with law enforcement for information. In turn, law enforcement adopting police-community performance metrics on these measures could improve community members' understanding and support for law enforcement efforts.

Sanders concludes her remarks by encouraging governments to:

- Assess the police on more than crime statistics; and
- Partner with external research/oversight bodies to collect and access new dimensions of performance that include public satisfaction and constitutional practices.

Rather than relying on external partnerships to enhance oversight, the Center for Policing Equity recommends that law enforcement agencies develop Planning and Analysis Units specifically charged with tracking and analyzing data on stops, use of force, and patterns of discriminatory behavior.¹⁷ This is similar to the Los Angeles Policing Commission's recommendations for LAPD to develop "systems and mechanisms for the analysis of stop and search data to identify potential evidence of disparate treatment, implicit or explicit bias, differential enforcement, and 4th amendment concerns."¹⁸

¹⁶ https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND_CT423.pdf

¹⁷ Center for Policing Equity Policy Framework, p. 79

¹⁸ Los Angeles Police Commission and Office of Inspector General, Review of National Best Practices, May 2, 2017

CPE's Compstat for Justice Project¹⁹ further recommends that law enforcement agencies create a "public interface" (i.e. a one-stop shop) to report data on community-police interactions that enable mutual accountability "to the values of fairness" that law enforcement and the public share.

Baltimore's 2017 consent decree with the U.S. Department of Justice²⁰ embodies best practices utilized in other jurisdictions under consent decrees, and aligns with both Sander's and the Center for Policing Equity's recommendations for using performance to advance constitutional and community policing. Specific features of the Baltimore Police Department consent decree include:

- Assessing community engagement efforts at least on an annual basis by surveying residents' and police officers' perceptions of policing and public safety in English and Spanish;
- Collecting all stop and search data whether or not they result in an arrest or issuance of a summons or citation and analyzing this information at least annually;
- Collecting data regarding calls for service that involve possible behavioral health disabilities and people in crisis and analyzing this data;
- Creating and maintaining a reliable and accurate electronic system to track use of force data and allegations of use of force misconduct;
- Maintaining a centralized electronic numbering and tracking system for all allegations of misconduct and sharing information with complainants and the public as permissible by law;
- Assessing whether BPD delivers police services, "without an unnecessary disproportionate impact on individuals based on demographic category", by analyzing data on stops, frisks, searches, and arrests by race, ethnicity, and gender; and
- Staffing a Compliance Unit that will coordinate BPD's compliance and implementation activities; facilitate the provision of data, documents, and access; and ensure that all data, documents, and records required by the consent decree are maintained in a usable format.

¹⁹ <https://policingequity.org/what-we-do/compstat-for-justice>

²⁰ <https://www.justice.gov/opa/file/925056/download>

Chapter 3: Recommended Policing Data and Local Practices

This chapter describes recommended practices for tracking data on police-community interactions and compares them with data points tracked by the Montgomery County Police Department. This chapter's listing of recommended policing data points primarily emerge from three sources:

- **The Center for Policing Equity** that advocates for police departments to use data to hold themselves accountable for unbiased policing in the same ways they use the Compstat process to reduce crime. Toward this end, CPE encourages law enforcement to track data on police stops, use of force, and perceptions of police-community interactions.
- **The Los Angeles Police Department** that tracks policing data aimed at promoting constitutional policing as a result of their federal consent decree. LAPD's policing data collection practices include surveying residents and officers on their perceptions of police-community interactions and reporting data on complaints, investigations, adjudications, disciplinary actions, and mediations.
- **Bureau of Justice Statistics' Police-Public Contact Survey** that describes the police's interactions with the people using a nationally representative sample. Its categorization of police-public interactions is essential to understanding what policing data should describe: police-initiated contacts, resident-initiated contacts, and traffic accidents.

Based on the types of data collected from these sources, law enforcement agencies are encouraged to collect and monitor data across four categories of policing data described below. To monitor for constitutional and community policing, each of these datasets should provide disaggregated information by race, ethnicity, and location.

1. **Detention Data** that describes stops, searches, citations, arrests, and use of force for defendants (drivers and pedestrians) and for officers;
2. **Data on Police- and Resident-Initiated Contacts and Traffic Accidents** that broadly describe the ways that the public interacts with the police;
3. **Police Complaint Data** that describes civilian and internal complaints against police employees by reason and disposition; and
4. **Survey Data on Police-Community Relations** from residents and law enforcement employees to assess perceptions of police-community interactions and trust.

The remainder of this chapter describes each of these recommended policing datasets and their availability in Montgomery County. The chapter concludes with a fifth section that summarizes the alignment between MCPD's policing datasets and best practices. The next chapter describes these and related MCPD policing datasets in greater detail.

1. Detention Data

The Center for Policing Equity (CPE) recommends law enforcement agencies collect and analyze detention data by race, ethnicity, and location, to monitor their constitutional policing practices. This includes data on stops, arrests, and uses of force. The Los Angeles Policing Commission’s review of national best practices also recognizes collecting detention data disaggregated by race and ethnicity as a best practice. They also recommend that law enforcement agencies regularly post policing data, including stops, summonses, arrests, reported crimes, and other activities and agencies maintain and analyze demographic data on all detentions.

This section describes recommended practices for tracking detention data for law enforcement agencies. Data practices are described across five types of police-initiated contacts:

- Stops
- Searches
- Citations
- Arrests
- Use of force

This section describes how MCPD data practices align with recommended practices across these five types of police-contact, and describes a sixth category of contact: Field interview reports.

Overall, OLO finds that MCPD relies on a variety of sources and reporting practices to describe its detention data. Some detention data points are required by the state and tracked in their data systems (e.g. E-Tix), some of these are also reported on Data Montgomery (e.g., Traffic Violations Dataset), and some are the subject of MCPD annual reports (e.g., Use of Force Annual Report). Generally, there is more data available to the public on traffic stops than pedestrian stops, and there is inconsistent data reported on detention data points by race and ethnicity (e.g. arrests). As such, detention data is currently reported in a variety of ways in Montgomery County. The implementation of the County’s Community Policing Act, however, should add greater coherence to MCPD’s reporting of detention data and alignment with recommended policing data practices.

A. Stop Data

Best practices for constitutional policing recommends the collection and analysis of “stop and frisk” data for drivers, passengers and pedestrians. Both New York City and Los Angeles utilize this best practice.²¹ In Maryland, stop data for drivers and passengers are reported in E-Tix as required by the state. The state requires MCPD to report traffic-related stops, searches, and arrests by race, ethnicity, age, stop reason, and outcome. The Governor’s Office of Crime Control and Prevention maintains a “Race-Based Traffic Stop Data Dashboard” that describes driver stop data by jurisdiction; Data Montgomery’s Traffic Violations Dataset also includes this information.

²¹ As noted by Andrew Ferguson in *The Rise of Big Data Policing*, in New York City, police fill out a UF-250 card memorializing the exact location of every police-citizen interaction and the Los Angeles Police Department utilizes field interview cards that are uploaded to a database that can be used to track patterns of police contacts.

There is, however, no state requirement to track pedestrian stops or the demographics of civilians or officers involved in street stops.²² Interviews with MCPD officers clarify that only a subset of street stops is routinely documented: pedestrian stops in response to resident-initiated (911) calls. When officers make these stops, they call them into MCPD’s dispatch system and the stop is documented. However, officers do not have to call the dispatch for police-initiated stops of pedestrians unless the stop results in an arrest. As such, “stop and frisk” data on all pedestrian stops are not tracked by MCPD.

Chart 3.1 describes local and state sources of stop data for Montgomery County drivers, passengers and pedestrians. An analysis of the 2018 Race-Based Traffic Stop Data Dashboard for MCPD and population data from the American Community Survey shows that Black drivers experienced a disproportionately higher share of traffic stops in Montgomery County. More specifically:

- Black people accounted for 18 percent of all residents v. 32 percent of MCPD traffic stops
- White people accounted for 44 percent of all residents v. 35 percent of MCPD traffic stops
- Latinx people accounted for 19 percent of all residents v. 20 percent of MCPD traffic stops
- Asian people accounted for 15 percent of all residents v. 7 percent of MCPD traffic stops

Chart 3.1: Publicly Reported Data on Stops

	Drivers and Passengers	Pedestrians
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender. If police stops are considered detentions, then this information will be reported annually by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	Not reported

B. Search Data

Examining search data and “search-hit” rates that identify contraband is another policing data best practice. Disparities in search rates by race and ethnicity, and in hit rates, may signal biases in police treatment by race and ethnicity that should be investigated and addressed if warranted.

For Montgomery County, search data for drivers and passengers for traffic stops are also reported in E-Tix as required by the state. Data Montgomery’s Traffic Violations Dataset includes this information. However, there are no reporting requirements for searches of pedestrians during street stops. Nor is data on search warrants reported. As such, no local data is available to discern whether there are disparities in MCPD search practices among pedestrians by race, ethnicity or location.

²² As part of their federal consent decree, the Baltimore Police Department tracks all stops, pedestrian and vehicle, including those that do not result in a citation, warning, search or arrest.

Chart 3.2 describes local and state sources of search data for Montgomery County drivers, passengers, and pedestrians. An analysis of the 2018 Race-Based Traffic Stop Data Dashboard shows that MCPD searched Black drivers during traffic stops at a higher rate than other drivers. More specifically, 4.4 percent of Black drivers were searched compared to 3.3 percent of Latino drivers, 2.0 percent of White drivers, and 1.3 percent of Asian drivers.

Chart 3.2: Publicly Reported Data on Searches

	<u>Drivers and Passengers</u>	<u>Pedestrians</u>
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender. If police searches are considered detentions, then this information will be reported annually by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	Not reported

The Community Policing Act requires MCPD to annually report demographic information “regarding individuals *detained* by the Department” by February 1st. The terms detained and detention, however, are not defined in the law. As such, it remains unclear whether the law requires MCPD to describe the demographics of residents searched by the police outside of traffic stops as required by the state.

C. Citation Data

Disparities by race and ethnicity in citation rates may signal unconstitutional policing practices that should be uncovered and addressed. MCPD issues four types of citations:

- **Traffic violations** (i.e. tickets) to drivers, passengers and pedestrians
- **Civil citations for adult defendants** typically charged with petty first time alcohol or marijuana offenses (e.g. possessing less than 10 mg) or distributing nicotine devices to minors or other
- **Criminal citations for adult defendants** charged with misdemeanors that do not carry penalty of imprisonment or the maximum penalty is 90 days or less
- **Juvenile citations** that primarily represent police departments referrals for children to the Department of Juvenile Services for status and/or criminal offenses

Each citation type has different data collection and reporting requirements. Data on traffic violations are reported to the state via E-Tix, while data on civil citations are housed at district police stations and shared with District Courts. Alternatively, between 2014 and 2018, the state required MCPD to submit data on criminal citations inclusive of race, ethnicity, gender, age, and charges to the Maryland Statistical Analysis Center (via Delta plus), while the Department of Juvenile Services compiles juvenile citation data. The state’s criminal citation report,²³ however, was not as useful as DJS’s Data Resource Guide because it did not disaggregate data by race and ethnicity by jurisdiction.

Chart 3.3 describes local and state sources of citation data for Montgomery County by citation type. An analysis of 2019 data shows that Black children between the ages of 11 and 17 were more likely receive juvenile citations and be referred to DJS than other groups of youth. Whereas,

- Black children accounted for 20 percent of youth, they were 54 percent of DJS referrals
- White children accounted for 37 percent of youth, they were 20 percent of DJS referrals
- Latinx/Other children accounted for 43 percent of youth, they were 33 percent of DJS referrals

Chart 3.3: Publicly Reported Data on Citations

	Drivers, Passengers, and Pedestrians
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q No local datasets on civil citations, criminal citations or juvenile citations posted
MCPD Annual Reports	No current MCPD annual reports on traffic violations, civil citations, criminal citations or juvenile citations; unclear if MCPD Community Policing Reports required under the Community Policing Act will require MCPD to publicly report data on citations
State Annual Reports	Criminal Citations Report (available 2014 – 2018) https://goccp.maryland.gov/wp-content/uploads/criminal-citations-report-2018.pdf Data Resource Guide (Department of Juvenile Services) https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf No State annual reports issued on traffic violations or civil citations

The Community Policing Act requires MCPD to annually report the number of youth under the age of 18 referred to intervention programs by officers. The Act also requires MCPD to report demographic information “regarding individuals **detained** by the Department” annually by February 1st. Detained and detention, however, are not defined terms in the legislation. As such, it remains unclear whether the law requires MCPD to describe the demographics of residents who receive citations and summons.

²³ With the sunset of SB 422, Maryland no longer requires police departments to submit criminal citation data.

D. Arrest Data

Examining arrest data by race, ethnicity, and other factors is another policing data best practice. Disparities in arrest rates may signal biases in policing that should be investigated and addressed. Montgomery County arrest data, resulting from traffic stops, are reported to the state via E-Tix. All local arrests (traffic and non-traffic) are also tracked in the CRIMS database maintained by the Department of Corrections and Rehabilitation. Data Montgomery reports daily arrest data by name, age, address and offense but not by race or ethnicity for defendants or arresting officers. As such, no local data is publicly reported to discern whether there are disparities in overall arrest rates by race or ethnicity.

According to MCPD, the daily arrest data compiled in CRIMS differs from the FBI arrest statistics for Montgomery County that the state references its Uniform Crime Reports (UCR). The DOCR/CRIMS arrest data refers to the actual number of arrests while the FBI arrest statistics track arrest data among closed cases. As such, the FBI arrest data compiled by the State tracks a smaller universe than the CRIMS arrest data (incidents v. crimes). Local law enforcement agency data on arrests rates are included in the Maryland UCR report by offense type and among adults and juveniles, but are not publicly reported by race, ethnicity or gender. OLO’s Racial Equity Profile, however, reports that Black and Latino persons accounted for 44% and 26% of MCPD arrests in 2017 compared to accounting for 20% and 19% of County residents.²⁴

Chart 3.4 describes local and state sources of arrest data for Montgomery County drivers, passengers and pedestrians. An analysis of the 2018 data shows higher MCPD arrest rates Black and Latino drivers during traffic stops: 2.2 – 2.3 percent of Latinx and Black drivers were arrested compared to 1.3 percent of White drivers and less than one percent (0.9%) percent of Asian drivers.

Chart 3.4: Publicly Reported Data on Arrests

	<u>Drivers and Passengers</u>	<u>Pedestrians</u>
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported on Data Montgomery, but available via CRIMS.
	Daily Arrests Dataset https://data.montgomerycountymd.gov/Public-Safety/Daily-Arrests/xhwt-7h2h	
MCPD Annual Report	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	No state level data reported on pedestrian arrests
	2018 Uniform Crime Report lists arrests by jurisdiction https://mdsp.maryland.gov/Document%20Downloads/Crime%20in%20Maryland%202018%20Uniform%20Crime%20Report.pdf	

²⁴ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

E. Use of Force Data

Use of force refers to whenever force is used to counteract a physical struggle, or when a firearm is discharged. It is one of the most common metrics for considering disparities in policing practices. Maryland requires law enforcement agencies to report the use of tasers (electronic control devices) and officer-related deaths. For tasers, the state requires data reported by defendant race, ethnicity, age, time, date, zip code, precipitating event, reason for discharge, location, and injury/death resulting from tasers. The state also requires reporting on race and ethnicity of officers in the death of a civilian.

Additionally, MCPD produces an Annual Use of Force Report describing the types of force most often used and the demographics of civilians and officers in use of force incidents.²⁵ MCPD Function Code 131 requires the Use of Force and Weapons Review Committee to review the Use of Force annual report, and after reviewing it, report its analyses and any recommendations to the Chief of Police.

Chart 3.5 describes local and state sources of use of force data for Montgomery County. An analysis of MCPD’s 2018 use of force data, and population data for the County from the American Community Survey, shows that MCPD disproportionately used force among African Americans. More specifically, in Montgomery County:

- Black people accounted for 18 percent of all residents v. 55 percent of use of force incidents
- White people accounted for 44 percent of all residents v. 26 percent of use of force incidents
- Latinx people accounted for 19 percent of all residents v. 18 percent of use of force incidents
- Asian people accounted for 15 percent of all residents v. 1 percent of use of force incidents

Chart 3.5: Publicly Reported Data on Use of Force

Data Montgomery	No local datasets on Use of Force Data
MCPD Annual Reports	MCPD Annual Use of Force Reports https://www.montgomerycountymd.gov/pol/data/use-of-force-report.html
State Annual Reports	Electronic Control Device Data Reports (2013 – 2016) http://goccp.maryland.gov/reports-publications/law-enforcement-reports/electronic-control-device/ Deaths Involving a Law Enforcement Officer Reports http://goccp.maryland.gov/reports-publications/law-enforcement-reports/deaths-involving-law-enforcement/

F. Field Interview Reports

The intent of Field Interview Reports is to document potential subjects of interest for current and future investigations. In other jurisdictions, Field Interview Reports can be used to document warnings and suspects for trespassing.²⁶ Disparities by race, ethnicity and other factors may signal unconstitutional policing practices that warranted further investigation.

²⁵ The Commission on Accreditation for Law Enforcement Agencies (CALDEA) requires accredited agencies to report their use of force data annually.

²⁶ See for example Takoma Park Police Department, General Orders No. 656

In Montgomery County, police officers can photograph persons they consider suspicious and enter their photos and contact information into a Field Interview Report. As noted in MCPD Function Code 625, “field interview information is intended for use in conjunction with other types of information for the purpose of developing leads on crime patterns, criminal activity, or homeland security special activity.” There are no public report data on Field Interview Reports; the FIR data collected by officers is entered into the state’s Delta Plus database that includes E-Tix and ACRS data.

Chart 3.6: Publicly Reported Data on Field Interview Reports

	<u>Drivers and Passengers</u>	<u>Pedestrians</u>
Data Montgomery	No local datasets on Field Interview Report	
MCPD Annual Reports	None; unclear if Community Policing Act will require MCPD to publicly report data on Field Interview Reports	
State Annual Reports	No state reports on Field Interview Reports	

2. Police- and Resident-Initiated Contacts and Traffic Accidents

In addition to having an understanding of disparities in detention rates by race, ethnicity, and location, it is also a best practice for law enforcement to have a broader understanding of disparities in police interactions with the public. Monitoring data on three types of interactions can assist toward this end:

- **Resident-initiated contacts** with police that including reporting a crime, disturbance, or suspicious activity; reporting a non-crime emergency, such as a medical emergency or participating in an anti-crime program; or approaching the police for another reason.
- **Police-initiated contacts** when police approach or stop individuals. These include being stopped while in a public place or a parked car (i.e. street stop), being stopped while driving a motor vehicle (i.e. traffic stop) or riding as a passenger in a car that was stopped, being arrested, or being stopped or approached by the police for some other reason. Police-initiated contacts are broadly defined as detentions, because police detain individuals in these encounters.
- **Traffic accidents** that resulted in police contacts.

Monitoring and comparing trends among these three metrics can be useful for considering whether disparities in contacts reflect differences in policing or other factors. For example, differences in traffic accident rates among populations likely reflect objective differences in driving patterns, whereas differences in resident- and police-initiated contacts may reflect a mix of differences in the actual occurrence of crimes as well as some bias in perceptions of what constitutes suspicious activity. As such, traffic accident data can be used as a counterfactual to resident- and police-initiated contact data to consider whether disparities, if evident, reflect objective differences in the occurrence of crime or potential biases in policing or resident reporting by race, ethnicity, or location.

The Bureau of Justice Statistics periodically conducts the Police-Public Contact Survey as a supplement to the National Crime Victimization Survey to describe the experiences of individuals age 16 or older with the police. Table 3.1 describes the results of the most recent PPC survey administered in 2015.²⁷

²⁷ Elizabeth Davis, Anthony Whyte, and Lynn Langston - Contact Between Police and the Public, 2015 – Special Report, U.S. Department of Justice, October 2018

Table 3.1: Percent of U.S. Residents age 16 or older with Any Police Contact, 2015

Demographics	Any Contact	Police-Initiated	Resident-Initiated	Traffic Accident
Total	21.1%	10.8%	10.7%	3.1%
Male	22.0%	12.5%	10.2%	3.2%
Female	20.2%	9.2%	11.1%	3.0%
White	22.7%	11.2%	11.9%	3.2%
Black	19.8%	11.3%	8.7%	3.4%
Latino	16.8%	9.0%	8.0%	2.6%
Other ²⁸	18.4%	10.6%	8.3%	3.1%

The PPC 2015 data shows common accident rates by race and gender (ranging from 3.0 – 3.2%), but disparities in resident-initiated contacts, with White residents being more likely to contact the police than Black, Latino, or Other residents (11.9% v. 8.0 – 8.7%). Disparities by group, in rates of resident-initiated contacts, are wider than disparities by group in rates of police-initiated contacts. However, the disparities between resident- and police-initiated contacts within groups by race and ethnicity is striking: whereas similar rates of White and Latino residents had contact with the police based on either resident- and police-initiated contacts, Black residents were far more likely to have contact with the police based on police-initiated contacts than resident-initiated contacts.

In Montgomery County, the ability to compile local data on resident- and police-initiated contacts could potentially rely on an analysis of MCPD’s Computer Assisted Dispatch (CAD) data. Analogous to the PPC survey, MCPD’s CAD system, records two different types of calls:

- Officer-initiated calls. The call source for these in the CAD are marked “FIELD”
- Resident-initiated calls. The call source for these in the CAD are marked “911”

MCPD dispatcher data is also marked by police district and GPS location, permitting an analysis of officer- and resident-initiated contacts by location. Yet, while the CAD system can be used to collect race, ethnicity, and gender data of suspects, it does not track the race or ethnicity of residents who initiate calls. Nor does the traffic accident data compiled in the state’s ACRS system by driver, non-motorist, and incident track the race, ethnicity or gender of persons involved in traffic accidents. A local survey of County residents analogous to the national Police-Public Contact Survey described above, however, could improve MCPD’s, the Council’s and the public’s understanding of how resident contacts with law enforcement may vary by gender, race, and ethnicity locally.

²⁸ Includes Asians, Native Americans, Other Pacific Islanders, American Indians and Alaska Natives, and persons of two of more races.

In sum, existing sources of dispatcher and traffic accident data cannot be used to track or consider the source of disparities in police- and resident-initiated contacts in Montgomery County. A survey of residents regarding their interactions with law enforcement may be necessary to compile this information. Of note, the Community Policing Act requires MCPD to annually report the number of calls for service for substance abuse and mental health crises by February 1st beginning in 2021.

Chart 3.7: Publicly Reported Data on Incidents and Traffic Accidents

	Incidents and Accidents
Data Montgomery	Police Dispatched Incidents: https://data.montgomerycountymd.gov/Public-Safety/Police-Dispatched-Incidents/98cc-bc7d Crash Reporting – Driver’s Data https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Drivers-Data/mmzv-x632 Crash Reporting – Non-Motorist Data https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Non-Motorists-Data/n7fk-dce5 Crash Reporting – Incident Data: https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Incidents-Data/bhju-22kf
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of number of youth referred to intervention programs by officers, number of calls for service for substance abuse, and number of calls for service for mental health by February 1 st

3. Police Complaint Data

The collection and analysis of data on civilian and internal complaints against the police is another recommended policing data practice. LAPD publicly reports internal disciplinary program data on personnel complaints initiated, the results of investigations, and any associated discipline as part of its constitutional policing oversight. LAPD also issues an annual report that provides detailed information about the characteristics and outcomes of complaints of biased policing.

A number of MCPD department rules guide the processing of police complaints from residents. Residents are encouraged to complete Form MCP 580 to describe their complaint. The form solicits racial data for the complainant, but it is not required. The form also solicits an opened ended response to “what happened?” that Internal Affairs Division classifies as allegations of an officer breaking a specific departmental rule listed in Function Code 300.

After the complaint is submitted, IAD staff input data into the IAD log and decide whether the complaint will be declined or investigated as a minor allegation of misconduct through the employee’s supervisor or as a major allegation of misconduct through employee’s chain of command or IAD investigators due to allegations of breaking the law. For complaints alleging brutality, complainants must be sworn prior to any investigation and the complaints must be made within a 90-day time limit in most circumstances.

Excerpts of the data MCPD IAD collects on police complaints are available to the public through two sources. The Internal Affairs Allegations dataset posted on Data Montgomery describes the date of the complaint, its source (external or internal), the department rules that were allegedly violated, the status of the investigation, and the disposition. The Internal Affairs Division also publishes an annual report that describes the number of allegations, allegations investigated as intakes (minor incidents of misconduct) v. formal complaints (more serious allegations), dispositions, and demographics of the department and officers accused of misconduct.

Of note, the IAD dataset posted on Data Montgomery does not describe the race or ethnicity of the complainants or the employees accused of misconduct. Nor does the IAD dataset or IAD annual report describe the locations/police districts where allegations arise. Although the IAD annual report describes the demographics of MCPD personnel overall accused of misconduct, it does not describe the demographics of complainants. Finally, neither the IAD dataset nor annual report describes the consequences employees face if allegations against them are sustained. The Community Policing Act, however, requires MCPD to annually report on the number of officers suspended with or without pay, and the number of civilian complaints against IAD regarding allegations of excessive use of force, discrimination, and harassment.

Chart 3.8: Publicly Reported Data on Police Complaints

	External and Internal Complaints
Data Montgomery	Internal Affairs Allegations https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2
MCPD Annual Report	Internal Affairs Division Reports, 2017 and 2018 https://www.montgomerycountymd.gov/pol/data/iad-reports.html Additionally, the Community Policing Act requires MCPD to describe by February 1 st of each year: <ul style="list-style-type: none"> • Number of civilian complaints about the use of force by an officer • Number of civilian complaints regarding discrimination and harassment • Number of officers who were suspended without pay • Number of officers who were suspended without pay

4. Survey Data on Police-Community Relations

Surveys of police-community relations are critical to understanding whether police departments are making progress on their community policing goals of building trust with community members. The Center for Policing Equity recommends the use of survey data to track perceptions of police-community relations among residents and officers as a best practice. LAPD regularly surveys their employees about their perceptions of police-community interactions. LAPD also surveys a representative sample of residents regarding their perceptions of police-community relations, and disaggregates findings by race, ethnicity, and location.

No regular assessments of police-community relationships occur among civilians or officers in Montgomery County. However, there were two community surveys in 2019 that asked residents what the priorities of MCPD should be and about their perceptions of safety in their communities.

- **Police Chief Recruitment Community Input Survey** was administered online and elicited 1,123 responses. The sample was not randomized so its results are not generalizable. Nevertheless, survey participation was ethnically diverse, although biased by gender (58% of respondents women), age (80% of respondents age 45 or older), and income (68% of respondents had annual household incomes of \$100,000 or more). Of note, responses to the question of “what should the chief focus on” varied by race and ethnicity with “crime and safety” emerging as the top response for White and Asian residents while “community outreach/engagement” was the top response for Latinx and African American residents.
- **National Community Survey**, also administered in 2019, includes several prompts about public safety and resident’s perceptions of MCPD. The County mailed the survey to 5,000 residents in randomly selected households and received feedback from 954 respondents. The results, published in NCS Community Livability Report for Montgomery County, are generalizable to the County overall and for White, Non-Hispanic compared to Hispanic and/or non-White residents (i.e. People of Color). Montgomery County also administered the NCS in 2017, so trend data on changing perceptions of public safety are available.

Chart 3.9: Publicly Reported Survey Data on Police-Community Relations

	Resident Surveys
County Results	Police Chief Recruitment Community Input Survey, 2019 https://montgomerycountymd.gov/OPI/Resources/Files/2019/PoliceChiefSurveyResults-6-2019.pdf Crime and Public Safety Prompts from 2019 National Community Survey https://www.montgomerycountymd.gov/OPI/survey2019.html

5. Summary of MCPD Policing Datasets Alignment with Best Practices

MCPD’s datasets that align, at least partially, with best practices for monitoring policing data include:

- **Detention** data points tracked by race and ethnicity on
 - Traffic stops, traffic violations, searches, and arrests among drivers and passengers in E-Tix,
 - Arrest data tracked in CRIMS, and
 - Use of force data compiled from MCP Form 37.
- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD’s Computer Aided Dispatch system; and
- **Police complaints** tracked by the Internal Affairs Division.

The data points included in these datasets, however, are at best incomplete. More specifically:

- The detention datasets do not track street stops between officers and residents that do not result in an arrest, citation or summons;

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- MCPD does not maintain an electronic database of the criminal and civil citations that would enable them to monitor for disparities;
- Race and ethnicity data are not collected as fields in the CAD;
- The police complaints database does not collect race and ethnicity data for every complainant;
- A MCPD dataset of survey responses regarding police and community relationships does not exist because MCPD does not survey its personnel or residents. As such, there are no datasets that track the effectiveness of MCPD’s community engagement activities.

Chart 3.10 describes the local datasets that align, at least in part, with policing data best practices.

Chart 3.10: MCPD Datasets that Align with Policing Data Best Practices

<u>Database</u>	<u>Datasets/Forms</u>	<u>Data Limits</u>
<i>Data on Detentions</i>		
Delta Plus (Maryland State Police)	E-Tix (Traffic Violations)	No data on street stops
CRIMS (DOCR)	Arrests	
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)	Other = Latinx/Asian
Criminal Citations	Uniform Citation Form (DC/CR 45)	Data at MCPD District Stations and District Court
Civil Citations	Alcohol Beverage Violation	
	Possession of Marijuana (<10 gram) Smoking Marijuana in a Public Place	
Use of Force	MCP 37 Forms	
<i>Data on Police-Public Interactions</i>		
Computer Assisted Dispatch	Police-Initiated Incidents Resident-Initiated Incidents	No race, ethnicity data No data on referrals
Delta Plus	ACRS (Collisions)	No data on race, ethnicity
<i>Data on Police Complaints</i>		
Internal Affairs	IAD Allegations	Incomplete information

Chapter 4. Data Collected by MCPD

This chapter describes in detail the data that MCPD collects electronically across its divisions and compares it with the data that are made available through Data Montgomery, the County Government’s open data portal. The chapter is organized by the data system in which the data are collected and is organized as follows:

- **Section A** describes data collected in the County’s Computer Aided Dispatch system (CAD);
- **Section B** examines data collected in E*Justice, an electronic tool for writing Police reports;
- **Section C** describes arrest data compiled in the Correction and Rehabilitation Information Management System (CRIMS)
- **Section D** examines data available from Field Interview Reports;
- **Section E** describes data on use of force by police officers;
- **Section F** summarizes data on vehicular pursuits;
- **Section G** examines data available in the Automated Crash Reporting System;
- **Section H** describes data available in E-Tix;
- **Section I** describes data from the Internal Affairs Division on internal and external complaints about Police officers; and
- **Section J** describes the Community Engagement Division’s database of events.

A. Computer Aided Dispatch System

The County’s Computer Aided Dispatch System (CAD) is the system used by the Emergency Communications Center (ECC) to dispatch Montgomery County public safety services, including Police and Fire and Rescue, and track their activities during the response. In 2017, the County acquired a new CAD system.

The CAD captures all dispatched calls for service and police self-dispatches to an incident. It also captures other incidents reported to police: if a resident walks into a station and reports an incident, then a CAD event is created. However, the CAD records only basic information while the officer(s) respond(s) to the incident and does not include updated information in response to investigations. The table on the following page summarizes data points captured in the CAD.

The CAD also captures further details about incidents as comments. These unstructured entries can include basic descriptions of persons involved (e.g. drivers, suspects or victims) and their status, as well as updates on the response provided by officers.

Chart 4.1: Data Points in the Computer Aided Dispatch System (CAD)

Source (e.g. 911 or “Field” which indicates self-dispatch)
Caller <ul style="list-style-type: none"> • Name (may be first name only) • Phone number
Date and time <ul style="list-style-type: none"> • Incident start • First unit dispatched • First unit en route • First unit arrived
Each unit and officer dispatched <ul style="list-style-type: none"> • Call sign • Vehicle identification number • Officer name • Officer identification number • Time dispatched, en route, on scene, and cleared
Location to which units were dispatched <ul style="list-style-type: none"> • Intersection • Longitude and latitude • City • Police district, beat and police reporting area (PRA)
Incident <ul style="list-style-type: none"> • Initial incident type • Incident type at end of call • Call disposition at the time last unit cleared • Priority level of the dispatch • Link to incident report in E*Justice and/or crash report in ACRS where available
Vehicles involved in incident <ul style="list-style-type: none"> • Role • Make and color • VIN • License plate and state • If towed, tow reason, date and storing company

Data limitations. As noted above, the CAD captures only basic data points about an incident. The information in the CAD is not as detailed as an incident report (see section on E*Justice below), and is not updated when new information becomes available. For example, Police personnel may be dispatched to a particular address, which would be recorded in the CAD, but then learn that the incident occurred at a different address. The CAD would only include the address to which the officer(s) is dispatched. Similarly, the call disposition entered into the CAD provides information into the basic nature of the incident as described to the dispatcher, but does not reflect information that may later be revealed during the course of an investigation or even during the response.

A further limitation results from the fact that demographic details of persons involved in incidents, such as age, sex, race, and ethnicity, when provided, are not verified and are captured as unstructured comments rather than in individual fields. As a result, it may be time-consuming to incorporate these elements into a data analysis. The CAD software includes fields to record numerous characteristics of the caller and persons involved in an incident, including hair color, eye color, gender, age, and race, but most of these fields are not currently being used.²⁹

Finally, the CAD does not capture all police interactions with the public. For example, officers that are patrolling an area on foot are not required to report into the CAD stops of pedestrians or others that do not result in an arrest or citation. Additionally, by collective bargaining agreement, policy and law, officers are not required to report traffic stops to the CAD.

CAD Data Available on Data Montgomery. Data Montgomery includes a dataset on police-dispatched incidents since April of 2017, based on data from the CAD. This dataset includes most of the data points listed in Section 1 above, including a timeline for the overall response. However, it does not include the following data points:

- Source of the dispatch (e.g. 911 call or self-dispatch)
- Units that were dispatched (including vehicle identification numbers and officer names and identification numbers) or a timeline of each specific unit's response;
- Details of any vehicles involved in the incident (such as make, license plate, VIN number); or
- Incident details, such as descriptions of persons involved (e.g. drivers, suspects or victims) or their status.

Additionally, many of the entries in the "Disposition Description" column are abbreviated, and their meaning is not apparent in all cases. No documentation is available that might clarify the meaning of these entries.

B. E*Justice (Incident Reports)

Police officers are required to write an incident report for incidents of crime and other events, such as suicide attempts and missing persons, that are verified and reportable based on a variety of Federal, State and County requirements. Not every incident captured in the CAD results in an incident report. For example, traffic collisions are reported in a separate system and would not result in an incident report unless an incarcerable traffic violation occurred. On the other hand, every incident report must have a corresponding record in the CAD.

E*Justice is MCPD's electronic incident report-writing tool and records management system and is a legacy system. At the time of writing of this report, MCPD was in the process of procuring a new electronic records management system. The table on the following page summarizes data points available in E*Justice.

²⁹ "Premier One: Reporting Data Warehouse (RDW) Data Dictionary Version 4.4 CU3", Motorola Solutions Inc., 2019

Chart 4.2: Data Points Captured in E*Justice

<p>Location where the incident occurred</p> <ul style="list-style-type: none"> • Intersection • Longitude and latitude
<p>Details of each specific offense associated with the incident</p> <ul style="list-style-type: none"> • An offense category and code for the specific offense • Whether the offense was attempted or completed • The type of location where the offense occurred • Whether evidence of a hate crime or bias incident was found • Offense status (open or closed, and how it was closed, for example through arrest) • Weapons involved • Suspected use of alcohol, drugs, or computer equipment • Other details specific to offense types (e.g. method of entry for burglaries or auto thefts)
<p>Officers that responded to incident and/or approved the report</p> <ul style="list-style-type: none"> • Name • Identification number
<p>Details of victims, witnesses, arrestees, and suspects including:</p> <ul style="list-style-type: none"> • Name (required) • Date of birth (required) • Sex (required) • Race (required) • Role (required) • Resident or non-resident (required) • Ethnicity • Social Security Number • Address • Phone number(s) • Physical characteristics such as height, weight, build, and hair color • For arrestees, arrest date and type (e.g. on-view arrest versus summons/citation)
<p>Names and addresses of businesses involved in the incident</p>
<p>Vehicles involved in the incident</p> <ul style="list-style-type: none"> • Make, Year and Color • Vehicle type • License plate • VIN number
<p>Lost, stolen or seized property</p> <ul style="list-style-type: none"> • Type of property • Make, model and color • Dollar value (except for drugs or narcotics seized in connection with a drug-related offense) • Status (lost, stolen, seized) • Owner details
<p>Other associated incidents</p>

Incident reports also include an incident narrative, which is a chronological written account of the investigation. Subsequent to the filing of the initial report, supplemental reports must be submitted when new information is obtained, or to document new developments in the case.

Data Limitations. Officers are required to enter in a “Race” for each victim, witness, arrestee and suspect. A separate field for “Ethnicity” exists in E*Justice, but it is not a required field. Because the “Race” field does not have the option to indicate that a person is Latinx, data from E*Justice likely underreports numbers of Latinx victims, witnesses, arrestees, and suspects.

E*Justice Data Available on Data Montgomery. Data Montgomery includes two datasets derived from E*Justice. The first dataset, “Crime”, includes data points from E*Justice reports between July 1, 2016 and the present. The second dataset, “MCPD Bias Incidents”, is specific to incidents where evidence of a hate crime or bias incident was found. The “Crime” dataset is the most comprehensive, and it includes basic data points about each incident, including the specific offense, the location (longitude and latitude) and the date and time the incident occurred. However, it does not include:

- Demographic details or other information on the persons or businesses involved;
- Information on any arrests made or the type of arrest;
- Information on the officers that responded;
- Information on any property that was stolen, lost or seized;
- Information on vehicles involved in the incident;
- The status of the case

The “MCPD Bias Incidents” dataset provides some additional basic data points for each incident where evidence of a hate crime or bias incident was found, including the targeted group (e.g. anti-Jewish, anti-Hispanic), the nature of the crime (e.g. vandalism), the status of the case, and the number of suspects by age group. Neither dataset includes information from the incident report narrative.

C. Correction and Rehabilitation Information Management System (CRIMS)

The Correction and Rehabilitation Information Management System (CRIMS) is the Department of Correction and Rehabilitation’s (DOCR) jail management system. This system records all arrests in the County, as opposed to incidents which are captured in E*Justice. The table on the next page lists the data points that are captured in CRIMS.

Data Limitations. MCPD staff report that it is not currently possible to automatically link arrestees in the CRIMS database to suspects and other persons entered into E*Justice. Staff are currently working to develop this capability.

CRIMS data available in Data Montgomery. The Daily Arrests dataset in Data Montgomery provides the names, ages, addresses, arrest dates and alleged offenses for all persons arrested during the prior 30 days. This dataset does not include race or gender information, and arrests are removed from the dataset after 30 days.

Chart 4.3: Data Points in Correction and Rehabilitation Information Management System (CRIMS)

<p>Arrestee</p> <ul style="list-style-type: none"> • Name • Date of birth • Home address • Place, state and country of birth • Country of Birth • State of Birth • Race • Gender
<p>Arrest</p> <ul style="list-style-type: none"> • Date and time • Arresting officer • Officers involved in transport, search, and collection of possessions • Arresting agency • Type of arrest (criminal, traffic, civil) • Type of booking (statement of charges or warrant) • Type of warrant • Warrant number • Police arrest record number
<p>Court information</p> <ul style="list-style-type: none"> • Court case number • Court (District Court Rockville, District Court Silver Spring, Circuit Court) • State filing number
<p>Charges</p> <ul style="list-style-type: none"> • Offense code • Statute code • Date of charge • Location of charge • Statement of charges

D. Field Interview Reports

MCPD uses field interview reports to record data on certain interactions between police officers and members of the public. An officer who observes behavior deemed suspicious or concerning typically initiates these interactions. The interactions recorded in field interview reports do not result in arrests or citations, but may be relevant at a future date. Data Montgomery does not include any data from MCPD field interview reports. Field interview reports are stored in a system called Delta Plus, which is maintained by the State of Maryland. Field interview reports include the location of the interview (address and longitude/latitude), and the following data on the person that was interviewed:

- Name
- Age
- Race/ethnicity
- Alias
- Identification information (e.g. driver’s license)
- Various descriptors (skin tone, hair color, facial hair, build, eye color, eye wear, height, weight)
- Scars, marks, tattoos, and other “identifiers”

- Clothing

The report also includes a narrative of the interview and a photograph.

E. Use of Force

The Commission on Accreditation for Law Enforcement Agencies has accredited MCPD since 1993. CALEA requires law enforcement agencies to report annually on use of force by officers. MCPD policy³⁰ requires officers to complete a Use of Force Report (MCP 37) for the following types of incidents:

- Any time force is used to counteract a physical struggle.
- Following the use of any force that results in an injury to an individual.
- When an individual claims to have been injured as a result of use of force.
- Whenever force is applied using a protective instrument.
- Whenever a firearm is discharged other than authorized target practice.
- Whenever a department canine inflicts injury on any subject or suspect.
- Any time an officer is assaulted or ambushed.

Chart 4.4: Data Points Captured in MCPD’s Use of Force Reports

<p>Suspect</p> <ul style="list-style-type: none"> • First and last name • Race • Sex • Age • Height & weight • Use of alcohol or drugs • Whether mental illness is suspected • Type of injury or injuries sustained and treatment received
<p>Officer(s) involved</p> <ul style="list-style-type: none"> • Identification number • Race, sex, & age • Height & weight • Tenure at MCPD (years) • District/Unit of assignment • Whether the officer was assaulted • Whether the officer was injured, and type of injury or injuries sustained • Whether the officer was ambushed • Type of force used by officer • If electronic control device was used, type of deployment and point of impact • Treatment received
<p>Incident category</p> <ul style="list-style-type: none"> • Reason type for completing Use of Force Report (e.g. injury, accidental discharge) • Activity code (e.g. arrest, traffic stop)

³⁰ “Use of Force,” FC No. 131, 9/21/2016, Montgomery County Police Department

MCPD has an online system for collecting and maintaining Use of Force reports submitted by officers. The following table summarizes the data points collected in MCPD's Use of Force Report (MCP 37). No public datasets on Use of Force Reports are available on Data Montgomery.

Data Limitations. The fields for the race of the suspect and officers involved are open-ended, and no field exists for ethnicity. As such, data on the race or ethnicity of suspects and officers may be based on inconsistent terminology from reports. In addition, the data may undercount Latinx suspects or officers, if the officer writing the report does not consider Latinx to be a race.

F. Vehicular Pursuits

MCPD policy requires that any time an MCPD officer engages in a vehicular pursuit, a supervisor from the officer's district must complete a Motor Vehicle Pursuit Report (MCP 610) and forward it through the chain of command to the respective assistant chief. A vehicular pursuit is "An active attempt by an officer in a vehicle to apprehend an occupant of a moving motor vehicle who exhibits a clear intention to avoid apprehension."³¹

MCPD uses a Microsoft Access database to store data collected from Motor Vehicle Pursuit Reports (MCP 610). The table on the following page summarizes the fields on the Motor Vehicle Pursuit Report. Motor Vehicle Pursuit Reports also include a supplementary narrative as written by the supervisor. No public datasets on Vehicular Pursuits are available on Data Montgomery.

Data Limitations. The fields for the suspect's race are open-ended, and no field exists for ethnicity. As such, data on the race or ethnicity of suspects may be based on inconsistent terminology from reports. In addition, the data may undercount Latinx suspects if the supervisor writing the report does not consider Latinx to be a race.

³¹ "Vehicular Pursuits," FC No. 135, 5/22/2009, Montgomery County Police Department

Chart 4.5: Data Points Captured in MCPD's Vehicular Pursuits Reports

<p>Suspect</p> <ul style="list-style-type: none"> • Race • Sex • Age
<p>Primary pursuing officer</p> <ul style="list-style-type: none"> • Name • Identification number
<p>Date and time</p> <ul style="list-style-type: none"> • Date • Time started • Time ended
<p>Location</p> <ul style="list-style-type: none"> • District where pursuit was initiated • Address/GPS location or cross street started • Address /GPS location or cross street ended • Whether pursuit extended outside County boundaries • Category of area(s) traveled through (commercial, residential, school/recreation, open country, other) • Road condition (wet, dry, snow, ice, or other) • Traffic density (light, medium, heavy, other)
<p>Police vehicles and other resources involved in pursuit</p> <ul style="list-style-type: none"> • Primary vehicle stock number • Primary vehicle type (marked or unmarked) • Whether primary vehicle used siren • Whether primary vehicle used emergency lights and which type (e.g. dash lights, 4-corner strobes) • Total unmarked and marked police vehicles • Additional resources used (none, aircraft, other department, PMARS, stop stick, other)
<p>Notifications</p> <ul style="list-style-type: none"> • Whether supervisor was notified, time of notification and supervisor name and identification number • Whether the Duty Commander was notified, time of notification and Duty Commander's name and identification number
<p>Reason and results</p> <ul style="list-style-type: none"> • Reason pursuit initiated (felony, DUI, assisting another agency, other) • If suspect was apprehended, how (e.g. voluntarily stopped, collision, road block) • If suspect escaped, how (e.g. outran police, police vehicle in collision, pursuit ordered terminated) • Suspect charged (felony, DUI or other) • Whether a collision occurred • If a collision occurred, whether it resulted in injuries and if so, their severity • Whether non-vehicular property damage occurred
<p>Review of pursuit</p> <ul style="list-style-type: none"> • Supervisor's rank, name and identification number • Supervisor's answer to "Did the pursuit comply with department policy?" (Yes or No) • Unit Commander's rank, name and identification number • Unit Commander's answer to "Did the pursuit comply with department policy?" (Yes or No)

G. Maryland State Police Automated Crash Reporting System

The Maryland State Police Automated Crash Reporting System (ACRS) is the system used to collect data on motor vehicle collisions across the State. ACRS replaced the state's previous motor vehicle collision reporting system, the Maryland Automated Accident Reporting System (MAARS) in 2015. MCPD policy requires police officers to conduct collision investigations and report data to the State for all serious motor vehicle collisions including:

- Fatal collisions;
- Collisions that resulted in injuries;
- Collisions associated with an incarcerable offense such as hit-and-run;
- Collisions involving government owned vehicles;
- Collisions after which a vehicle cannot be safely driven from the scene; and
- Collisions involving hazardous materials.³²

ACRS is a highly structured database with 165 separate fields used to document data on every collision, including each vehicle and each person involved or who witnessed the collision. The ACRS Field Reporting Guide provides details on the data in each field. The following provides a high-level summary of the data points available in ACRS:

- **Crash elements.** 44 fields capture information on the collision and the circumstances surrounding it, including the location, the type of collision (e.g. head-on), and road and weather conditions.
- **Vehicle elements.** 41 fields collect details on each vehicle involved in the collision, the damage sustained to it and the role of the vehicle in the collision.
- **Driver elements.** 28 fields capture information on each driver, including the driver's address and phone number, whether the driver was at fault, their injuries and condition, as well as the results of any alcohol or drug tests. Demographic details are limited to date of birth and sex.
- **Passenger elements.** 18 fields describe the passenger, their address and phone number, position in the vehicle at the time of the collision and the severity of the passenger's injuries. Demographic details are limited to date of birth and sex.
- **Non-motorist elements.** 28 fields capture information on each person other than the occupant of a motor vehicle in transport, such as pedestrians, bicyclists, and occupants of stationary vehicles. These fields include the person's date of birth and sex, address and phone number, their position and actions at the time of the collision, whether the non-motorist was at fault, the severity of any injuries and results of any drug or alcohol tests.
- **Witness elements.** 6 fields capture each witness's name, address, and phone number.

Data entered into ACRS produces a State of Maryland Motor Vehicle Crash Report, which also includes a short narrative and accident diagram.

Data limitations. Demographic details for persons involved in motor vehicle collisions are limited to date of birth and sex. ACRS does not have fields to enter race or ethnicity.

³² F.C. No. 1021

ACRS Data Available on Data Montgomery. Data Montgomery offers three datasets that contain data from ACRS: “Incidents Data,” “Drivers Data,” and “Non-Motorists Data.” Each of these datasets can be linked with the other datasets via a report number. These datasets contain numerous data points from ACRS and therefore provide extensive details on motor vehicle collisions in Montgomery County, including the roles of each driver and non-motorist (e.g. pedestrians or cyclists). These datasets do not include any identifying or demographic information (such as age or sex) for drivers, non-motorists, or any other persons involved in collisions. The datasets also do not provide any information on passengers or witnesses.

H. Electronic Traffic Information Exchange (E-TIX)

State law requires that law enforcement officers in Maryland report information for each traffic stop they conduct, meaning when an officer stops a driver or non-motorist for a violation of the Maryland Vehicle Law. The law requires officers to report specific data points including the gender, date of birth and race or ethnicity of the driver.³³ Law enforcement agencies must report aggregate data on traffic stops to the State. Of note, the following types of stops are excluded from this reporting requirement:

- A checkpoint or roadblock stop;
- A stop of multiple vehicles due to a traffic accident or emergency situation;
- A stop based on the use of radar, laser, or vascar technology; or
- A stop based on the use of license plate reader technology, such as a speed camera or red-light camera.

The Electronic Traffic Information Exchange (E-TIX) is the electronic system for issuing traffic citations and tracking data on traffic stops in Maryland, and is managed by the Maryland State Police. The table on the following page summarizes the data points captured in E-TIX. E-TIX data may include some stops that are excluded from the reporting requirement, such as stops based on the use of radar or laser, if the officer used E-TIX to issue the citation.

Data Limitations. MCPD staff report that the County does not have full access to E-TIX reporting tools, because E-TIX is a State system. As a result, MCPD is limited in the nature of the data analysis it can conduct with E-TIX. Citations based on speed cameras and red-light cameras, which cite the vehicle, not the driver, are not reported in E-TIX and do not have demographic data associated with them.

E-TIX Data Available on Data Montgomery. The Data Montgomery Traffic Violations Dataset includes data on traffic stops from 2012 to the present that resulted in a citation, warning, or safety equipment repair order. The dataset includes several fields from E-TIX. These include some demographic information on the driver, including race/ethnicity, gender and the city where the driver resides, information on the stop itself, the search if applicable and the violation. The dataset does not include:

- Identifying information on the driver or the officer that conducted the stop;
- The duration of the stop; or
- Whether an arrest was made.

The dataset also does not include any stops that did not result in a citation, warning or safety equipment repair order.

³³ MD Code, Transportation, § 25-113

Chart 4.6: Data Points Captured in E-TIX

<p>Driver</p> <ul style="list-style-type: none"> • Driver’s License number, class and state of issue • Name • Address • Race or ethnicity (Asian, Black, Latino, White, or Other) based on officer’s observation • Gender • Date of Birth • Height &Weight • Vehicle registration number and state • Vehicle make, model and color
<p>Traffic stop</p> <ul style="list-style-type: none"> • Date • Time • Location • Duration • Whether a warning, safety equipment repair order, or citation was issued as a result of the stop and if so, the basis for it • Whether an arrest was made and if so, the crime charged
<p>Search conducted (if applicable)</p> <ul style="list-style-type: none"> • Whether a search was conducted as a result of the stop • The reason for the search • Whether the search was consensual or nonconsensual • Whether a person and/or a person’s property was searched • Whether any contraband or other property was seized in the course of the search
<p>Information related to the violation</p> <ul style="list-style-type: none"> • Whether the violation contributed to an accident • Whether seat belts were used • Whether a person was injured • Whether property damage occurred • Whether a fatality occurred • Whether the violation involved hazardous materials • Whether the violation occurred in a work zone
<p>Units/Officers Conducting the Stop</p>

I. Internal Affairs Division Data

The Internal Affairs Division (IAD) is the entity responsible for investigating internal and external complaints of employee misconduct, and for implementing and coordinating disciplinary actions and procedures instituted by the Office of the Chief. The Law Enforcement Officers’ Bill of Rights, a State law, governs significant aspects of the complaint and disciplinary process. The process map below summarizes the process. IAD uses a database to collect and track complaints of employee misconduct. The table on the following page summarizes the data points in IAD’s database on complaints of MCPD employee misconduct.

Chart 4.7: Montgomery County Police Department Disciplinary Process

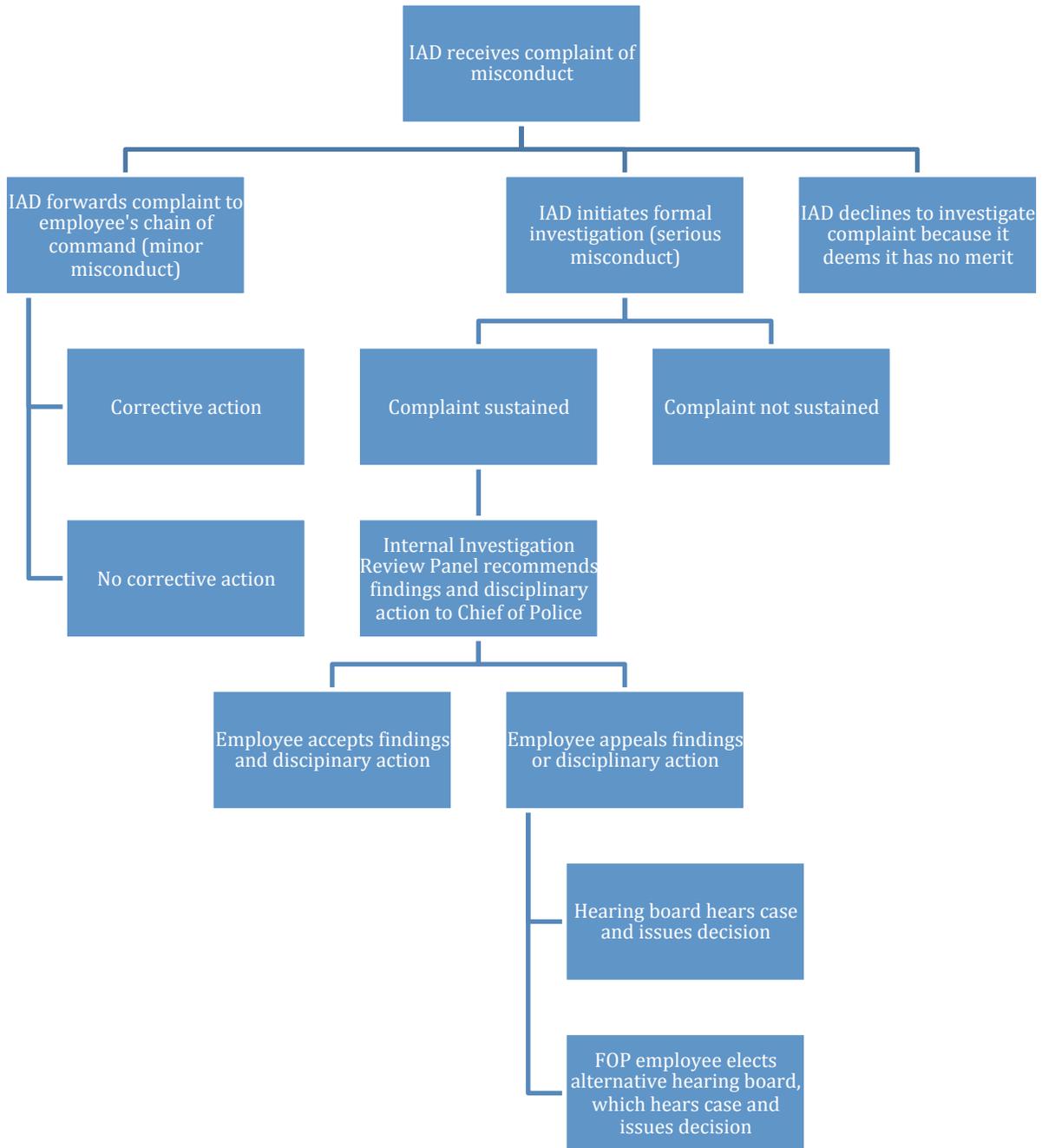


Chart 4.8: Data Points Captured in the Internal Affairs Division Database

Complainant (optional to provide) <ul style="list-style-type: none">• Name• Date of birth• Sex• Race• Phone number• E-mail• Street address• Internal or external complainant
Allegation <ul style="list-style-type: none">• Date and time complaint was received• Date and time of alleged incident• Address or location of alleged incident• Witness name(s) and contact details• The rule that the employee allegedly broke
Employee <ul style="list-style-type: none">• Name• Demographic details from personnel database
Disciplinary process <ul style="list-style-type: none">• Initial determination by IAD as to whether allegation is minor, serious or has no merit• Finding(s) following investigation

The database also includes a narrative of the complaint as reported by the complainant.

Data limitations. IAD’s database has several limitations, as listed below:

- No information on the source of the complaint (e.g. phone, mail, in-person) is available;
- Staff report that most complainants do not report their race. Although the form used to document complaints, MCP 580, has a space to list the complainant’s race, IAD staff report that they prefer to not request that complainants state their race when they make a complaint by phone.
- In conformance with requirements in State law, information on sworn officers associated with minor allegations are expunged after one year, and information on sworn officers with serious allegations that were not sustained are expunged after three years. Complainant information does not get expunged.
- IAD’s database does not contain information on the disciplinary action taken or any appeals filed by employees that are the subjects of complaints.

Data available on Data Montgomery. The Data Montgomery Internal Affairs Allegations dataset provides basic data points regarding complaints received by IAD since August of 2013. This dataset includes the date of each allegation, whether it was an internal or external complaint, the nature of the allegation, the status (active or completed), and a finding for completed investigations. The following are limitations of this dataset:

- No demographic data on complainants or employees are provided;
- No location data, such as the location of the alleged incident or the complainant's address (e.g. ZIP code) are available;
- The entries for the rule that the employee allegedly broke do not appear to be standardized – for example, 24 allegations are categorized as “Discrim/Race/Sex” and 46 are categorized as “Discrimination/Harassment”, yet both of these categories refer to the same rule.
- The dataset does not specify whether the allegation was deemed minor or serious by IAD, and a user would need to be familiar with IAD's processes to deduce this from the “Findings” column; and
- Many entries are incomplete – for example, 148 of the allegations listed as “completed” do not have an associated finding.

J. Community Engagement Division Event Data

The MCPD Community Engagement Division (CED) tracks events in the community that MCPD hosts, facilitates, presents at, or attends. This dataset is hosted on Data Montgomery, and a person must be a County employee to access the full dataset. CED tracks the following data points:

- Event Name
- Facility name and/or address
- Start Date and time
- End Date and time
- Police District(s)
- Event Type
- MCPD level of participation (hosted, facilitated/presented at, or attended)
- Target audience
- Contact name
- Contact e-mail

Data limitations. This dataset has two limitations. First, the events in the dataset cannot easily be mapped geographically because the location information is not presented in a standard format. Second, some types of events may be listed in some years but not in others. For example, the corresponding public Data Montgomery dataset lists 78 “recruitment” events in 2019, but no “recruitment” events in the previous two years.

Data available on Data Montgomery. Data Montgomery also hosts a corresponding public dataset with many of the same data points. The publicly available Data Montgomery Police Community Event dataset does not include the following data points:

- MCPD level of participation
- Target audience
- Contact name
- Contact e-mail

Chapter 5. Avenues for Future Data Analysis and Reporting

As shown in Chapter 4, MCPD collects and stores a wide range of data points in several data systems. These include data on dispatches of police officers, crime, use of force by police officers, vehicular pursuits, traffic collisions, traffic stops, and internal and external complaints about MCPD employees. The Council requested that OLO describe how available data could inform their oversight and ongoing policy making, with an emphasis on MCPD interactions with the public by tracking race, ethnicity, and other demographic factors. This chapter provides examples of analyses that can be performed with four datasets currently available on Data Montgomery. It is organized as follows.

- **Section A** provides an overview of the datasets available on Data Montgomery;
- **Section B** provides an example of analysis from the Police Dispatched Incidents dataset;
- **Section C** describes an example of analysis that can be conducted with the Crimes dataset;
- **Section D** provides examples of analysis of the Traffic Violations dataset; and
- **Section E** summarizes data on community events organized or attended by MCPD officers.

A. Overview of Data Available on Data Montgomery

Data Montgomery contains ten datasets related to MCPD, listed in the table below. These datasets are derived from seven different databases – the CAD, E*Justice, ACRS, E-TIX and the IAD’s database on internal and external complaints (see chapter 4 for information on these databases). As shown on the table below, three of the datasets contain some demographic data. No demographic data on police officers are included in these datasets.

Table 5.1: Data on MCPD Available on Data Montgomery

Dataset	Database	Data From	Updated	Demographic Data	CY2019 Data
Police Dispatched Incidents	CAD	April 2017	4X Daily	None	210,118 incidents
Crime	E*Justice	July 2016	Daily	None	51,051 incidents of crime
MCPD Bias Incidents	E*Justice	January 2016	Monthly	Suspects by age	112 hate crimes or bias incidents
Crash Reporting - Incidents Data	ACRS	January 2015	Weekly	None	11,658 crashes
Crash Reporting - Drivers Data	ACRS	January 2015	Weekly	None	20,931 drivers involved in crashes
Crash Reporting - Non-Motorists Data	ACRS	January 2015	Weekly	None	657 non-motorists involved in crashes
Traffic Violations	E-TIX	January 2012	Daily	Driver’s race, ethnicity & gender	188,555 violations
Internal Affairs Allegations	IAD	August, 2013	Weekly	None	521 allegations
Police Community Events	Community Engagement	July, 2016	Weekly	None	2001 events
Daily Arrests	CRIMS	Past 30 days	Daily	Defendants’ age	None (data removed after 30 days)

Source: OLO review of Data Montgomery

These datasets contain a wealth of data on the incidents to which MCPD officers respond. MCPD staff currently conducts extensive analysis of crime and traffic collisions. Given the data currently included in these datasets, OLO found that four datasets – Police Dispatched Incidents, Crime, Traffic Violations, and Community Events – contain the most useful information that might inform the Council’s oversight of MCPD.

B. Example Analysis of Police Dispatched Incidents

As described in Chapter 4, the County’s Computer Aided Dispatch System (CAD) is the system used by the Emergency Communications Center (ECC) to dispatch Montgomery County public safety services, including Police, and Fire and Rescue, and track their activities during the response. The Data Montgomery Police Dispatched Incidents dataset contains data from the CAD on incidents to which police officers were dispatched. As noted above, for calendar year 2019 the dataset includes 210,118 incidents. To provide additional context on this dataset, the table below summarizes the ten most common types of incidents to which police responded in 2019, as categorized at the end of the dispatch.

Table 5.2: Ten Most Frequent Incident Types in the Police Dispatched Incidents Dataset, CY 2019

Incident type	CY2019 Incidents
Traffic/transportation incident	17,831
Suspicious circumstance, persons or vehicle	15,161
Disturbance/nuisance	11,149
Alarm - residential burglary/intrusion	11,032
Traffic violation	10,817
Domestic disturbance/violence	9,857
Check welfare	9,521
Noise	6,724
Alarm - commercial burglary/intrusion	6,245
Trespassing/unwanted	5,943

Source: OLO analysis of Data Montgomery Police Dispatched Incidents dataset

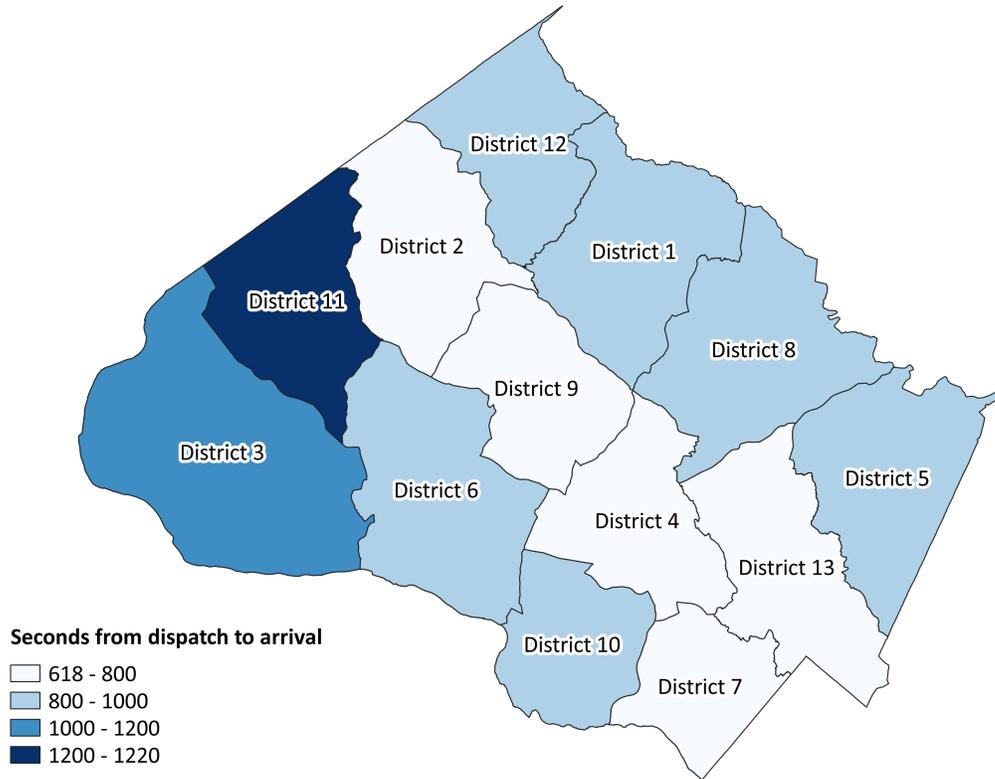
The Police-Dispatched Incidents dataset includes information on the timeline of the police response, including:

- Seconds from call pickup to first unit dispatched
- Seconds from first unit dispatched to first unit arrived on-scene
- Seconds from first unit arrived on-scene to last unit cleared.

The exhibit on the following page maps the average number seconds from first unit dispatched, to first unit arrived on scene for each of the County’s administrative election districts.³⁴

³⁴ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). In 2020, Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

Exhibit 5.1: Average Seconds From Dispatch to Police Arrival By Election District, CY2019



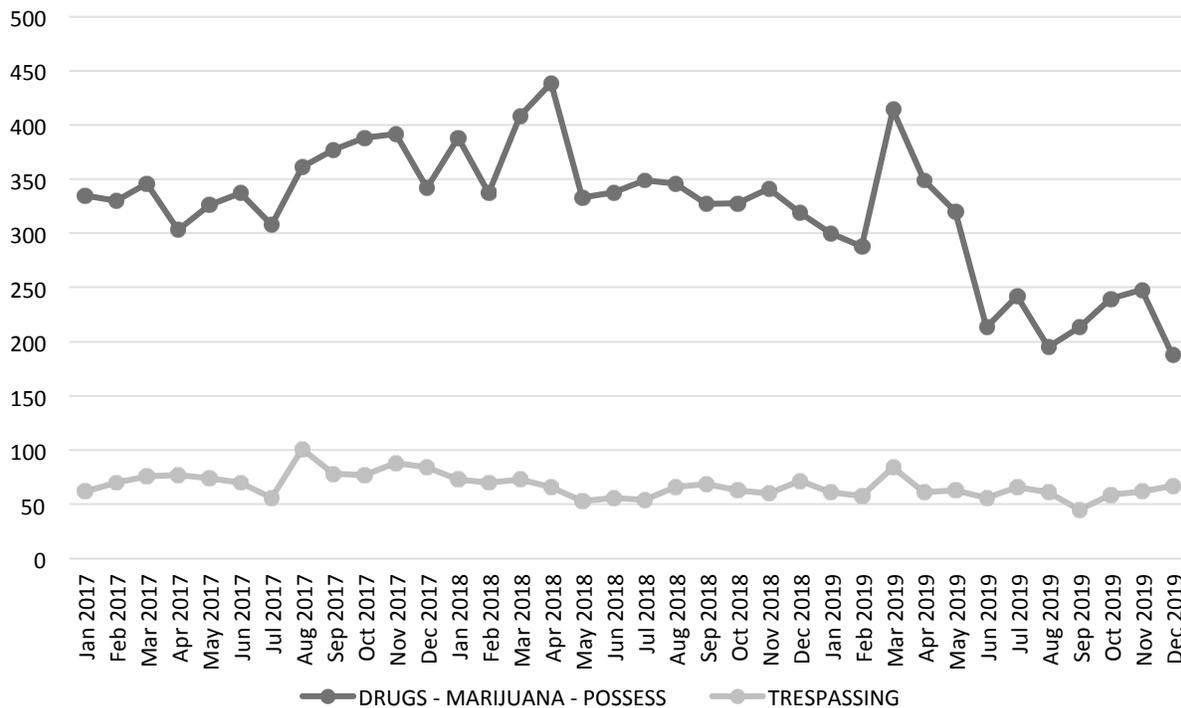
These data show that average Police response times in 2019 ranged from 618 seconds, or about 10 minutes, to 1,220 seconds, or about 20 minutes. The map shows that average response times were shortest in the I-495 and I-270 corridors. For future analyses, these data could be filtered by call type and/or the priority level of the call, mapped onto smaller geographic areas, and/or analyzed for changes over time. Of note, these data include self-dispatched incidents. However, the Data Montgomery dataset does not specify whether a dispatch resulted from a call to 911 or if a police officer self-dispatched to an incident.

A. Example Analysis of Crime Dataset

As noted in Chapter 4, police officers are required to write an incident report for incidents of crime and other events, such as suicide attempts and missing persons. E*Justice is MCPD’s electronic incident report-writing tool and records management system. The Data Montgomery Crimes dataset provides access to basic data points from E*Justice, including the location and nature of crimes that MCPD police officers investigated.

For each incident, the Crimes dataset lists the specific crime that was committed. For example, the chart below provides data on incidents of marijuana and trespassing offenses from calendar years 2017 to 2019. It shows that MCPD investigations of marijuana offenses decreased from 2018 to 2019, apart from a sharp spike in early 2019. This chart also shows fairly consistent incidences of trespassing over time. While these data do not provide information on the reasons for any increases, decreases or stagnations, they provide a starting point for better understanding MCPD’s enforcement efforts.

Chart 5.1. Marijuana and Trespassing Offenses, FY2017-CY2019



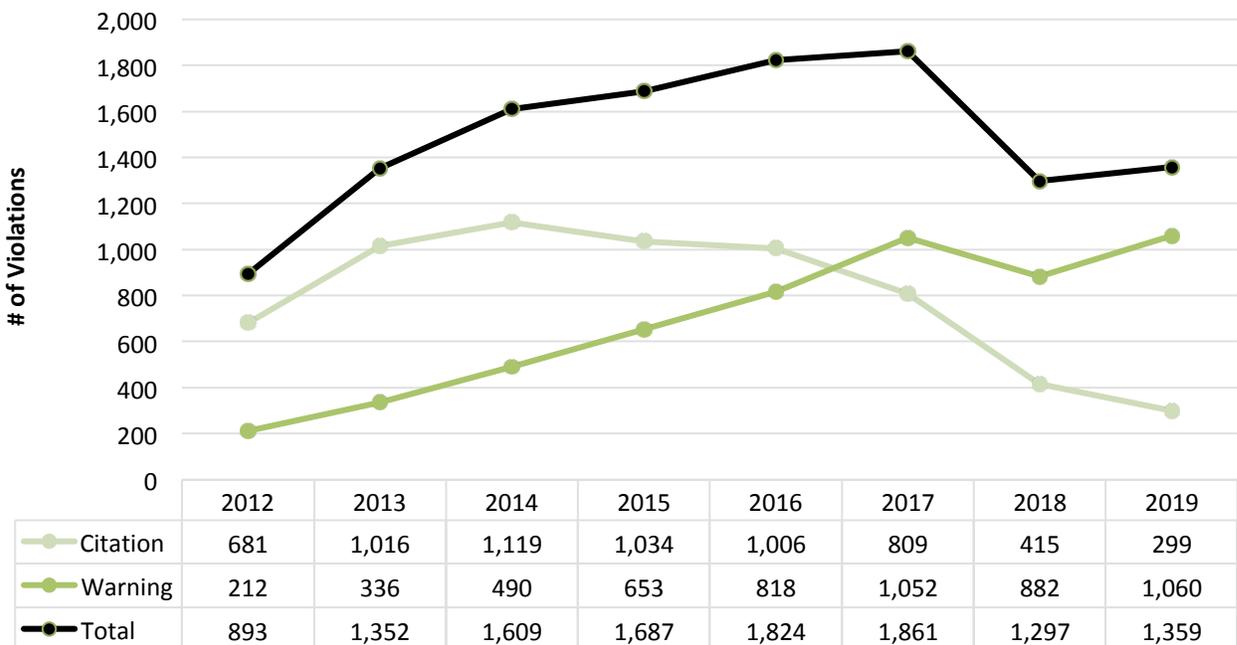
B. Example Analyses of Traffic Violation Data

As noted in Chapter 4, the Electronic Traffic Information Exchange (E-TIX) is Maryland’s electronic system for issuing traffic citations and tracking data on traffic stops and is managed by the Maryland State Police. State law requires officers to report specific data points on traffic stops including the gender, date of birth, and race or ethnicity of the driver. The Data Montgomery traffic violations dataset includes data on individual traffic violations for which drivers received a citation, a warning, or a safety equipment repair order (SERO). This dataset includes the driver’s race or ethnicity and the driver’s gender. This section provides examples of analyses that could be conducted with these data. In the future, the data points presented below could be tracked over time and/or mapped geographically.

1. Enforcement Trends

For each violation, the Traffic Violations dataset specifies the statute violated. Similar to the Crimes dataset, the Traffic Violations dataset therefore offers information on trends in MCPD’s enforcement of specific areas of the law. For example, the chart below displays the number of violations related to pedestrians’ rights and rules from 2012 to 2019. It shows that overall, MCPD’s enforcement actions regarding rules related to pedestrians (such as yielding to a pedestrian in a crosswalk) increased steadily between 2012 and 2017 and then decreased sharply in 2018. Between 2012 and 2018, issuance of citations decreased while issuance of warnings increased. While these data do not provide information on the reasons for any increases or decreases, they provide a starting point for better understanding MCPD’s enforcement efforts.

Chart 5.2: Violations Related to Pedestrians' Rights and Rules, CY2012-CY2019



Source: OLO analysis of Data Montgomery Traffic Violations dataset, filtered for those with charges related to MD Transportation Title 21, Subtitle 5

A similar trend analysis could be conducted for other rules of the road, such as rules related to speeding or stoplights.

2. Violations by Race, Ethnicity, and Gender

The Traffic Violations dataset offers several ways to analyze MCPD’s interactions with the public by race, ethnicity, and gender. This section provides six examples of analyses:

- Traffic stops by race, ethnicity, and gender
- Traffic violations by race, ethnicity, and gender
- Number of traffic violations by race and ethnicity
- Percentage of violations that resulted in citation, warning or safety equipment repair order by race, ethnicity, and gender
- Percentages of stops that resulted in a search by race, ethnicity, and gender
- Violations by race, ethnicity, and statute
- Violations by geographical location, race and ethnicity.

Traffic Stops. The table below compares the County’s adult population to the number of 2019 traffic stops by race, ethnicity, and gender to calculate traffic stop rates by subgroup. It shows that Other and Black men had the highest traffic stop rates (38 – 42%) followed by Latino men (25%) while Asian women had the lowest rates (6%).

Table 5.3: Traffic Stops by Race, Ethnicity, and Gender, CY 2019

Driver Characteristics	Adult Population (18-64)	Number of Traffic Stops	% Adult Stopped
Black	116,432	31,866	27.4%
Female	62,045	11,285	18.2%
Male	54,275	20,575	37.9%
White	282,509	38,151	13.5%
Female	145,243	15,419	10.6%
Male	137,235	22,730	16.6%
Latino	122,879	21,091	17.2%
Female	60,722	5,908	9.7%
Male	62,031	15,178	24.5%
Other	24,628	8,162	33.1%
Female	12,579	2,689	21.4%
Male	12,070	5,117	42.4%
Asian	93,360	6,706	7.2%
Female	49,375	2,784	5.6%
Male	44,005	3,920	8.9%
Native American	856	99	11.6%
Female	427	36	8.4%
Male	429	63	14.7%

Traffic Violations. The table below displays the numbers of violations and violations per 1,000 persons by race, ethnicity, and gender during calendar year 2019. This analysis is similar to that presented by Mark Pastor during a public hearing in 2019 regarding Bill 14-19.³⁵ These data show that Black drivers received violations at the highest rates (321 violations per 1,000 population), followed closely by drivers whose race or ethnicity was identified as “Other” (319 violations per 1,000 population).

Table 5.4: Traffic Violations by Race, Ethnicity, and Gender, CY2019

Driver Characteristics	Violations				Violations Per 1,000 Population			
	All	Citations	Warnings	SEROs	All	Citations	Warnings	SEROs
Black	60,970	23,222	35,563	2,185	321	122	187	12
Female	20,142	6,681	12,708	753	199	66	126	7
Male	40,817	16,537	22,848	1,432	461	187	258	16
White	60,834	19,664	38,994	2,176	132	43	84	5
Female	23,220	6,633	15,813	774	98	28	66	3
Male	37,611	13,028	23,181	1,402	168	58	103	6
Latino	43,098	19,098	21,915	2,085	215	95	109	10
Female	10,401	3,647	6,306	448	105	37	64	5
Male	32,685	15,440	15,608	1,637	323	152	154	16
Other	12,816	3,546	8,798	472	319	88	219	12
Female	4,104	1,044	2,909	151	200	51	142	7
Male	8,270	2,460	5,489	321	420	125	279	16
Asian	10,661	3,007	7,262	392	70	20	48	3
Female	4,269	1,054	3,074	141	53	13	38	2
Male	6,389	1,953	4,185	251	89	27	58	3
Native American	176	36	127	13	126	26	91	9
Female	55	6	46	3	79	9	66	4
Male	121	30	81	10	173	43	116	14

Source: OLO analysis of Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

³⁵ Mihill, A., Memorandum: Bill 14-19 - Police, Policing Advisory Commission – Established, November 27, 2019, Montgomery County Council, ©24-30.

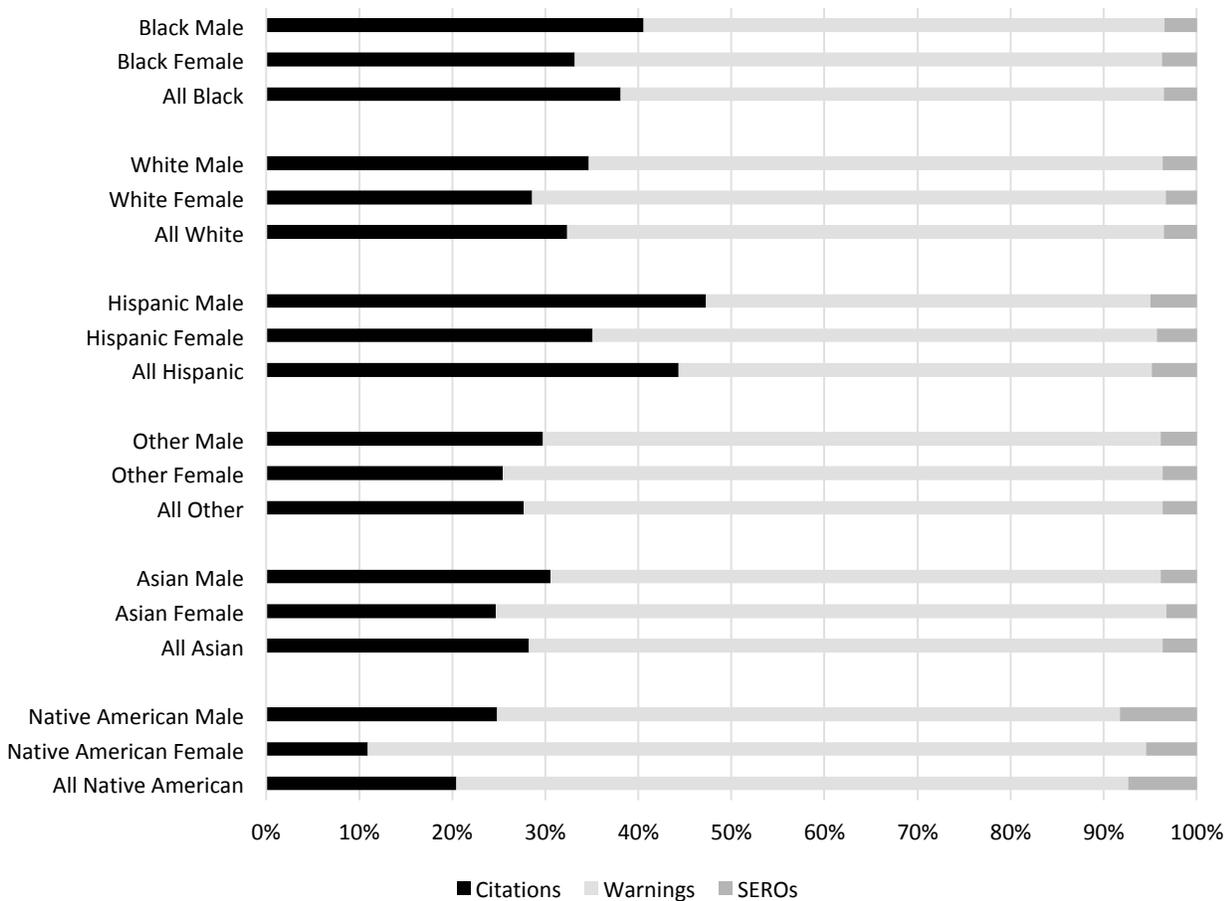
Number of Violations. The table below describes the number of violations issued per traffic stop by race and ethnicity for 2019. It shows that Latinx and Black drivers were more likely to earn six or more violations during a single traffic stop than any other racial and ethnic group.

Table 5.5: Number of Violations Per Traffic Stop by Race and Ethnicity

Race and Ethnicity	1	2 to 3	4 to 5	6 or more
Asian	41%	40%	12%	7%
Black	30%	37%	16%	17%
Latino	27%	35%	15%	22%
Native American	35%	36%	20%	9%
Other	42%	40%	11%	6%
White	43%	36%	12%	10%

Violations Resulting in Citations, Warnings, and SEROs. Data Montgomery’s Traffic Violations dataset can also provide insight into the shares of violations that resulted in citations, warnings, and SEROs. As shown on the chart below, Hispanic drivers, especially males, received citations rather than warnings at higher rates, as a share of total violations, than other population groups.

Chart 5.3: Percentages of Violations That Resulted in Citations, Warnings and SEROs, CY2019



Traffic Violations with Searches. The Traffic Violations dataset also includes data on whether the officer(s) conducted a search. Data on searches are available for approximately two thirds of stops in CY2019. The table below displays the percentage of stops for each group of drivers that resulted in a search. The data shows that Black and Latino drivers, especially males, are subjected to searches at higher rates than other groups. The data also show that over half (54%) of searches conducted during stops of Black drivers were based on probable cause, whereas for White and Latinx drivers the share of searches based on probable cause was under 40%.

Table 5.6: CY2019 Traffic Violations With Searches Conducted

Drivers' Race, Ethnicity and Gender	% of Stops With Search	Share of Searches by Reason			
		Probable Cause	Incident to Arrest	Consensual	K-9 (Canine)
All drivers	2.6%	45%	37%	12%	4%
Black	3.8%	54%	26%	14%	4%
Female	1.9%	53%	31%	8%	5%
Male	4.9%	55%	26%	15%	4%
Latino	3.4%	37%	51%	9%	1%
Female	1.5%	52%	40%	5%	0%
Male	4.1%	35%	53%	10%	1%
White	1.6%	37%	41%	13%	6%
Female	0.9%	38%	48%	6%	8%
Male	2.1%	37%	40%	15%	6%
Other	1.4%	45%	41%	10%	3%
Female	0.6%	40%	60%	0%	0%
Male	1.9%	46%	38%	11%	3%
Asian	1.0%	34%	43%	18%	5%
Female	0.4%	50%	38%	0%	13%
Male	1.4%	31%	44%	22%	3%
Native American	0.0%	0%	0%	0%	0%
Female	0.0%	0%	0%	0%	0%
Male	0.0%	0%	0%	0%	0%

Source: OLO analysis of Data Montgomery Traffic Violations

Violations By Statute. The Data Montgomery Traffic Violations dataset lists the statute associated with each violation. The table on the following page displays numbers of violations for the top ten most frequent statutes violated, as well as percentages of violations for each statute by race/ethnicity. The data show that the distribution of violations by race and ethnicity varies significantly depending on the nature of the violation. For example, White drivers accounted for 42% of speeding violations but only 18% of violations related to driving without a license.

Table 5.7: Violations for Ten Most Frequently Cited Statutes, CY2019

Description of violation	Total	White	Black	Hispanic	Asian	Native American	Other
<i>Population data</i> ³⁶	1,040,133	44%	18%	19%	15%	<1%	4%
Violations related to actions while driving							
Exceeding the speed limit ³⁷	22,772	42%	24%	18%	7%	<1%	9%
Driver failure to obey traffic control sign, signal, marking or device ³⁸	17,984	39%	28%	19%	7%	<1%	8%
Failure to stop at stop sign or line or yield sign or line ³⁹	6,527	44%	23%	17%	9%	<1%	8%
Driver using hands to use telephone while vehicle is in motion ⁴⁰	5,005	40%	25%	20%	7%	<1%	8%
Driving vehicle in excess of reasonable and prudent speed ⁴¹	3,764	38%	29%	20%	6%	<1%	7%
Violations related to license, registration, or registration plates							
Failure to display registration card upon demand by police officer ⁴²	8,036	32%	34%	20%	7%	<1%	7%
Displaying expired registration plates ⁴³	5,277	39%	35%	14%	6%	<1%	6%
Failure to display license to uniformed police on demand ⁴⁴	4,634	23%	36%	32%	4%	<1%	5%
Driving vehicle with suspended registration ⁴⁵	4,400	27%	44%	21%	3%	<1%	5%
Driving vehicle without required License and authorization ⁴⁶	4,226	18%	38%	39%	2%	<1%	4%

Source: OLO analysis of Data Montgomery Traffic Violations dataset

³⁶ American Community Survey 2014-2018 5-Year Estimates; percentages for “White” and “Other” are for non-Hispanic White and non-Hispanic “Some other race” and “Two or more races”, respectively.

³⁷ Statute cited: MD Code Ann. Transportation Art. §21-801.1

³⁸ Statute cited: MD Code Ann. Transportation Art. §21-201(a1)

³⁹ Statute cited: MD Code Ann. Transportation Art. §21-707(a)

⁴⁰ Statute cited: MD Code Ann. Transportation Art. §21-1124.2(d2)

⁴¹ Statute cited: MD Code Ann. Transportation Art. §21-801(a)

⁴² Statute cited: MD Code Ann. Transportation Art. §13-409(b)

⁴³ Statute cited: MD Code Ann. Transportation Art. §13-411(f)

⁴⁴ Statute cited: MD Code Ann. Transportation Art. §16-112(c)

⁴⁵ Statute cited: MD Code Ann. Transportation Art. §13-401(h)

⁴⁶ Statute cited: MD Code Ann. Transportation Art. §16-101(a1)

Stops By Geographical Location. The Data Montgomery Traffic Violations dataset includes geographic data for each violation/stop. OLO used GIS software to map traffic stops by the County’s administrative election districts.⁴⁷ Tables 5.8 and 5.9 show the number of stops by district, as stops per 100 population by district, percentages of stops by the race and ethnicity of the driver, along with population data for each district. The data show that District 13 (Silver Spring & Wheaton-Glenmont), the County’s most populous district, had the largest number of traffic stops. However, District 11 (Barnesville) and District 7 (Bethesda, Glen Echo & Somerset) had the most stops per 100 population. Of note, while police stopped Black drivers at disproportionate rates across the County, police stopped Black drivers at particularly disproportionate rates in Districts 7 (Bethesda, Glen Echo & Somerset), 4 (Rockville), and 13 (Silver Spring & Wheaton-Glenmont).

Table 5.8: Traffic Stops By Geographical Location, CY2019

District	Place(s)	Population	Stops	Stops Per 100 Population
13	Silver Spring & Wheaton-Glenmont	268,180	28,876	11
9	Gaith., Mont. Vill. & South Germtwn	183,988	18,661	10
7	Bethesda, Glen Echo & Somerset	99,768	13,725	14
4	Rockville	128,906	13,592	11
5	Burtonsville and White Oak	112,658	8,036	7
2	Clarksburg & north Germantown	58,836	6,193	11
8	Olney & Brookeville	49,193	3,075	6
6	Darnestown & North Potomac	51,377	2,723	5
10	Potomac	37,196	1,886	5
1	Laytonsville	21,580	1,261	6
11	Barnesville	2,075	1,113	54
12	Damascus	19,696	945	5
3	Poolesville	6,680	454	7

Sources: Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

⁴⁷ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). In 2020, Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

Table 5.9: Traffic Stops By Geographical Location, Race, and Ethnicity, CY2019

District	Place(s)	Percentage of	Asian	Black	Latinx	Native American	Other	White
13	Silver Spring & Wheaton-Glenmont	Stops	4%	36%	27%	0.1%	8%	25%
		Population	9%	22%	27%	0.2%	4%	38%
9	Gaith., Mont. Vill. & South Germtwn	Stops	7%	31%	24%	0.2%	7%	30%
		Population	16%	19%	29%	0.1%	4%	31%
7	Bethesda, Glen Echo & Somerset	Stops	6%	20%	12%	0.1%	8%	54%
		Population	9%	4%	8%	0.1%	3%	76%
4	Rockville	Stops	9%	25%	17%	0.1%	9%	40%
		Population	20%	9%	15%	0.1%	5%	52%
5	Burtonsville and White Oak	Stops	5%	49%	19%	0.1%	6%	20%
		Population	15%	40%	18%	0.1%	3%	25%
2	Clarksburg & north Germantown	Stops	8%	30%	14%	0.2%	8%	40%
		Population	23%	21%	15%	0.3%	3%	37%
8	Olney & Brookeville	Stops	6%	21%	13%	0.0%	12%	48%
		Population	12%	10%	10%	0.2%	4%	64%
6	Darnestown & North Potomac	Stops	13%	17%	12%	0.1%	7%	52%
		Population	30%	9%	10%	0.0%	4%	47%
10	Potomac	Stops	10%	13%	8%	0.2%	10%	58%
		Population	21%	6%	7%	0.0%	3%	62%
1	Laytonsville	Stops	6%	23%	16%	0.2%	11%	44%
		Population	13%	17%	13%	0.0%	4%	52%
11	Barnesville	Stops	3%	7%	2%	0.0%	4%	84%
		Population	5%	5%	4%	0.0%	1%	85%
12	Damascus	Stops	3%	18%	14%	0.0%	4%	62%
		Population	7%	8%	12%	0.1%	4%	69%
3	Poolesville	Stops	6%	10%	11%	0.0%	3%	70%
		Population	3%	7%	9%	0.7%	2%	79%

Sources: Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

C. Police Community Event Data

The Police Community Event dataset lists events in the community that MCPD hosted, facilitated, presented at, or attended. This dataset provides insight into MCPD’s community engagement efforts. Table 5.10 lists events by year and the category listed in the dataset. The data show 2,001 events for 2019, significantly more than those listed for 2017 and 2018. The increase in the number of events listed may reflect the inclusion of certain events (e.g. recruitment) that were not included in the dataset in previous years. While the current dataset does not allow for geographical mapping, events can be categorized by the Police district where they were held.

Table 5.10: Police Community Events by Type, 2017 - 2019

Event Category	2017	2018	2019
Engagement	416	353	470
School Event	303	301	462
Prevention	189	236	350
Training/Education	105	139	345
Crime Updates/Trends/Awareness	154	139	150
Chief/Commander Advisory Meeting	42	36	51
Recruitment			78
Faith/Interfaith Meeting	13	26	26
Award/Recognition	14	13	21
Town Hall	10	12	9
Planning			30
County Council/PSC Meeting			2
No Category Listed			7
Total	1,246	1,255	2,001

Source: OLO Analysis of Data Montgomery Police Community Event Data

Chapter 6: Findings and Recommendations

This report responds to the County Council’s request for the Office of Legislative Oversight to review and describe Montgomery County Police Department’s datasets and data practices. This report is intended to improve Council’s understanding and oversight of MCPD operations by helping to inform the Council’s requests for MCPD data with an understanding of the metrics it tracks. Given this Council’s focus on community policing, racial equity, and social justice, this report highlights MCPD’s policing datasets that describe MCPD’s interactions with the public.

Several sources of information were compiled and analyzed for this report. These include reviews of:

- Research literature on policing data best practices,
- Annual reports of policing data from state and local sources,
- Codebooks for existing MCPD datasets, and
- Interviews with MCPD leadership and staff.

This chapter is presented in two parts to describe five key project findings and six recommendations for County Council and MCPD action.

Findings

Finding 1: Best practices recommend law enforcement collect and monitor policing data that tracks their police-community interactions by race, ethnicity, and location.

While law enforcement agencies care about a number of priorities, what often gets prioritized for performance management is crime prevention. In response to the question of “What metrics does MCPD track?” the most often cited answer among various MCPD respondents was crime statistics.

Jessica Sanders of the RAND Corporation, however, warns that to “focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals.”⁴⁸ She warns that in addition to statistics on property and violent crimes, police departments need “performance metrics to incentivize and demonstrate **constitutional policing** that is bias free” and that “placing all emphasis on crime levels creates a dangerous tension because it overlooks police officers other roles and functions that should include **police-community relations**.”⁴⁹

Researchers such as Sanders and others find that best practices for tracking policing data have emerged from lessons learned among jurisdictions that have been under consent decrees to address biased policing. In particular, best practices for compiling and monitoring policing data have emerged from the experiences of New York City and Los Angeles’s police departments while under federal monitoring. These jurisdictions commit to two policing data priorities:

⁴⁸ Jessica Sanders, The RAND Corporation, Performance Metrics to Improve Police-Community Relations, before the Committees on Public Safety, California State Assembly and Senate, February 10, 2015
https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND_CT423.pdf

⁴⁹ Ibid

- Compiling and monitoring **data on police interactions with the public by race, ethnicity and location** for residents and personnel to uncover and track disparities in police interactions with the public that may result from biased policing.

- Collecting data across four sets of police-interactions with the public –
 - **Detentions** that include stops, searches, citations, arrests, and use of force incidents. In particular, data are tracked for all stops and searches, not just those that result in law enforcement (e.g., citation, summons, or arrest).

 - **Police- and Resident-Initiated Contacts and Traffic Accidents** to understand whether disparities among these interactions with law enforcement account for disparities in detentions if evident by race, ethnicity and location.

 - **Police Complaints** that describes civilian and internal complaints against police employees by reason, disposition, and consequence.

 - **Police-Community Relations Surveys** of residents and law enforcement employees that assess and monitor perceptions of police-community interactions and trust.

Finding 2: MCPD currently tracks several policing data points and will track more as required under the Community Policing Act

As summarized in the chart on the next page, MCPD currently collects both crime and policing data across several datasets that are maintained electronically and by paper. Of note, the Department of Corrections and Rehabilitation serves as the source of MCPD’s arrest data, and physical records of civil and criminal citations issued by MCPD are maintained at their district stations and by the District Court.

Excerpts of the crime and policing datasets that MCPD compiles and utilizes are available as open data in Data Montgomery and marked by delta (Δ) on Chart 6.1. These include data on:

- | | |
|-----------------------------------|------------------------------------|
| • Crime incidents | • Internal affairs |
| • Bias incidents | • Community engagement |
| • Police-initiated events (CAD) | • E-Tix (Traffic Violations) |
| • Resident-initiated events (CAD) | • Automated Crash Reporting System |
| • Arrests | |

MCPD also releases annual reports utilizing several of its datasets as marked by an asterisk (*) on Chart 6.1. These include annual reports on:

- | | |
|--------------------|------------------------|
| • Crime incidents | • Community engagement |
| • Bias incidents | • Vehicle pursuits |
| • Internal affairs | • Use of force |

Chart 6.1: MCPD Data Sets

Category		Database	Datasets/Forms	
Electronic Data Sets	Crime Data	E-Justice	Crime Incidents*Δ	
			Bias Incidents*Δ	
	Policing Data	Computer Assisted Dispatch	Police-Initiated Incidents Δ	
			Resident-Initiated Incidents Δ	
			CRIMS (DOCR)	Arrests*
			Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
			Community Engagement Division	Community Engagement Events*Δ
			Vehicle Pursuits	MCP 610 Forms*
			Use of Force	MCP 37 Forms*
			Delta Plus (State Police)	E-Tix (Traffic Violations) Δ
Automated Crash Reporting System Δ				
Field Interview Reports				
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)			
Paper Data Sets	Policing Data	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)	
		Civil Citations	Alcohol Beverage Violation	
			Possession of Marijuana (< 10 grams)	
			Smoking Marijuana in Public Place	
			Other infractions (Municipal, DNR)	

* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>
 Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

In 2019, the Council enacted the Community Policing Law (Bill 33-19) requiring MCPD to report data on:

- Use of force and detention by race, ethnicity, and gender
- Civilian complaints against the police regarding the use of force, discrimination and harassment
- Officers suspended with and without pay
- Youth referred to intervention programs
- Service calls received for substance abuse and mental health issues

MCPD must submit data on these and other metrics annually to the Council by February 1st

Finding 3: Several MCPD policing datasets and practices align with best practices

MCPD collects and compiles several policing data points that align, at least partially, with best practices for monitoring policing data. These include tracking:

- **Detention** data points by race and ethnicity for
 - Traffic stops, traffic violations, searches, and arrests among drivers and passengers in E-Tix,
 - Arrest data tracked in CRIMS, and
 - Use of force data compiled from MCP Form 37.

Local Policing Data and Best Practices

- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD’s Computer Aided Dispatch system; and
- **Police complaints** tracked by the Internal Affairs Division.

Chart 6.2 summarizes the local datasets that align, at least in part, with policing data best practices. The data points included in these datasets, however, are incomplete. More specifically:

- MCPD’s detention datasets do not track street stops between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of the criminal and civil citations that it issues that would enable them to monitor for disparities among these law enforcement actions;
- Existing forms and systems do not consistently record data on ethnicity and therefore likely undercount interactions with Latinx individuals;
- Race and ethnicity data are not collected as fields in the Computer Assisted Dispatch;
- The internal affairs database does not collect race and ethnicity data for every complainant;
- A MCPD dataset of survey responses regarding police and community relationships does not exist because MCPD does not survey its personnel or residents.

Chart 6.2: MCPD Datasets that Align with Policing Data Best Practices

<u>Database</u>	<u>Datasets/Forms</u>	<u>Data Limits</u>
<i>Detention Metrics</i>		
Delta Plus (Maryland State Police)	E-Tix (Traffic Violations)	No data on street stops
CRIMS (DOCR)	Arrests	
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)	Other = Latinx/Asian
Criminal Citations	Uniform Citation Form (DC/CR 45)	Data at MCPD District Stations and District Court
Civil Citations	Alcohol Beverage Violation	
	Possession of Marijuana (<10 gm)	
	Smoking Marijuana in a Public Place	
Use of Force	MCP 37 Forms	
<i>Police-Public Interactions</i>		
Computer Assisted Dispatch	Police-Initiated Incidents Resident-Initiated Incidents	No race, ethnicity data No data on referrals
Delta Plus (Maryland State Police)	ACRS (Collisions)	No data on race, ethnicity
<i>Police Complaints</i>		
Internal Affairs	IAD Allegations	Incomplete information

Finding 4: MCPD's internal databases offer more comprehensive information than their annual reports or Data Montgomery datasets.

As mentioned in Finding 2, MCPD relies on its internal datasets to produce several annual reports, and to provide open data to the public via Data Montgomery. MCPD's annual reports and open datasets, however, tend to include only a subset of the information included in their internal databases. This is the case for arrest data posted on Data Montgomery that only provides a month's worth of data and excludes defendant's race and ethnicity. It is also the case with the police complaint data posted on Data Montgomery that it excludes complainants' race and ethnicity and also fails to describe the consequences of case dispositions.

The Community Policing Act requires that MCPD provide more substantive information on detention trends by race, ethnicity, and gender that will include arrest data. The Act also requires that MCPD provide additional data on the police complaint process that includes the number of:

- Civilian complaints about the use of force by officers
- Civilian complaints regarding discrimination and harassment
- Officers suspended with pay
- Officers suspended without pay

As the Council considers other questions of MCPD in its oversight role, it should continue to pose questions directly to the department rather than to rely on their annual reports, or Data Montgomery datasets, because their internal databases often provide more extensive information.

Finding 5: Available data on traffic stops, traffic violations, and use of force evidences wide disparities by race and ethnicity in police-public interactions

The State of Maryland requires each law enforcement agency to submit data into its E-Tix database describing police-interactions with the public to populate the Race-Based Traffic Stop Dashboard for each jurisdiction. This state requirement makes MCPD's traffic violations dataset one of its most comprehensive policing datasets and instructive for analyzing disparities in police interactions with the public by race and ethnicity.

Traffic Stops: An analysis of 2018 traffic stop data for MCPD and population data for the County based on estimates from the American Community Survey shows that Black drivers experienced a significantly higher share of traffic stops in Montgomery County. More specifically:

- Black people accounted for 18 percent of all residents v. 32 percent of MCPD traffic stops;
- White people accounted for 44 percent of all residents v. 35 percent of MCPD traffic stops;
- Latinx people accounted for 19 percent of all residents v. 20 percent of MCPD traffic stops;
- Asian people accounted for 15 percent of all residents v. 7 percent of MCPD traffic stops.

An analysis of 2019 traffic stop data further estimates that 27 percent of Black adults in the County experienced a traffic stop compared to 17 percent of Latinx adults, 14 percent of White adults, and 7 percent of Asian adults.

Searches During Traffic Stops: An analysis of the 2018 Race-Based Traffic Stop Data Dashboard also shows that MCPD searched Black drivers more often during traffic stops than other racial and ethnic groups. More specifically, 4.4 percent of Black drivers were searched in 2018 compared to 3.3 percent of Latino drivers, 2.0 percent of White drivers, and 1.3 percent of Asian drivers. Further, an analysis of 2019 traffic stop data shows that among those receiving violations, 6-7 percent of Black and Latino men were searched compared to 2-3 percent of Asian, White and Other men, and 1 percent of Asian, White, and Other women.

Traffic Violation Enforcement: MCPD's Traffic Violations dataset posted on Data Montgomery enables an analysis of MCPD's interactions with the public resulting in citations, warnings, and repair orders (SEROs) by race, ethnicity, and gender. An analysis of this data shows that Black, Latinx, and Other men experienced the highest violation rates in 2019. More specifically,

- Black men were three times as likely as White men to receive **any violation** (46% v. 17%), Latino men were twice as likely (32%) and Other men were more than twice as likely (42%).
- Black men were also three times as likely as White men to receive **a citation** (19% v. 6%), Latino men were more than twice as likely (15%) and Other men were twice as likely (13%).
- Other men were nearly three times as likely as White men to receive **a warning** (28% v. 10%), Black men were more than twice as likely (26%) and Latino men were 50% more likely (15%).
- Black, Latino, and Other men were nearly three times as likely to receive **a repair order** than White men (1.6% v. 0.6%).

Use of Force: An analysis of MCPD's 2018 use of force data and population data for the County from the American Community Survey also shows that MCPD disproportionately used force among African Americans. More specifically:

- Black people accounted for 18 percent of all residents v. 55 percent of use of force incidents
- White people accounted for 44 percent of all residents v. 26 percent of use of force incidents
- Latinx people accounted for 19 percent of all residents v. 18 percent of use of force incidents
- Asian people accounted for 15 percent of all residents v. 1 percent of use of force incidents

The persistent disparities by race and ethnicity captured among the few MCPD policing datasets with complete demographic data suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities by race and ethnicity in police-community interactions may be symptomatic of differential policing that is antithetical to the constitution and the goals of community policing.

Disparities in police-community interactions do not prove biased policing. However, they signal that unconstitutional policing could be a problem that needs to be investigated and addressed. Collecting and analyzing more policing data points by race and ethnicity is necessary to understanding the potential scope of the problem of biased policing so that it can be addressed and resolved.

Recommendations

As demonstrated in this report, MCPD collects and tracks data on several policing data metrics that align with best practices. Experts recommend that police departments seeking to advance constitutional and community policing should track data on detentions, police- and resident-initiated calls, complaints of police misconduct, and surveys of personnel and the public to assess the effectiveness of police efforts. Best practices further recommend that law enforcement agencies track this information by race, ethnicity, and location to assess whether police departments are serving all residents well.

MCPD's policing data practices generally align with recommended practices, but this report's analysis identifies a few opportunities for improving alignment. They include MCPD collecting and monitoring data on street stops (i.e. stop and frisks) with pedestrians, surveying personnel and the public regarding police-community relations, and monitoring race and ethnicity data for every policing data dataset. To address these gaps between recommended and current practice, OLO offers six recommendations for County Council and MCPD action aimed at advancing constitutional policing, community policing, racial equity, and social justice in law enforcement.

Recommendation 1. County Council define the term "detention" in the County's Community Policing Law to include all stops, searches, citations, arrests, and use of force.

The Community Policing Act requires MCPD to report demographic information "regarding individuals **detained** by the Department" annually by February 1st. Detained and detention, however, are not defined in the legislation. OLO recommends the Council define detention to include all stops (including stops and risks that do not result in citations or arrests), searches, citations, arrests and use of force incidents for data reporting purposes so that the Council can consider changes across these policing metrics as it administers oversight of MCPD's constitutional and community policing investments.

Recommendation 2. MCPD track and report data on street stops (stops & frisks) and field interviews.

Some MCPD interactions with non-motorists are documented; others are not. To promote transparency and an improved understanding of police-interactions with the public, OLO recommends that MCPD track and report all stops and searches, and provide information and analysis of the data it collects on "persons of interest" as part of its Field Interview Reports. Data reported on street stops and field interviews should include demographic data on race, ethnicity, gender, and location.

Recommendation 3. MCPD survey residents and staff on police-community relations and contact.

Building trust and mutual accountability between law enforcement and community members is a primary goal of community policing. Assessing progress on this goal requires regular assessments of representative groups of residents and law enforcement personnel to gauge whether community engagement efforts are working as intended. As such, OLO recommends that MCPD work with external partners to develop and implement an annual/biannual assessment of police and resident perceptions of police-community interactions and climate and that they share this information with the public. Additionally, OLO advises that MCPD administer a police-public contact survey to a representative sample of County residents to improve theirs, the Council's and the public's understanding of how resident contacts with law enforcement may vary by race, ethnicity, gender, and location.

Recommendation 4. MCPD build capacity to use policing data to advance best practices in constitutional and community policing.

To focus on crime prevention, MCPD has developed an infrastructure where crime analysts systematically examine crime data to target MCPD effort and resources. To focus on constitutional and community policing, the Center for Policing Equity recommends that police departments develop parallel infrastructures to analyze and act on data on police-community interactions. Their recommended “Compstat for Justice” approach parallels the investment police departments have made in using crime data to target their crime prevention and reduction efforts. OLO recommends that MCPD adopt a “Compstat for Justice” approach by assigning MCPD staff to collect and analyze policing data to target MCPD effort and resources to advance constitutional and community policing.

Recommendation 5. MCPD collect and report race and ethnicity data for every policing dataset.

MCPD collects race and ethnicity data on most metrics of police-community interactions, but not all. For example, according to IAD staff, race and ethnicity data for complainants of police misconduct are not routinely collected or solicited. Further, some policing datasets, while tracking race, fail to track ethnicity and in turn may conflate outcomes between White, Non-Hispanic and Latinx subgroups. Analyses of disparities by race and ethnicity to track constitutional and community policing cannot be accomplished if datasets do not capture police-community interactions by race and ethnicity. OLO recommends that MCPD collect and report race and ethnicity data for every dataset it maintains internally and posts on Data Montgomery.

Recommendation 6. MCPD post additional data and policing datasets on Data Montgomery that align with internal datasets, including data on criminal and civil citations.

The inclusion of MCPD datasets in the Data Montgomery open data portal promotes transparency and trust between the police and the public. To further these two central tenets of community policing – transparency and trust – OLO offers two related recommendations for MCPD action.

- OLO recommends that MCPD update its arrests and internal affairs datasets posted on Data Montgomery to include race and ethnicity data, more than a month’s worth of arrest data, and information about allegations and investigation outcomes in the IAD dataset on Data Montgomery.
- OLO recommends that MCPD commit to adding the following internal datasets to Data Montgomery to further promote transparency and trust in police-community relations:
 - Use of force
 - Field interview reports
 - Juvenile citations
 - Criminal citations (including trespassing citations)
 - Alcohol beverage violations
 - Possession of marijuana violations (less than 10 grams)
 - Smoking marijuana in public places

Making the MCPD datasets posted on Data Montgomery more consistent and inclusive of the data that MCPD compiles internally will enhance the usefulness of MCPD datasets posted to Data Montgomery to the Council and to the public at large.

Chapter 7: Agency Comments

OLO recognizes and appreciates the technical comments offered by Montgomery County Department of Police Chief Marcus Jones to draft version of this report. This final report was updated based on this feedback. The Chief Administrative Officer's comments to a final draft of this report are attached.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Andrew Kleine
Chief Administrative Officer

Memorandum

July 17, 2020

To: Chris Cihlar, Director
Office of Legislative Oversight

From: Andrew Kleine, Chief Administrative Officer *AWK*

Subject: OLO Draft Report 2020-9: Local Policing Data and Best Practices

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2020-9: Local Policing Data and Best Practices. We have reviewed the report, find it to be informative and insightful, and generally agree with the recommendations. The information from this report will be very useful in our Reimagining Public Safety initiative.

If you have questions or need additional information, please contact Caroline Sturgis, Assistant Chief Administrative Officer, who will be coordinating all aspects of this report with our Reimagining Public Safety initiative.

I thank the Office of Legislative Oversight for its thorough and expert work on this report.

cc: Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Dale Tibbitts, Special Assistant to the County Executive
Debbie Spielberg, Special Assistant to the County Executive
Marcus Jones, Chief, Montgomery County Police Department
Tiffany Ward, Chief Equity Officer
Dinesh Patil, Assistant Chief, Montgomery County Police Department

Economic Impact Statement

Office of Legislative Oversight

BILL 45-20 Police – Community Policing – Data

SUMMARY

The Office of Legislative Oversight (OLO) believes that enacting Bill 45-20 would have no direct economic impacts on private organizations or residents in the County.

BACKGROUND

Enacting Bill 45-20 would change the requirements for the annual reports that the Montgomery County Department of Police (MCPD) submits to the County Executive and Council. Under existing law, one of the requirements for the annual reports is to include demographic information on individuals who have been detained by MCPD. Bill 45-20 would require that the annual reports include demographic information on individuals “stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident.”¹ Bill 45-20 would also require MCPD to post certain datasets on Data Montgomery, which would include race and ethnicity data regarding use of force incidents, field interview reports, juvenile citations, criminal citations (including trespassing citations), alcohol beverage violations, possession of marijuana violations less than 10 grams, and smoking of marijuana in public places.²

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Policing practices can create economic impacts for individuals and private organizations. It is possible that the new reporting requirements could alter MCPD stops, searches, citations, arrests, and use of force incidents and the economic impacts associated with these practices. To illustrate, a decrease in these practices due to greater scrutiny would, in turn reduce the economic costs for individuals who would otherwise be targeted (i.e., preventing time away from work and reducing bail costs). A decrease in these policing practices could also impact crime rates – either reducing or increasing rates depending on their effectiveness – and, in turn, the economic costs associated with crime. While OLO acknowledges the possibility that reporting requirements could indirectly change policing behavior by MCPD officers, the direction and secondary economic effects of this potential change are well beyond the scope of an economic impact analysis.

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

¹ Montgomery County Council, Bill 45-20, Police – Community Policing Data – Data, Introduced on November 17, 2020, Montgomery County, Maryland, 3.

² Ibid, 4.

Economic Impact Statement

Office of Legislative Oversight

VARIABLES

The variables that could affect the economic impacts of enacting Bill 45-20 are the following:

- number of stops, searches, citations, arrests, and use of force incidents; and
- crime rates.

IMPACTS

WORKFORCE ▪ **TAXATION POLICY** ▪ **PROPERTY VALUES** ▪ **INCOMES** ▪ **OPERATING COSTS** ▪ **PRIVATE SECTOR CAPITAL INVESTMENT** ▪ **ECONOMIC DEVELOPMENT** ▪ **COMPETITIVENESS**

Businesses, Non-Profits, Other Private Organizations

OLO believes that Bill 45-20 would have no direct impacts on private organizations in the County in terms of the Council's priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.³

Residents

OLO believes that Bill 45-20 would have no direct impacts on County residents in terms of the Council's priority indicators.

QUESTIONS FOR CONSIDERATION

OLO does not recommend any questions regarding the economic impacts of Bill 45-20 for the Council to consider.

WORKS CITED

Montgomery County Council. Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

Montgomery County Council. Bill 45-20, Police – Community Policing – Data. Introduced on November 17, 2020. Montgomery County, Maryland.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative

³ For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

Economic Impact Statement

Office of Legislative Oversight

CAVEATS (cont.)

process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 45-20: POLICE- COMMUNITY POLICING- DATA

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 45-20 to favorably impact racial equity and social justice among the County residents by narrowing disparities in public safety.

BACKGROUND

The County Council introduced Bill 45-20 on November 17, 2020. It seeks to strengthen the Community Policing Law (Bill 33-19¹) by modifying the Montgomery County Police Department's (MCPD) data tracking requirements based on recommendations from the Office of Legislative Oversight's (OLO) Report Number 2020-9.²

According to its sponsor, Bill 45-20 focuses on "enhancing the Council's data-driven decision making, reducing biases in policing and increasing transparency in the County to help build public trust."³ Bill 45-20 strives to reduce racial disparities in the County relating to public safety and provide more policing information via its open data system.⁴

If implemented, it would make the following modifications to County Law:⁵

- Require the Montgomery County Police Department to make certain reports;
- Require the Montgomery County Police Department to post certain datasets on Data Montgomery; and
- Generally, amend the law governing policing.

Earlier this year, the Council tasked OLO to produce a report describing MCPD's practices for compiling data on police interactions with the public and identify how they compare to best practices for advancing constitutional and community policing. At a recent council meeting, the bill's sponsor commented, "the report highlighted disparities and identified gaping holes in what data we don't collect."⁶ The OLO Report Number 2020-9 suggested that MCPD improve its collection and monitoring of policing data for constitutional and community policing;⁷ the report also provided six recommendations for aligning local policing data practices to best practices.⁸ Bill 45-20 seeks to amend the Community Policing Law that already requires increasing policing data collection, starting February 1, 2021.

DEMOGRAPHIC DATA

Understanding the impact of Bill 45-20 on racial equity and social justice in the County requires understanding the demographics of MCPD's data that describe their interactions with the public, including race and ethnicity. Police interactions with the public can be tracked through four sets of metrics of data on:⁹

- **Detentions** (including all stops, searches, citations, and use of force incidents),
- **Police- and resident-** initiated contacts,
- **Civilian and internal** complaints against the police, and
- **Surveys of police-community** relations from residents and law enforcement.

December 7, 2020

RESJ Impact Statement

Bill 45-20

According to OLO's policing report, there were disproportionate police interactions by race and ethnicity. For example, African Americans represent 18 percent of the County's population but accounted for:

- 32% of the MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases in 2018.¹⁰

Table 1: Traffic Stops by Race and Ethnicity 2019

Race and Ethnicity	Adult Population (18-64)	Percentage of Traffic Stops	Difference in Population and Traffic Stop Share
White	44.1%	34.9%	-9.2%
Black	18.2%	29.2%	+11.0%
Latinx	19.2%	19.3%	+0.1%
Asian	14.5%	6.1%	-8.4%
Other/Non-Reported	3.4%	7.4%	+4.0%
Native American	0.1%	0.1%	0%
Total Number	640,664	109,075	N/A

Source: OLO Local Policing Data and Best Practices Report

An analysis of data comparing the race and ethnicity of the County's reported traffic stops shows that:¹¹

- Black residents were over-represented by 11 percentage points among traffic stops compared to County population (29.2% v. 18.2%);
- Asian and White residents were under-represented by 8.4 and 9.2 percentage points among traffic stops compared to County population (6.1% v. 14.5% for Asians; 34.9% v.44.1% for Whites); and
- Latinx residents were proportionately represented among traffic stops as compared to their population (19.2% v. 19.3%).

Yet, as noted in the OLO policing data report, Latinx drivers like Black drivers were more likely to be ticketed for several violations per traffic stops as compared to White and Asian drivers.

The OLO report also identified gaps in MCPD's policing data practices:¹²

- street policing practices like "stop and risk" are not tracked in a database;
- MCPD does not consistently collect data disaggregated by race and ethnicity via their forms and systems;
- MCPD does not keep an electronic database that tracks criminal and civil citations that could identify disparities;
- police complaints collected by MCPD internal affairs are not consistently monitoring for race and ethnicity in their database; and
- MCPD does not survey or report residents/staff's impressions on police-community relations.

RESJ Impact Statement

Bill 45-20

ANTICIPATED RESJ IMPACTS

Understanding the impact of establishing additional policing data requirements on RESJ requires an understanding of how data-driven decision-making can reduce disparities in equitable treatment and outcomes. As noted in OLO Report 2018-8,¹³ compiling data to benchmark disparities by race and ethnicity and to track progress toward reducing disparities are a best practice for advancing equity in government decision-making. The use of disaggregated data enables agencies to make data-informed decisions to achieve their policy goals.

A key goal of MCPD is to advance constitutional and community policing to ensure that all residents are treated fairly. Yet, as noted in the OLO policing data report, MCPD analyzes too few data points to monitor its progress toward these ends. OLO finds that collecting additional disaggregate data on police interactions with the public is essential to MCPD implementing practices to narrow disparities. OLO finds that requiring the collection of additional policing data can lead to MCPD identifying and adopting best practices that narrow racial and ethnic disparities in policing interactions. As such, OLO predicts a favorable RESJ impact of this bill in Montgomery County.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information, including the OLO policing report and the Montgomery County Racial Equity Profile.¹⁴

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.¹⁵ As suggested by the OLO policing report, this RESJ impact statement offers two recommended amendments:

- MCPD regularly survey residents and staff on police-community relations and contact; and
 - MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.
-

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffers Dr. Theo Holt and Dr. Elaine Bonner-Tompkins drafted this RESJ statement.

RESJ Impact Statement

Bill 45-20

¹ Montgomery County Council, Bill 33-19, Police-Community Policing, Introduced October 15, 2019, Montgomery County Maryland https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2631_1_9748_Bill_33-19_Introduction_20191015.pdf&fbclid=IwAR2uJrrMWiyDPI27HR6FD4PJveYSDduXeJx-FjvILQsb8Y_AYop8A1G_0aM

² Elaine Bonner-Tompkins and Natalia Carrizosa, Local Policing Data and Best Practices, July 21, 2020, Office of Legislative Oversight, Montgomery County, Maryland. <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

³ Bill XX-20, Police- School Resources Officers- Prohibited, Montgomery County, MD.

⁴ Ibid

⁵ Ibid

⁶ <https://www.youtube.com/watch?v=fZF23jgp734&feature=youtu.be>

⁷ Constitutional Policing (which can be described as legal policing, unbiased policing, procedural justice or fair and impartial policing) refers to policing conducted in accordance with the parameters set by the U.S. Constitution, state constitutions, and the many court decisions that have defined what the text of the Constitution means relative to policing practices.

Community policing, or community-oriented policing, refers to a strategy of policing that focuses on building ties and working closely with members of communities to build mutual understanding and trust

⁸ (1) County Council define the term “detention” in the County’s Community Policing Law (Bill 33-19) to include all stops, searches, citations, arrests, and use of force. (2) MCPD track and report to data on street stops (i.e., stop and frisks) and field interviews. (3) MCPD regularly survey residents and staff on police-community relations and contact. (4) MCPD build capacity to use policing data to advance best practices in constitutional and community policing. (5) MCPD collect and report race and ethnicity data for every policing dataset. (6) MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.

⁹ Local Policing Data and Best Practices

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Elaine Bonner-Tompkins and Victoria H. Hall, Report Number 2018-8, Racial Equity in Government Decision-Making: Lessons from the Field, September 25, 2018, Office of Legislative Oversight, Montgomery County, Maryland.

https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

¹⁴ Jupiter Independent Research Group “Racial Equity Profile Montgomery County,” Montgomery County Office of Legislative Oversight, July 2019. <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>.

¹⁵ Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Montgomery County, MD.

Fiscal Impact Statement
Bill 45-20, Police – Community Policing - Data

1. Legislative Summary

Bill 45-20 would amend Section 35A-6 of the Code, which contains various reporting requirements for the Montgomery County Police Department (MCPD). In this Bill, MCPD would be required to provide annual reports detailing the demographic information of the individuals they encounter.

The Bill requires MCPD to post on-line, demographic information related to the following types of incidents:

- Use of force incidents;
- field interview reports;
- juvenile citations;
- criminal citations, including trespassing citations;
- alcohol beverage violations;
- possession of marijuana violations less than 10 grams; and
- smoking marijuana in public places.

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.

There are no anticipated changes to County revenue. It is estimated that each dataset will require 120 staff hours to build the infrastructure needed to implement Bill 45-20. Building 12 datasets will require approximately 1,440 total hours, among all assigned staff. Based on the number of staff hours needed to create and host a dataset on Data Montgomery, two additional positions are needed to support these additional services:

- Program Specialist II (Grade 21); PC cost of the new position is \$90,389 plus OE cost of \$5,000 for workstation and computer
- Senior IT Specialist (Grade 28); PC cost of the new position is \$119,894 plus OE cost of \$5,000 for workstation and computer

Also, a vacant IT Supervisor (Grade 30), that is currently lapsed to produce savings, will be needed to support these efforts.

In general, it takes, approximately, three weeks to create and post each dataset to Data Montgomery. In addition, if the dataset includes a GIS component, this timeline could extend to several months.

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

Position/Expense	YR1*	YR2	YR3	YR4	YR5	YR6	Total
Program Specialist II	95,389	94,652	96,545	98,476	100,445	102,454	587,962
Senior IT Specialist	124,894	125,784	128,300	130,866	133,483	136,153	779,479
Visual Studio licensing	5,000	-	5,000	-	5,000	-	15,000
	\$ 225,283	\$ 220,436	\$ 229,845	\$ 229,342	\$ 238,928	\$ 238,607	\$1,382,441

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.

Licenses for an integrated development environment for each of the three staff, noted above in #2, will be needed to build, code, and compile the 12 datasets required by the Bill. These software licenses are estimated to cost \$5,000 per year and would be renewed every two years.

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

Bill 45-20 does not authorize future spending.

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

It is estimated that each dataset will require 120 staff hours to build the infrastructure needed to implement Bill 45-20. Building 12 datasets will require approximately 1,440 total hours, among all assigned staff.

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

Currently, MCPD has one person dedicated to data set responsibilities. There would be a lapse in service response time regarding server maintenance and access. Additional personnel would help to distribute dataset management responsibilities. In addition, there would be a need for quality assurance to ensure that officers are capturing data properly.

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

It is estimated that personnel resources would need to be filled on or before November 1, 2021, to implement the Bill in time for data reporting in February 2022. Utilizing contractors may expedite the implementation until full-time employees can be hired; however, contractor costs could be as much as \$130 per hour, and this course of action is not advised.

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

Quality control may become an expense to ensure that accurate data is being compiled. Additional resources may be needed depending on the quality of data output.

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

MCPD may need to build additional systems for data input to ensure that correct data is captured. A build or conversion of the new Records Management System may be needed as well.

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:

Neil Shorb, Department of Police

Taman Morris, Office of Management and Budget



Jennifer Bryant, Director
Office of Management and Budget

2/16/21

Date

12/8/2020

Dear County Councilmembers,

First, I would like to thank you for this opportunity to provide testimony. I am grateful to Councilmember Jawando, Council President Katz, Council Vice President Hucker and Councilmember Alborno who are the lead sponsors and also thanks to Councilmember Riemer who is a cosponsor of Bill 45-20.

My name is Karen Maricheau. I live in Silver Spring, MD. I have served as a Commissioner on the Commission on Aging for 6 years and I am a member on Re-imagining Public Safety Task Force.

Additionally, I created and lead Forest Estates Task Force for Racial Justice. It's an organized group focused on ensuring safety and well-being for all, especially, our Black and Brown neighbors. My testimony today is as a resident of Montgomery County and leader of the Forest Estates Task Force for Racial Justice.

I'd like to share with you a relevant quote. 'Establishing and maintaining mutual trust is the central goal of the first core component of community policing—community partnership.' This was stated in article that I read by The US Department of Justice, Bureau of Justice Assistance, called Understanding Community Policing, A Framework for Action.

As a mixed race, Black woman I have experienced racial inequities throughout my life. It is a day to day occurrence and takes many forms. There are no places in my life's experience that are not covered by it's shadow. My trust has been eroded by witnessing some police officers break the very laws they are sworn to uphold while dismissing or endangering the safety of those around them.

I do not believe that without clear and transparent data there is a productive or meaningful way for the County to measure racial equity and social justice. Nor do I believe there is a way to begin to slowly build (my) trust in the police without any kinds of data tracking and accountability. Making Bill 45-20 into law will provide the ability for police activities to be tracked and would initially provide a baseline that can be followed and overtime measured for progress on community engagement and racial equity.

I am here to provide support on Bill 45-20. I am glad that it calls for transparency on Montgomery County Police Department reporting and providing public access to data on race, ethnicity, gender and other voluntarily provided information about residents involved in a variety of policing actions, whether those are limited to stop and frisk or lead to arrest.

I urge you to consider extending the language in Bill 45-20 to include requiring other departments to track and report out on data, for measurement and transparency, on County activities, that are integrated with police activities. These would include data on court rulings, referrals to diversion and restoration programs, outcomes on pre-trial incarceration vs release on bonds, truancy referrals and any kinds of interventions that include or begin with police involvement through the courts, schools and communities.

As there is "re-imagining" on possible collaboration between the police, other departments, programs and services, I propose the County consider implementing a centralized, data-driven, tracking, software system. Having fluid communication through department "systems" would enable enhanced coordination and sets the stage for improved outcomes. I am including for your review, "Best Practices in Youth Diversion, Literature review for the Baltimore City Youth Diversion Committee, provided by The Institute for Innovation & Implementation University of Maryland School of Social Work, Submitted August 16, 2018."

Thank you for the opportunity to voice my support of Bill 45-20. and considering suggestions that I proposed.

Respectfully,
Karen Maricheau

Resources

The US Department of Justice, Bureau of Justice Assistance, called Understanding Community Policing, A Framework for Action.
<https://www.ncjrs.gov/pdffiles/commp.pdf>

Best Practices in Youth Diversion, Literature review for the Baltimore City Youth Diversion Committee, provided by The Institute for Innovation & Implementation University of Maryland School of Social Work, Submitted August 16, 2018
<https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

Takoma Park Mobilization/Silver Spring Justice Coalition Testimony in Support of Bill 45-20

Community Policing -Data

December 8, 2020

Presented By:

Joanna Silver

joannabethsilver@hotmail.com

1802 Tilton Drive, Silver Spring, MD 20920

My name is Joanna Silver and I am testifying in support of Bill 45-20, on behalf of Takoma Park Mobilization and the Silver Spring Justice Coalition. I am also an active leader with Jews United for Justice, which is offering separate testimony in support of this bill.

We appreciate the Council's decision to implement the recommendations of the Office of Legislative Oversight regarding the collection of data on various policing practices. We particularly appreciate the bill's insistence that data collection allow the Council and the public to track the racial and ethnic identity of those impacted by policing in our County.

While the Council is doing the important work of requiring data on policing practices, we ask it to consider going beyond what is currently in the bill. I'd like to mention a few examples here, in addition to those included in JUFJ's testimony. We hope that you will be open to sitting down with community members to discuss these and other amendments before finalizing this bill.

First, while the bill requires data on the number of calls for service involving mental health issues, it should also include data regarding the results of these calls. For example: who was dispatched, was the subject arrested and for what, and was force used.

Second, in my work on the County Executive's Taskforce on Reimagining Public Safety, I learned that the MCPD does not require any record of when an officer draws his or her service weapon, even if it is to point it at a member of the public. This is an incredibly important data point that other jurisdictions require collection on, and we should too, both to track the racial disparities in this practice and to decrease its frequency.

Third, after the incident last year in which several young Black men were detained and harassed by the police at the McDonald's in White Oak, we talked about the need to collect data on the issuance of stay away notices by the police, and on the related practice of private businesses empowering our police department to act as their agents in enforcing their property rights under our trespass law. This bill should include data related to these practices as well – right now it only refers to the issuance of trespass citations.

Thank you again for this bill and we look forward to working with you on this and future legislation to reform policing in Montgomery County.

SSJC Requested Amendments to Bill 45-20 - Community Policing

1. Data re: police discipline (subsection (c)(1)(F/G)) should include forms of discipline other than just suspensions.
2. Data re: civilian complains (subsections (c)(1)(D/E)) should include a report reflecting the distribution of complaints across police districts and individual officers (i.e., X officers received Y complaints in the reporting period; X % of complaints in the reporting period were made against Y number of officers).
3. Data re: “the number of calls for service for mental health issues”(subsection (c)(1)(K)) should include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate a suspicion of a mental health disability.
4. Data re: “the number of calls for service involving substance abuse” (subsection (c)(1)(J)) should include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate a suspicion of substance abuse.
5. Data re: police interactions with community members who are homeless. A subsection should be added similar to subsections (c)(1)(K) and (J) for “the number of calls for service involving a person suspected to be homeless.” This subsection should include the following breakdown: who responded to the call, was the subject detained, issued a citation, or arrested, was force used, was a referral made to another County agency or service provider. Additionally, data should be collected on all arrests in which police indicate that the subject was homeless.
6. The following additional requirements should be added to Section (c)(1):
 - the number of officers found in violation of the MCPD’s Use of Force policy;
 - data regarding overtime; the number of overtime hours worked, per district, per officer (meaning, what percentage of officers worked over time, and how many hours of overtime did they work);
7. Subsection (c)(2) should be amended to include the police district of the officer involved for all datasets maintained regarding interactions with individuals.
8. Subsection (c)(2) should be amended to add that all publicly posted data sets include definitions and application guidelines for race and ethnicity categories identified in the data set.

9. Data re: use of force, subsection (c)(3)(A) should include: all gun “draws” - unholstering of a service weapon and pointing it at a civilian; all taser use - unholstering and deploying a taser against a civilian; all pepper spray use - deploying pepper spray against a civilian.
10. Add a requirement to (C)(3) for arrests on or immediately adjacent to MCPS property; including whether the call for service was placed by MCPS staff or a School Resource Officer.
11. Add a requirement to (C)(3) for no-knock warrants.
12. Add a requirement to (C)(3) for total number of searches conducted and whether contraband was found.
13. Add a requirement to (C)(3) for calls identified as false or frivolous by the reporting officer.
14. Add a requirement for data re: trespass enforcement: a) issuance of stay away orders, to include: number and duration of orders, nature of the property (public or private), location of property; b) data annually regarding all contracts, to include memoranda of understanding, with private businesses empowering the MCPD to act as an agent to enforce trespass laws to include: name of business owner, location of property, duration of contract/MOU.

Question: should this be publicly reportable or reportable to the CE/CC?

Pending Questions:

1. Section (c)(1)(L/M)’s demographic reporting requirement includes demographic information offered by the civilian; other sections referencing the collection of demographic information do not. What is the basis of this difference and should demographic information offered by the civilian be included in all data sets?
2. Section (c)(1) requires annual reporting to the County Executive and County Council, not public publishing of data sets; how was the distinction drawn between privately reportable and publicly reportable data?



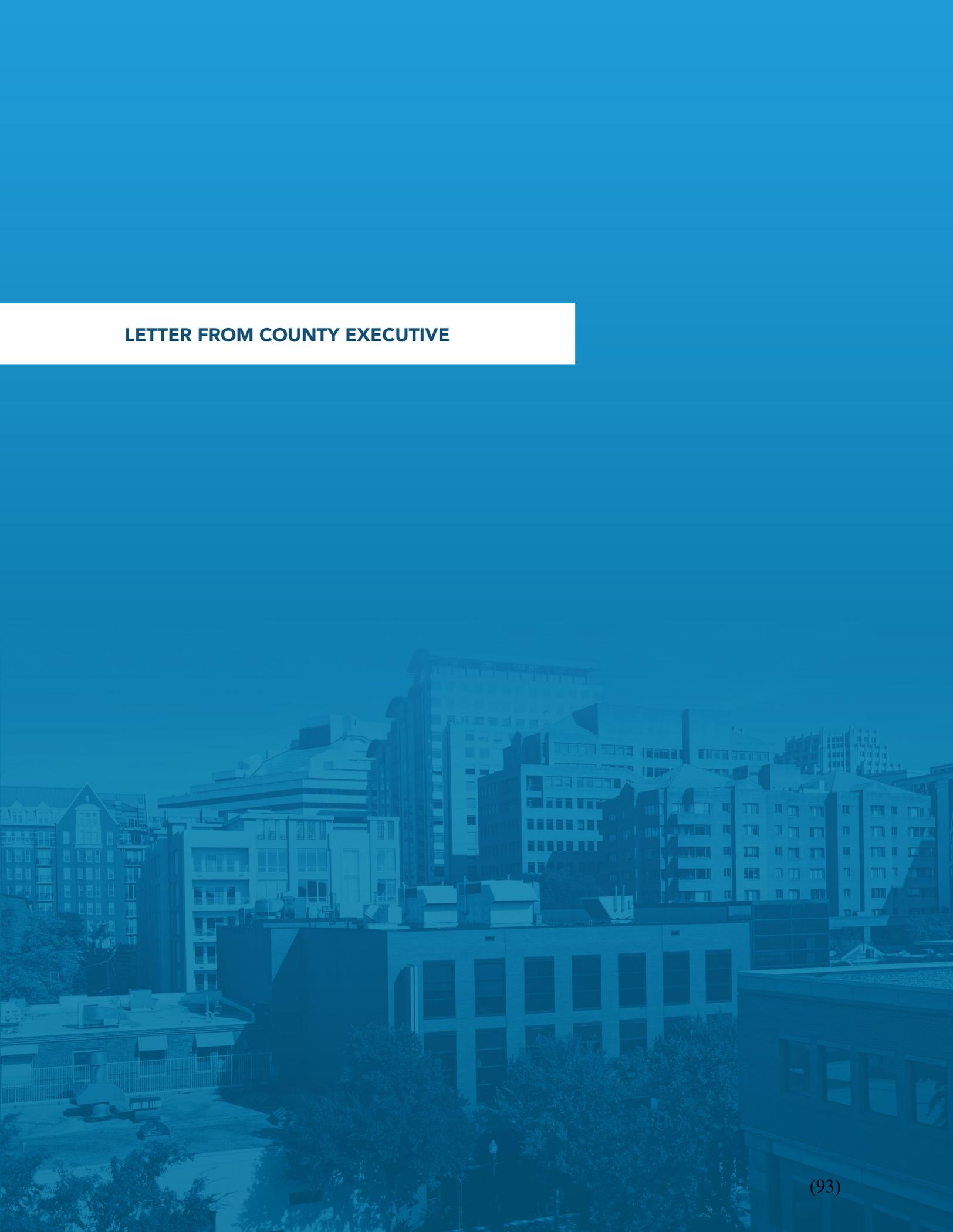
2021 REIMAGINING
PUBLIC SAFETY TASK FORCE
RECOMMENDATIONS REPORT



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LETTER FROM COUNTY EXECUTIVE



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Reimagining Public Safety Task Force Recommendations Report
Letter from the County Executive

February 4, 2021

Dear Montgomery County,

Both nationwide and here in Montgomery County, incidents involving police use of force have focused attention on racial injustices, as well as the structure and funding of police. In order to have a thoughtful discussion and review of our public safety efforts, I created the Reimagining Public Safety Task Force in August 2020. The Reimagining Public Safety Task Force consists of community members who represent the diversity of Montgomery County; they worked with County staff, organization representatives, and others tasked with developing recommendations that address policing practices and programs that lead to racial injustices. This work is vital as we collectively aim toward creating a safer community that is responsive to all County residents.

I want to thank all the members of the Reimagining Public Safety Task Force, especially Co-Chairs Bernice Mireku-North and Marc Mauer for their hard work over the past five months. They volunteered their time, attended regular meetings, and participated in tough and detailed discussions about reimagining public safety. The breadth of their recommendations included in this report is evident to their dedication to this work and our community. I also want to thank Effective Law Enforcement for All, Inc. for partnering with the County to help the Task Force produce this meaningful report.

I asked the Task Force to be bold in its reimagining ideas, including what kind of Police Department we envision and what investments we want to make in our community. I find the report generally to be thoughtful, thorough, and balanced. Some of the recommendations are simple and we can quickly act on them; others are aspirational requiring more time to work through how they can be implemented. The report has opened a range of programming and policy initiatives for us to consider as we advance our public safety and racial justice strategies. They provide a basis for making progress and I am committed to exploring those findings.

I am proud of this comprehensive and forward-thinking report. The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County can deliver services in a more equitable manner. I am inspired by the effort of the Task Force and my administration is committed to continuing the transformative work of public safety in Montgomery County by advancing the goals of this report.

Sincerely,

Marc Elrich
County Executive

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LETTER FROM REIMAGINING PUBLIC SAFETY TASK FORCE CO-CHAIRS

Silver Spring

We have been honored to serve as the Co-Chairs of the Montgomery County Task Force on Reimagining Public Safety. We and our many colleagues have strived in recent months to produce an analysis and vision for change in our county in how we achieve our public safety goals, and this report represents the product of that process. The community members of this task force have provided these recommendations; county staff participated as helpful resources, but did not take part in the final recommendation presented within our report.

The tragic killing of George Floyd in Minneapolis in 2020 triggered a national outpouring of emotion and advocacy centered on the centuries-long tensions existing between law enforcement agencies and Black communities in particular. Notably, this movement was broadly based, encompassing multi-racial protests at the community level, soul-searching within corporate America, and sustained media focus on the origins and challenges posed by racial injustice.

The history of law enforcement in this country is unfortunately a story that all too often has demonstrated a lack of concern, or outright racism, towards communities of color. For many years, a key failing of law enforcement was its under-enforcement of the law in Black communities. Problems of crime and disorder in those communities went largely unaddressed unless they spilled over into white and propertied neighborhoods. Flowing out of the modern-day civil rights movement, pressure was put on police agencies to recognize their obligations to address problems in all communities. But in recent decades that attention has often developed into massive over-policing of Black communities, as exemplified by the racially disparate implementation of stop-and-frisk policies, the war on drugs, and racial profiling.

In Montgomery County, tensions have surfaced between law enforcement and County residents even before the death of George Floyd. Black residents including Peter Ayompeuh Njang, Emmanuel Okutuga, Robert White, Mikyas Tegegne, Finnan Berhe, and most recently Kwamena Ocran, have been killed by police in Montgomery County, creating a sense of urgency to transform the way we think of public safety from a “warrior” to a “guardian” mindset.

Montgomery County has its own uncomfortable truth regarding the lack of concern towards members of Black communities. Our history includes using local militia to fight off escaped slaves in 1845, the lynching of George Peck in 1880, the lynching of Sidney Randolph in 1896, racial profiling in traffic stops resulting in a 2000 Memorandum of Agreement between the Department of Justice and the Police Department. Further, the County’s Office of Legislative Oversight findings reveal further disproportionate treatment of Black residents from law enforcement.

In response to the nationwide and local furor over racial justice, County Executive Marc Elrich established this task force in mid-year 2020. He appointed the two of us to co-chair a 41-member group of community residents designed to develop a strategy for improving public safety outcomes in the County along with a mandate to challenge and eliminate the racial bias that has plagued our criminal justice system, as it has throughout the country.

Montgomery County has much to be proud of. As a relatively wealthy county it has invested resources in a range of initiatives to enhance education, to provide opportunity, and to bring social services resources to communities in need. At the same time, the County is also experiencing the broad implications of the dramatically growing social and economic inequality that has been a hallmark of the nation for the past half century. Despite efforts to address these issues, the County experiences a large achievement gap in its school population, a growing housing crisis for lower-income residents, and glaring racial disparities at every level of the criminal justice system.

The goal of reimagining public safety is critical for a number of reasons. First, as a matter of justice we need to ensure that all residents who come before the law are treated fairly and equitably. Second, we know that law enforcement agencies can only be effective if they establish a sense of trust and confidence in the communities they serve. When individuals lose faith in these institutions they become less likely to cooperate with policing agencies and to perceive the law as just. A lack of faith may fuel negative behavior that can trigger mental health issues or engagement of criminal activity; in a worst-case scenario, this can result in a civilian death at the hands of police.

The criminal justice system in the United States is now coming under great scrutiny after decades of “tough on crime” policies have produced a world-record prison population with glaring racial disparities. And while proponents of these policies have premised their development as a crime control strategy, in fact a broad range of research has documented the relatively limited impact of expanded punishment on enhancing public safety.

Given these developments, our task force has attempted to produce a strategy for public safety that prioritized social and economic development over punishment and that fosters public safety regardless of ethnicity or economic background. Within the justice system we have attempted to lay out a series of steps that County policymakers can adopt to both address the racial disparities that plague our system and produce better public safety outcomes.

We are not unaware of the challenges facing the County at this moment. As is true in every community, the Covid-19 crisis and its disastrous effect on the economy has altered local government and all our lives in previously unimagined ways. But as we hope to work our way out of this environment in the coming year it behooves us to reimagine how we structure our daily life in all its aspects, including promoting public safety. Some of the recommendations that we propose in this report are long-term goals and strategies, which in many cases will involve a substantial shift in allocating resources. That process will take some time, but can only be successful if we begin now. Other measures can be implemented more quickly and clearly can put us on the road to better policy outcomes.

We are grateful to have had the opportunity to engage in this effort, and we are appreciative of both the hard work of our task force members as well as the many County staff who informed our work and served as strong collaborators. We look forward to ongoing conversations with the broader community in this ongoing process of reimagining public safety.

Thank you,

Bernice Mireku-North & Marc Mauer

MONTGOMERY COUNTY, MD REIMAGINING PUBLIC SAFETY INITIATIVE

On July 1, 2020, County Executive Marc Elrich announced his vision to Reimagine Public Safety in Montgomery County with the goal to create a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. Reimagining public safety will focus on building a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. The task force was established to complement other initiatives set up during this period, including developing an Office of Racial Equity, a Policing Advisory Commission, and legislation to adopt community policing guidelines, etc. A timeline is provided in the Appendix with an overview of key dates related to the Reimagining Public Safety Initiative.

While many of these efforts are underway, this report provides an overview of the findings of the Reimagining Public Safety Task Force and its recommendations. The Task Force was formed to:

- Develop recommendations that reimagine the Montgomery County Police Department and all public safety programs by January 22, 2021;
- Discuss institutional racism in public safety and explore opportunities for reforms in policies and programs that disproportionately impact communities they serve;
- Review police operations that may not be mission focused;
- Reimagine the County response to community needs for health and social services where Police are filling the void; and
- Provide input on the independent and comprehensive, including racial bias, audit of the Police Department.

The Reimagining Public Safety Task Force was divided into 5 focus area groups as follows:

- Focus Area 1: 911 and 311 call responses — to determine community needs and provide guidance for areas of focus for the independent audit of MCPD.
- Focus Area 2: Montgomery County Police Department (MCPD) budget — review data and structure.
- Focus Area 3: MCPD programs - review local information as well as programs that have been implemented elsewhere, starting with training and de-escalation.
- Focus Area 4: Alternative programs to police and jail interactions — identify other County departments, non-profit organizations, and agencies to propose alternative procedures, programs, and policies to be considered.
- Focus Area 5: Best practices for crisis response and social services — research and propose best practices for the intersection of the health, social services, and crisis response system.

REIMAGINING PUBLIC SAFETY TASK FORCE MEMBERS

Montgomery County Community Members

Karyne Messina Akhtar	Peter Myo Khin
Barton Aronson, Esq.	Maria-Lynn Okanlawo
Mumin Barre	Brenda Olakintan-Akinnagbe
Marlene Beckman, Esq.	Marko Rivera Oven
Robert Binger, M.S.	Carlean Ponder, Esq.
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Marvin Dickerson	Scott Schneider
Patricia Fenn	Joanna Silver, Esq.
Francisco Javier González	Clint Sobratti
Dawn Hill	Max Socol
Richard Johns, MPH, J.D.	Katie Stauss
Mary Beth Lawrence	Anestine Theophile-LaFond, Ph.D.
Karen Maricheau	Jesse Thomas-Lim
Ana Martinez	Bishop Paul L. Walker, Sr.
Marc Mauer	Simone Walton, DSW
Ermiyas Mengesha, Esq.	Millie West-Wiggins
Bernice Mireku-North, Esq.	Elijah Wheeler
Linda Moore	Basil Whitaker
Edmund Morris	Allen Wolf, Esq.
Gareth Murray, M.Div., Ph.D.	

REIMAGINING PUBLIC SAFETY TASK FORCE MEMBERS

Montgomery County Departments, Agencies, and Unions Representatives

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Steven Blivess, Esq.	Darryl McSwain
Elaine Bonner-Tompkins	Althena Morrow
Jennifer Bryant	B.B. Otero
Jeffrey Buddle	Willie Parker-Loan
Luis Cardona	Dinesh Patil
Edward Clarke	Darren Popkin
Torrie Cooke	Gino Renne
Antonio Devaul	Ronald Smith
Thomas Didone	Debbie Spielberg
Susan Farag	Ben Stevenson
Dave Gottesman	Caroline Sturgis
Amanda Harris	Vlatka Tomazic
Dorne Hill	Diane Vu
Dorcus Howard-Richards	Tiffany Ward
Trevor Lobaugh	

EXECUTIVE SUMMARY: TASK FORCE RECOMMENDATIONS

The Reimagining Public Safety Task Force, a workgroup of County and community representatives, has been working to address institutional racism and towards creating a safer community, one that is better for all County residents. The Reimagining Public Safety Task Force has developed recommendations for the County Executive and County Council on how the County can reimagine public safety. We must find a way to address an unjust system by rebalancing County investments in promoting safe communities to those more appropriate in serving that need, including additional resources for education, housing, employment, health care, social-emotional supports, and other public benefits.

The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County may deliver services in a more equitable manner. This report is a reflection of the voices of the community members who participated in multiple meetings, oral and written conversations. Other members of the Task Force aided the community members in providing information and resources to aid their recommendations. The Task Force developed eighty-seven (87) recommendations that are detailed in this report.

Here, we have highlighted a summary of key recommendations.

SUMMARY OF KEY RECOMMENDATIONS
Provide Comprehensive Ecosystem
Adopt at least one model that addresses public safety and crisis intervention situations by leading with mental health, mediation, and trauma-informed practices. One model to implement should be the Crisis Assistance Helping Out on the Streets (CAHOOTS), a Community Response Model involving mental health professionals, social workers, and/or community members trained in crisis response and resolution to respond to mental health crises, involving law enforcement only as needed. Another model to implement is the Crisis Now crisis intervention model as proposed by SAMHSA as the national standard for behavioral health and crisis care.
Promote Decriminalization of Minor Offenses
Direct the State's Attorney Office to evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Part of the evaluation can include a review of misdemeanor crimes and other legal/civil infractions for which one can be charged based on a) necessity; and b) equity impact. Evaluate issues of enforcement bias or legislative bias to better ensure equitable public safety outcomes for all citizens.
Specialize Training & Calls for Service
Train Emergency Call Center/311 operators to identify community needs that may be handled by non-law enforcement personnel to reduce law enforcement footprint. This improved triage will ensure that calls for service are directed to the most appropriate responder or service provider, including the availability of highly specialized training and/or exceptional intake decision tree tools that allow dispatchers to more precisely identify a caller's needs, and connect them to the appropriate service(s).
Require all police recruits, sworn police officers and other emergency personnel to receive enhanced Crisis Intervention Training to provide more effective outcomes. Direct MCPD to seek out or develop a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies

SUMMARY OF KEY RECOMMENDATIONS

Eliminate School Resource Officers

Eliminate SRO programs and corresponding budget lines, including equivalent FTEs. This funding should be shifted directly to youth programs or a funds allocation transfer outside of the normal MCPS budget process that would specifically target funds for youth counseling and development programs.

Support Montgomery County Council Bill 46-20 to eliminate the School Resource Officer Program

Assess Racial Equity Data

Standardize tools for members of the judiciary to help combat bias, such as the Implicit Bias Bench Card utilized by the Minnesota Judicial Branch; develop local policies that are consistent with Attorney General Holder's Smart on Crime Initiative.

The County Executive should work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity to allow further changes to be made to MCPD protocols to eliminate racial disparities.

Enhance the collection, utilization and availability of data disaggregated by race, ethnicity and gender, and public availability of data to support informed decision-making across the continuum and to ensure transparency, accountability, community confidence and informed decision-making.

Change Law Enforcement Culture

Ensure that policing by consent and the "guardian" culture are institutionalized with the Department. Enhance accountability and establish goals for hiring, promotion, and advancement that support change in culture along with a long-term goal of reaching 100% county residency.

Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes.

Conduct Community Surveying & Evaluation

Create randomized survey to send to 911/311 callers from the top five (5) non-English languages (spoken/received) to ensure the accuracy of third party's translations/call experience.

Conduct a risk assessment of police activities to determine the need for and effectiveness of having all officers carry firearms at all times.

Support Alternative Court Processes & Sentencing

Work with the judiciary, State's Attorney Office and Office of the Public Defender to evaluate the use (and criteria for) equity impacts, and possible expansions of probation-before-judgment.

Utilize scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.

SUMMARY OF KEY RECOMMENDATIONS

Change Traffic Enforcement

The county should move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion to the amount of officer time currently spent on in-person traffic enforcement by sworn officers. While this may have upfront costs to establish the cost of automated traffic enforcement is generally offset by personnel savings. Further, this will remove the potential or appearance of racial bias resulting from traffic enforcement encounters. Use of automated traffic enforcement has the ability to reduce the person-to-person element in traffic enforcement that can result in racial bias in policing.

Because vehicle and pedestrian stops have long been assessed as disproportionately burdening communities of color, MCPD should establish a pilot program to test the efficacy of eliminating pretextual stops for minor offenses. When drivers are stopped and police wish to make a search of the vehicle drivers should be informed of their right to refuse a search, and that refusal will not be held against them. In general, patterns of police stops should be accompanied by data collection and analysis to address any racially disproportionate impacts of this decision-making.

These key recommendations can and should get done this budget cycle or as soon as possible. In general, the task force recommendations commonly speak to improvements including:

Shift certain responsibilities from police to County agencies and community organizations

- Fully implement an ecosystem of County agencies and other organizations working together in various ways (e.g. CAHOOTS program)
- Change the triage of calls of service (i.e. confirm language to use to communicate, then determine social services needs, etc.)

Implement and/or expand alternative responses to crime

- Decriminalize certain crimes
- Eliminate funding for the SRO program
- Improve alternative court processes and sentencing
- Change methods of traffic enforcement in the County

Revise law enforcement recruitment, training and public encounters with civilians

- Inclusion in public safety measures across County police, staff and residents that reflects and understands the diverse makeup of the County
- Lessen police presence on streets as a direct measure to help diminish impacts of racial bias in interactions with MCPD officers
- Reimagine training (i.e. cultural competency, CIT, implicit bias, etc.)

Change law enforcement culture

- Collect and analyze data to address both racial and social disparity
- Better and more targeted data collection attentive to social disparity
- Ongoing assessment

Several key recommendations are provided by each focus group, which more comprehensively seek to build or repair the public safety ecosystem so that it's truly interconnected. Some areas reflect broad support or can be considered critical for reform, including changes in traffic enforcement, ending SROs, establishing a CAHOOTS-style program, Crisis Intervention Training and expansion, and better data and recordkeeping related to issues of racial bias, specifically.

Some key recommendations can feasibly be realized in this budget cycle or can be proposed for immediate implementation, such as increasing funding for current public and community services that are working well (i.e., School Wellness Centers, Street Outreach, community-policing, pre-release programs, Mobile Response Teams, etc.), or could be considered in the next budget cycle. Others can move forward swiftly because they do not have direct fiscal impacts (i.e., targeting MCPD recruitment at HBCUs, developing goals for MCPD hiring and promoting a diverse, local force). Police should reflect the makeup of the County-based on our values, our cultures, and our education backgrounds.

Some focus group discussions also dovetailed with changes proposed by the Council or that the County Executive is already considering, for example, changes to the SRO program and in automatic traffic enforcement. The state law reads that a law enforcement department can assign an SRO to a school or provide adequate law enforcement coverage to the school. Therefore, the Safe to Learn Act does not require SROs in schools. It only calls for high schools to have "adequate law enforcement coverage" which is up to the districts to define by law. While the Task Force recommends eliminating the SRO program in its current form, we also need deeper consideration to define what adequate law enforcement coverage is for our students and that consideration must include students' voices. We recommend that the County Executive explore means by which the County can eliminate the SRO program while establishing a law enforcement engagement with MCPS that is in compliance with state legislative policy. Just as parents are making decisions on the learning environment at home, they also need a stronger voice on the ways in which police can protect schools. Reflecting on the recent School Board report on the SRO program, the County should consider how to address the "adequate law enforcement coverage" permitted under the state's Safe to Learn Act of 2018 that does allow counties the choice between the two, without solely relying on an SRO program.

As well, some of the recommendations call for review or evaluation of an MCPD policy or practice, or for regular assessments targeted at collecting community input, as well as decriminalization to reduce disproportionate impact. Others call for a review of a current practice or policy or a pilot program to test the efficacy of a recommended change (e.g., pilot a program for having two officers per car instead of one, Active Bystander training, enhanced CIT training, and eligibility criteria for diversion programs).

Finally, some recommendations of the task force seek longer-term consideration. There are overarching structural changes that should be considerations for long-term transformation (e.g., a scorecard for evaluating County investments in community programs, transforming the Criminal Justice Coordinating Council around a collective impact model, etc.). This report presents the findings of the focus groups and the task force's recommendations, organized by each focus group.

The task force members established the following vision statements for reimagining public safety for Montgomery County:

TASK FORCE VISION STATEMENT

- I. We envision reimagined public safety for Montgomery County as improving citizen security and eliminating the racial biases and inequities resulting from ineffective public safety practices.
- II. Having a shared understanding of institutional racism is critical as the forces that have allowed racial inequity to occur are often insidious and widespread, thus making identification of inequitable forces a challenge. For those reasons, a data-driven approach to identifying causes of racial inequity in the MCPD budget and structure is critical for creating appropriate recommendations that reimagine public safety.
- III. We envision public safety as the ability of every family in every neighborhood to have equitable access to housing stability, food security, family supporting jobs, quality healthcare, educational choice, and a healthy environment. The safety of the citizenry is greater than that which law enforcement can provide and it is incumbent upon Montgomery County to look holistically at issues of security, equity, quality of life, and life chances for all citizens.
- IV. A reimagined Montgomery County Police Department requires a long-term strategy that will maximize public safety and improved accountability by all law enforcement professionals. This means explicitly acknowledging that the Montgomery County Police Department exists because the community of the county established it, and that legitimacy of the police to do their job derives not from the law, but rather from the community that hires and grants officers the authority to safeguard the welfare of the county's population.
- V. Reimagined public safety can and should build on the progress already achieved but will also require the full embrace of community policing, transparency, and accountability.
- VI. The reimagined public safety paradigm shifts from policing, prosecution, and incarceration as a default path from which potential violators of laws must qualify for diversion, towards a support-and-serve model as a default premise, with an aim to minimize aggregate harm.
- VII. Reimagined public safety cannot be the responsibility of the Montgomery County Police Department alone; it will require a comprehensive whole-of-county-government approach, a commitment of resources and time across public safety agencies, and the wholehearted commitment and participation of the community.
- VIII. Public safety reimagined must involve and engage law enforcement, public safety agencies, mental health and social services organizations, faith and community-based organizations, private sector organizations, private non-profits and educational institutions in a collaborative effort designed to provide wraparound services that meet the needs of the community for crisis prevention, intervention and post-crisis support.

FOCUS GROUP 1: COMMUNITY NEEDS - 911 AND 311 DATA

Group 1 of the Montgomery County Reimagining Public Safety Task Force was charged to examine and reimagine approaches and responses to 911 and 311 calls for service.

Members:

Ermiyas Mengesha, Esq. Co-Chair	Marko Rivera-Owen Co-Chair
Katie Stauss	Linda Moore

Montgomery County and MCPD staff and administrators

Susan Farag	David Gottesman	Willie Parker-Loan
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I. Vision Statement

Group 1 envisioned Reimagined Public Safety for Montgomery County as improving citizen security and eliminating the racial biases and inequities resulting from ineffective public safety practices. A reimagined Montgomery County Police Department requires a long-term strategy that will maximize public safety and improved accountability by all law enforcement professionals.

II. Issues

What are some of the key County issues you are seeking to address with your group’s recommendations?

- 311 & 911 Operation: Language barriers & accessibility
- 311 Call quality: hold time, translation
- Community Information: Cultural awareness and public information
- Misinformation regarding non-police response to calls for service
- [Effective] Alternative resources/responses for Mental health episodes & homelessness

III. Approach

When developing your group’s recommendations, what approach(es) did you consider and utilize to develop these recommendations?

The group’s approach included continual gauging of community opinion through surveys, independent audits and personal anecdotes as to what was working in 911, 311 call data. The group also was provided the community survey results from November 2020, which noted strong opinions on 911/311. They also sought data on non-English calls to Emergency Call Center and national articles on issues addressing 911 calls.

IV. Key Recommendations

What are your group's top recommendations? What are the potential benefits to the County if implementing them?

- 1) Expand the number and range of calls to 911 /311 that are directed to non- law enforcement agencies in the county, including those that address societal issues of homelessness, mental health, and domestic violence
- 2) Train Emergency Call Center /311 operators to be capable of determining the most appropriate use of county resources in responding to calls for service
- 3) Create a cultural competency training for all emergency call center/311 call takers and require periodic refresher training to ensure efficient language access for non-English callers
- 4) Ensure language access to non- English callers
- 5) Create randomized survey to send to callers from the top 5 non- English languages (spoken/received) to ensure the accuracy of third party's translations/call experience
- 6) Explore how other jurisdictions handle frivolous and racially biased 911 calls that the county may emulate. Further, we recommend county to alert state delegates to push for legislative changes in this area at the state level
- 7) Conduct an independent racial bias audit to 911 calls annually or bi- annually and a community survey requesting residents opinion regarding the effectiveness of Emergency Call Center/311 calls

V. Challenges

What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?

- Language access & competency (i.e. diverse languages & translation)
- Tracking and reporting (i.e. non-native English Speakers' call outcomes/satisfaction)
- Biased (i.e. false or racially motivated) reporting
- Better categorizing/directing/redirecting calls from MCPD to other party/partner
- Better public relations and information dissemination (i.e. fears and confusion on who to call and what will happen)

The survey implementation also poses a challenge in that the caller might not want to fill it out after the crisis is over. Or a memory issue can arise depending on how long after the survey is sent. If the statements are in the hands of the MCPD via the 911 call center, that could be considered evidence for trial if warranted. Placing such surveys in the hands of another department was discussed as an option, but no suggestions of who else would have custody of such survey results.

FOCUS GROUP 2: BUDGET AND STRUCTURE

Group 2 of the Montgomery County Reimagining Public Safety Task Force was charged to review the budget and structure.

Members:

Brenda Olakintan-Akinnagbe Co-Chair	Max Socol Co-Chair	
Patricia Fenn	Albert Reed	Peter Myo-Khin

Montgomery County and MCPD Staff and Administrators

Trevor Lobaugh	Jennifer Bryant	Debbie Spielberg
		Dinesh Patil

I. Vision Statement

The Budget and Structure subgroup’s charge was not only to review the Montgomery County Police Department (MCPD) activities for areas of inequitable outcomes by race, but also to imagine how police and the communities they serve could increase trust and reduce tension and violence through investment in new approaches to public safety. What would Montgomery County be like if the hundreds of millions of dollars spent on public safety were applied holistically to community needs like alleviating poverty, providing economic opportunity, improving infrastructure, and supporting young people?

The Budget and Structure subgroup was tasked to provide recommendations to improve public safety outcomes for the community with a focus on improving racial equity.¹ Because it came up in the course of our discussions, we also clarified that this subgroup, like the larger task force, is not charged with identifying any cost savings for the county or holding any priority other than improving public safety. The recommendations in this report are a mixture of more and less expensive approaches, and the common thread is the prioritization of public safety and racial equity.

The MCPD fiscal year 2021 budget is \$281,446,640.² To achieve the task of improving racial equity through the MCPD budget and structure, the group needed to establish definitions.

Definitions³

- Racial Equity: When race can no longer be used to predict life outcomes and outcomes for all groups are improved.
- Implicit Bias: unconscious beliefs about race replicated through collective decisions and actions within institutions.⁴
- Institutional racism: Biases within and across institutions that advantage white people over people of color

¹ <https://www.montgomerycountymd.gov/rps/about/vision.html>; Draft Facilitation Guide

² <https://apps.montgomerycountymd.gov/basisoperating/Common/Department.aspx?ID=47D>

³ <https://apps.montgomerycountymd.gov/basisoperating/Common/Department.aspx?ID=47D>

⁴ For implicit bias: this is an operational definition, not a general one. Implicit bias is not *limited* to race, though can be discussed in a racial context; nor is it necessarily an institutional issue - it is very much a product of people being primed through exposure, and a function of normal cognition.

Having a shared understanding of institutional racism is critical as the forces that have allowed racial inequity to occur are often insidious and widespread, thus making identification of inequitable forces a challenge. For those reasons, a data-driven approach to identifying causes of racial inequity in the MCPD budget and structure is critical for creating appropriate recommendations that reimagine public safety.

II. Issues

What are some of the key County issues you are seeking to address with your group's recommendations?

After reviewing our scope of work and key definitions, the subgroup had a clear understanding of the task at hand and commenced to review data from a preliminary report by the Montgomery County Reimagining Public Safety workgroup, audits by the Office of Legislative Oversight (OLO), and MCPD public reports. Additionally, data on the School Resource Officer

(SRO) program provided in a report in Bill 46-20 was used to make a recommendation to eliminate the program.⁵

This data review revealed four areas of MCPD activity with clear and consistent disparities in outcomes by race: traffic enforcement, use of force, arrests, and juvenile enforcement via SROs. After analyzing and discussing each activity area to better understand the causes of inequity, our group then matched these activities back to the police budget in order to make specific recommendations for improvement. In addition, we include several more recommendations that fall outside of these focus areas that may also improve policing outcomes.⁶

III. Approach

When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?

Given the enormity of the task of reviewing the MCPD budget and structure for racial equity, the group made use of a framework utilized in other jurisdictions that prioritize racial equity in public safety.⁷

Racial Equity Impact Assessments (REIA) have shown promising results for promoting racial equity in government decision-making. The August 2018 Office of Legislative Oversight report, *Racial Equity in Government Decision-Making: Lessons from the Field*, cites the work of jurisdictions across the country using REIAs to improve outcomes. A definition of REIA is, "formal documents designed to evaluate the current or predicted policies, programs, and budget decisions on racial disparities."⁸

The REIA created by the Budget and Structure subgroup is not polished, and we do think the county could benefit from continuing to work on a standard tool of analysis like what is modeled here. That said, this version is based on Race Forward's approach, a widely respected research organization that conducts cutting edge, original and broadly accessible research on pressing racial justice issues focused on the significance of race to social and economic outcomes. Additionally, the standardized questions in this tool are drawn from the Reimagining Public Safety Task Force facilitation guide provided as potential guidance for each group. The questions in the REIA used to guide analysis of the Budget and Structure subgroup include the following:

⁵ OLO's Racial Equity Impact Statement for the bill to eliminate the school resource officer program: <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2020/RESJ-Bill46-20.pdf>.

⁶ https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf?utm_content=&utm_source=ocn_story&utm_medium=social&utm_campaign=Netflix&utm_campaign_id=b97aeb70-3f5e-4314-bcf2-6be4261de4c0; Preliminary Report by the Montgomery County Government Work Group, Reimagining Public Safety; https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

⁷ https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

⁸ https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

Budget item: Traffic enforcement				
Racial Equity Impact Assessment (REIA)				
Standardized Questions	Explanation for Score	Score		
		Yes (5)	Neutral (0)	No (-5)
Does the item have the potential to provide public safety for all residents?	Traffic enforcement can promote driver and pedestrian safety	X		
Is policing the only way this public safety need can be accomplished?	Traffic enforcement can be shifted to other county departments			X
Does the item have the potential to provide policing equity	OLO reports indicate that traffic enforcement is a source of inequity rather than solution to inequitable policing			X
Does the item provide funding for a department, purchase or activity that improves inequitable policing?	Year over year trends show consistent ability to predict traffic enforcement outcomes based on race			X
Is disaggregated data currently available and publicly shared?	Data is clear and up to date and broken out by demographics	X		
SCORE:		-5		

The example above is the REIA as applied to traffic enforcement. A similar process was completed for all major focus areas, with the exception of the SRO program that was the focus of a different focus group whose findings we have made use of to make our recommendations. To arrive at scores the standardized questions were asked for the focus areas. An explanation of subgroup’s score is included in the table above. From there a positive result would result in a 5, items with a perceived neutral impact on racial equity were 0, and those that negatively impact racial equity were -5. A negative score was indicative of opportunities to improve racial equity in the focus area.

IV. Key Recommendations

What are your group’s top recommendations? What are the potential benefits to the County if implementing them?

Traffic Enforcement

In preparation for the work of this task force, the Office of Legislative Oversight conducted a review of MCPD’s traffic enforcement activities over the past several years. The Office of Legislative Oversight found that MCPD traffic enforcement is inequitable by race along several measures, including stops, searches, and citations. Notably, while non-white drivers are less likely than white drivers to be cited for moving violations that impact public safety on the roads, they are more likely than white drivers to be cited for “paper” violations like expired licenses or tags.

Table 5.3: Traffic Stops by Race, Ethnicity, and Gender, CY 2019

Driver Characteristics	Adult Population (18-64)	Number of Traffic Stops	% Adult Stopped
Black	116,432	31,866	27.4%
Female	62,045	11,285	18.2%
Male	54,275	20,575	37.9%
White	282,509	38,151	13.5%
Female	145,243	15,419	10.6%
Male	137,235	22,730	16.6%
Latino	122,879	21,091	17.2%
Female	60,722	5,908	9.7%
Male	62,031	15,178	24.5%
Other	24,628	8,162	33.1%
Female	12,579	2,689	21.4%
Male	12,070	5,117	42.4%
Asian	93,360	6,706	7.2%
Female	49,375	2,784	5.6%
Male	44,005	3,920	8.9%
Native American	856	99	11.6%
Female	427	36	8.4%
Male	429	63	14.7%

Data on traffic stops by race, ethnicity, and gender show that Black male drivers have the highest rate of traffic stops at 38%. Black drivers overall account for 27% of traffic stops, despite black residents accounting for approximately 20% of the population in Montgomery County. Native American drivers overall account for 11.6% of traffic stops despite American Indians and Alaska Natives accounting for just 0.7% of the population in Montgomery County. Conversely, White and Asian drivers overall account for just 14% and 7% of traffic stops despite these groups accounting for 60% and 15% of the population in the county.⁹

These inequitable outcomes continue through the spectrum of traffic enforcement with violations, searches, and rate of stops throughout various county places.

Black drivers received the highest rate of violations compared to other racial and ethnic groups in Montgomery County. Additionally, when stopped, Latinx and Black drivers are most likely to be penalized with four or more violations during a single stop, as noted in Table 5.5 of the September 2019 Office of Legislative Oversight report *Local Policing Data and Best Practices*.

⁹ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

¹⁰ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

Table 5.4: Traffic Violations by Race, Ethnicity, and Gender, CY2019

Driver Characteristics	Violations				Violations Per 1,000 Population			
	All	Citations	Warnings	SEROs	All	Citations	Warnings	SEROs
Black	60,970	23,222	35,563	2,185	321	122	187	12
Female	20,142	6,681	12,708	753	199	66	126	7
Male	40,817	16,537	22,848	1,432	461	187	258	16
White	60,834	19,664	38,994	2,176	132	43	84	5
Female	23,220	6,633	15,813	774	98	28	66	3
Male	37,611	13,028	23,181	1,402	168	58	103	6
Latino	43,098	19,098	21,915	2,085	215	95	109	10
Female	10,401	3,647	6,306	448	105	37	64	5
Male	32,685	15,440	15,608	1,637	323	152	154	16
Other	12,816	3,546	8,798	472	319	88	219	12
Female	4,104	1,044	2,909	151	200	51	142	7
Male	8,270	2,460	5,489	321	420	125	279	16
Asian	10,661	3,007	7,262	392	70	20	48	3
Female	4,269	1,054	3,074	141	53	13	38	2
Male	6,389	1,953	4,185	251	89	27	58	3
Native American	176	36	127	13	126	26	91	9
Female	55	6	46	3	79	9	66	4
Male	121	30	81	10	173	43	116	14

Source: OLO analysis of Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

Table 5.5: Number of Violations Per Traffic Stop by Race and Ethnicity

Race and Ethnicity	1	2 to 3	4 to 5	6 or more
Asian	41%	40%	12%	7%
Black	30%	37%	16%	17%
Latino	27%	35%	15%	22%
Native American	35%	36%	20%	9%
Other	42%	40%	11%	6%
White	43%	36%	12%	10%

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The county’s public safety interest with regard to traffic enforcement lies in the racially equitable application of laws meant to control the speed, flow of traffic, and pedestrian traffic crossings. With that in mind, the Budget and Structure subgroup makes the following *recommendations for changes to MCPD traffic enforcement*:

- 8) Move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion to the amount of officer time currently spent on in-person traffic enforcement by sworn officers. While this may have upfront

¹¹ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

costs to establish, it is the subgroup's understanding that the cost of automated traffic enforcement is generally offset by personnel savings. Further, this will remove the potential or appearance of racial bias resulting from traffic enforcement encounters. Use of automated traffic enforcement has the ability to reduce the person-to-person element in traffic enforcement that can result in racial bias in policing.

- 9) Necessary funds from these sworn officer FTE reductions should be transferred to HHS and MCDOT (or could be applied to other social services). Funds to HHS should be used for annual reviews of individual officer performance on traffic enforcement matters where human contact is still required with a special focus on racial equity. Funds to MCDOT should also be applied to new traffic calming construction focused on areas with high pedestrian casualties.
- 10) Work with state legislators and the County Council to support state bill MC 4 - 21, which would allow the transfer of oversight for automated traffic enforcement from MCPD to MCDOT. Upon passage, the County Executive should work with the Council to pass legislation completing the transfer.

Use of Force

MCPD releases an annual review of police uses of force broken down by demographics and police district.¹² In 2018 and 2019, police Districts 3 (Silver Spring) and 4 (Wheaton) had double or triple the number of use of force incidents as other districts, with cases rising rather than falling.¹³ Data shows that use-of-force is applied disparately based on race (55% involve Black residents, who make up 20% of the population); and in a majority of cases in Black areas of the county, particularly in District 3 and 4. This inequity stands in stark contrast to the county's stated commitment to racial equity.

At the same time, many reforms are not evidence-based. Diversity or sensitivity training has not been shown to reduce use of force incidents, and in any case is already administered to all MCPD officers every three years, a process that has not reduced the number or racial bias of cases. Nationwide, police are sometimes trained by agencies that also train military personnel, which can lead to training becoming part of the problem rather than a solution. While it is not clear whether MCPD contracts with such agencies, during this task force inquiry, at least one MCPD Captain expressed support for the idea that there is a "time and a place" for a "warrior mindset."¹⁴

Another frequently suggested reform is the discouragement of "militarized" policing through the reduction of military equipment allocated to police. However, a review of MCPD records indicates that 79% of use of force incidents in 2019 involved police use of hands, not special equipment. By contrast, police use of Taser devices, the next highest specific type of use of force, accounted for only 6% of incidents.¹⁵ In other words, while use of force may be connected to the type of training police are undergoing, there is no way to reduce or redirect equipment budgets in a way that would meaningfully address use of force.

Advocates have also explored the diversification of sworn officers as an approach to reducing use of force, but again there is no evidence for the effectiveness of this approach, whatever its other merits.¹⁶ And a review of MCPD data indicates that use of force cases track with demographic breakdowns of sworn officers — in other words, non-white officers do not appear to be less likely to engage in use of force.¹⁷

¹² https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

¹³ https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

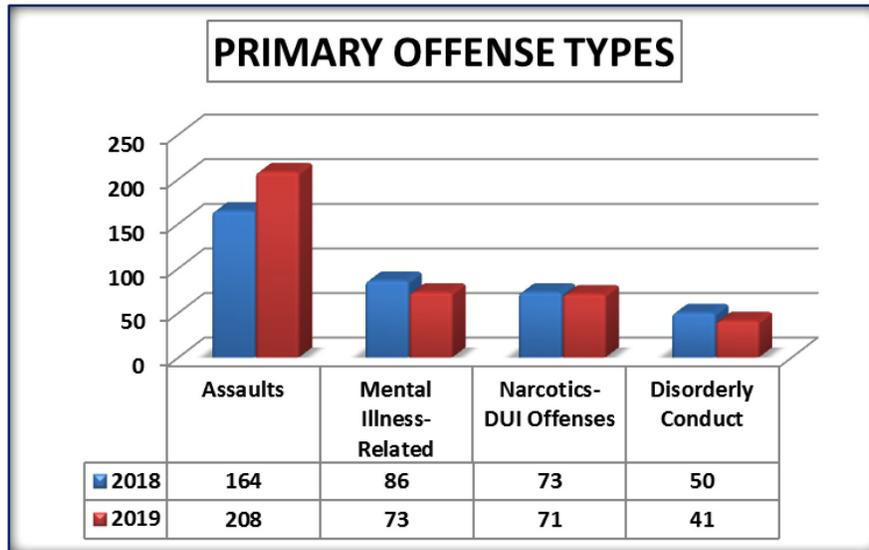
¹⁴ MCPD PTSA Questions 11/24/20

¹⁵ https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

¹⁶ <https://www.ncjrs.gov/App/publications/Abstract.aspx?id=239939>

¹⁷ https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

Having explored all of these approaches, the Budget and Structure subgroup makes the following *recommendations to address racially biased use of force*:



- 11) Review MCPD’s current training programs for any connection to outside agencies that also train military personnel. These contracts should be eliminated altogether or shifted to third parties that do not engage in any military training or promote “warrior” behavior.
- 12) Reduce sworn officer FTEs in police Districts 3 and 4 by 50 % to reduce patrol officer contact with residents in these districts. The more than \$12,000,000 saved from these reductions should be shifted by the County Executive 50% to other agencies and departments for quality of life improvements in these districts, including Community Partnerships, Health and Human Services, Housing and Community Affairs, and Recreation; and 50% to a new Community Safety Grants Program that would award grants to residents and local organizations in districts 3 and 4 to complete projects that improve public safety, improve economic conditions and alleviate poverty, and increase community pride.
- 13) Develop a regular practice of independent audits of use of force in police districts, with expected force reductions for districts where use of force cases are increasing despite training or other interventions.
- 14) Improve and increase once every three years anti- bias training to an annual training
- 15) Shift mental illness- related response fully (or more generally) out of MCPD jurisdiction to a separate department within Health and Human Services, which accounted for 19% of police use of force in response to resistance incidents in 2019.¹⁸ Funds saved from this reduction in MCPD activity should be redirected to HHS earmarked to improve training and staffing to enable mental health crisis response. In order to complete this shift, the County Executive would need to task HHS to perform an analysis of resources needed to respond to a mental illness related crisis.

¹⁸ https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF

Arrests

Racial equity audits by the county Office of Legislative Oversight have consistently found wide disparities in arrests by racial group. The arrest data made public annually by MCPD in its “Crime and Safety” report offers no insight into the racial composition of arrests overall or by offense category, however a bill currently before the County Council seeks to address this lack of transparency.¹⁹

Because of the lack of insight into what types of offenses might be driving racially inequitable arrest outcomes, this subgroup cannot offer as many specific recommendations as we would like. However, there are some areas of the budget that can be shifted even without this data. *We make the following recommendations:*

- 16) Work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity. This would allow further changes to be made to MCPD protocols to eliminate significant racial disparities.
- 17) Direct MCPD to treat all offenses in the “Crimes Against Society” segment, except for weapons violations, as the lowest department priority. When enforcement of these offenses does take place, MCPD should be directed to issue citations instead of making arrests. These offense designations are:
 - Drug/narcotic violations
 - Gambling offenses
 - Pornography/obscene material
 - Prostitution offenses²⁰
- 18) Eliminate SID Drug Enforcement and SID Vice Intelligence, with a proportionate reduction in sworn officer FTEs. The \$2.76 million+ saved by this elimination should be re-allocated to diversion programs, counseling, or other appropriate interventions, managed by MC HHS or possibly through the community grants program named in the previous section.

Student Resource Officers

- 19) Eliminate SRO programs and corresponding budget lines, including equivalent FTEs. This funding, totaling roughly \$2.9 million, should be shifted directly to youth programs or a funds allocation transfer outside of the normal MCPS budget process that would specifically direct these funds to youth counseling and development programs.

V. Challenges

What are some challenges (if any) to be considered by the County if implementing your group’s top recommendations?

Challenge to reducing patrol officers in districts 3 and 4: One community member disagreed with this recommendation. As representative of the MC-NAACP Branch, Unit 7022, on the task force noted, “it would be more pragmatic to support a ratio of uniform police staffing in relation to population density in Districts 3 & 4, rather than reduce staffing to these communities. It would also be useful to see the conviction rate in relation to the over-policing of these areas, as many believe.”

¹⁹ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>; [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20\(1\).pdf](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20(1).pdf); https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=28138&Dept=1

²⁰ [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20\(1\).pdf](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20(1).pdf)

Challenges to deprioritizing drug offenses and eliminating SID drug enforcement: According to its 2019 crime and safety report, MCPD logs 75% of drug offenses as related to marijuana, and 91% of total drug offenses as related to possession. The report does not make clear what proportion of these offenses led to arrests--some may have been citations or confiscations. In calling for the de-prioritization of these types of offenses and the elimination of SID Drug Enforcement, this Reimagining Public Safety Task Force working group sought to reduce the number of residents criminalized for offenses like marijuana possession which show little or no negative impact on public safety. However, it should be noted that the 2021 MCPD budget has several distinct units and divisions tasked with some kind of drug enforcement, and it is not clear which of these units is most responsible for the type of enforcement we are seeking to reduce. The County Executive will need to work with MCPD to understand which MCPD units are responsible for possession arrests in order to make appropriate changes.

Lack of alignment between residents, county leaders, and MCPD officials around the meaning and importance of racial equity and its role in MCPD: The Reimagining Public Safety Task Force was created by the County Executive's office to advance community reforms to local policing that would improve racial equity outcomes. This effort is part of a broader effort across the county to close significant differences in public policy outcomes by race. Regarding MCPD activities, these different outcomes by race have been thoroughly documented by the county's own oversight bodies over many years. Report after report demonstrates significantly higher rates of stops, arrests, and use of force for Black residents of the county than other residents, and significantly lower rates of stops, arrests, and use of force for white residents.

Despite clear documentation of these patterns over several years, community members of this focus group perceived MCPD stakeholders to have a staunch belief that the department is a model agency that does not need to make improvements on racial equity outcomes. That belief has been expressed frequently to members of this working group, to the whole task force, and in public comments. Community members' attempts to address clearly reported data indicating racial disparities were met with MCPD stakeholders justifying actions that lead to disparities and ignoring the existence of disparities.

It is appropriate for county residents and MCPD officials to disagree in good faith about how to fix these documented problems in policing activities. But the tendency to defend or ignore the evidence, rather than acknowledge the need to prioritize racial equity *and make changes to achieve it*, indicates a deeper political challenge that county officials must face head on. Racially equitable policing will not be possible in the county until residents, county officials, and MCPD leadership all agree that it is essential and are willing to accept the plain data showing where the problems lie.

VI. Other Potential Recommendations

What other potential recommendations did you consider?

The Budget and Structure subgroup discussed various other recommendations that did not fit clearly into one of the broad focus areas named above.

- *Civil asset forfeitures and seizures:* All funds allocated in the MCPD budget from real value of forfeitures and asset seizures should be transferred to the County's general fund and reallocated to County agencies, earmarking these funds to be used for assistance for homelessness, food needs, mental health assistance, and other community needs in those Districts of the county with the highest needs for these types of assistance.
- *Overtime:* In FY 21, MCPD is budgeted for just under \$12,000,000 in overtime costs. Given research that shows that even one hour of overtime increases an officer's risk of use of force or an ethics violation,⁽¹⁷⁾ we recommend that the county institute a clear policy limiting total sworn officer work hours to 14 hours or less per day, which is in line with research showing that working hours beyond this amount lead to predictable increases in use-of- force and ethics violations.

- *Judicial Adjudication Monetary Penalties:* At present, all monetary penalties paid out to victims of police misconduct are paid from the County’s General Funds. Therefore, we recommend that beginning in FY22 that policing misconduct monetary penalties are paid from the MCPD budget, with the MCPD Chief determining where these funds will come from within the MCPD budget. There should not be a new line item included in the MCPD budget for this, which gets funded by the County. We recommend the MCPD creates a dedicated adjudication reserve fund within which MCPD make annual deposits to build-up the fund and subsequent payouts then made from this dedicated reserve fund. Insufficiency of funds in this reserve account then should result in MCPD pulling funds from their other budget line items to cover the penalty payouts. At no time shall funds be pulled from the County’s General and Discretionary Funds for this action.
- *Annual performance appraisals and racial equity:* On the annual performance appraisal forms used for MCPD sworn officers, a new evaluative factor should be added to assess performance on racial equity outcomes.
- *Data clarity for race/ethnicities listed as “other”:* There are significant portions of racially disaggregated data where subjects race is categorized as “other”. It is important to clarify when “other” is used and why.

²¹ <https://bethesdamagazine.com/bethesda-magazine/flashback-a-fight-for-freedom/>

FOCUS GROUP 3: POLICE DEPARTMENT PROGRAMS

Group 3 of the Montgomery County Reimagining Public Safety Task Force was charged to examine Montgomery County Police Department (MCPD) programs, with a specific focus on training, use of force, de-escalation and practices to advance constitutional policing.

Members:

Christopher Bolton <i>Co-Chair</i>	Maria-Lynn Okanlawon <i>Co-Chair</i>	
Karyne Akhtar	Barton Aronson, Esq.	Michael Chase
Francisco Javier González	Richard Johns, MPH, J.D.	Jesse Thomas-Lim
Mikaylah Sayles	Scott Schneider	Joanna Silver, Esq.
Clint Sobratti	Millie West-Wiggins	Basil Whitaker

Montgomery County and MCPD Staff and Administrators:

Jewru Bandeh	Torrie Cooke	Ronald Smith
Elaine Bonner-Tompkins	Darryl McSwain	Vlatka Tomazic
	Gino Renne	

I. Vision Statement

Group 3 envisions Reimagined Public Safety for Montgomery County as improving citizen security and eliminating the racial inequities resulting from current public safety practices. A Reimagined Montgomery County Police Department requires a long-term strategy that embraces policing by consent as a foundational philosophy for law enforcement. This means explicitly acknowledging that the Montgomery County Police Department exists because the community of the county established it,²¹ and that legitimacy of the police to do their job derives not from the law, but rather from the community that hires and grants officers the authority to safeguard the welfare of the county’s population. Reimagined public safety can and should build on the progress already achieved but will also require the full embrace of community policing, transparency, and accountability. Reimagined

Public Safety cannot be the responsibility of the Montgomery County Police Department alone; it will require a comprehensive whole-of-county-government approach, a commitment of resources and time across public safety agencies, and the wholehearted commitment and participation of the community.

II. Issues

What are some of the key County issues you are seeking to address with your group’s recommendations?

Group 3 initiated their discussions with the development of a definition of institutional racism as a platform for reimagining public safety in Montgomery County.

Definition

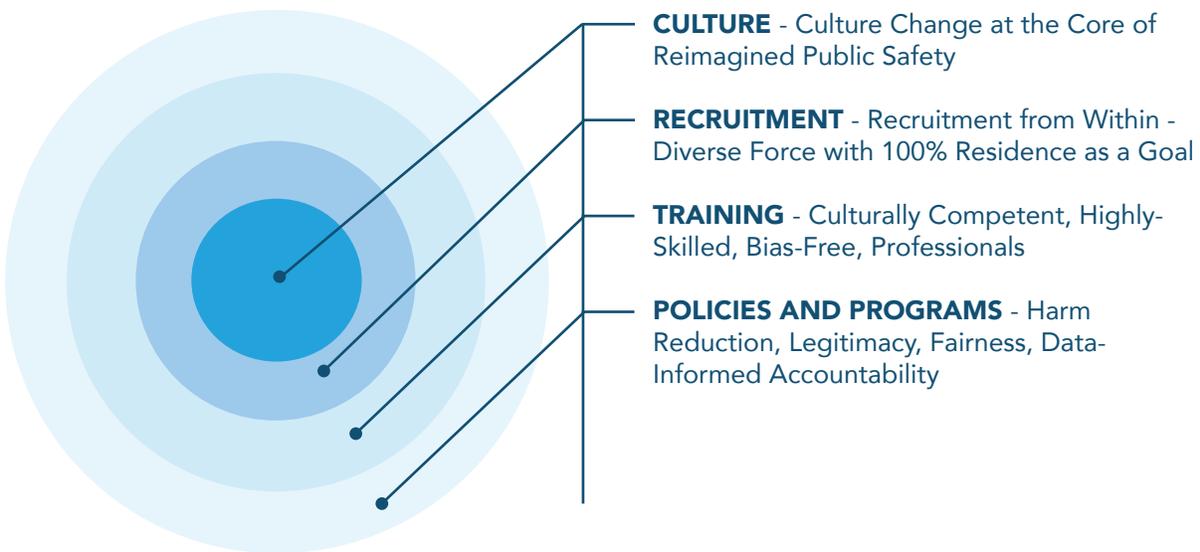
- Institutional Racism: Institutional racism occurs within and between institutions. Institutional racism is discriminatory treatment, unfair policies and inequitable opportunities and impacts, based on race, produced and perpetuated by institutions (schools, mass media, etc.). Individuals within institutions take on the power of the institution when they act in ways that advantage and disadvantage people, based on race.

Building on this platform as a lens for evaluation of bias, inequity and the confluence of human rights and security in Montgomery County, high-level themes of recruitment, training, culture and policies and programs emerged as key issues for reimagining public safety.

III. Approach

When developing your group’s recommendations, what approach(es) did you consider and utilize to develop these recommendations?

Group 3 utilized a functional approach that breaks the functions of MCPD into discrete structures and examines each as a smaller specialized system.



In deconstructing the MCPD Group 3 targeted culture as the core of public safety reimagined and explored issues of recruitment, training and policies and programs that radiate from the MCPD’s cultural underpinnings. As such, while the approach examined each area as a separate system, the linkage to culture at the core provides a cohesive set of recommendations.

IV. Key Recommendations

What are your group’s top recommendations? What are the potential benefits to the County if implementing them?

Changing Law Enforcement Culture

Group 3 discussed issues of policing culture as underpinned by principles of policing by consent, procedural justice and community policing. Recommendations to support culture change address issues of accountability and expectations of legitimacy as detailed below.

- 20) Conduct anonymous surveys, develop a third- party reporting system for misconduct and ensure strong whistleblower protections. Enhance accountability with MCPD through anonymous surveys, third-party system for misconduct reports and strong whistleblower protections for officers that witness and report misconduct.

- 21) Ensure that policing by consent, community policing, the “guardian” culture, and accountability are institutionalized as defining characteristics of the department. Institutionalize “guardian culture” in MCPD through the incorporation of explicit language in the organization’s mission, vision and values.

Culture change is key and is woven strategically throughout the recommendations. As such, at the heart of recommendations around culture are the notions of institutionalizing policing by consent, (i.e., the paramount purpose of the police is to serve the community), implementing community policing practices, changing from a “warrior culture” to a “guardian culture” and enhancing accountability (both within MCPD and with the community) as the defining characteristics of a reimagined MCPD.

- 22) Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes. Prioritize a culture of greater accountability within MCPD and with the community through improved transparency and engagement with community. Recommendations include an annual public hearing (distinguished from a public meeting) with the Chiefs and Assistant Chiefs of the MCPD to review the Annual Report on Crime and Safety with a focus on prevention rather than activities to combat crime as a key performance metric of the department. As well, utilization of a modified community survey is recommended to get input on the community’s perception of the MCPD and feedback that informs the evaluation of the District Commanders. It is also noted in the key recommendations that a reimagined MCPD should collect and compile clear, accurate and reliable data and make information available to the community on: officer involved incidents; officer involved disciplinary action; formal investigations conducted by the Internal Affairs Division; and use of force reports.

Recruitment

Recommendations around recruitment emerged as Group 3 considered that who polices Montgomery County is as important as how Montgomery County is policed. Recommendations around recruitment focus on ensuring that new recruits meet MCPD standards for professionalism, and also offer options to support the recruitment of diverse professionals from within the local community.

- 23) Expand and enhance requirements for mental health screenings and employment background checks. Employ policy requirements for mental health screenings for all new recruits. The recommendation also calls for expanded background checks of officers hired from other jurisdictions, and prohibitions against hiring officers who were fired by another law enforcement agency, or officers with serious disciplinary action or reprimand in their employment history.
- 24) Increase recruitment efforts at local and regional Historically Black Colleges and Universities (HBCUs). Recommendations for targeted recruitment at the Historically Black Colleges and Universities in the region is a priority as a mechanism for increasing diversity within the MCPD.
- 25) Establish specific goals for hiring, promotion, and advancement in support of a guardian culture and community policing toward a long-term goal of reaching 100 % county residency within the force, prioritizing sworn officers in districts 3,4,5, and 6. Establish specific diversity, local hiring and geographic proximity goals for recruitment, hiring and promotion, calling for MCPD to establish a long-term goal of 100 percent residency and prioritizing Districts 3, 4, 5 and 6. The recommendation calls for an annual report of attainment of goals for recruitment, hiring and advancement of local and culturally diverse officers for MCPD. MCPD Leadership and the Fraternal Order of Police should work collaboratively to develop compensation packages to attract county residents to positions as sworn officers, including housing allowances and tuition support for higher education. This recommendation also includes a collaborative effort between MCPD and the Montgomery County Community College, to identify opportunities to assist county residents who are currently MCPD sworn officers to obtain an Associates of Science Degree in Criminal Justice or other relevant area of study.

Training

Recommendations around training for MCPD balance specific policing activities (e.g., use of non-lethal weapons and crisis intervention) with broader issues of how officers are trained in the field and who trains them.

- 26) Revise policies and review training personnel service records to ensure no officer with a record of multiple complaints, infractions, or other problems serve in a training position. There was considerable discussion around the impact of Field Training Officers (FTOs) in promoting and reinforcing the shift to a guardian culture within MCPD. MCPD should require an extensive and comprehensive review of the service records for all officers currently serving as FTOs. Moreover, it is recommended that MCPD establish a policy requiring an exemplary service record for FTOs and prohibit the utilization of field training personnel that have a record of multiple complaints and infractions around bias, excessive use of force, or other problems that indicate an unreadiness to enforce constitutional policing.
- 27) Require Crisis Intervention Training (CIT) for all new recruits and all officers on the force. CIT training should be expected for all sworn officers prior to graduation from the Academy. Additionally, the recommendation calls for the Training and Education Division to revise training scenarios, including shoot don't shoot exercises, to include a CIT option in the training. As well, the Training and Education Division should work with the Policy, Planning, and Quality Assurance Division and the Assistant Chiefs for Patrol and Field Services, to ensure that all first line officers are CIT qualified, prioritizing officers in the police districts that generate the most CIT calls. The recommendation notes that even where there are sufficient community-based services, police officers will encounter people in crisis at some point in their work and must be trained to respond properly. Crisis Intervention Training (CIT) teaches recruits to recognize behavioral cues associated with mental illness and traumatic brain injury and helps recruits develop strategies to de-escalate conflict and to deal with individuals in crisis or living with mental disabilities.
- 28) Encourage and incentivize higher education for law enforcement officers throughout their careers. MCPD should provide assistance to new recruits to pursue higher education, including assistance with federal grants. Reimagined, the sworn officers of MCPD should be highly skilled, well-educated, culturally competent professionals. MCPD should acknowledge the potential impact of higher education in promoting professionalism and effective decision-making among sworn officers who operate in an environment where they must have and use a great deal of independent discretion in their daily activities. Among officers in leadership and executive positions, postgraduate studies would help enhance their managerial executive skills. The recommendation calls for MCPD to offer recruits without a college degree assistance toward obtaining higher education throughout their career and recommends collaboration with the Montgomery County Community College to provide tuition assistance for officers who want to pursue an Associate of Applied Science degree in Criminal Justice. It also calls for considering a formal policy requiring higher education degrees as an eligibility requirement for promotion.
- 29) Ensure that all new recruits receive less lethal Electronic Control Weapons (ECW) and ensure that all are qualified and equipped for ECW use. Training should include requiring training and certification in Electronic Control Weapons (ECWs) prior to graduation from the Academy and that all sworn officers are ECW certified and equipped. The recommendation prioritizes ECW training and deployment of Tasers in Districts that generate the highest incidence of use of force. Include ECW options in training scenarios around use of force.

Policies and Programs

Recommendations for MCPD policies and programs emerged around notions of accountability, discretion and equity in policing practices. Policy and program recommendations generated by Group 3 include internal police policies for reporting use of force and data collection practices. As well, the recommendations address policies and programs that impact police/citizen engagement such as use of canines, lethal weapons and less lethal weapons, advising citizens of their rights to refuse a search and officer discretion in the issuance of citations. There was also considerable discussion around the issue of School Resource Officers program and policies for policing private property that inform the recommendations detailed below.

- 30) Evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Evaluate the current policy regarding how officers exercise their discretion to issue a citation vs. make an arrest for citable offenses and determine what directives or guidelines can be issued to require citation rather than arrest for offenses punishable by incarceration lasting 6 months or less.
- 31) Add a requirement in MCPD policy and practice that officers advise citizens of their right to refuse a search. Require officers that do not have a legal warrant or legal probable cause to advise citizens of their right to refuse a search. Pre-textual stops are sometimes used in lieu of a legal warrant or legally defensible probable cause to find incriminating information. Officers who want to do a search should be required to inform citizens of their right to refuse a search and that refusal will not be held against them.
- 32) Require incident reports every time officers draw their weapons, whether or not they fire. The recommendation calls for a policy change that requires a mandatory incident report whenever a weapon is drawn (not just when a weapon is discharged). Recognizing the need for data to inform the risk assessment, the disaggregation of the data by race is recommended to identify if MCPD officers are more likely to draw their weapon in an encounter with a person of color
- 33) Eliminate pre- textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. MCPD can conduct a pilot program to test the efficacy of eliminating pre-textual stops for most minor offenses, not just repair orders, as a means to reduce the disparate negative impacts of law enforcement in communities of color. Although many agencies use traffic stops as a crime-fighting tactic, the evidence that they effectively reduce crime is mixed, especially when balanced against how much officer time is spent making routine stops or the degree to which the stops pose dangers both to those stopped and to law enforcement officers. Moreover, a wealth of research indicates that vehicle stops and pedestrian stops disproportionately burden communities of color, low-income individuals, and rural residents. According to the 2020 Office of Legislative Oversight (OLO) report, in Montgomery County Black residents are 18 percent of the population but were 32 percent of 2018 county police traffic stops. Additional analysis reveals that 27 percent of Black adults experienced a traffic stop compared to 17 percent of White and Latinx adults, and 7 percent of Asian adults. As well, Black men were three times as likely as White men to receive any traffic violation (46 percent v. 17 percent), Latino men were nearly twice as likely (32 percent v. 17 percent) and men classified as other were more than twice as likely (42 percent v. 17 percent).²² Based on these data, pretextual traffic stops afford a broad level of officer discretion that requires data-informed oversight to prevent and identify abuse. The Selective Traffic Enforcement policy of the MCPD Traffic Management System which advises that “[S]elective enforcement techniques will be utilized for the purpose of reducing traffic collisions, traffic violations and community complaints”, and gives District Commanders the responsibility for and authority to develop and implement a traffic management plan and the specific duties for traffic enforcement.²³ Building on this policy guidance, the recommended pilot program would not only eliminate stops for certain minor traffic violations but would also include the data collection and

²² Bonner-Tompkins, Elaine and Carrizosa (2020) Local Policing Data and Best Practices. Office of Legislative Oversight Montgomery County, Maryland. Report No. 2020-9.

²³ Microsoft Word - FC1000.Traffic manage ewc.doc (montgomerycountymd.gov)

analysis to support identification of patterns of racial disparity in traffic enforcement duties and actions at the district level.

- 34) Consider whether the MCPD should continue to act as the agent for public and private properties in enforcing trespass law. Evaluate policies, agreements, memoranda of understanding, and practices of MCPD acting as agents for private properties to enforce the property rights of the owners, make on-site trespass arrests, and issue stay away orders. Evaluate the duration of stay-away orders from public and private property to something more reasonable (i.e., three or six months as opposed to 1 year). This may also include renegotiating the collective bargaining agreement between the Fraternal Order of Police and the County that describes the circumstances under which a police officer may engage in second employment providing private security for private property owners.
- 35) Support Montgomery County Council Bill 46- 20 to eliminate the School Resource Officer Program. Bill 46- 20 reports, as the basis for elimination of the SRO program, that Black students are nearly 20 times more likely to be held by the Department of Juvenile Services for pretrial detention for misdemeanor offenses than their white peers. Black students are 85% less likely to be referred for Screening and Assessment Services for Children and Adolescents (SASCA) Diversion Programs for substance abuse and mental health. Black students are 320% more likely to be incarcerated at the conclusion of adjudication than white students.²⁴
- 36) Amend FC 131 Use of Force Policy to strictly limit the use of police canines and require mandatory reports on canine use as lethal force. Amend the FC 131 Use of Force Policy to strictly limit the use of police canines to stop or subdue a suspect only in those situations that would warrant the use of deadly or lethal force. The recommendation also calls for mandatory reports on the use of canines against suspects similar to the mandatory reports on the use of lethal force. Additionally, a review of policies on use of canines for other purposes to comply with current professional literature and research, and taking into consideration the cultural sensitivities of the county's diverse population is called for in the recommendation. While trained police canines can be a highly effective tool in investigations and to track down a suspect who is hiding, they can also kill or maim and cannot be controlled in the same manner as a weapon in the hands of a trained officer. Also, canines often trigger psychological responses that make them ineffective in subduing a suspect (i.e., flight or fight response). Moreover, there is a long history in the country of dogs being used to enforce slavery and to suppress the Civil Rights movement in past decades.
- 37) Conduct a risk assessment of police activities to determine when it is necessary for officers to carry a gun. Conduct a risk assessment audit of policing activities to determine the need for and effectiveness of having all officers carry firearms at all times. The recommended risk assessment emerged as a part of broader discussion around use of force and acknowledges that MCPD officers should be equipped with all of the tools and training available that encourage and support non- deadly outcomes. There was considerable discussion among the members of Group 3 regarding use of force policies and practices, with a bifurcated shoot/don't shoot option deemed insufficient in preparing officers for decisions around use of force. The discussion noted that MCPD officers are issued a firearm before they are issued a Taser, and the discussion was informed by a presentation from Chief Ronald Smith on the availability of non-lethal tools and weapons utilized by MCPD.

²⁴Statistic is derived from Table 5.24 of the 2016-6 Office of Legislative Oversight School to Prison Pipeline Report, page 72; from Table on page ii of 2016-6 Office of Legislative Oversight School to Prison Pipeline Report; and from Table 5.27 of the 2016-6 Office of Legislative Oversight School to Prison Pipeline Report, page 73. School to Prison Pipeline with CAO Response 20166.pdf (montgomerycountymd.gov)

38) Utilize Data Collection Best Practices as recommended in the OLO report including all data on police/civilian interaction. Montgomery County can study the implementation the data collection best practices summarized in the Office of Legislative Affairs Report.²⁵ The recommendation include collection of data on the issuance of stay-away orders from private and public properties; and the issuance of citations/arrests for trespass based on pre-authorized trespass authority granted by private businesses to the MCPD.

V. Challenges

What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?

Among the challenges to implementation of recommendations for reimagining MCPD is the notion of culture change within a long-established organization operating with 1300 sworn officers and supervisory and command personnel. Group 3 included in their recommendations peer-reviewed information extracted from *Warriors to Guardians: Recommitting American Police Culture* (Rahr and Rice, 2015). The article discusses the challenges of implementing procedural justice, noting that the seeds of the warrior culture in many police departments are planted during initial training, which focuses primarily on physical control and use of weapons and is conducted in a top-down leadership environment. While the authors note the need for top-down leadership to enhance accountability, and state unequivocally that officer safety is, and should be, a key outcome of new recruit training, it is noted that the warrior culture is rooted in new officers by the time they hit the streets. Balancing the physical aspects of officer and community safety, with the human behavioral and social skills needed to enforce the law with the least amount of force is a challenge for police departments across the nation and a challenge to reimagining MCPD.²⁶

Further, there is little if any data supporting the success of attempts to change policing culture or reduce harms via training despite how attractive those approaches are; as has been reported multiple times since George Floyd's killing, the Minneapolis Police Dept. had some of the best training in the country. Members of the focus group understand that there is a key challenge in seeking to address the issue of culture directly, and also training, because there was no data supporting the benefits of spending time and resources on culture and training in reducing harms caused by policing.

The recommendation to support County Council Bill 46-20 to eliminate the School Resource Officer Program was prioritized by a majority of the group members. While many members agreed that eliminating the SRO program was needed, some members noted mixed feelings, some offered strong opinions in favor of retaining the program and others recommended that the program could be improved, acknowledging that the current model does not work. Members in opposition to the SRO program advised that eliminating SROs in schools is key to reimagining public safety and mitigating the school to prison pipeline. As well, the organized efforts of Montgomery County Public School students against the presence of SROs in schools was noted, and members were asked to consider the students' voice in the decision-making process. Conversely, members in favor of retaining SROs in schools advised that school principals are in unanimous support of the SRO program and noted effective partnerships between SROs and Parent Teacher Associations (PTAs) in some schools.

Similarly, the group drew on the findings of the Office of Legislative Oversight Report that discusses the notion of police/community relations and the underlying chasm that impedes stronger relations between the two.²⁷ The report states that the current police approach to crime reduction through community involves police attempting to change the behavior of the community through youth engagement and public relations with community. Conversely, the community's expectations around community policing is that there must be a change in policing behavior, an expectation that is exacerbated by

²⁵ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLORepoort2020-9.pdf>. This includes collecting data on all police/civilian encounters, not just traffic stops. Collecting data on "incidents" which are short of "use of force" (such as gun draws) but could have led to use of force would help. They are more common and might help target potential lethal incidents. Refer to https://apps.montgomerycountymd.gov/cclims/DownloadFilePage?FileName=2683_1_12062_Bill_45-2020_Introduction_20201117.pdf for a copy of the bill.

²⁶ New Perspectives in Policing: From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals (ncjrs.gov)

²⁷ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLORepoort2020-9.pdf>.

bias policing practices.²⁸ The report advises that community policing must be systemically inculcated in policing as more than a program; it must be institutionalized as an organizational philosophy. As such, a reimagined MCPD cannot train its way into effective community policing. Officers must know, understand and believe that their 'development, career advancement, compensation and respect in the department and in the eyes of departmental leadership are inextricably linked to their ability to create legitimacy and cooperation in the communities they serve'.²⁹

VI. Other Potential Recommendations

What other potential recommendations did you consider?

In addition to key recommendations prioritized above, additional recommendations in the area of culture, recruitment, training, and policies and programs are detailed below.

Culture

- *Adjust all job descriptions, hiring, and testing to support community policing, the guardian culture, and problem-solving responsibilities.* Similar to incorporation of explicit language in the MCPD mission, vision and values, all policies and procedures involved in the recruitment and hiring of officers should include expectations for guardian culture and problem solving as a key responsibility of policing in Montgomery County.
- *MCPD should align all performance evaluation processes with the guardian culture and problem solving responsibilities.* Similar to recommendations around recruitment and hiring, MCPD should revise its performance standards, evaluation rubrics, evaluation forms, and reward policies with community policing principles and the promotion of a guardian culture. Supervisors must tie performance evaluations to community policing principles and activities that are incorporated into job descriptions. As well, performance, reward, and promotional procedures should support sound problem-solving activities, proactive policing, community collaboration, and citizen satisfaction with police services. MCPD should phase in a requirement for all rating officers to conduct two formal counseling sessions and observe first hand the rated officer during at least one shift equivalent per rating period.

Recruitment

- *Revise the hiring process to repeal prior marijuana use as a disqualifying factor in the hiring process for prospective officers.* Revise the MCPD hiring policies relative to prior use of marijuana as a disqualifying factor.
- *Encourage and incentivize higher education for law enforcement officers.* Provide assistance to new recruits to pursue higher education, including assistance with federal grants. The recommendation calls for MCPD to offer recruits without a college degree assistance toward obtaining higher education throughout their career and recommends collaboration with the Montgomery County Community College to provide tuition assistance for officers who want to pursue an Associate of Applied Science degree in Criminal Justice.

²⁸ Bonner-Tompkins, Elaine and Carrizosa (2020).

²⁹ Schulhofer, Stephen J., Tyler, Tom R. and Huw, Azziz Z. (2011) American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative. *The Journal of Criminal Law and Criminology*. 101(2): 335-374

Training

- *Expand training to include Active Bystander Law Enforcement (ABLE) and justice-based policing.* Provide additional resources for the Training and Education Division of the MCPD to support the addition of Active Bystander for Law Enforcement (ABLE) training and the Listen and Explain with Equity and Dignity (LEED) model of Justice-based Policing.
- *Develop detailed curriculum description that provides greater transparency on training priorities and conduct annual assessment of training and publish annual report.* Conduct an annual review and assessment of MCPD training to ensure high quality and relevant content that reflects changes in policy and practices that impact law enforcement. The recommendation also calls for an annual published report. The recommendation builds on information from MCPD regarding the significant differences between the number of hours MCPD assigns to a specific subject and the national average. Group 3 was advised that MCPD training topics fall below the national average in areas of professionalism, ethics and integrity, stress prevention, community partnership building, problem solving approaches, domestic violence and cultural awareness. While it is noted that the rubric for evaluation of MCPD training and may be different from those used in national standards evaluation, the lack of specificity in the curriculum description results in a lack of transparency regarding MCPD's training priorities.
- *Implement supervisory training in communications and leadership that supports positive and appropriate behaviors by subordinate officers.* Conduct training for supervisors on how to encourage appropriate behavior, as well as how to incentivize exemplary behavior and disincentivize inappropriate behavior.
- *Update and expand cultural awareness and diversity training for officers and supervisors.* Better ensure cultural competency by expanding cultural awareness training to the 12-hour national average (above the current 10 hours provided by MCPD). The recommendation also calls for complimenting classroom training with e- training and computer-based training programs, including an annual cultural diversity awareness e-quiz.
- *Review annual training on nepotism and review familial relationships with senior officers. Include private sector subject matter expert's contractor in hiring and training.* MCPD should conduct annual training on nepotism that emphasizes the whistle blower policy and responsibilities regarding nepotism. As well, the recommendation includes private sector subject matter experts in the training. The recommendation also calls for training on true transparency (No Fear for Truth Program) on strict compliance reporting.
- *Train officers in policing by consent.* Include integration of principles and practices of Policing by Consent, the prioritization of prevention over use of force and the inculcation of guardian culture, community policing, a culture of accountability, and elimination of references to warrior culture in all aspects of training. This recommendation, it was noted, is applicable to classroom and field training for recruits, annual in-service training for officers, training for supervisors, and expanded e-learning and computer-based offerings for law enforcement.

Policies and Programs

- *Move all electronic traffic monitoring enforcement programs to the Department of Transportation.* Move all electronic traffic monitoring enforcement programs to the Department of Transportation, assuming State Bill MC-4-21 passes in the General Assembly. The bill has been approved by the County Executive and received unanimous approval by the County Council.
- *Implement a CAHOOTS crisis intervention program.* Implement the Crisis Assistance Helping Out on the Streets (CAHOOTS) program. CAHOOTS is a community-response model of crisis intervention that utilizes non-law enforcement, unarmed mental and behavioral health professionals to respond to mental health and substance abuse crisis.³⁰
- *Implement the Law Enforcement Trust and Transparency Act (LETT) in full.* Implement the Law Enforcement Trust and Transparency Act (LETT) in full by contracting with an outside law enforcement agency to investigate officer-involved killings.³¹ The recommendation calls for MCPD to consider contracting with a private forensic expert to assist in these investigations and for support of statewide legislation to assign the review of all officer-involved killings to an independent, statewide law enforcement agency.
- *Reassess policies regarding officers riding solo.* Reassess MCPD policies regarding officers riding solo, and implement a pilot project of two-officer patrols. Noting that a solo officer is much more likely to feel threatened until back-up arrives and overreact, the recommendation suggests two-officer patrols provide greater potential for de-escalation and improved outcomes relative to use of force.
- *Review geographic deployment plans to provide for the long-term assignment and to better serve communities with the greatest needs.* MCPD should review geographic deployment plans, and utilize long-term assignments of officers to specific neighborhoods as a strategy for enhancing police/community relationships, trust and accountability. The recommendation also calls for MCPD to modify district boundaries to focus on communities with the greatest need and align beat boundaries with neighborhood boundaries
- *Revise FC 131 to ensure consistency with Expedited Bill 27-20, Police – Regulations, establishing a hierarchy of force.* Supports revisions to FC 131 as required by Expedited Bill 27-20 and the development of a hierarchy of force, escalating from none to show of force, and various grades of less lethal force with deadly or lethal force as the last and least desirable option. The recommendation notes the need for clarification (with examples) of the “objectively reasonable standard” applied to uses of deadly force. As well, a listing of less than lethal weapons that have a high lethal potential (i.e., blows with a baton or flashlight to the head, prolonged application of ECWs, etc.) and prohibition of the use of these weapons in situations that don’t warrant a potentially lethal option is noted in the recommendation.

³⁰ <https://whitebirdclinic.org/what-is-cahoots/>. Cahoots has been considered by the County Executive already, with suggested approval, but has not been implemented. CAHOOTS is also a key recommendation proposed by Group 5.

³¹ https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=23082&Dept=1.

FOCUS GROUP 4: ALTERNATIVE PROGRAMS TO POLICE & JAIL

Group 4 of the Montgomery County Reimagining Public Safety Task Force was charged to examine and develop recommendations for alternative to arrest, prosecution and incarceration.

Members:

Edmund Morris <i>Co-Chair</i>	Bishop Paul Walker, Sr. <i>Co-Chair</i>	
Mumin Barre	Karen Maricheau	Josh Dhyani, Esq.
Marlene Beckman, Esq.	Ana Martinez	Danielle Blocker
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Althena Morrow	Luis Cardona	Ben Stevenson
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I. Vision Statement

Group 4 envisions a reimagined public safety paradigm that shifts from policing, prosecution, and incarceration as a default path from which potential violators of laws must qualify for diversion, towards a support-and-serve model as a default premise, with an aim to minimize aggregate harm.



II. Issues

What are some of the key County issues you are seeking to address with your group's recommendations?

Building on the vision of a support-and-serve model, key issues examined by Group 4 include:

- *Reviewing laws calling for punitive action* as some laws are not about personal or public safety and serve no public interest to enforce or prosecute commensurate with the costs of doing so.
- *Performing a solicitous needs assessment* by locality, (possibly planning area, school cluster, or other extant division that makes sense) deliberately targeted to reach lower-income and minority residents.
- *Maintaining the broadest possible eligibility* for all current "diversionary" programs, ensuring adequate funding, and sufficient public education that their availability, requirements, and potential benefits are reasonably well known - including that they do not jeopardize public safety.
- *Producing or expanding lower-severity interventions* like hotlines, social services, county-sponsored one-stop-shop facilities with self-referral and 24/7 availability.
- *Performing, by default, individual global assessments* of need, by appropriate professionals, of need at every intercept in order to determine appropriate paths and programs. Critically important when one of the paths is a penal intervention. These assessments extend beyond mental health pathology (which includes substance use disorders), to encompass quality of life and well-being factors. e.g.: physical safety in home environment; access to food/shelter/healthcare; adverse childhood experiences (ACEs) and past traumas; current situational coping struggles; etc.
- *Creating and coordinating information systems* so that citizens at any point in a continuum of care or along the intercept model are handled in response to their context.
- *Requiring justification, with clear (read: publicly available) criteria*, for anything but the least restrictive/invasive interventions.
- *Pursuing equitable representation in staffing and decision-making positions at all points along the continuum* (e.g.: service providers; attorneys; etc.)

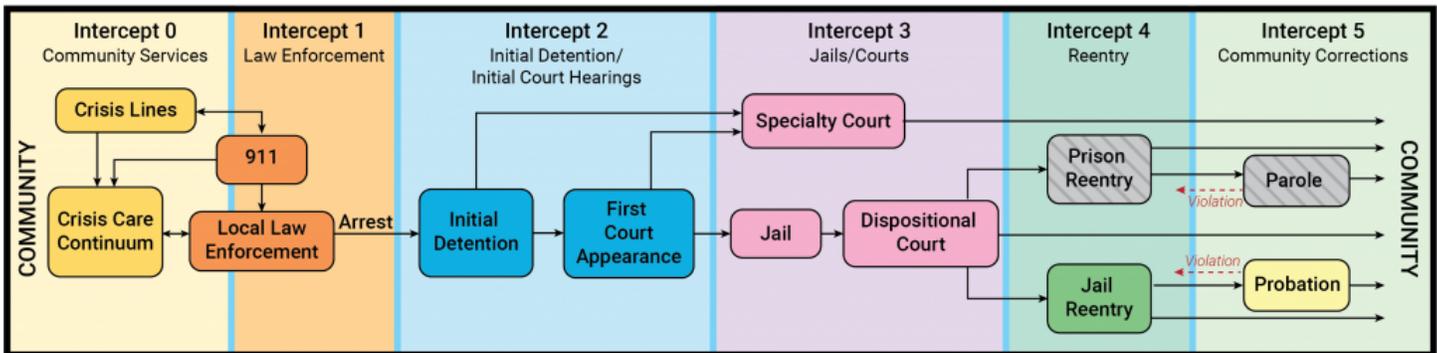
III. Approach

When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?

Group 4 framed their discussions and recommendations broadly around three overarching notions:

- Restorative Justice paradigm and issues of minimum necessary intervention, constructive healing and integration;
- Review of laws and issues of proportionality, equity and compelling public interest; and
- Programming that includes wraparound services, clear parameters, and robust data.

As well, specific recommendations are organized around the Strategic Intercept Model (SIM) as an evidence-based practice of the Substance Abuse and Mental Health Administration’s (SAMHSA’s) Gains Center.³²



SIM was developed as a conceptual model to help communities develop comprehensive response systems for mental and behavioral health disorders as they intersect with the criminal justice system. The model maps the touch points where persons with mental health and/or substance use disorders interface with the justice system at a series of intercepts, starting with community services at Intercept 0 and advancing through arrests, detention and hearings, courts and incarceration, reentry and community support through probation and parole.

Group 4 sees the model as appropriate for adaptation to be responsive to complex life circumstances, not just diagnosed pathologies. Moreover, in examining the individual programs and services currently provided by Montgomery County at each Intercept of the SIM model, Group 4 identified promising practices and opportunities for improvement that can be generalizable to the broader ecosystem of alternative programs. These practices center on the following themes:

- Access: ease of program entry, eligibility, language accessibility and public awareness
- Agency: capacity for self- and community-referral, and the level of independence and volition participants’ can exercise
- Robustness of program design: efficacy of practices and services that address response to human behavior and human motivation, and that offer follow-up support
- Transparency: community input, community oversight, and data collection and accessibility
- Integration: ability to access support along the continuum, communications across programs and agencies, and connection to comprehensive support and wraparound services

As such, as each area of the SIM model was discussed and as programs in each area of the model were examined, a rubric emerged that informed a scorecard for evaluation of the programmatic alternatives to policing, prosecution and incarceration. The scorecard is noted here as both an approach and an outcome for Group 4 and is woven strategically throughout the recommendations listed below.

³² GAINS Center for Behavioral Health and Justice Transformation | SAMHSA

IV. Key Recommendations

What are your group's top recommendations? What are the potential benefits to the County if implementing them?

Recommendations to inform the broader ecosystem, as well as specific recommendations at each touch point of the SIM model are detailed below.

Overarching Recommendations

Group 4 offers the following broad recommendations to assist Montgomery County to transition to an ecosystem approach.

39) *Establish a county organization with meaningful review and oversight responsibilities.* The entity should be endowed with formal responsibility for ecosystem integrity, as a full-time County function. This would include, but not be limited to:

- Coordinating the integration of public health, public safety, public education, social services programs, as well as prosecutorial and correctional practices.³³
- Monitoring the design and equity improvements of individual programs, as well as the overall function of the system (e.g.: appropriate use of referrals, diversions, and tools other than police/prosecution/incarceration; equity and clarity in criminal proceedings). This includes the decision logic and parameters that govern pathway assignment.
- Reviewing existing and proposed legislation with criminal penalties, as well as policies and practices that penalize those with convictions, through a tripartite public safety impact lens: necessity, proportionality, and equity.
- Making recommendations on programs and practices to approve, expand, modify, or discontinue.

40) Implement a systematic process for universal screening and an imperative to do the least harm. The County should require and develop uniform, universal screening at every intercept. This is not just for mental disorders, but also areas of insecurity (e.g.: food, shelter); adverse childhood experiences (ACE) and traumatic history; other forms of deprivation or criminogenic factors.

Such screening, essentially triage, would be used for determinations of “best path” options (e.g.: service provision; treatment; charges) and should be coupled with an obligation to use the least restrictive/punitive intervention unless escalation is justified according to externally accessible criteria (i.e.: not individual discretion indicating necessary escalation. The “best path” determination decision trees should be informed by social science insights and reviewed by professionals in such fields (e.g.: psychology; sociology; social work; etc.), rather than being the sole purview of criminal justice professionals.

The aim is to de-center police, prosecution, and imprisonment from our approach to public safety in light of the multiple and often disproportionate harms - individual and collateral - caused by system involvement, and the inequitable application of existing tools.³⁴

³³ Insights can be gained on this from the Federal Interagency Reentry Council (<https://nationalreentryresourcecenter.org/projects/firc>)

³⁴ As an example, DOCR's pre-release center has a wide-ranging self-report survey that could be modified for a non- convicted population, as most of its questions are of individual circumstance - past and present. The PRRS survey is an example of a tool already owned by the County that could be modified for this purpose. MCPS could use a version of this tool as a universal (e.g.: every student, every year) needs assessment. A restoration center and/or appropriate professionals at stations and processing, etc., could use it as part of their data collection when someone is brought to them.

- 41) Ensure that evidence-based evaluations are robust, multifaceted, and regular. Evidence-based practices are only as good as the data they collect and can be evaluated only as well as that data is accessible. To which end, all County programs (and those receiving County support) should be providing robust and granular data in easily digestible formats. This data should not be held primarily by, nor privileged towards, the police or the courts. It should also be stipulated that use of such data for anything other than the individual's benefit be limited to issues of compelling public interest. The scorecard outlined below supports this overarching recommendation as a mechanism for institutionalizing the collection and evaluation of individual and aggregate data around the key indices of access, agency, robustness, integration, and transparency.

Ideally, this individual-level data would be available in a centralized, *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*-compliant, computerized system that is accessible to relevant parties. Additional database qualities including individual ability to authorize third party access; protections against misuse of data; ability to assess depersonalized, disaggregated information along geographic, demographic, and economic characteristics are proposed. More general data, including disaggregated data for tracking triage results, referrals, assessments, and outcomes, should be available in a similar capacity for programs and the continuum as a whole.

- 42) The Scorecard: The scorecard, detailed here, is a part of Group 4's overarching recommendations for public safety reimagined. It is woven strategically throughout recommendations and the scorecard dimensions, detailed below, are derived from the review of existing programs and practices at each Intercept level in the SIM model.

Access

How easy it is to use the service, including, but not limited to the following elements:

- *Eligibility* - this covers inclusion criteria, as well as compelling justifications for exclusion (e.g.: age appropriateness of services). This dimension should explicitly be agnostic to a person's history with the penal system and, where possible, also to their immigration status.
- *Accommodations for disability, psychological and neurological diversity* - e.g.: are there diverse communication media, and the ability of assisting individuals to participate.
- *Geographic accessibility* - placement throughout the County, as well as transit accessibility and service hours.
- *Languages* - as a multi-ethnic society, Montgomery County already strives to serve several language groups; it should ensure that all possible services have as many of the necessary additional languages available by default. This will likely mean that Spanish, Amharic, and Chinese readily on site, with materials available in these languages. Other languages should be available by regional need.
- *Public awareness* - the County has an unfortunate tendency to build excellent programs or have brilliant initiatives that nobody knows about. There needs to be a serious match between intended target demographics and outreach/education efforts. Measurements may include use of diverse communication channels (e.g.: other language radio; ethnic community pages; local shops) and representative outreach (e.g.: ambassadors).

Agency

The level of independence, influence, and volition program participants can exercise including:

- *Self-referral* - can the individual seek services without referral, prior diagnosis, or presenting crisis symptoms?
- *Community referral* - is it possible for household members (or co-congregants, etc.) to recommend someone to a program, or bring them in as a mediation process?
- *Self-direction* - does the program work with (i.e.: support) the individual(s), or on (i.e.: “treat”) them? Does it take meaningful steps to afford the individual agency, even when little choice is present?
- *Solicitation and responsiveness to service user feedback and input* - programs need baselines and outcome measures, but they also need to know how the people relying on a service are benefiting from and experiencing it. In a support-and-serve paradigm, it’s imperative to ensure the population’s needs are being met. Programs should develop and utilize feedback tools and processes to gather information from program participants and then utilize that information to adjust programs to fit user recommendations and needs.

Robustness in Design

The degree to which programs (and practices) consider multiple dimensions beyond their “core” service as detailed below:

- *Triage and referral* - programs should know their scope, and be able to refer out when someone’s needs are in excess of their ability and capacity, or when that individual would be better served by a peer organization.
- *Intercept training* - officials should be trained and knowledgeable regarding existing programs. When an official is working with an individual who is eligible for a program, they should have sufficient training to recognize that eligibility and make the individual aware of that availability. For example, an official responding to a call that could result in an arrest, should be aware of, and have the option (or requirement) to divert an individual to a non-penal service. Judges and prosecutors should, as a default, seek to place individuals in a non-penal program when possible.
- *Focus on deep motivations* - programs that only address target behaviors are not only less effective, but they are often demeaning and patronizing. Programs should address motivating conditions whenever possible (this includes aforementioned referrals and wraparound services)
- *Humanity* - minimizes “system burn-out”, and avoids problematizing the person. Focuses on support, engagement, and improvement. Even in cases of necessary confinement or punishment, the goal should be genuinely to return the citizen more prosocial and better equipped than when they entered.
- *Durability of support* - programs should, whenever possible, be able and willing to provide follow-up support. This may take different forms, but the goal is to build relationships and community, not to have a series of one-off transactions.
- *Proportionality to need* - programs should be evaluated according not only to their quality of service, but their uptake and success rates. Programs that do well and are oversubscribed should be obvious candidates for increased funding and expansion. Programs, even well designed and effective ones, that are undersubscribed need to be evaluated for why they are insufficiently utilized. There are ranges of possible steps to be taken as a result that are outside the scope of this recommendation to address.

Transparency

The ability and willingness to gather, share, and explain relevant information - between and among programs, departments, and with the public as detailed below:

- *Robust data collection* - granular depersonalized data on who uses which services, how well they fare, their sentiments about the process, etc. Anticipate a mix of quantitative and qualitative data. This includes the ability to disaggregate by ethnicity, race, sex, gender identity, sexual orientation, age, religious affiliation and zip code or other geographic marker (e.g. planning area), and economic stratum.
- *Community input* - this is different from service user input in that it is about the larger community taking a stake. For example, the community needs assessments earlier alluded to; consideration of target population preferences for service delivery (e.g.: virtual vs. in- person; in-home vs. on-site). Opportunities for community engagement/participation may be considered here, as well (e.g.: mentorship; collaboration).
- *Community oversight* – accountability measures may require publicly available - but properly detailed - annual reports including the quantitative and qualitative measures deemed appropriate to assess program efficacy and humanity. Opportunities to review programs (e.g.: open-house days; service-user and family feedback forums) or publicly available reviews of the program may be different examples of this public accounting separate from the actual bookkeeping annual reports that are common practice.

Integration

It is not enough to have programs that cover all areas; they must also be able to interact. Otherwise, it is no system - and individuals will often be overwhelmed, overworked, or overlooked. The suggestions here are more about the relationship between programs, but each program needs to be evaluated on its capacity to perform in each area.

- *Ease of movement along continuum* - this calls for the existence of, ease of movement to, and coordination of, upstream (higher intensity) and downstream (lower intensity) options at every intercept. Each program, therefore, needs to know where it sits in relation to others and be able to interface with partner agencies/entities.
- *“Left-hand, right-hand”* - this is essentially “transparency between programs”; the ability of each program to compile and communicate data. This would, for example, help identify frequent utilizers, provide an understanding of the population and its specific needs, and identify gaps in the system. This will require the County to dismantle information and responsibility silos and review its rules governing sensitive personal data.
- *Environmental intervention/wraparound services* - (“plays well with others”) this is, at the program level, a question of how well programs conceive of themselves as part of a solution, rather than the solution. How well - within legal allowance - they connect service users with peers, laterally useful services, and non-service resources that may be of use.
- *Integration into existing processes* - Intake forms and other documents used to process individuals should contemplate diversionary programs as a default and help guide individuals to those resources. In general, available non-carceral programs should be integrated into the system as a primary option at each step.

Intercept Recommendations

In addition to the overarching recommendations, Group 4 developed recommendations for each Intercept in the SIM model. The recommendations listed below are not prioritized but are offered by the Group as guidelines for future decisions.

Intercept 0 - Community Services, Pre-Crisis Intervention

Intercept 0 is designed to connect persons with access to needed services before they come into contact with the criminal justice system. Effectively implemented, services at Intercept 1 support pre-arrest diversion and reduce the pressure on law enforcement and emergency rooms.

At Intercept 0, *build on the success of effective youth and young adult programs*. Generally, Group 4 noted the limitations in the current constellation of programs designed to prevent criminal system involvement, recognizing that the programs are either too few, poorly advertised or utilized, and disjointed. It is also noted that Montgomery County Public Schools (MCPS) play an oversized role at Intercept 0, and as such, the scorecard must be applied to MCPS programs and interventions. As such, the following recommendations are proposed:

- 43) Expand the high school wellness centers and Youth Opportunity Centers
- 44) Expand Street Outreach Network/Safe Space programs to be at least in line with the District of Columbia's (DC) program (~40 staff)
- 45) Explore other youth- and- young- adult engagement opportunities (e.g.: revive Police Athletic League)
- 46) Conduct universal beginning/end of year surveys by MCPS that aim to assess wellness/risk factors for all students as a mechanism for reducing stigma, and better scoping the need for services.
- 47) Establish clear criteria and accountability for MCPS administrators regarding the use of disciplinary actions (e.g.: initiating SRO-facilitated arrests or opting for expulsion) when other interventions are available and/or more appropriate (e.g.: use of extant restorative justice or PYD programs). Ensure that all MCPS faculty understand the array of options available when dealing with students. This recommendation builds on the critical role of MCPS in addressing inequities in disciplinary records and the prejudicial impact of these records on arrests, charging and penalty decisions regarding youthful offenders.

Group 4 also noted the lack of coherent, wraparound services for those over 25 and recommends looking to the more robust programming for youth and young adult populations for models upon which to expand. (e.g.: replication of wellness/youth opportunity centers for older population; or possibly opening them up to adult populations as clinics)

- 48) Support the development of a pilot Restoration Center as described in the preliminary RPS workgroup report
- 49) Provide medication- assisted treatment (MAT) options

Intercept 1 - Emergency Intervention

Intercept 1 initiates with a law enforcement response to a call for service and ends with arrest or diversion to treatment. Intercept 1 is supported by policies, programs and training that bridge law enforcement emergency response and mental and behavioral health services.

- 50) *Improve* triage to ensure that calls for service are directed to the most appropriate responder or service provider. This recommendation calls for the availability of highly specialized training and/or exceptional intake decision tree tools that allow dispatchers to more precisely identify a caller's needs, and connect them to the appropriate service(s). Advanced triage training and tools should also be made available to support emergency department diversion. Emergency departments, with the appropriate staff and information sharing permissions, can provide triage with behavioral health providers, embedded mobile crisis staff, and/or peer specialist staff to provide support to people in crisis.

- 51) *Adopt* at least one model that leads with mental health, mediation, and trauma- informed practices (e.g.: CAHOOTS)
- 52) *Require* all officers and other emergency personnel to receive CIT training. As well, the recommendation calls for MCPD to *seek out or develop* a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies, rather than as supplemental to violence interruption and compliance.
- 53) *Provide* post- crisis follow- up as an intervention, especially for persons who frequently require mental or behavioral health intervention. It was noted that police officers, crisis response service providers, and hospitals could reduce frequent utilization of 911 and emergency room services through specialized post-crisis follow-up.

Intercept 2 - Custodial Triage

Intercept 2 involves post-arrest activities; intake, booking, initial hearing with a judge or magistrate and post-booking diversions or detention

Group 4 posits that when *custody is necessary it should be viewed as an opportunity to assess and assist, rather than simply to monitor*. Where possible, monitoring should be light-touch unless more intense scrutiny is warranted. With regard to pre-trial detention, a review of pretrial supervision and existing programs such as the Alternative Community Services (ACS) program, the Intervention Program for Substance Abusers (IPSA), and the Clinical Assessment and Transition Services (“CATS”) program is recommended using the scorecard evaluation rubric offered in other recommendations. As well, the evaluation should include a comparison of the design, efficacy and efficiency of current Montgomery County pretrial practices to those of DC and Prince Georges County. Findings of the evaluation should inform planning and implementation of improvements to the programs based on the findings.

- 54) Implement process to systematize much of the currently ad- hoc process of determining what options are offered and calls for the collection and availability of data on who was diverted, who was not diverted, who was charged and why.
- 55) Global assessment of all persons brought into custody (e.g.: triage instead of booking) with an eye to referral to appropriate services. In cases of domestic violence, or multiparty aggression, all capable parties may benefit from screening for potential service needs. Brief screens can be administered universally by non-clinical staff at jail booking, police holding cells, court lock ups, and prior to the first court appearance. Moreover, for “frequent fliers” in the system, global assessment that documents, prioritizes, and thoroughly evaluates and identifies the appropriate program or process to which they should be referred is recommended. *Should assessment indicate an adequately severe need*, the obligations to refer a person for services maybe be paired with an authorization to compel a person for services.
- 56) Adapt *peer- support advocate programs* and protocols to implement, similar to those deployed in Philadelphia. Formal peer specialists can be trained and hired to coach and support in mental health, legal system support, and benefits advocacy. They can also serve at intercepts 4 - reentry and 5 - returned to community. Peer support is a SAMHSA evidenced-based practice for the utilization of persons that have been successful in mental and behavioral health recovery in delivery of crisis intervention services.³⁵ The peer support model utilized by the Philadelphia Department of Behavioral Health and Intellectual Disability Services to support services provided at Intercept 2.

³⁵ (<https://www.samhsa.gov/brss-tacs/recovery-support-tools/peers>)

- 57) Review police and prosecutorial handling of misdemeanor and minor traffic offenses by a) weighing the costs and harm of arrest and prosecution against the public safety benefits and b) determining how penalties are applied equitably. Evaluate issues of enforcement bias or legislative bias to better ensure equitable public safety outcomes for all citizens, in all communities regardless of racial, ethnic, gender, socio-economic and mental/behavioral health circumstance. The evaluation should be based on performance in areas of recidivism, clarity and soundness of charging decisions, proportionality and collateral impact, and equity in disposition outcomes, rather than on conviction rates. There should be public transparency from the court system on decision criteria for diversion vs. prosecution vs. dropping of charges.
- 58) Reduce, with the aim of eventually eliminating, the use of monetary bond without increasing pretrial detention, possibly through expanding community supervision- including electronic monitoring, in cases where appropriate. Similarly, *the elimination of fees for individuals participating in ACS/IPSA or other court-related programs* is recommended.
- 59) Ensure access to benefits to support treatment success, including Medicaid and Social Security for persons in detention or pre- trial supervision. People in the justice system routinely lack access to health care coverage and practices such as jail Medicaid suspension (vs. termination) and access to benefits specialists can reduce treatment gaps. People with disabilities may qualify for limited income support from Social Security.

Intercept 3 - Court and Incarceration

At Intercept 3 persons are held in jail, or under supervision in the community before and during trial. Intercept 3 includes court-based diversion programs that allow the resolution of the

criminal charge potentially coupled with community-based services for caring for the persons needs and preventing the worsening of symptoms. Generally, the group recommends a shift from prioritizing conviction to rewarding successful diversion, reductions in recidivism, equity in outcomes, and the use of mediating processes. Many of the recommendations that follow are examples of this in practice.

- 60) Establish concrete criteria, a roadmap, and accountability measures in keeping with general recommendations for universal consideration and do the least harm and evidence and data transparency, for the prosecutor's office to demonstrate a commitment to utilizing the least invasive and most effective options available, This may include (but is not limited to):
- Evaluations of prosecutors based on performance in these areas. Sample criteria may include clarity and soundness of charging decisions (see: proportionality and collateral impact); records of equity in disposition and diversion³⁶
 - Independent review of prosecutorial practices to identify ways they can be made more equitable and effective
 - Independent reviews of prosecutorial decisions in areas of inequitable outcomes are noted
- 61) Evaluate the use (and criteria for), equity impacts, and possible expansions of probation- before- judgment. Understanding who gets offered probation before judgment, or not, and why; who *could* be extended the opportunity; and what support/treatment/intervention programs could be reasonably made as conditions of the disposition is noted by the group an integral to ensuring equitable access and effective outcomes of the program.

³⁶ It is challenging to use recidivism as a measuring tool. This is largely because there are so many factors that contribute to recidivism, that it may hard to isolate the impact of a single one.

- 62) Implement a scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving (in the) Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.
- 63) Publicize diversionary/alternative programs to the necessary *parties* (e.g.: attorneys, existing persons involved in the system, those with prior involvement or at significant risk) to improve chances of diversion and voluntary uptake. This may include having alternative service providers give in-service training to new attorneys within the state attorney’s office on an ongoing basis. As well, collaboration with Veterans Justice Outreach specialists from the Veterans Health Administration is recommended to better ensure veterans have information about and access to diversionary and alternative programs.
- 64) Expand access to mediation and restorative justice dispositions. Restorative justice is a mediation process for addressing and resolving the conflict between a victim and an offender or other community members that are affected by a criminal act. As a best practice restorative justice uses mediation in lieu of adjudication. Restorative justice is used globally as an approach which focuses on persons who have done harm to another person, family or community, to accept responsibility and right the wrong done. The strategy is currently available in schools to resolve youthful offenses and to lessen the potential of escalation of conflict, but has farther-reaching potential.
- 65) Collect and access disaggregated data on judges’ rulings and judgment records to ensure accountability for equitable outcomes by the Montgomery County judiciary.³⁷
- 66) Eliminate information asymmetry (e.g., prosecutor’s file should be available to the defense; rationale for failure to use a less harmful (or restrictive) intervention than prosecution and imprisonment) is recommended. The recommendation calls for:
- “open discovery” – i.e.: whatever information the state collects should be available to the defense;
 - equal opportunity to pursue answers/information – prosecution and the state have many more resources available and control of the timeline; defendants should not be penalized for not being wealthy and well-connected; and
 - explicit rationale for the decision to charge, charges pursued, and penalties sought, and be able to justify why/how the path taken by the prosecution better serves the public interest than less invasive responses.
- 67) Standardize existing tools for members of the judiciary to help combat bias. The Implicit Bias Bench Card utilized by the Minnesota Judicial Branch of offered as an example and a best practice supported by the Vera Institute for Justice. Develop local policies that are consistent with Attorney General Eric Holder’s Smart on Crime Initiative (<https://www.justice.gov/archives/ag/attorney-generals-smart-crime-initiative>).

Intercept 4 - Reentry/Prerelease

At Intercept 4, transition planning and support should be available to returning citizens with mental and substance use disorders after incarceration. For Intercept 4, Group 4 recommends seeking and creating opportunities to strengthen ties, enhance warm hand-offs, and ensure that returning citizens are connected with the services they need.

- 68) Expand workforce development programs, with a special/initial focus on the 18 - 25 - year- old population, to include apprenticeships, to help returning citizens attain post-release certification and self-supporting

³⁷Group 4 expects the disaggregation of data by socioeconomic status and all available dimensions of protected class (e.g.: ethnicity, race, sex, orientation, etc.) and if possible geographic residence (e.g.: zip code; planning area) to identify possible biases or service gaps.

employment or entrepreneurship. This may be accomplished through partnerships with nearby institutions (e.g.: Montgomery College; the Universities at Shady Grove) and local HBCUs to expand the variety of trainings and pipelines available. The recommendation is underpinned by consideration of *first-source hiring requirements for government contracts*, and procurement preference (or similar incentives) for Montgomery County contractors who hire returning citizens and former offenders.

- 69) Support automatic referral to pro bono expungement organizations (e.g.: MVLS), noting that while “banning the box” is an option, expungement is the preferred remedy. Until/unless automatic sunset clauses on records can be passed through the General Assembly, individuals should be aided in exercising their right to a clean slate under current Maryland law.
- 70) Evaluate the Department of Corrections and Rehabilitation (DOCR) pre-release programming, particularly to assess issues of access, agency, robustness and integration of pre-release programs. The recommendation calls for evaluation of service availability for soon-to-return citizens including evaluation of the eligibility requirements for PRRS; evaluation of the PRRS and Welcome Home programs; and identification of what can be done for persons who don’t meet eligibility requirements, in order to provide all returning citizens with community ties.

Intercept 5 - Post-Release and “Community Corrections”

Intercept 5 is post-release community supervision (probation or parole) for returning citizens. At Intercept 5, effective services require partnerships between criminal justice agencies and community-based behavioral health, mental health, or social service programs.

- 71) Explore what is within the county’s authority to avoid penalizing or discriminating against individuals with past convictions (e.g.: restricting their access to services, employment and entrepreneurship, or housing opportunities. Additionally, policy review recommendations include a review of policies that prevent ability to hire former offenders within county government (including MCPS, HHS, and DOCR); review and consider county-level provisions similar to the proposed returning citizens job opportunity bill.
- 72) Continue cognitive/social/emotional support for those who have survived the trauma of being involved/processed, including specialized mental health case management and medically assisted treatment for those struggling with substance use.
- 73) Further explore organizations and models:
 - Cornerstone Montgomery (wraparound behavioral health services)
 - Primary Care Coalition (networked somatic health services)
 - Delancey Street Foundation (residential life-and-job skills facility - also an Intercept 3 alternative)

V. Challenges

What are some challenges (if any) to be considered by the County if implementing your group’s top recommendations?

Group 4 noted the truncated timeframe for reimagining public safety for Montgomery County. As a challenge, the group advises that the process of coordinating, monitoring, managing and seeking public input into the ecosystem of programs designed to manage public safety should be the official responsibility of a County entity. Given the depth and breadth of this task, this task force, or any such ad-hoc approach, is insufficiently resourced to perform the necessary work and has barely begun to scope the work that remains to be done.

In light of research broadly indicating that Crisis Intervention Training/Teams (CIT) are inadequate by nature; that the training lacks integration into the way policing is framed; that there are concerns with risk evaluation; and that without department-wide commitment to a trauma-informed approach that takes into account officers' own traumas, it is noted that CIT alone and in its current iteration is unlikely to result in qualitatively better policing practices. Group 4 acknowledges the opportunity for improvement as noted in the recommendations for Intercept 1. However, as CIT is the cornerstone of MCPDs crisis response strategy, the model's deficiencies and limitations must be addressed if Montgomery County residents will realize equitable benefits and equitable outcomes of CIT intervention, specifically around reduced arrests, use of force and lethal outcomes in MCPDs response.

Group 4 also recognizes that due to the complex relationship between State law and agencies (including public defense; parole and probation), Montgomery County may be limited in its ability to outright change certain protocols or practices, but encourages the County to seek opportunities to pilot or lobby the State legislature for changes based on the above recommendations.

FOCUS GROUP 5: HEALTH, SOCIAL SERVICES & CRISIS RESPONSE SYSTEM

Group 5 of the Montgomery County Reimagining Public Safety Task Force was charged to identify best and promising practices around mental health, social services and crisis response systems for reimagined public safety in Montgomery County.

Members:

Simone Walton, DSW, <i>Co-Chair</i>	Carlean Ponder, Esq. <i>Co-Chair</i>	
Robert Binger, M.S.	Naznin Saifi, Esq.	Anestine Theophile-Lafond, PhD
Dawn Hill	Mary Beth Lawrence	Elijah Wheeler

Montgomery County and MCPD Staff and Administrators:

Antonio DeVaul	B. B. Otero	Will Roberts, Esq.
Tom Didonne	John McCarthy	Dorne Hill
	Dorcus Howard-Richards	

I. Vision Statement

Group 5 envisions public safety as the ability of every family in every neighborhood to have equitable access to housing stability, food security, family supporting jobs, quality healthcare, educational choice, and a healthy environment. As such, poverty and inequity are recognized at the core of the community’s need for mental health, social services and crisis response systems the group was charged to address.

Group 5 recognizes that the safety of the citizenry is greater than that which law enforcement can provide and that it is incumbent upon Montgomery County to look holistically at issues of security, equity, quality of life, and life chances for all citizens.

Toward this end, it is the express belief that public safety reimagined must involve and engage law enforcement, public safety agencies, mental health and social services organizations, faith- and community-based organizations, private sector organizations, private non-profits and educational institutions in a collaborative effort designed to provide wraparound services that meet the needs of the community for crisis prevention, intervention and post-crisis support.

II. Key Issues

What are some of the key County issues you are seeking to address with your group’s recommendations?

Charged with the task of research and identification of best and promising practices for the intersection of health, social services and the crisis response system, Group 5 brainstormed key issues, calling out both near-term and long-term (small and big ideas) for examination and analysis.

Key issues that emerged in the brainstorming process included:

- Data collection, utilization and accessibility to support transparency and data-informed decision-making
- School Resource Officers and the school to prison pipeline

- The breadth of the ecosystem of mental and behavioral health and social service providers in Montgomery County
- Crisis Intervention models including law-enforcement, co-response and community response models
- Wraparound services and an integrated service model to balance law enforcement and non-law enforcement efforts
- Navigating multiple systems of care
- Culture change from warrior to guardian culture focused on community safety and well-being
- Community Policing and the impact of police/community relations in crisis prevention
- Cultural and professional competency and serving diverse communities
- The impact of criminalization of substance abuse
- Issues of poverty and homelessness and the underlying factors that intersect with and exacerbate substance use and mental health crises

III. Approach

When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?

Group 5 utilized a continuum of care model of prevention, intervention and post-crisis support to frame the group's discussion and analysis of opportunities for reimagining public safety. As a model, a continuum of care is used to describe how healthcare providers follow a patient from preventive care, through medical incidents, rehabilitation, and maintenance. Continuum of care is also used as an evidence-based practice for serving special needs populations including homeless persons, pregnant women, persons diagnosed with HIV, and persons with opioid addiction.

Building on a continuum of care model as an evidence-based practice, Focus Group 5 organized their review, analysis and development of recommendations around prevention, intervention and post-crisis support in a continuum, acknowledging the need for the continuum to have a backbone to ensure coordination, integration and evaluation as depicted below.

Additionally, acknowledging the charge of identifying best practices, recommendations for the continuum of care approach developed by Group 5 are informed by best- and promising practices around crisis intervention, systems integration and navigation and data-informed decision making.

IV. Key Recommendations

What are your group's top recommendations? What are the potential benefits to the County if implementing them?

Building on the evidenced-based and best-practices, Group 5 prioritized key recommendations for the continuum, including prevention, intervention and post-crisis support, as well as non-negotiable requirements for a system backbone as detailed below.



Backbone: Continuum of Care Infrastructure

Group 5 examined issues of systems navigation that support near-term outcomes, as well as a mechanism to address long-term, systemic change. Collective Impact as an evidenced-based practice involves several elements including a common agenda; shared measurement; mutually reinforcing activities; and continuous communications. Moreover, collective impact as a model is achieved through the efforts of a backbone entity to facilitate the dialogue across and between system partners, to manage data collection and publish data, to advance policy and to cultivate community engagement.³⁸

Recognizing that the depth and breadth of mental health, social services and behavioral support that Montgomery County invests in is significant, but in the main operating in silos, and noting the need for integration and coordination, Group 5 developed and prioritized recommendations for a system backbone (infrastructure) that aligns with the collective impact model as detailed below:

- 74) *Enhance and expand the Criminal Justice Coordinating Council to provide greater coordination and integration.* Prioritize the recommendation of enhancing and expanding the Montgomery County Criminal Justice Coordinating Council (CJCC). Specifically, the recommendation calls for the inclusion of all relevant organizations and agencies that play a role in the intersection of prevention, intervention and post-crisis support and the criminal justice system, including youth services, homeless services providers, faith-based and community leaders and representatives of the business community. Building on the best-practices for backbone organizations in the collective impact model, the CJCC can act as the central infrastructure or backbone and enhancements can include such measures as developing a common agenda around the system of mental and behavioral health as it intersects with the criminal justice system, ensuring appropriate staff to support coordination and integration, researching and developing policy, and developing the resources needed to support pilot programs and implementation of promising practices.

³⁸ Backbone Starter Guide.pdf (collectiveimpactforum.org)

CJCCs have been in existence in local jurisdictions since the late 1960s and are an evidence-based practice recognized by the Vera Institute for Justice as a formal structure for collaboration and coordination.³⁹ Moreover, as a mechanism for making information available to the public, the CJCC can act as a clearinghouse of information, providing public access to data and information on mental and behavioral health and social services programs in the continuum that intersect with and support the criminal justice system.

- 75) Ensure that all agencies and organizations in the continuum, including all members of the CJCC, have implicit bias training that builds their cultural competence and ability to effectively serve Montgomery County's diverse citizenry. The recommendation builds on the recognition of the limitations of cultural diversity training (as opposed to implicit bias training) and pushback against the notion that understanding difference is all that is required to prepare law enforcement, criminal justice and even social work professionals to serve a diverse community. The approach to implicit bias training should be rigorous and intentional and designed to have training participants examine, acknowledge and understand their own biases. Implicit bias training can include training on unconscious bias theory (not just data on outcomes of implicit bias) and training on bias-reduction and bias mitigation strategies.⁴⁰
- 76) Enhance the collection, utilization and availability of data disaggregated by race. Data collection, disaggregation by race, ethnicity and gender, and public availability of data to support informed decision-making across the continuum and to ensure accountability through public accessibility is a key recommendation. Building on the Montgomery County Office of Legislative Oversight (OLO) report, "improved collection and monitoring of MCPD policing data is warranted to evaluate and monitor for constitutional and community policing."⁴¹ The report calls for MCPD's data collection policies and practices to better align with best practices for policing data and offers recommendations several key areas. Building on the recommendations of the Office of Legislative Oversight report, Group 5 prioritized collection and public accessibility of disaggregated data, to better ensure transparency, accountability, community confidence and informed decision-making.
- 77) Conduct an annual independent audit of the Reimagining Public Safety Task Force recommendations. Acknowledging that the outcomes of the Reimagining Public Safety process must be monitored and evaluated over time; conduct an annual independent audit to test the efficacy of recommendations emerging in the process and to support continuous improvement of public safety resulting from public safety reimagined.

Prevention

- 78) Eliminate the School Resource Officer (SRO) program and replace SROs in schools with counselors. The presence of police in schools has increased considerably over time, emerging from zero-tolerance policies in the 1980s. Eliminate the SRO program, building on the significant body of research around the presence of police officers in schools as a component of the school-to-prison pipeline.⁴² The recommendation specifically addresses the need for counseling as a strategy for mental and behavioral health crisis prevention and acknowledges limited utility of police officers in this area among school-age youth.⁴³ The efficacy of the School Resource Officer program in Montgomery County schools is the subject of significant attention by MCPD and Montgomery County Public Schools (MCPS) with the Montgomery County Council proposing legislation to prohibit MCPD from deploying sworn officers in SRO positions. At the same time, the MCPS is engaged in an

³⁹ Wayne County Jail – Report and Recommendations | Vera Institute

⁴⁰ research-report-113-unconscious-bias-training-an-assessment-of-the-evidence-for-effectiveness-pdf.pdf (equalityhumanrights.com)

⁴¹ Local Policing Data and Best Practices (montgomerycountymd.gov)

⁴² Prince, P. (2009). When is a Police Officer and Officer of the Law? The Status of Police Officers in Schools. The Journal of Criminal Law and Criminology (1973-), 99(2), 541-570. Retrieved January 4, 2021, from <http://www.jstor.org/stable/2068504>

⁴³ The recommendation regarding eliminating the SRO program specifically addresses the issue of prevention and is not intended to address school safety as an issue. Best-practice that address security in schools can be considered.

evaluation of the program released in January of 2021.⁴⁴ Compellingly, the information offered by the Council in support of Bill 46-20 notes the disproportionately negative impact of the SRO program on students of color, relative to arrests in schools, pretrial detainment for misdemeanor offenses and post-trial incarceration.

- 79) Provide better Community Policing. Prefaced by the understanding that Group 5 is not calling for more policing or more police contact in the community, better community policing practices are key, with the charge to MCPD that their role is to ensure the wellbeing of the community. Specifically, the recommendation calls for MCPD to utilize Procedural Justice practices and problem-oriented policing strategies that build legitimacy when engaging the community, as opposed to stop and search tactics and other policing practices that have a disproportionately negative impact on communities of color. The recommendation builds on the procedural justice notion of earned legitimacy.⁴⁵

Intervention

- 80) Implement the Crisis Now crisis intervention model . Put in place the Crisis NOW model as proposed by SAMHSA as the national standard for behavioral health and crisis, based on the County's issues of service integration, navigation and wraparound services. SAMHSA's Best Practice Toolkit defines the essential elements of national best practices around crisis care in a no wrong door approach. The system requires a 24/7 call center hub that can provide crisis care services via telephone, text and email. Timely availability of Mobile Crisis Response Units to reach the person in crisis where the crisis occurs (i.e., home, work, community, etc.) is required, with an emphasis on timely availability. Finally, short-term crisis stabilization facilities are required that provide observation, stabilization and coordination of in-home and/or institutional care as warranted.⁴⁶

The Crisis NOW model is designed to meet the SAMHSA criteria, and is advocated for and endorsed by the National Alliance on Mental Health (NAMI), the National Association of State Mental Health Program Directors (NASMHPD) the American Psychiatric Association and the American Foundation for Suicide Prevention, as well as the International Association of Chiefs of Police (IACP) and the Police Treatment and Community Collaborative (PTACC), to name a few.⁴⁷

- 81) Expand the number of Mobile Response Teams to support the implementation of Crisis Now. Mobile Response Teams that involve teams of mental health professionals that are trained to respond to community mental health crises alongside traditional first responders as an evidenced-based intervention model. Best-practice research revealed a higher level of efficacy for co-response teams in reducing the number of arrests and expanding access to mental health services for persons in crisis. Moreover, as a co-response model, Mobile Response Teams are considered a key component of the Crisis Now model. Co-response teams are endorsed and advocated by the Police Executive Research Forum, although the efficacy of street triage and the availability of mental health and law enforcement staff to respond to calls for services were noted in the research as key factors for consideration.⁴⁸ MCPD currently has two (2) Mobile Crisis Teams and will be adding 4 additional teams to serve the county.

⁴⁴ 20201117_6B.pdf (montgomerycountymd.gov)

⁴⁵ Bradford, Ben, Jonathan Jackson, and Elizabeth A. Stanko, "Contact and Confidence: Revisiting the Impact of Public Encounters With the Police," *Policing and Society: An International Journal of Research and Policy* 19(1) (2009): 20-46.

⁴⁶ National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit Executive Summary (samhsa.gov)

⁴⁷ Crisis Now | Transforming Crisis Services, IIMHL-DC-Crisis-Declaration-FINAL-1-4.pdf (crisisnow.com)

⁴⁸ <https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.53.10.1266> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6094921/>

- 82) Develop and implement a stabilization center (Restoration Center) to support the implementation of Crisis Now. It was noted in the best-practice research and by the MCPD officials supporting the group that CIT requires the availability of psychiatric and behavioral health emergency services that have a no- refusal policy for persons brought to them by the police. Put in place the Restoration Center model as an evidence-based practice that aligns with the SAMHSA national guidelines for behavioral health crisis care, as a component of the no wrong door integrated ecosystem.⁴⁹
- 83) Ensure that stabilization centers and crisis intervention facilities are staffed with peer workers . Peer support is noted among SAMHSA’s requirements as an integral requirement of the Crisis Now model. Peer support is an evidence-based practice in mental health, behavioral health and substance use recovery, and peer workers are considered a critical component of treatment teams. Evidence indicates that the presence of peer workers on treatment teams has the effect of reducing psychotic episodes, reducing hospitalization and re-hospitalization, enhancing the efficacy of outpatient services, and decreasing substance abuse and depression.⁵⁰ As such, to better ensure the efficacy of Crisis NOW in crisis intervention, implementation of a peer support service model is key
- 84) Implement the CAHOOTS Community Response Model as a non- law enforcement response option for a mental health crisis . Implement the Crisis Assistance Helping Out on the Streets (CAHOOTS) Community Response model for crisis intervention situations that do not require armed law enforcement response. The community response team model involves mental health professionals, social workers, and/or community members trained in crisis response and resolution to respond to mental health crises, involving law enforcement only as needed. The CAHOOTS program was noted as among the most widely implemented community response models. CAHOOTS originated in Eugene, Oregon (and has been implemented in San Francisco, Houston, and Manchester, New Hampshire) and utilizes response teams that do not include law enforcement officers and do not carry weapons. The research indicates that CAHOOTS teams deal with a wide range of mental health-related crises, including conflict resolution, welfare checks, substance abuse, and suicide threats, relying on trauma-informed de-escalation and harm reduction techniques.⁵¹ Notably, while Crisis NOW calls for co-response, CAHOOTS is prioritized for utilization by the Crisis Now Call Center (in addition to co-response) in situations where an armed law enforcement response is not warranted. Acknowledging that the intervention mechanism must have the most qualified professional to handle mental health crisis, the notion of moving the response to certain calls for service to non-law-enforcement, community-based professionals was prioritized.
- 85) Provide Crisis Intervention Training to all recruits before graduation from the academy. Provide CIT training for all recruits before graduating from the academy as a part of a comprehensive transformation of the crisis response system that utilizes Crisis Now to coordinate law enforcement and community response to a crisis as warranted. Members examined peer-reviewed research on crisis intervention models including Crisis Intervention Training (“CIT”) for officers as an officer-only response strategy. The CIT model, which is currently utilized by MCPD involves sworn police officers with special mental health training providing crisis intervention services and acting as liaisons with the mental health system. CIT certified officers receive 40 hours of specialized training to become certified and currently approximately 60% of the MCPD are CIT certified. While CIT is endorsed by the National Alliance on Mental Illness (NAMI), research indicates a lack of evidence supporting reduced lethality as a result of CIT and notes the inadequacy of CIT alone to prepare officers to handle mental health crises. The peer-reviewed literature indicated little efficacy of CIT’s benefits

⁴⁹ Restoration Centers are known by a number of different names as a no wrong door facility for short-term stabilization. National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit Executive Summary (samhsa.gov)

⁵⁰ Value of Peers, 2017 (samhsa.gov)

⁵¹ <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis>;
<https://www.eugene-or.gov/4508/CAHOOTS> <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>;
<https://www.registerguard.com/news/20191020/in-cahoots-how-unlikely-pairing-of-cops-and-hippies-became-national-model>;
<https://whitebirdclinic.org/what-is-cahoots/>;

in objective measures of officer injury, citizen injury, or use of force and multiple studies have indicated issues with the efficacy of CIT, particularly when mental health services are limited. Key to the research findings are the limitations of CIT in absence of effective community services, additional CIT training can complement the addition of community-response options (CAHOOTS), community-based stabilization centers, and increased co-response through Mobil Response Teams as components of the coordinated response through the Crisis Now model.⁵²

Post- Crisis

86) Develop and implement a coordinated and integrated wraparound service. Maximize coordination, utilization and integration of existing resources to better ensure wraparound services in the continuum for a more holistic, wholesome, integrated model.

Standards of Care

Group 5 developed standards of care as a set of overarching principles to ensure quality and equity in the continuum.

87) Adopt the Crisis Now standard of “Crisis care for EVERYONE, EVERYWHERE, EVERYTIME”⁵³. The standards of care for the continuum include:

- Cultural and professional competency for all partners in the continuum
- Integrated, compassionate, person-centered and trauma-informed care
- Power of lived experience through peer staffing
- Respect for the human condition and human agency – choice and dignity afforded by all partners including law enforcement even in involuntary circumstances
- A global approach that addresses mental, social, emotional and somatic health
- No wrong door – all referrals including self-referral accepted without question
- Equitable access for non-English speaking citizens
- MCPD training that reflects community expectations

V. Challenges

What are some challenges (if any) to be considered by the County if implementing your group’s top recommendations?

Group 5 noted the tendency for law enforcement, criminal justice, public health, mental health, social service and educational systems tend to operate in silos. Notably, while the Criminal Justice Coordinating Council Commission (CJCC) provides an effective tool for coordination and communications, the depth and breadth of services in Montgomery County that intersect with the Criminal Justice system may make the CJCC unwieldy. Recognizing the importance of having all systems partners actively participate in the CJCC emerged as both a key priority and a challenge for implementation.

⁵²<https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.53.10.1266>;
<http://jaapl.org/content/early/2019/09/24/JAAPL.003863-19#xref-ref-22-1>
<https://www.sciencedirect.com/science/article/abs/pii/S0160252716300929>;
<https://journals.sagepub.com/doi/abs/10.1177/0887403414556289>
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/>
<https://www.apa.org/about/offices/ogc/amicus/gray.pdf>

⁵³<https://crisisnow.com/>

As well, Group 5 acknowledged that a return on investment in publicly funded programs requires data collection and evaluation of outcomes. Montgomery County has a lot of mental and behavioral health and social service programs, but it was noted that the availability of evaluative data on outcomes, particularly data disaggregated by race, is limited. Building on Group 5's priority calling for collection and availability of disaggregated data, development and accessibility of performance evaluation data for county investments in mental and behavioral health, social service and crisis intervention programs was noted as both a critical need and a challenge for implementation.

As a challenge to reimagined public safety, eliminating racial bias will require more than racial- bias training and must be a priority for law enforcement, criminal justice administrators and mental health and social work professionals in the continuum. The group discussed the efficacy of bias training, noting that it is not enough to address bias 'like a bad habit that can be broken'.⁵⁴ This challenge is undergirded by research that suggests that officers assign higher risks in environments based on the percentage of people of color.⁵⁵

VI. Other Potential Recommendations

What other potential recommendations did you consider?

Group 5 developed a listing of small (near-term) and big (long-term) recommendations. Detailed below are the small and big recommendations considered by Group 5 that were not prioritized as key recommendations.

Small (Near- term) Ideas

- *Stop Arrests for Possession of Marijuana.* The group considered as a prevention mechanism the Montgomery County law to not criminally prosecute marijuana charges for simple possession. It was noted that for many young boys and men and men of color, while they are not prosecuted, they are still being arrested, and the arrest rate for marijuana charges remains unchanged.
- *Use CAD System to Provide Situational Awareness.* Group 5 was advised of a pilot program that uses the MCPD's Computer Aided Dispatch (CAD) situational awareness note system to mitigate the potential for escalation in response to a mental health crisis. The program allows families to register for services and to proactively advise MCPD of the potential for a mental health crisis and to inform MCPD of potential triggers (similar to a proactive program for families of adult children with autism). Group 5 considered the system as a mechanism to provide law enforcement and other first responders with the situational awareness and information needed to respond appropriately to a mental health crisis.
- *Expand Pre-Release Services.* Group 5 discussed the Montgomery County pre-release program for persons returning from incarceration. The program provides services and support for persons within one year of release, to connect returning citizens prepare to access housing, healthcare, support groups including Alcoholic Anonymous and Narcotics Anonymous, mental health therapy, etc. upon release. The program serves 30 percent of Montgomery County's population of returning citizens. Acknowledging that more support leads to less recidivism, Group 5 considered a recommendation to expand services to all citizens returning from incarceration. As well, the group considered enhanced mental health services for incarcerated individuals and pro-active follow-up support for these individuals after release.

⁵⁴ Effectiveness of Implicit Bias Trainings | Federal Judicial Center (fjc.gov)

⁵⁵ Effectiveness of Police Crisis Intervention Training Programs | Journal of the American Academy of Psychiatry and the Law (jaapl.org)

- *Provide Alternatives to 911/Improved Triage and Call Handling.* Develop an alternative to 911 and 311 for persons needing support in the event of mental health or behavioral health crisis. As well, this recommendation dovetailed with recommendations for improved triage at the Emergency Call Center through training and partnership with mental health and social work professionals. The Crisis Now high-tech call center emerged as the prioritized recommendation for handling calls for service for mental and behavioral health emergencies.
- *Expand Homeless Drop-in Center.* Expand the capacity of homeless drop-in centers and expanding street outreach to the County’s homeless persons. However, it was noted that since the start of the Coronavirus crisis the Drop-in centers which are generally only open in the winter months are open year-round – a policy change that the Group was advised is expected to be maintained permanently.
- *Provide Access to Montgomery County Services.* A comprehensive outreach and education campaign can ensure citizen awareness of available programs and services. There are a significant number of programs in the continuum supported by Montgomery County and recommended Program eligibility was also noted as a barrier for some residents. Expand access to funded programs, and include an evaluation of eligibility criteria. This recommendation was deemed particularly appropriate to serving the County’s large immigrant population. As such, an evaluation of what type of information is asked for (or not asked for) by intervention service providers was considered. Moreover, it was noted that the County should be proactive in educating first responders in assisting immigrant (or vulnerable populations) seeking mental health services or assistance. First responders should be equipped with cultural knowledge and should work in lockstep with Critical Intervention Teams when warranted.

Big (Long- term) Ideas

Group 5 recognized that the long-term solution to public safety is much greater than mental health and social services programs and acknowledged the underlying issues of poverty and racial disparity that impact public safety and drive disproportionate outcomes in communities of color. As such, big ideas proposed by the Group include”

- *End poverty*
- *Decriminalize of drug use, particularly given the mental and emotional impact of Covid-19*
- *Provide better pay for social workers, and mental health professionals, based on the educational, certification, licenses and requirements*
- *End homelessness and addressing the systems and conditions that lead to homelessness including justice system involvement, education, and the child welfare system*
- *Include a mental health professional and a clinical social worker in lethal use-of- force investigations to support the officer involved and the community; and*
- *Re-engineer and smart design roadways to enhance safety for persons panhandling*

REIMAGINING PUBLIC SAFETY TASK FORCE MEETINGS*

Summary Overview

8/31/20	Reimagining Public Safety Task Force Meeting
<p>Acting Chief Administrative Officer Richard Madaleno welcomed the community members of the Task Force and provided a brief overview and purpose of the Task Force, which is to develop recommendations that reimagine MCPD and public safety programs by January 18th in an effort to build a more equitable & inclusive Montgomery County by promoting safe neighborhoods & communities for all County residents. He charged the community members of the Task Force to: discuss institutional racism; opportunities to reform public safety programs; reimagine public safety response to community needs; provide input on independent audit, including racial bias; employ a community approach in reviewing information for the purpose of providing recommendations in January 2021. The Task Force was advised it is a public body, which is subject to the Maryland Open Meetings Act, and that any information shared, including communications shared in the chat, are available to the public. Before introducing the County Executive, he advised the community members that current meeting is being live streamed on Facebook and County Cable, and requested for users to utilize the chat feature if anyone has a comment and/or question. Marc Elrich, the County Executive, expressed gratitude for the large group of community members who possess a wide range of expertise, and stated intentions to be transparent with the expectations of the Task Force, and welcomed the Co-Chairs. An overview of the County Executive’s vision of building a more equitable and safer community for Montgomery County was shared. The internal workgroup of County personnel was comprised of five (5) subgroups, and conducted a lot of research to gather the information provided to the Task Force members:</p> <ol style="list-style-type: none"> 1) 911 and 311 data 2) Budget 3) Trainings/programs 4) Other programs to help 5) Best practices for Health and Social services and crisis response <p>It was advised that the Task Force would have full autonomy to organize groups. Key next steps included emailing meeting material to meeting attendees, coordinating the next meeting with the co-chairs and notifying Task Force members. Task Force members were asked to think about “what you envision and what you want to do with this taskforce.”</p>	
9/24/20	Reimagining Public Safety Task Force Meeting
<p>The County Executive described a vision for the Reimagining project. Key goals include: Build a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. Identify and address implicit bias and institutional racism in all aspects of the public safety system. Assemble a community task force to reimagine public safety in Montgomery County. Collect, research and analyze data and information. Review policies and procedures. Reimagine County response to community needs for health and social services where Police is filling the void. Initiate Police Department reorganization. And, rebalance County investments in keeping our communities safe.</p>	

*Meeting agenda, video links, and minutes are publicly available online: <https://www.montgomerycountymd.gov/rps/taskforce/>

The Task Force members, co-chairs, and the County executive were introduced. The workgroup of representatives from the Community, Organizations, County Departments & Agencies, and Local Municipalities also were introduced. The group was convened with a key goal to develop a set of recommendations that reimagines the Montgomery County Police Department and all public safety programs by January 18, 2021. The County Workgroup developed a preliminary informational report for the Task Force after analyzing 911 calls, dispatch data and the police records management system to determine the types of calls Police responds to; 311 calls to determine community needs; and the Police Department budget and structure to determine how resources are allocated. It was noted this is baseline data-- an overview of operations, budgeting, policies, social services, NOT recommendations for change and reform.

Key next steps included: Organize next meeting for Reimagining Public Safety Task Force. Deliver report of information and data gathered by County staff to Task Force, and think about focus areas for Task Force. This group was organized into smaller focus areas, after a survey of the task force members identified areas they wanted to work on:

- 6% want to work on 911 and 311 calls
- 46% want to work on police programs
- 22% want to work on best practices for health, SS, and Crisis response
- 13% alternative programs
- 13% budget and structure

10/28/20

Reimagining Public Safety Task Force Meeting

After a welcome from the Co-Chair, the consultant was introduced to the focus group members. There was discussion of the available facilitation support from ELE4A. This included potential work to:

- 1) Develop annotated agendas for each meeting.
- 2) Document meeting decisions and develop meeting summaries.
- 3) Support co-chairs in meeting evaluations and modifying agendas.
- 4) Support drafting the final report.

The larger group went into breakout group in order to brainstorm and organize. Guided brainstorming issues to focus on included: Reviewing draft facilitation agenda, consideration of where Subject Matter Experts may be needed at task force meetings, and developing agenda and schedules for future meetings. Group members were advised not meet with an "us vs. them" mentality, to control combativeness, keep emotions in line, and aim to show how we can come together to propose solutions. Members were also instructed to use the Public Safety Taskforce email so that all conversations can be tracked. ELE4A reminded the task force:

- It is important to use the group email to track all conversations
- Must have clear objectives for groups, when plan to meet, questions you hope to answer
- This needs to be a community driven process, so everyone's voice needs to be captured
- Here to help each group to develop schedule, agenda, questions, but groups can also do their own thing, but want to know what the group's objectives are, who needs to be invited to meetings, information you plan to gather
- Want the focus groups to have agenda such that other groups can understand their goals
- A draft facilitation agenda which may or may not be followed has been made available to each group

In breakout groups, each group began to develop an approach to it's work and meetings schedule.

11/9/20

Reimagining Public Safety Racial Equity & Justice Forum

Due to the interest expressed by the Reimagining Public Safety Task Force (RPSTF) in recent days, the Task Force and County Executive scheduled a Racial Equity presentation and discussion for Monday, November 9, 2020 from 5:30 pm – 6:30 pm. This presentation was led by the County’s Chief Equity Officer, Tiffany Ward. Ms. Ward provided updates on the County efforts to advance racial equity since the enactment of Bill 27-19 establishing a County racial equity and social justice program. The special meeting was voluntary for Task Force members, and was recorded and available for those unable to attend.

11/19/20

Reimagining Public Safety Task Force Meeting

After a welcome update, each focus group reported on its work to date, and an update was provided related to the status of the community survey.

Group 1 reported on its first meeting, focused on sharing experiences with 311 or 911 to gather focus points as to what to strategize and turn focus to. Key issues raised included: the language barrier within 311 such as fluency or translation quality and quantity; domestic violence, mental health, training of call center staff, and how to reimagine. It was noted that

Focus Group 2 reported on the MCPD Budget & Structure’s first two meetings, spent reviewing the charge from the committee, the facilitation guide. The second meeting reviewed the findings of the county’s office of legislative oversight reporting on police activity in the County. The police budget is a complex document; it’s more than 3000 budget lines so, a line-by-line review is sort of impractical. The chairs thought it made more sense to also develop tools like the ones we’re creating and recommendations for how in the future the police budget can be presented or structured in such a way that it’s easier for community folks to understand.

Focus Group 4 spoke on alternative programs to police & jail, noting there are a lot of programs in the County that are intended as diversionary or alternatives or preventive.

The group decided to take a high level view of them, to see if there are any characteristics of some of the existing programs that the other programs might benefit from, and to try and identify ways to help weave disparate programs that are very specifically targeted into a more cohesive ecosystem. The group had met three times and would be trying to go over each of the programs or some of the major programs available to each of the intercepts.

Focus group 5: Health, Social Services, & Crisis Response System discussed its charge in researching and proposing best practices for the intersection of health, social services, and crisis response. The group had been meeting since October. The group would be mapping the kinds of existing services, then identify where there are gaps so there may be opportunities for improvement on what already exists, and opportunities for new models. Then the group would review best practices and promising practices. Then, make recommendations, categorized as big ideas and small ideas.

Dr. Walton: One of our recommendations will possibly be for... you know there’s a plethora of programs that exist that we say we have in our County, but...where’s the data and how is it working and then how is it working when it comes to black and Brown people? So, that maybe one of our recommendations that we have. There’s a whole host of services, but an area that we need to look at is gathering more data on these services and how they’re really functioning. So, that may be an enhancement that we recommend in six outcome areas.

12/3/20

Reimagining Public Safety Community Forum

This meeting was a special community forum, intended to focus on the community survey. It was noted that in addition to the monthly full Task Force meetings, the 5 focus groups have been meeting weekly, and plan to finalize their developed recommendations that reimagine public safety in the County by January 2021.

In addition to its efforts to convene the Task Force and its 5 focus groups, the County also conducted a survey made available electronically and in multiple languages in order to provide more residents with an opportunity to provide individual input to the work of the Task Force as we move forward with our Reimagining Initiative. The survey collected information from 6,500 respondents; the purpose of this Community Forum was to deliver some immediate preliminary summary information to the general public specifically connected to respondents' feedback and to inform the ongoing efforts of the 5 focus groups and the Task Force.

This Community Forum was another opportunity for Montgomery County residents to provide additional feedback to the CE and the Task Force. The primary agenda for the Community Forum tonight was dedicated to collecting the public's feedback and recommendations related to the ongoing work of the focus groups. The County Executive also provided brief welcoming and closing remarks.

The primary agenda included a brief presentation of preliminary summary information from respondents, followed by a Q & A open to the general public as an opportunity to collect additional information from the public related to the stated goals of the reimagining public safety initiative. The digital survey was also a targeted outreach given present public health concerns. The COVID pandemic has restricted normalcy and given time to reflect and recognize the reckoning that must happen against racism and inequalities seen in criminal justice, healthcare access, education systems, housing, economics, and public safety.

12/17/20

Reimagining Public Safety Task Force Meeting

The co-chair provided a quick overview of the meeting goal, which was to hear reports from each of the five groups on the development of their key recommendations proposed for the task force. He reminded the group that even though a given recommendation may come from one focus group, ultimately this is a full report from the full task force. He also explain the meeting was a platform to try to work through any concerns on emerging recommendations.

Group 1 aims to come up with solutions for language barriers and accessibility, 311 call quality, hold time and translation. Montgomery County is increasingly becoming more and more diverse. So, translation is one of the things to accommodate the growing languages in the county. The third key issue was community information, which includes cultural awareness and public information. Fourth was misinformation regarding non-police response to calls for service. For the fifth one, the group would come up with an alternative or effective alternative response for mental health and other social problems. The co-chair discussed potential recommendations for call quality improvements.

Group 2 noted the Montgomery County Police Department budget for fiscal year 2021 is greater than \$281,000,000, with more than 3,000 line items. Looking at a budget this massive is difficult even within a year. The group decided to evaluate the Montgomery County Police Department budget and structure using a racial equity lens, to create a standardized evidence-based approach to go through the budget. In order to do that, the group started by looking at the preliminary report that was put together by the County for this task force, policing data that's been produced by the Office of Legislative Oversight as well as the Montgomery County Police Department. In this review, the chairs found that traffic enforcement, use of force, and arrests showed disparate outcomes for people in Montgomery County based on race and ethnicity. Additionally, the subgroup found interest in looking at the school resource officer program.

In Montgomery County, 18% of residents are African American however, these reports found that although only 18% of residents are African American, they accounted for 32% of traffic stops, 44% of arrests, and astoundingly 55% of use of force cases. Those figures are really disturbing and definitely indicate that there are outcomes for this particular racial group that do not demonstrate racial equity. Other breakdowns for Latin residents, Asian residents, white residents, also see that this does not just hold true for African American residents. Even certain breakdowns show where white residents have much better outcomes than other groups or categories where Asian residents have much better outcomes than certain groups, but fairly consistently, African American and Latin X residents are not getting favorable outcomes in terms of racial equity in policing.

So, to create a standardized approach the group applied a tool called the Racial Equity Impact Assessment and tool kit from Race Forward.

Group 3's key themes included: stronger sense of accountability, community policing, transparency, and eliminating racial inequities. Recruitment goals were to focus on being more community based, more diverse, fair, and equitable. Another goal was being transparent in recruitment with respect to making sure that there isn't anything questionable with how patrol members or police officers are being recruited. The next area, training, had focus on keeping culturally competent. The group met with the director of training for an in-depth overview training and what goals, aligning with a stance that more racially equitable trainings should be incorporated and an embrace of more sense of continued accountability with respect to the efficacy of trainings. Trainings should align with procedural justice tenants: being fair in processes, transparent in actions, providing opportunity for voice, and impartial in decision-making. Preliminary recommendations included the concept of Guardian versus warrior, eliminating the school resource officer program, and better reporting to enhance accountability.

Group 4, Alternatives to Policing, Prosecution and Incarcerate, decided to add prosecution as another critical piece of this puzzle. The group set out to look at a support and serve model instead that addresses the person in the environment instead of just punishing behaviors and containing perceived problems, trying to avoid the prison part of that system. The group had a range of recommendations, but they generally focus on a few key things like, shifting the paradigm to a minimum necessary intervention. Policing shouldn't be the default; it should be one of the options and it should be an option that requires justification. The group wants to instead focus on integrative responses to people in crisis, which also requires reviewing laws. With the programming across all of the intercepts, a lot of the programs are great, but they're not consistently evaluated, don't all have wraparounds, don't connect to each other and they don't all have very clear robust data. So, in very broad strokes the group would look to see what was doing well, what exists, what's missing, and what the County could possibly do away with, as well as a program evaluation scorecard.

Group 5, Health, Social Services & Crisis Systems, used an approach described as a continuum of care, looking at prevention, intervention, and post crisis services. The continuum is undergirded by what the group referred to as an ecosystem. Key recommendations in the intervention bucket: the Crisis Now model and CAHOOTS coming together on the intervention piece; peer support, and the restoration center for stabilization. For Prevention, a recommendation is replacing school resource officers with counselors, focusing more on community policing, and better crisis intervention training. Then group will then move to intervention and then Post Crisis.

1/7/21

Reimagining Public Safety Task Force Meeting

This meeting specifically focused on hearing more on the topic of School Resource Officers (SROs) and automated traffic enforcement.

SRO Program

One concern has been the specific evidence around officers in schools and the school to prison pipeline. Group 5 recommends counselors instead of officers; school is really an MCPS issue and it's not one for the MCPD. Out of 460 students arrested over the past three years, about half of them have been black children and about 33% have been Hispanic. It's also important to note that the biggest reason why police have been called to schools has been for disruptive behavior. Disruptive behavior a lot of times has something that's going on below it. Group 4 talked about the SRO program extensively because it kept coming up in different intercepts. Echoing the statistics: 97% or 98% of the time, if there is an arrest, it's an administrator-initiated action.

What is often not discussed about the SRO's is that these are officers that not only volunteered to serve in the schools but go through extensive additional training to do so. They are embedded into the schools. They do a lot of the training that the other faculty that are dealing with the students would do and they do not answer directly to the administrators. So, a lot of the feedback gotten from students that are most likely to be in those places, the ones that are at risk from gang involvement, violence in their home or neighborhood environments, those that often have difficult troubles that are outside the scope of what school counselors can deal with, they may turn to these officers for help instead. The officers themselves have been engaged, as Group 4 is looking at some of our alternative programs: The Youth Opportunity Centers, the Safe Spaces Program, the Street Outreach Network, the High School Wellness Centers; very often it is the school resource officer that serves as one of the primary recommenders to students for these programs. They are often doing the referrals or the nudge as it were to seek out those types of help to deal with some of those other problems. So, the group ran into this awkward tension because it seems as though the officers are present and their presence can be weaponized, but at the same time they're filling a role that is otherwise left to chance and circumstance.

Group 3 also discussed whether eliminating the SRO program would be a priority area. Basically the recommendation should be to eliminate the current program, which means terminate the memorandum of the understanding between MCPS and the MCPD and pull all current SROs out of MCP schools and the MCPD should be prohibited from deploying sworn law enforcement officers to work in MPCS school buildings or on MCPS property beyond any presence required to provide adequate coverage under the 2018 Safe to Learn Act. This prohibition would not prohibit and MCPD from responding to calls for service on MCPS property. At the same time, the group believes the County should increase financial support in the budget for non-law enforcement approaches to MCPS students' health, wellbeing, and discipline including but not limited to restorative justice programs, social workers, nurses, mental health providers, and after school programs.

Restorative justice as a model of discipline is an evidence-based model that's been implemented throughout the country and throughout the world and is actually being piloted for studies and has been already implemented in a number of schools. So, that's certainly one alternate program. There's just copious amount of evidence just about how you treat trauma in youth and provide mental health support to youth that doesn't involve police officers. There is nothing inherent in being a police officer that allows a person to form a certain relationship with students. The harms of having the officer there outweighs the benefits and we know for sure that students benefit from mental health treatment and restorative justice and counselors and more teachers. In addition, the reality of Montgomery County schools is that quite a lot of our middle and high schools and elementary schools don't have even a full counselor allocation at this time in their budgets. Many of our elementary, middle, and high schools have a .5 allocation, half of a counselor for the entire school and the Montgomery County schools estimates that it would take 4.5 million dollars to fund just one full counselor for all elementary, middle, and high schools.

Traffic Enforcement

In looking at the OLO Reports, for instance, in Montgomery County black males actually are the most likely group to be stopped because of traffic stops at a percentage of 38%. Generally, in Montgomery County black people make up 20% of the population; but they account for 27% of the traffic stops. So, that is disproportionate. If we look at Native Americans, they account for less than 1% of the population in Montgomery County, yet they account for 11.6 percent of traffic stops. Looking at the white population of Montgomery County, which is 60%, they account for 14% of traffic stops. The Asian population in Montgomery County that accounts for 15% of the population, is also 7% of traffic stops.

When looking at the number of violations per traffic stop by race and ethnicity, the groups found inequitable outcomes that are driven by race and ethnicity. Recommendations at this time are to move to fully automated traffic enforcement through the expansion of speed and intersection camera programs and reduce sworn officer full time equivalents across the County in proportion to the current time spent by those full-time officers in traffic enforcement. This also depends if they are non-incarcerable traffic tickets, which is the vast majority.

REIMAGINING PUBLIC SAFETY EMERGING THEMES

From the Reimagining Public Safety Task Force focus group meetings and its public meetings, some key themes began to emerge across focus areas that provide additional frameworks when considering the efforts of the task force and its recommendations on reimagining public safety, such as:

- **CULTURE CHANGE:** "Warrior" to "Guardian"
- **CULTURAL COMPETENCY:** both Law Enforcement and non-Law Enforcement partners
- **NON- EMERGENCY OPTIONS:** non-911 options /# for counseling support and intervention/alternative to (not replacement for) public safety response; Community-based response to crisis as an alternative (i.e., CAHOOTS)
- **ACCOUNTABILITY/INNOVATION:** Effective triage training for Emergency Call Center personnel
- **COMMUNITY OUTREACH:** Community education and information on availability of support and alternative to 911 calls
- **TRANSPARENCY:** Data informed decision-making; availability of and access to data disaggregated by race
- **COLLABORATION:** Ecosystem building for effective, efficient wraparound services (i.e. non-linear needs)

REIMAGINING PUBLIC SAFETY COMMUNITY SURVEY

A preliminary summary of some of the information related to the Task Force focus areas collected from the community survey respondents was shared during a community forum on December 3, 2020. The Community Survey was launched in conjunction with the Reimagining Public Safety Task Force initiative; the electronic survey was made available to the public, and was translated into several languages. Within the survey, respondents were also able to provide feedback related to the Task Force's goals. The community forum presentation focused on collecting more information related to these focus group areas, and feedback that may be considered by the Task Force while presenting summary survey findings. For most of the services and issues identified in the survey prompts, respondents noted some role for the MCPD. However, a significant finding was that 72% of respondents favor shifting responses to certain crimes and behavior from MCPD to other agencies and or in partnership with other agencies, rather than MCPD being solely responsible.

The Task Force focus areas align with many of these topics and its focus groups are considering the range of ways to work on these services and issues while considering what role the police department and other providers in Montgomery County should play.

- *Over 6500 respondents participated and shared feedback.*

A summary of the demographic data provided by respondents shows a broad range of survey participation, including in stated gender, age, and race; approximately 17% did not report race and ethnicity.

- *The survey prompted respondents to consider a range of county services and issues, such as addiction, DUIs, and overdoses, as well as other public safety and law enforcement related topics.*

Respondents were able to rank these topics according to whether they believed the MCPD should have a lead, partnering, back up or no role in each of the noted County services or issues.

- *Overall, respondents felt the MCPD should only have a lead role in specific areas, primarily in responding to violent or other serious crimes.*

These include homicide, violent crime, and weapons violations, among other topics.

- *For a number of crime types, respondents felt that MCPD should have either no role or only a supporting role.*

To respond to mental health crises, only 15% of respondents thought that MCPD should have a lead role, while 84% supported either a partnering role (39%), a backup role (24%), or no role at all (21%). Similar proportions were seen in responding to homelessness and addiction, with only 9% of respondents supporting a lead role for MCPD. The 91% of respondents who supported a lesser role for MCPD broke down as supporting a partnering role (28%), a backup role (32%), or no role at all (31%). For certain other areas of community problems a majority of respondents also supported either no role or a backup role for police.

In regard to partnerships with agencies, respondents identified a range of potential collaborators, including Community Outreach programs and National Night Out

- *In a number of crime areas, respondents felt that MCPD should have no role or only a supporting role.*

When considering topics where the MCPD should work in partnership with other service providers, Community Outreach and National Night received a high rate of selection from respondents. Other topics, including mental health response had more mixed responses. For example, 15% of respondents felt the MCPD should have a lead role in mental health response, while another 39% noted a partnering role, 24% said MCPD as a back up, and 21% felt the MCPD should not be included in mental health response.

Considering the role of the MCPD in areas also was varied, such as homelessness and addiction, for example. When looking at the role of the MCPD, for homelessness, 9% of respondents noted the Department should have a lead role in homelessness; 28% said a partnering role, while 32% as back up and 31% felt the MCPD should have no role in homelessness. Further, in several areas, a majority of respondents said that police should either have no role or only a back up role.

The survey asked respondents whether they would choose to move the police department's funding to other services, and which community services/County programs should get more funding, if moving any police funds. When ranking alternative services or programs to fund, priorities noted by respondents were divided across health and human services, education, housing, fire & rescue, transportation, and corrections/courts and rehabilitation. More than 7 in 10 (72%) respondents supported reallocating funding from the police department to other services within the County.

NEXT STEPS

The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County can deliver services in a more equitable manner. County Executive Elrich and his administration are appreciative of the work of this Task Force and their dedication to providing recommendations for reimagining policing and public safety in the County. Although the working period of the Task Force has ended, County Executive Elrich and his administration will continue to seek guidance and input from the Task Force members and the greater community.

With receipt of this report, it is now time for the Elrich administration to translate this roadmap into actionable steps. The administration will: thoroughly evaluate and prioritize each recommendation, discuss programmatic details, establish an implementation plan, and obtain community input. The Elrich administration will also collaborate with partners at the local, state, and federal levels to address the overdue changes required to address systemic issues in policing and public safety.

We look forward to continuing our work and keeping the community informed of actions taken to ensure that Montgomery County addresses racial injustices while creating a safer community and one that is healthier for everyone who lives, plays and does business in the County.

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Montgomery County Volunteer Fire-Rescue Association

National Association of the Advancement of Color People, Montgomery County Chapter

Sheppard, Mullin, Richter & Hampton, LLP

Silver Spring Justice Coalition

United Food and Commercial Workers International Local 1994 MCGEO

APPENDIX A: TASK FORCE PROCESS

Roles of the Task Force Members

- Meet as needed to discuss and assess the institutional racism that is being manifested in public safety and the opportunities for reforming systems that serve communities.
- Advise the County Executive on public safety needs and challenges.
 - Community representatives will lead and finalize the recommendations.
 - County departments and agencies' representatives will share information on public safety strategies and serve in an advisory capacity to this Reimagining Public Safety Task Force.

Roles of the Consultant

The County has contracted with Effective Law Enforcement for All, Inc. (ELE4A) to support the Reimagining Public Safety initiative, including the work of the Task Force. The Consultant will support the Task Force in the areas of:

- Organization and engagement
- Review, assessment, and analysis
- Reporting support
- Delivery of public report of recommendations

Roles of County Staff

- Maintain membership list
- Maintain meeting attendance records and minutes
- Reserve meeting space/forum
- Transmit meeting materials to members
- Provide orientation
- Update initiative's webpage

Meeting Timeline and Frequency

This group will meet throughout the short-term and the anticipated duration is 4 months. Towards the end of that timeframe, an assessment will be made by the County Executive, in consultation with the County Council, on whether this group should remain active for an extended period.

Reimagining Public Safety Task Force Time Commitment

It is anticipated that members of the Reimagine Public Safety Task Force will commit about 1-3 hours per week to this group. This time will consist of meeting time, any contributions made to a group deliverable, and any special engagements that may arise.

Focus Group Meeting Time

Each group meeting should be no longer than an hour and a half. These meetings will be conducted virtually through conference call software (ex. Teams or Zoom).

Reimagining Public Safety Task Force Deliverable

It is anticipated that the Reimagining Public Safety Task Force will deliver a final report with actionable recommendations for the County Executive and County Council by January 22, 2021.

Focus Groups Meeting Facilitation

The co-chairs of the focus groups and members selected a schedule of meetings (See Appendix) and applied the draft facilitation guides to their approaches as they saw fit. Groups met weekly throughout the project for durations of 1-2 hours per meeting.

For the facilitation of meetings, each group employed a tailored approach to developing its agenda, sharing meeting minutes, guiding discussions and developing next steps in the process. The Reimagining Public Safety Co-Chairs encouraged the chairs and members to lead conversations to develop recommendations that are small and large in scale, including efforts to think of solutions that can be done next year and over the course of multiple years- to the extent that is appropriate for the goals of the focus group.

Focus Group Draft Recommendations

In addition to the facilitation guides and meeting schedules, a final review calendar was also circulated in anticipation of the need to review focus group recommendations and the draft report within the timeline outlined at the project's onset.

The Reimagining Public Safety Co-Chairs informed the members of the recommendation drafting and review process, and provided a template to guide the composition of the focus groups' recommendations and process to share in the final report. The template included a standard reporting approach to provide greater consistency in the focus groups' presentation of their findings.

The "6-Point Template" for drafting recommendations included:

- Opening — Vision Statement
- Issues — What are some of the key County issues you are seeking to address with your group's recommendations?
- Approach — When developing your group's recommendations, what approach (es) did you consider and utilize to develop these recommendations?
- Key Recommendations — What are your group's top recommendations? What are the potential benefits to the County if implementing them?
- Challenges — What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?
- Other Potential Recommendations — What other potential recommendations did you consider?

The scheduling and the process for finalizing the report to the County Executive was provided along with a final review calendar to highlight the timeline for completing the work of the task force. The delivery of the final report with recommendations was extended to January 22, 2021. All members were encouraged to meet deadlines on the calendar relevant for their focus groups.

The final focus group meetings were identified as the best utilization of the time allotted for finalizing the Reimagining Public Safety recommendations from each focus group. All members were provided a draft copy of the final report for review.

APPENDIX B: FACILITATION GUIDES

Group 1 Community Needs - 911 and 311 Data

<u>Charge</u>	Review call data to determine community needs and to provide guidance for the audit Reference: Workgroup Report, pages 3 - 13
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> I. Develop listing of expected outcomes of the independent audit. (Define what the task force should know at the end of the audit process.) II. Identify areas of community need (based on call data) that can be managed through non-law enforcement response or a joint law enforcement/civilian service response. III. Prioritize opportunities for non-law enforcement and/or joint responses based on call data. IV. Define the alternative to the law enforcement response (i.e., utilize mental health, social work, parking or code enforcement, etc.) V. Identify opportunities for improvement for areas where the law enforcement response is required.
<u>Outcomes</u>	Recommendations for maximizing public safety through non-law enforcement strategies and improved accountability by law enforcement professionals.
<u>Draft Discussion Schedule</u>	<ol style="list-style-type: none"> 1. Review 911 and 311 call data. Identify any additional data needs if warranted. 2. Develop listing of audit outcomes. 3. Based on call data, develop preliminary recommendations for calls that can be handled by non-law enforcement personnel. Engage Subject Matter Experts (SMEs) from ELE4A regarding the efficacy of recommendations developed in meeting 3. Refine recommendations if warranted and prioritize. 4. Develop recommendations for alternative to non-law enforcement action (i.e., who should handle, what training may be needed, etc.) For areas where law-enforcement actions needed, develop recommendations for equitable policing. ELE4A SMEs to be available to assist. 5. Finalize and approve group recommendations.

Group 2 Budget & Structure

<u>Charge</u>	Review MCPD budget and structure. Reference: Workgroup Report, pages 14 - 26
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> I. Develop a community-based budgeting for policing equity analysis process -- review each budget line item and analyze the proposed funding around the following key questions: <ol style="list-style-type: none"> a. To what extent does the line item fund an activity that has the potential to protect all citizens? b. Does the line item provide funding for a department, purchase or activity that exacerbates inequitable policing? If yes, what if should be done to better ensure an equitable outcome? c. To what extent does the line item have the potential to provide policing equity? d. Does the budget have funding for intentional investments in racial equitable policing? Are there departments, activities or acquisitions proposed for funding that should be reduced or eliminated? If so, where should the resources be redirected? II. Develop recommendations for budget structuring that uses data to hold MCPD accountable for equitable policing outcomes. <ol style="list-style-type: none"> a. How should the budget be organized to support accountability? b. What data and information is needed to ensure that funded departments, districts, activities, etc. do not exacerbate racial inequity?
<u>Outcomes</u>	A piloted community-based budgeting for equitable policing evaluation framework that can be replicated in successive budgeting cycles.
<u>Discussion Schedule</u>	<ol style="list-style-type: none"> 1. Review MCPD budget and budget details. Overview of Budgeting For Equity Best Practice Case studies presented. Review budgeting for policing equity questions (detailed above) and amend as warranted based on input from the group. 2. Discuss each budget line item and analyze based on budgeting for equity questions. 3. Review budget for intentionality around racial equity and develop recommendations regarding areas where resources should be added or redirected if warranted. 4. Review the budget structure and develop recommendations for data and information that should be presented with the budget that better ensures accountability (i.e., what is the difference in funding for majority/minority neighborhoods, etc.) 5. Finalize and approve group recommendations.

Group 3 Police Department Programs

<u>Charge</u>	Review local programs as well as programs implemented elsewhere, starting with training and de-escalation. Reference: Workgroup Report, pages 27 - 41
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> I. Review best practices including 21st Century Policing, PERF and other national best practices and develop a set of overarching standards for MCPD programs (i.e., procedural justice, cultural competence, etc.) and practices (annual training on racial profiling, accountability measures, mandatory hours of community engagement, etc.) that guide the work of the task force. II. Review each MCPD program and evaluate compliance with the task force standards. III. Develop recommendations to enhance the efficacy of each of current MCPD programs (from a standpoint of policing equity) so that each aligns with the standards. Recommendations should address incorporation of policing equity, as well as areas where training can be deployed to non-law enforcement personnel. IV. Identify gaps in training and develop recommendations of programs to close the gaps.
<u>Outcomes</u>	A set of standards for policing equity for MCPD training and investigation policies and practices.
<u>Discussion Schedule</u>	<ol style="list-style-type: none"> 1. High-level overview of 21st Century Policing, PERF and other National models. Review finding of OFFICE OF LEGISLATIVE OVERSIGHT and other reports findings relative to MCPD. 2. Based on best practice research, develop a set of standards and practices to guide MCPD Programs. (These practices may involve transferring some responsibilities to non-law enforcement agencies or personnel.) 3. Review current training programs and assess the adherence of each to the standards developed in meeting 3 and recommend additional training if warranted. SME from ELE4A available to assist. 4. Review investigative procedures and practices and assess the adherence of each to the standards developed in meeting 3 and recommend changes or additions if warranted. SME from ELE4A available to assist. 5. Review training and accountability procedures and practices of other programs including SRO and CIT and assess the adherence of each to the standards developed in meeting 3 and recommend changes or additions if warranted. SME from ELE4A available to assist. 6. Finalize and approve group recommendations.

Group 4 Alternative Programs to Police & Jail

<u>Charge</u>	Identify county departments, nonprofits and other agencies to propose alternative procedures, programs and policies to be considered Reference: Workgroup Report, pages 42 - 58
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> I. Review data on diversion outcomes (disaggregated by race) for citations and arrests. Based on the data, develop key assumptions that indicate if a policy/program or decision-making authority for diversion is applied equitably. II. Examine each opportunity for diversion and develop continuum of criminal justice equity and touch points where the cradle to prison pipeline can be disrupted. (Opportunities must be framed in a policing equity lens.) III. Review data on current diversion programs or policies and make recommendations to better ensure the efficacy of each. IV. Map currently available programs to each touch point and identify gaps where an opportunity for diversion exists but where no service provider or policy is available to meet a specific need (i.e., immigrant services) and to support equitable outcomes for citizens of color. (Separate maps may be needed for youth and adults.) V. Develop prioritized recommendations for closing the gaps in the ecosystem of diversion and alternative programming including policy and accountability to equity standards.
<u>Outcomes</u>	
<u>Meeting Schedule</u>	<p>Ecosystem Map of all points (intercepts) for diversion or alternative programming, available organizations to support citizens at each intercept, and gaps in the ecosystem that must be addressed.</p> <ol style="list-style-type: none"> 1. Review available data of diversion outcomes disaggregated by race, including outcomes and impacts of pre- and post COVID policies. 2. Review best practices for diversion and alternative programs. 3. Utilize the Sequential Intercept Model to map the ecosystem of services and providers for intercept points 0 – 2, identifying gaps and making recommendations where additional services and interventions are needed. Review CIT and proposed Restoration Center for intercept SME for ELE4A available to assist with discussion of intercept 1. 4. Utilize the Sequential Intercept Model to map the ecosystem of services and providers for intercept points 3 – 5. 5. Prioritize gaps identified in the mapping process to be addressed in the near-term. 6. Finalize and approve group recommendations

Group 5 Health, Social Services & Crisis Response System

<u>Charge</u>	Research and propose best practices for the intersection of health, social services and crisis response. Reference: Workgroup Report, pages 59 - 70
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> I. Develop a community needs assessment for crisis prevention and intervention, and post-crisis stability services specifying how each intersects with law-enforcement activity (i.e., homelessness, domestic violence, substance abuse, etc.) II. Examine current services that address these needs and identify gaps (which may include the need for new programs or increased capacity for existing programs). III. Examine best practices and identify opportunities for new programs or enhancement to current programs. IV. Develop recommendations for a continuum of care to address the intersection of behavioral health, social service needs and policing equity. Include providers and partners in the continuum. V. Develop recommendations for coordination of services in the continuum (i.e., central and interactive case management systems).
<u>Outcomes</u>	Continuum of Care for prevention, intervention and post-crisis support that maps available resources and recommends new programs and/or enhancements to existing programs to close the service gaps in the continuum.
<u>Meeting Schedule</u>	<ol style="list-style-type: none"> 1. Review data and information on programming and services for crisis prevention, intervention and post-crisis stability. 2. Develop a continuum of care (i.e., prevention, intervention and post-crisis stability) that identifies the health, welfare and social services needs for adults and youth in Montgomery County. Identify points where these services intersect with law-enforcement. 3. Map existing services to the continuum of care and identify any gaps in services that are not addressed. 4. Review best and promising practices and identify opportunities to enhance existing or create new services. Based on best practices, develop recommendations for coordination of services in the continuum. 5. Finalize and approve group recommendations.

APPENDIX C: REIMAGINING PUBLIC SAFETY TASK FORCE MEETING SCHEDULE

AUGUST		
Date	Time	Event
8/31/21	6:30pm	Reimagining Public Safety Task Force Meeting
SEPTEMBER		
Date	Time	Event
9/24/21	6pm	Reimagining Public Safety Task Force Meeting
OCTOBER		
Date	Time	Event
10/26/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
10/27/20	6pm	RPSTF - Focus Group 3: Police Department Programs
10/28/20	6pm	RPSTF Meeting: Full Task Force
NOVEMBER		
Date	Time	Event
11/2/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/4/20	6pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/5/20	6pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/9/20	5:30pm	RPSTF Special Meeting: Racial Equity Presentation & Discussion
11/11/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/12/20	6pm	RPSTF - Focus Group 3: Police Department Programs
11/12/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/16/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
11/16/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/17/20	5pm	RPS Focus Groups Co-Chairs Check-in
11/18/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/18/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/19/20	6pm	RPSTF Meeting: Full Task Force
11/23/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/24/20	6pm	RPSTF - Focus Group 3: Police Department Programs
11/25/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/30/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
11/30/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System

DECEMBER		
Date	Time	Event
12/1/20	5:30pm	RPSTF Focus Groups Co-Chairs Midpoint Check-in
12/2/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
12/2/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/3/20	6pm	Reimagining Public Safety Community Forum
12/7/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/7/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/8/20	6pm	RPSTF - Focus Group 3: Police Department Programs
12/9/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/14/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/14/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/16/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/16/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/17/20	6pm	RPSTF Meeting: Full Task Force
12/21/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data (Meeting Canceled per Dr. Burns) AG
12/21/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/22/20	6pm	RPSTF - Focus Group 3: Police Department Programs - canceled 12/17
12/23/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/28/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/28/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
12/29/20	6pm	RPSTF - Focus Area 3: Police Department Programs canceled 12/28/20
January		
Date	Time	Event
1/4/21	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
1/5/21	6pm	RPSTF - Focus Group 3: Police Department Programs
1/6/21	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
1/7/21	6pm	RPSTF Meeting: Full Task Force
1/13/21	6pm	RPSTF - Focus Group 3: Police Department Programs

APPENDIX D: REIMAGINING PUBLIC SAFETY TASK FORCE RECOMMENDATIONS

1	Expand the number and range of calls to 911/311 that are directed to non-law enforcement agencies in the county, including those that address societal issues of homelessness, mental health, and domestic violence.
2	Train Emergency Call Center /311 operators to be capable of determining the most appropriate use of county resources in responding to calls for service.
3	Create a cultural competency training for all EMERGENCY CALL CENTER/311 call takers and require periodic refresher training to ensure efficient language access for non-English callers.
4	Ensure language access to non-English callers.
5	Create randomized survey to send to callers from the top 5 non-English languages (spoken/received) to ensure the accuracy of third party's translations/call experience.
6	Explore how other jurisdictions handle frivolous and racially biased 911 calls that the county may emulate. Further, alert state delegates to push for legislative changes in this area at the state level.
7	Conduct an independent racial bias audit to 911 calls annually or bi-annually and a community survey requesting residents opinion regarding the effectiveness of Emergency Call Center/311 calls.
8	Move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion.
9	Necessary funds from these sworn officer FTE reductions should be transferred to HHS and MCDOT (or could be applied to other social services).
10	The County Executive should work with state legislators and the County Council to support state bill MC 4-21, which would allow the transfer of oversight for automated traffic enforcement.
11	Review MCPD's current training programs for any connection to outside agencies that also train military personnel. These contracts should be eliminated altogether or shifted to third parties that do not engage in any military training or promote "warrior" behavior.
12	Reduce sworn officer FTEs in police Districts 3 and 4 by 50% to reduce patrol officer contact with residents in these districts.
13	Develop a regular practice of independent audits of use of force in police districts, with expected force reductions for districts where use of force cases are increasing despite training or other interventions.
14	Improve and increase once every three years anti-bias training to an annual training.
15	Shift mental illness-related response fully (or more generally) out of MCPD jurisdiction to a separate department within Health and Human Services.
16	Work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity.
17	Direct MCPD to treat all offenses in the "Crimes Against Society" segment, except for weapons violations, as the lowest department priority.
18	Eliminate SID Drug Enforcement and SID Vice Intelligence, with a proportionate reduction in sworn officer FTEs.
19	Eliminate SRO programs and corresponding budget lines, including equivalent FTEs.
20	Conduct anonymous surveys, and develop a third-party reporting system for misconduct and ensure strong whistleblower protections.
21	Ensure that policing by consent, community policing, the "guardian" culture, and accountability are institutionalized as defining characteristics of the department.
22	Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes.
23	Expand and enhance requirements for mental health screenings and employment background checks.
24	Increase recruitment efforts at local and regional Historically Black Colleges and Universities (HBCUs).

25	Establish specific goals for hiring, promotion, and advancement in support of a guardian culture and community policing toward a long-term goal of reaching 100% county residency within the force, prioritizing sworn officers.
26	Revise policies and review training personnel service records to ensure no officer with a record of multiple complaints, infractions, or other problems serve in a training position.
27	Require Crisis Intervention Training (CIT) for all new recruits and all officers on the force. CIT training should be expected for all sworn officers prior to graduation from the Academy.
28	Encourage and incentivize higher education for law enforcement officers throughout their careers. MCPD should provide assistance to new recruits to pursue higher education.
29	Ensure that all new recruits receive Electronic Control Weapons (ECW) and ensure that all are qualified and equipped for ECW use. Less lethal weapons training should include requiring training and certification in Electronic Control Weapons (ECWs) prior to graduation from the Academy and that all sworn officers are ECW certified and equipped.
30	Evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Evaluate the current policy regarding how officers exercise their discretion to issue a citation vs. make an arrest for citable offenses and determine what directives or guidelines can be issued to require citation rather than arrest for offenses punishable by incarceration lasting 6 months or less.
31	Add a requirement in MCPD policy and practice that officers advise citizens of their right to refuse a search. Require officers that do not have a legal warrant or legal probable cause to advise citizens of their right to refuse a search.
32	Require incident reports every time officers draw their weapons, whether or not they fire.
33	Eliminate pre-textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. MCPD can conduct a pilot program to test the efficacy of eliminating pre-textual stops for most minor offenses, not just repair orders, as a means to reduce the disparate negative impacts of law enforcement in communities of color.
34	Consider whether the MCPD should continue to act as the agent for private properties in enforcing trespass law.
35	Support Montgomery County Council Bill 46-20 to eliminate the School Resource Officer Program.
36	Amend FC 131 Use of Force Policy to strictly limit the use of police canines and require mandatory reports on canine use as lethal force. Amend the FC 131 Use of Force Policy to strictly limit the use of police canines to stop or subdue a suspect only in those situations that would warrant the use of deadly or lethal force.
37	Conduct a risk assessment of police activities to determine when it is necessary for officers to carry a gun. Conduct a risk assessment audit of policing activities to determine the need for and effectiveness of having all officers carry firearms at all times.
38	Utilize Data Collection Best Practices as recommended in the OLO report including all data on police/civilian interaction.
39	Establish a county organization with meaningful review and oversight responsibilities. The entity should be endowed with formal responsibility for ecosystem integrity, as a full-time County function.
40	Implement a systematic process for universal screening and an imperative to do the least harm. The County should require and develop uniform, universal screening at every intercept: not just for mental disorders, but also areas of insecurity (e.g.: food, shelter); adverse childhood experiences (ACE) and traumatic history; other forms of deprivation or criminogenic factors.
41	Ensure that evidence-based evaluations are robust, multifaceted, and regular.
42	The Scorecard: The scorecard, is woven strategically throughout recommendations and the scorecard dimensions, derived from the review of existing programs and practices at each Intercept level in the SIM model.
43	Expand the high school wellness centers and Youth Opportunity Centers.
44	Expand Street Outreach Network/Safe Space programs to be at least in line with the District of Columbia's (DC) program (~40 staff).
45	Explore other youth-and-young-adult engagement opportunities (e.g.: revive Police Athletic League).
46	Conduct universal beginning/end of year surveys by MCPS that aim to assess wellness/risk factors for all students as a mechanism for reducing stigma, and better scoping the need for services.

47	Establish clear criteria and accountability for MCPS administrators regarding the use of disciplinary actions (e.g.: initiating SRO-facilitated arrests or opting for expulsion) when other interventions are available and/or more appropriate (e.g.: use of extant restorative justice or PYD programs).
48	Support the development of a pilot Restoration Center as described in the preliminary RPS workgroup report.
49	Provide medication-assisted treatment (MAT) options.
50	Improve triage to ensure that calls for service are directed to the most appropriate responder or service provider.
51	Adopt at least one model that leads with mental health, mediation, and trauma-informed practices (e.g.: CAHOOTS).
52	Require all officers and other emergency personnel to receive CIT training. As well, the recommendation calls for MCPD to seek out or develop a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies, rather than as supplemental to violence interruption and compliance.
53	Provide post-crisis follow-up as an intervention, especially for persons who frequently require mental or behavioral health intervention.
54	Implement process to systematize much of the currently ad-hoc process of determining what options are offered and calls for the collection and availability of data on who was diverted, who was not diverted, who was charged and why.
55	Conduct global assessment of all persons brought into custody (e.g.: triage instead of booking) with an eye to referral to appropriate services. In cases of domestic violence, or multiparty aggression, all capable parties may benefit from screening for potential service needs.
56	Adapt peer-support advocate programs and protocols to implement, similar to those deployed in Philadelphia. Formal peer specialists can be trained and hired to coach and support in mental health, legal system support, and benefits advocacy.
57	Review police and prosecutorial handling of misdemeanor and minor traffic offenses by a) weighing the costs and harm of arrest and prosecution against the public safety benefits and b) determining how penalties are applied equitably.
58	Reduce, with the aim of eventually eliminating, the use of monetary bond without increasing pretrial detention, possibly through expanding community supervision- including electronic monitoring, in cases where appropriate. Similarly, the elimination of fees for individuals participating in ACS/IPSA or other court-related programs is recommended.
59	Ensure access to benefits to support treatment success, including Medicaid and Social Security for persons in detention or pre-trial supervision.
60	Establish concrete criteria, a roadmap, and accountability measures in keeping with general recommendations for universal consideration and do the least harm and evidence and data transparency, for the prosecutor's office to demonstrate a commitment to utilizing the least invasive and most effective options available.
61	Evaluate the use (and criteria for), equity impacts, and possible expansions of probation-before-judgment.
62	Implement a scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving (in the) Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.
63	Publicize diversionary/alternative programs to the necessary parties (e.g.: attorneys, existing persons involved in the system, those with prior involvement or at significant risk) to improve chances of diversion and voluntary uptake.
64	Expand access to mediation and restorative justice dispositions.
65	Collect and access disaggregated data on judges' rulings and judgment records to ensure accountability for equitable outcomes by the Montgomery County judiciary.
66	Eliminate information asymmetry (e.g., prosecutor's file should be available to the defense; rationale for failure to use a less harmful (or restrictive) intervention than prosecution and imprisonment) is recommended.
67	Standardize existing tools for members of the judiciary to help combat bias.
68	Expand workforce development programs, with a special/initial focus on the 18-25-year-old population, to include apprenticeships, to help returning citizens attain post-release certification and self-supporting employment or entrepreneurship.

69	Support automatic referral to pro bono expungement organizations (e.g.: MVLS), noting that while “banning the box” is an option, expungement is the preferred remedy.
70	Evaluate the Department of Corrections and Rehabilitation (DOCR) pre-release programming, particularly to assess issues of access, agency, robustness and integration of pre-release programs.
71	Explore what is within the county’s authority to avoid penalizing or discriminating against individuals with past convictions.
72	Continue cognitive/social/emotional support for those who have survived the trauma of being involved/processed, including specialized mental health case management and medically assisted treatment for those struggling with substance use .
73	Further explore organizations and models: Cornerstone Montgomery (wraparound behavioral health services), Primary Care Coalition (networked somatic health services), & Delancey Street Foundation (residential life-and-job skills facility).
74	Enhance and expand the Criminal Justice Coordinating Council to provide greater coordination and integration.
75	Ensure that all agencies and organizations in the continuum, including all members of the CJCC, have implicit bias training that builds their cultural competence and ability to effectively serve Montgomery County’s diverse citizenry.
76	Enhance the collection, utilization and availability of data disaggregated by race.
77	Conduct an annual independent audit of the Reimagining Public Safety Task Force recommendations.
78	Eliminate the School Resource Officer (SRO) program and replace SROs in schools with counselors.
79	Provide better Community Policing.
80	Implement the Crisis Now crisis intervention model.
81	Expand the number of Mobile Response Teams to support the implementation of Crisis Now.
82	Develop and implement a stabilization center (Restoration Center) to support the implementation of Crisis Now.
83	Ensure that stabilization centers and crisis intervention facilities are staffed with peer workers.
84	Implement the CAHOOTS Community Response Model as a non-law enforcement response option for a mental health crisis.
85	Provide Crisis Intervention Training to all recruits before graduation from the academy.
86	Develop and implement a coordinated and integrated wraparound service. Maximize coordination, utilization and integration of existing resources to better ensure wraparound services in the continuum for a more holistic, wholesome, integrated model.
87	Adopt the Crisis Now standard of “Crisis care for EVERYONE, EVERYWHERE, EVERYTIME” continuum.

MONTGOMERY COUNTY, MARYLAND



2021 REIMAGINING PUBLIC TASK FORCE
RECOMMENDATIONS REPORT



POLICING ADVISORY COMMISSION

To: Montgomery County Councilmembers
Cc: County Executive Marc Elrich
From: Policing Advisory Commission
Date: March 8, 2021
Re: Bill 45-20 - Police - Community Policing – Data

Dear Councilmembers,

The Policing Advisory Commission (PAC) respectfully submits our comments on Bill 45-20. We welcome this opportunity to advise the Council on policing matters and recommend policies, programs, legislation, or regulations, per our authorizing statute in the Montgomery County Code §35-6(f). After careful review, consultation with relevant stakeholders and experts, and deliberation amongst PAC members, **we recommend that the Council amend the bill such that MCPD: (1) designate a single individual to act as the point of contact for all data-related matters and (2) restructure its complaint data collection and reporting system. With the inclusion of these amendments, as outlined below, we recommend that the Council vote in favor of this bill.**

Proposed Amendments

1. MCPD must designate a specific individual to act as the point of contact for all data-related matters. This individual would be responsible for maintaining all existing data, meeting new data requirements, and answering queries from the Council, the PAC, and the public in a timely manner. Currently, there is no publicly responsible official for MCPD data noted on the Open Data Portal. Requests for additional data or explanations are simply ignored. The name and contact information for the designated individual should be published on the Open Data portal and on the MCPD website.
2. MCPD must restructure its complaints data collection and reporting system. The current data and reporting systems do not provide confidence that complaints are being addressed in a timely, fair, and transparent way. Attached is an analysis and some specific recommendations to help ensure that the public can see exactly what actions result from complaints. In particular, it is critically important that the data be reformed and published so that:
 - a. detailed outcomes from all complaints are fully described
 - b. confusing and obfuscatory categories are simplified
 - c. data provided through the open data portal and the IAD annual report are identical

Background

The PAC received notice that the Council planned to introduce Bill 45-20 on November 16, 2020. On December 14, 2020, we referred it to our subcommittee on Discretionary Policing for further review. The members of the subcommittee studied the bill and presented a statement to the full PAC at our next monthly meeting on January 11, 2021. The PAC also convened a special meeting on January 25, 2021 to allow Commissioners more time to discuss the proposed legislation. On February 8, 2021, the subcommittee presented their proposed amendments to the PAC. The PAC **voted unanimously to support an amended Bill 45-20, as outlined above.**



POLICING ADVISORY COMMISSION

Rationale

According to the staff report, the bill would require MCPD to collect and annually report data on: demographic information regarding individuals stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident by the Department, including: race; ethnicity; gender; and any other demographic information voluntarily provided by the detainee. The bill also would require MCPD to post on Data Montgomery information about each of the following types of incidents, including information about race and ethnicity: • use of force incidents; • field interview reports; • juvenile citations; • criminal citations, including trespassing citations; • alcohol beverage violations; • possession of marijuana violations less than 10 grams; and • smoking marijuana in public places. As the staff report on this bill notes, the collection of data as outlined in Bill 45-20 may assist MCPD in its efforts to build capacity to use policing data to advance best practices in constitutional and community policing.

Given that this type of data would provide additional information on how discretion in policing affects the community and may shed light on questions of implicit, explicit or systemic bias, we respectfully request the Council pass the bill with the inclusion of the two amendments outlined above. If passed by the Council, the PAC will urge the County Executive to sign the bill.

Please feel free to contact us if you have any questions or requests for clarification.

Sincerely,
Shabab Ahmed Mirza, Chair & Dalbin Osorio, LMSW, Vice Chair
On behalf of the Policing Advisory Commission

Enclosed: IAD White Paper by Dr. Robin Gaster

Review of internal affairs data, 2013-2018

Robin Gaster

Feb 2019 (updated 2021)

This analysis shows that while data and transparency are important, current efforts fall short. It offers recommendations for improving complaints data , and raises some questions based on the data that are available. It is based on an analysis of Data Montgomery, plus a review of the annual IAD reports from MCPD.

This paper reviews only the data of the complaints procedures. Other questions – such as whether the complaints procedures are too challenging, or issues related to LEOBOR, are not considered here.

This paper was originally shared with MCPD in 2019. It was updated in January 2021. No response was received by from MCOD .

Questions refer to attached tables (see Appendix A below)

Table 1. All complaints

1. Why are the published data available only back to 2013. Are previous years available?
2. No breakouts by
 - a. Station
 - b. Officer (anonymized)
 - c. Arrests and charges (e.g. “resisting arrest”)
 - d. Police subgroups (e.g. schools, SWAT, drug enforcement)
3. No complainant demographics. This would provide important context, showing for example whether complainants come disproportionately from specific demographics compared to county demographics (e.g. % of Black residents in the county)

Table 3. Current status

1. 40 complaints dating back to 2013-16 are still unresolved.

Table 2. Findings

1. The findings field is a mess, making it difficult to determine exactly what is being reported. Broadly, it appears that:
 - a. Of the 1,617 complaints where a finding is reported, 507 (31%) were clearly sustained, and 370 (23%) were clearly rejected. The remaining 740 (46%) resulted in ambiguous outcomes (primarily “administrative action” and “No corrective action taken”)
 - b. Corrective action was taken in about 24% of complaints from citizens, and 12% of cases brought internally. This is surprising: one imagines that police tend to accuse their colleagues of actions in cases that are *more* egregious. Why the difference?
2. Explanations for categories. What in particular is meant by
 - a. Administrative closure
 - b. Declined
 - c. No corrective action taken
 - d. Sustained
3. No subcategories for action taken – without knowing *what* action was taken, these data are not useful for building community trust.

Table 5. Blank findings only

1. There are complaints which have been resolved, but for which there are no reported findings. This is about 7% of all complaints.
2. A much higher proportion of complaints from outside the department are completed without any recorded finding.
3. There is no pattern by year – it appears that in average about 30 complaints annually are left blank.

Policy recommendations based on these data.

A. Process

1. MCPD must report a finding for every complaint.
2. Complaints must be dealt with in a timely manner.
3. MCPD must at a minimum provide aggregate data covering each of the last 10 years.

B. Reporting issues

The current Findings field must be broken into three fields. Currently, Findings includes the following categories, which overlap and obfuscate: Administrative action, corrective action, declined, exonerated, insufficient evidence, no corrective action, policy failure, sustained, unfounded, blank. As a result, it is impossible to determine what happened with 46% of complaints where there were findings.

1. The Findings field should be broken into three linked fields:
 - a. Was the complaint sustained (yes/no);
 - i. On what basis (did officer break policy, break law or some other; for no, insufficient evidence etc.);
 - ii. If yes to a., what specific actions were taken (see 2. below)
2. “Corrective action taken” is not a sufficient description of outcomes. The Actions Taken field must be expanded to capture the kind of action taken. Categories should include officer retrained (including what retraining), fired, suspended, warned, reduced rank. Other categories may be useful here is well.
3. Complainant demographics must be tracked (gender, race, ethnicity, ESL, age where known) and reported for each complaint.
4. Officer information must be expanded included in the data for each complaint (e.g. station, responsibilities (e.g. drug task force, SWAT, schools)
5. Summary data by officer should also be provided (i.e. distribution of complaints by officer – fully anonymized). It matters if specific officers receive multiple complaints, and it especially matters for the community to know how this is handled.

C. Questions raised by the existing data.

1. Preliminary and limited trend analysis suggests an increase in complaints.
2. The share of complaints referred where corrective action was taken increased in recent years (except 2015). What explains this?
3. Almost all completed complaints with blank findings are external. Why? What steps are being taken to ensure that all complaints generate findings.

Attachment – IAD White Paper

4. The poor design of the findings field leaves many open questions e.g. what in fact happened to the 45% of complaints whose findings are ambiguous? And what “corrective actions” were in fact taken?
5. Similarly, we have no insight at all as to the circumstances of a complaint, police actions related to it, demographics of the complainant, organizational affiliation of Police Officer within the PD, etc. The data are simply not granular enough to answer important policy questions.
6. 2014 is anomalous: many complaints, higher proportion clearly sustained. What happened?

D. Links to additional data sets

1. Reporting in this area needs to be contextualized. Population size and composition change over time and so do those of the MCPD. These data are external to the complaints data set, but should be linked in any reporting.
2. Is approximately 420 complaints annually an acceptable number? Compared to what - what external benchmarks does MCPD use, if any?

E. Alignment between data from Data Montgomery and IAD reports

1. There are significant discrepancies between IAD reports and Data Montgomery. I have in the main used Data Montgomery as the data source here, because it provides granular data.

Appendix A. Tables from Internal Affairs complaints database, available from Open Data Montgomery

Accessed Feb 2, 2018

All						
Table 1	Count of File N Column Labels					
	Row Labels	Active	Completed	Forward	Initial	Grand Total
	2013		240			240
	2014	2	446			448
	2015	14	359	4		377
	2016	24	390			414
	2017	108	319			427
	2018	31	11		1	43
	Grand Total	179	1765	4	1	1949
All except blank findings						
Table 2	Count of Findings Column Labels					
	Row Labels	External	Internal (blank)			Grand Total
	Administrative	100	131			231
	Corrective Action	285	55			340
	Declined	119	1	1		121
	Exonerated	83	48			131
	Insufficient Evidence	20	22			42
	No Corrective Action	473	36			509
	Policy Failure		1			1
	Sustained	42	124	1		167
	Unfounded	43	32			75
	(blank)					332
	Grand Total	1165	450	2		1617
	status	(All)				
Table 3	Count of ID Column Labels					
All complaints	Row Labels	External	Internal (blank)			Grand Total
	2013	14		1		15
	2014	28	2	2		32
	2015	35	14	7		56
	2016	35	19			54
	2017	72	65	2		139
	2018	27	9			36
	Grand Total	211	109	12		332

Cont.

Attachment – IAD White Paper

Table 4	Row Labels	Count of File Number	Corr	Sust
sustained	2013	69	51	18
by year	2014	133	73	60
	2015	81	47	34
	2016	118	83	35
	2017	106	86	20
	Grand Total	507		