

*Clerk's Note: Added underlining inadvertently omitted from lines 44-52.*

Bill No. 45-20  
Concerning: Police – Community Policing  
– Data  
Revised: 11/2/2021 Draft No. 7  
Introduced: November 17, 2020  
Enacted: November 2, 2021  
Executive: November 15, 2021  
Effective: February 14, 2022  
Sunset Date: None  
Ch. 31, Laws of Mont. Co. 2021

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmember Jawando, Councilmember Katz, Council President Hucker, and  
Council Vice-President Albornoz

Co-Sponsors: Councilmembers Riemer, Rice, Friedson, Navarro and Glass

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**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

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

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

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

**35-6A. Community Policing.**

\* \* \*

(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:

(A) information about the demographic makeup of the Department, including:

\* \* \*

(B) the number of recruiting events the Department sponsored or participated in the County;

(C) the number of instances of use of force that resulted in an injury when the injury occurred as a direct result of an officer's actions;

(D) the number of civilian complaints about the use of force by an officer;

(E) the number of civilian complaints regarding discrimination and harassment;

(F) the number of officers who were suspended with pay;

(G) the number of officers who were suspended without pay;

(H) the percentage of patrol officers who were assigned to neighborhood patrols;

(I) the number of youth under the age of 18 years referred to intervention programs by officers;

(J) data, in the manner prescribed by the Director of the Department of Health and Human Services, regarding the

- 28 number of calls for service involving substance abuse, the  
 29 responses to those calls, and the outcomes of those calls;  
 30 (K) data, in the manner prescribed by the Director of the  
 31 Department of Health and Human Services, regarding the  
 32 number of calls for service involving mental health issues,  
 33 the responses to those calls, and the outcomes of those calls;  
 34 (L) demographic information regarding individuals [detained]  
 35 stopped (including a stop and frisk that does not result in a  
 36 citation or arrest), searched, cited, arrested, or the subject of  
 37 a use of force incident by the Department, including:  
 38 (i) race;  
 39 (ii) ethnicity;  
 40 (iii) gender; [[and]]  
 41 (iv) age; and  
 42 (v) any other demographic information voluntarily  
 43 provided by the detainee;  
 44 (M) demographic information regarding individuals subject to a  
 45 [[street stop or]] field interview, including:  
 46 (i) race;  
 47 (ii) ethnicity;  
 48 (iii) gender;  
 49 (iv) location; [[and]]  
 50 (v) age; and  
 51 (vi) any other demographic information voluntarily  
 52 provided by the detainee;

53 (N) a description of the Department’s training standards and  
 54 practices, including training and practices related to  
 55 de-escalation; [[and]]

56 [(N)] (O) a description of the Department’s community policing  
 57 efforts, including community policing programs,  
 58 participation in town hall meetings, and efforts to engage  
 59 with schools, recreation centers, community centers, and  
 60 senior centers;

61 (P) the number of officers subject to each type of officer  
 62 discipline;

63 (Q) the number of violations of the use of force policy, and the  
 64 number of officers found to have violated the use of force  
 65 policy; [[and]]

66 (R) the number of investigations conducted by the Internal  
 67 Affairs Division of the Department;

68 (S) with respect to civilian complaints, the number of  
 69 complaints per police district, the number of officers against  
 70 whom the complaints were made, and the outcomes of the  
 71 complaints;

72 (T) the number of overtime hours worked per police district;  
 73 and

74 (U) data, in the manner prescribed by the Director of the  
 75 Department of Health and Human Services, regarding the  
 76 number of service calls involving a homeless individual, the  
 77 responses to those calls, and the outcomes of those calls.


78 (2) [[The Department must:

- 79                   (A) for every dataset it maintains regarding interactions with  
 80                   individuals, collect race, gender, and ethnicity data; and  
 81                   (B) post the data on the web portal identified in Article XIV of  
 82                   Chapter 2]] The Council annually must hold a public  
 83                   hearing regarding the report submitted under paragraph (1).  
 84                   (3) Subject to state and federal law, the Department must maintain the  
 85                   following public datasets, to include race, gender, age, and  
 86                   ethnicity data, and data by police district, division, and bureau, on  
 87                   the web portal identified in Article XIV of Chapter 2:  
 88                   (A) use of force incidents;  
 89                   (B) field interview reports;  
 90                   (C) juvenile citations;  
 91                   (D) criminal citations, including trespassing citations;  
 92                   (E) alcohol beverage violations;  
 93                   (F) possession of marijuana violations less than 10 grams;  
 94                   [[and]]  
 95                   (G) smoking marijuana in public places;  
 96                   (H) the pointing of a service weapon, taser, or pepper spray at  
 97                   an individual;  
 98                   (I) the issuance of a stay-away order for trespass enforcement,  
 99                   and the location of property where the enforcement occurs;  
 100                   (J) information identified under Section 5 of Chapter 59 of the  
 101                   2021 Laws of Maryland regarding the activation,  
 102                   deployment, and results of the SWAT team;  
 103                   (K) information identified under Section 1 of Chapter 62 of  
 104                   the 2021 Laws of Maryland regarding search warrants;

- 105                    (L) arrests, including arrests on or immediately adjacent to  
 106                    school property;
- 107                    (M) searches, including searches that result in arrest or the  
 108                    discovery of contraband;
- 109                    (N) stops (including stop and frisks that does not result in  
 110                    citations or arrests);
- 111                    (U) service calls related to mental health;
- 112                    (V) service calls related to substance abuse issues;
- 113                    (W) service calls related to homeless individuals; and
- 114                    (X) service calls determined to be unfounded.
- 115                    (4) If state or federal law prevents the Department from publishing a  
 116                    dataset under [[paragraphs (2) or]] paragraph (3), the Department  
 117                    must, in its report under paragraph (1), identify the dataset and  
 118                    explain the reason that the dataset is confidential.
- 119                    (5) For the datasets published under paragraph (3), the Department  
 120                    must provide an explanation of terms used in the data, such as the  
 121                    term *other* to identify race or ethnicity, and guidelines regarding  
 122                    how to navigate the data.
- 123                    (6) The Department must also provide the information reported under  
 124                    paragraph (1) to the Policing Advisory Commission established  
 125                    under Section 35-6.
- 126                    (d) *Annual survey.*
- 127                    (1) The Department annually must conduct an anonymous survey of  
 128                    residents and officers regarding police-community relations,  
 129                    including, at a minimum, the levels of trust communities have in  
 130                    the police.

- 131           (2) The survey must be administered to residents in multiple  
132           languages.
- 133           (3) The survey must contain demographic information, including  
134           racial, ethnic, age, gender, and geographic information, regarding  
135           respondents.
- 136           (4) The Department must post the survey results on the web portal  
137           identified in Article XIV of Chapter 2.
- 138       (e) The Department must designate an individual officer as the point  
139           of contact responsible for the data collection and transparency  
140           requirements under this Section.
- 141       (f) The Department must post online each written agreement it has entered  
142           into with a property owner regarding the enforcement of trespass laws.

Approved:

  
\_\_\_\_\_  
Tom Hucker, President, County Council 11/4/2021  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive 11/15/2021  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council 11/16/2021  
Date