



ADVISORY COMMISSION ON POLICING

Monday, November 13, 2023

6:30 to 8:00 PM

[Meeting Virtually](#)

Meeting Minutes

Commission members present: Cherri Branson, Kristy Daphnis, Christina DeLane, Laurie Ekstrand, Robin Gaster, Ty McKinney, Vernon Ricks, Eric Sterling [8 attendees]

Ex-officio members present: Sgt. Cate Brewer (FOP), Capt. Jordan Satinsky (MCPD) [2 attendees]

Support staff: Logan Anbinder, Susan Farag [2 staff]

Guests: Walt Houser (Montgomery County Citizen Academy Alumni Association), Heidi Rhodes (Jews United for Justice) [2 guests]

Chair Sterling called the meeting to order at 6:33PM.

I. Attendance and Administrative Items

- Council staff took attendance and began recording the meeting. Chair Sterling confirmed that 7 members were present, which represents a quorum. Vice Chair McKinney joined shortly after this time.
- Total attendees: 14

II. Approval of September and October Minutes (6:33PM)

- **VOTE:** Mr. Ricks moved to accept the September minutes as submitted subject to corrections. Ms. Daphnis seconded. The vote passed unanimously (8-0).
- **VOTE:** Mr. Ricks moved to accept the October minutes as submitted with a correction fixing a typo that referred to Chair Sterling as Dr. Gaster, subject to any further corrections. Ms. Daphnis seconded. The vote passed unanimously (8-0).

III. Update on [Bill 32-23](#), PAC – Amendments, after Council passage on October 24 (6:38PM)

- Chair Sterling clarified the method of nomination of ACP commissioners as stipulated in the bill as passed.

Policing Advisory Commission

100 Maryland Avenue • 240-777-7900 • 240-777-7888 fax www.montgomerycountymd.gov

- Ms. Branson thanked all of the advocates and organizations that provided testimony on the bill and that advocated for the ACP as revised by the bill to reflect the original intention of the PAC.
- Ms. Daphnis asked for additional information on the next steps of appointing new commissioners now that the bill is passed. Ms. Farag indicated that the Council plans to release a press release calling for applications for the non-youth positions, to be due in mid-December. The Council will review applications upon its return from recess in January.
- Dr. Ekstrand asked whether ACP commissioners would be required to represent any specific organizations. Chair Sterling and Ms. Branson indicated that that proposed language was struck from the bill.
- Chair Sterling noted that the language about participation in the Citizens Academy was modified, and the final language stipulates that the Chair will work with staff to develop an orientation for new commissioners instead of requiring commissioners to participate in the Citizens Academy.
- Chair Sterling expressed his appreciation to Councilmember Luedtke for sponsoring this bill.

IV. Youth recruitment to ACP (6:50PM)

- Ms. Branson suggested that the ACP determine how to contact the various student government associations (SGAs) in high schools, as well as Montgomery College students. She also expressed hope that the ACP would ask Young People for Progress to reach out to its networks.
- Ms. Daphnis noted that the Student Member of the Board of Education (SMOB) holds regular meetings with students. Chair Sterling said he has spoken with the SMOB and plans to reach back out to him. He has also written to a student who works on the newspaper of Bethesda-Chevy Chase High School to determine if information could be disseminated that way, and has drafted a letter to share with the independent schools to alert them that their students would also be qualified to apply.
- Chair Sterling requested that ACP members with additional ideas contact Ms. Farag or himself and indicated that the ACP would encourage other organizations (NAACP, JUFJ, etc.) to send out notice through their networks.

V. MCPD participation in Healthy Montgomery collaborations re: behavioral health, substance abuse, and pedestrian safety—proposed letter (6:54PM)

- Ms. Branson expressed interest in tabling this item in order to allow for additional time to solicit feedback from MCPD about what they would like to see in collaboration with Healthy Montgomery. Ms. Daphnis agreed and also expressed interest in asking MCPD how they are involved in this issue from a public health standpoint.
- **VOTE:** Vice Chair McKinney moved to issue a formal request to MCPD to inquire how the department sees itself participating in this collaboration, particularly from a public health perspective. Ms. Daphnis seconded. The motion passed unanimously (8-0).

VI. Bill [33-23](#) – Police – Voluntary Registry for Emergency 911 Calls Established (7:03PM)

- Vice Chair McKinney indicated that in discussions about this bill with his acquaintances who are stakeholders, some individuals have expressed a concern about the privacy of the data that would be kept by this registry. He suggested that the ACP take a position to note that the program is being vetted by some external entity.

- Chair Sterling and Dr. Gaster noted that the bill as written does not have a requirement that the data be vetted, and suggested that the ACP's position on the bill could recommend a stipulation that the registry data be kept private.
- Mr. Ricks moved and Vice Chair McKinney seconded that the ACP send a letter to the Council supporting the bill and suggesting the bill be amended to ensure that the private information provided for the registry is kept private and confidential.
- Ms. Branson suggested amending the motion to note that the ACP is supportive of the spirit of the bill and that the data collected should be in line with HIPAA requirements and reviewed by counsel for HIPAA compliance.
- Ms. Daphnis expressed opposition to the specific mention of HIPAA, and suggested instead that the language should be along the lines of "appropriately safeguard" the information. She also suggested avoiding the word "confidential" since that has a specific meaning in the context of information policy.
- Ms. Branson suggested that since HIPAA law is detailed and may be apropos, it would be useful to ensure that the law has been reviewed by an attorney for compliance. She acknowledged that members of the disability rights community have expressed concern about the bill and reiterated that her support for the bill is guarded and that the ACP should seek to strike a balance between these interests.
- Ms. Daphnis reiterated that she believes the mention of HIPAA would be superfluous. Ms. Branson suggested a compromise of requesting that the County Attorney provide a review of applicable privacy laws.
- Mr. Ricks suggested deferring to the Council and attorneys on the details of the privacy concerns. Vice Chair McKinney agreed with Mr. Ricks.
- Chair Sterling expressed support for requesting in the letter an analysis of whether HIPAA could apply to the system created by the bill.
- Mr. Ricks was amenable to an amendment to the motion to include in the letter a request that the County Attorney investigate potential compliance with HIPAA and emphasizing that the ACP's concern is confidentiality. The motion was further revised to request that the Chair create a draft of the letter and share with the ACP before being sent.
- Ms. Daphnis requested that the letter mention "compliance with applicable federal, state, and County privacy laws" rather than specifically mentioning HIPAA.
- **VOTE: The aforementioned motion passed unanimously (8-0).**

VII. Fines from citations and related to Automated Cameras—conclusion (7:23PM)

- Ms. Farag clarified that automated camera citation revenue is treated differently than revenue from in-person officer stops. A share of revenue from the former is sent directly to the County, while revenue from the latter comes to the County by way of the State.
- Ms. Branson indicated that her interest is not particularly in the automated traffic enforcement but in tickets issued by live officers, and suggested that the ACP send a letter to the director of the County's Office of Management and Budget or to the Chief Administrative Officer to request information about the portion of funds from these tickets that is returned to the County from the State.
- Mr. Sterling suggested an additional request should be directed to the Maryland State Comptroller since the revenue may be sent to the County as part of a lump sum along with other revenue, in which case the State could be able to provide details on the share that comes from tickets. Ms. Branson supported this request in addition to the letter to the County.

- Dr. Ekstrand requested additional information on the issue that the ACP hopes to address with this information; Chair Sterling clarified that the issues at hand are: (a) what is the size of the State's allocation of traffic citation revenue to the State, and (b) is whether there are incentives for the County to maximize the issuance of citations and, if so, whether this is communicated in any way to MCPD or to officers.
- Mr. Ricks spoke in favor of sending the letters and noted that since any allocation would likely require legislation at the State level to change, this information would be for informational purposes only.
- Dr. Ekstrand suggested that the ACP could also ask MCPD whether it tracks the number of citations that individual officers write and whether this number impacts their evaluations in any way. Ms. Branson noted that the ACP asked this question previously and was told that MCPD officers are not incentivized to write more citations, but a part of their performance review does involve various factors including number of tickets.
- Ms. Branson noted that organizations such as the Office of Legislative Oversight have found that traffic enforcement disproportionately affects drivers of color. She expressed interest in learning what keeps this disparity from changing, and noted that this revenue information might be information in identifying a partial answer to that question.
- Mr. Ricks and Dr. Gaster suggested that the letter include just a request without detailed explanation of some ACP members' line of thinking about potential incentives for officers.
- **VOTE:** Mr. Ricks moved and Ms. Branson seconded writing letters to the State Comptroller, the County Director of the Office of Management and Budget, and the County Chief Administrative Officer asking for additional information on the transfer of the County's share of traffic enforcement revenue, and a separate letter to MCPD requesting more information on the ways in which traffic citations play a role, if any, in an officer's performance evaluation. The motion passed unanimously (8-0).

VIII. New Business (7:51PM)

- **VOTE:** Mr. Ricks moved and Ms. Daphnis seconded that the ACP apply to Montgomery County Public Schools (MCPS) to qualify to issue Student Service Learning hours. The motion passed unanimously (8-0).
- Dr. Gaster suggested some measures to ease the ACP's transition to a new set of commissioners. These include sending a letter to MCPD opposing the department's process for random review of body-worn camera (BWC) footage, a letter from the Chair noting the ACP's current priorities and the ways in which the new commissioners could contribute to the work, including improving two-way communication between the ACP and the Council, and a letter encouraging additional benchmarking between MCPD and other jurisdictions.
- Dr. Ekstrand indicated that she would be willing to write a letter and devote additional time to advising on recommended procedures.
- Ms. Branson suggested the commissioners take time to think of advice for incoming commissioners.
- **VOTE:** Dr. Gaster moved and Ms. DeLane seconded work on the aforementioned three letters before next meeting: one each from Chair Sterling, Dr. Ekstrand, and Dr. Gaster. Additionally, commissioners would take time to think of advice for incoming commissioners. The motion passed 7-0 with Mr. Ricks abstaining.

IX. Adjournment.

Mr. Ricks moved to adjourn, Dr. Gaster seconded. **Meeting was adjourned at 8:07 PM.**