



ADVISORY COMMISSION ON POLICING

June 26, 2025

The Honorable Kate Stewart, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear President Stewart:

I am pleased to submit to the County Council the Annual Report of the Advisory Commission on Policing (ACP), summarizing the work of the commission since July 2024.

Throughout the year, the commissioners have worked together to serve our community by eliciting their concerns, investigating policing issues, and providing the County Council with our advice on public safety and related legislation. We consistently met quorum for our scheduled public sessions and provided you with our considered views on Bill 2-24 (Freedom to Leave Act) and Expedited Bill 26-24E, (Uplifting Victims and Immigrant Safety Act). In March, we held an online public forum focused on traffic stops and MCPD's new policy regarding consent search requests. We will hold an in-person public forum in September.

During this year, we welcomed two new members to the Commission, Sony George and Henry Mulzac. At our meeting in April, we decided to continue electing a Chair and Vice-Chair for one-year terms, and I accepted the members' request that I serve as Chair for another year. Francisco Javier González and Eva Quittman were elected to serve as Co-Vice Chairs.

We want to thank the Council staff, Senior Budget and Policy Analyst Susan Farag and Legislative Analyst Logan Anbinder, who have provided essential support throughout the year. The work of the ACP could not have been accomplished without their outstanding and steadfast support. We also appreciate the MCPD's responses to our information requests, as well as the participation in our meetings including MCPD representatives and members of the public.

Looking forward, we remain dedicated to providing you with our considered advice, which is grounded in diverse backgrounds, experiences, and research, as well as the input from members of our community. We will continue to work collaboratively, and we will be making greater use of public forums to elicit community feedback. We plan to increase the use of subcommittees to work more effectively and delve into issues more thoroughly.

With best wishes,

Rev. Brian Bellamy,
Chair Advisory Commission on Policing

CC: County Executive Marc Elrich

Advisory Commission on Policing

2025 Annual Report



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Commission Background

The Montgomery County Council created the Policing Advisory Commission in December 2019, through Bill 14-19, in response to the public dialogue policing practices and as an effort to increase community involvement in matters of public safety. At the time, Montgomery County residents had expressed concerns about the police, especially regarding its use of force and perceived disparities in the effects of law enforcement activities upon members of our community.

The initial members of the PAC were appointed for three-year terms on July 20, 2020. In 2023, the Council passed Bill 32-23E to change the composition of the commission and renamed it as the Advisory Commission on Policing (ACP). The current members to the ACP were designated on or after February 13, 2024.

The ACP mission is to advise the Council on policing matters and recommend policies, programs, legislation, or regulations with regards to policing. As defined in Montgomery County Code Section 35-6, its duties include:

- advise the Council on policing matters;
- provide information regarding best practices;
- recommend policies, programs, legislation, or regulations;
- comment on matters referred to it by the Council;
- conduct community outreach for community input;
- accept correspondence and comments from members of the public; and
- by July 1 each year, submit an annual report on its functions, activities, accomplishments, and plans and objectives.

Structure and Development

The Commission is composed of 13 public voting members, who serve three-year terms, and two non-voting, ex-officio members. Of the 13 voting members, 11 are nominated by individual Councilmembers and two are nominated by the County Executive. The two County Executive nominees are selected to represent youth; one must be 25 years of age or younger at the time of appointment and the other must be between the ages of 26 and 35 at the time of appointment. The two ex-officio members are: the Police Chief and the President of the employee organization representing police officers. (See Appendix A, Membership)

During its April 10 meeting, the members of the ACP decided to continue electing a Chair and Vice-Chair for one-year terms. The Reverend Brian Bellamy agreed to the commissioners' request that he serve as Chair for another year, and commissioners González and Quittman were elected to serve as Co-Vice Chairs.

Over the last year, the ACP also welcomed two new commissioners. Sony George, who was appointed by Councilmember Friedson, joined the Commission in October 2024.

Henry Mulzac was appointed by Councilmember Luedtke to replace Michael Donahue and joined the Commission in December 2024. Petros Bein left the Commission, and the Young Adult position nominated by the County Executive is currently vacant. In March 2025, Captain Kathy Estrada, Director of Community Engagement Division, MCPD, replaced Captain Jordan Satinsky as representative of the Chief of Police.

Meetings

The ACP is required to meet a minimum of six times per year, but last year the commissioners decided to meet monthly. Since our last annual report, the ACP has met six times in 2024, including four training meetings, and six times in 2025, including a virtual public forum held on March 10. Subcommittees met separately and on an as-needed basis. All ACP meetings, except for training and subcommittee meetings, are held in accordance with the state's Open Meetings Act and are open to the public, usually at 6:30pm on the second Monday of the month. The meetings have all been virtual except for three of the training sessions. The Commission plans to hold in-person meetings from time to time and will hold an in-person public forum in September 2025. Agendas, minutes, and video recordings for meetings can be found at the ACP website:

<https://www.montgomerycountymd.gov/COUNCIL/PoliceAC/index.html>

Training

Bill 32-23E directed the Commission Chair, along with staff, to set training requirements. Accordingly, ACP Commissioners attended four sessions providing overviews of critical policing functions:

- **Class 1: Department Training Overview**
During this session held on August 12 at the Public Safety Training Academy, Captain Reed and Sergeant Brewer provided a general overview and answered question regarding MCPD training programs, including the agency's entry level training, in-service training, and specialized/continuing education training.
- **Class 2: Use of Force/De-escalation/ICAT**
Held on September 23 at the Public Safety Training Academy, this session provided briefings into the Department's Use of Force policy, its training on MCPD policy and legal obligations, and its less-lethal devices. Additionally, it provided information about the Department's de-escalation training curriculum.
- **Class 3: Crisis Intervention Training /Mental Health**
Held virtually on October 28, this session provided an overview of the Department's mental health and Crisis Intervention Team (CIT).
- **Class 4: Traffic Stop/MILO/Box and Wall/VR**
Held on December 9 at the Public Safety Training Academy, this session provided an in-person class with practical exercises. Attendees participated in MILO (force simulator) drills, traffic stop and scenario-based drills, as well as the Department's new virtual reality headsets.

Six commissioners (Blair, Branson, Daphnis, DeLane, González, and Stephenson) are graduates of the Police Department's Citizen Academy.

Work Plan

The Commission developed a work plan to guide its work and more effectively promote community ownership for public safety and help the Council in ensuring that MCPD serves as the greatest force for good that it can be.

During the process of developing its initial work plan, the ACP sought to ensure that it addressed the County Council's priorities laid out in the Council President's letter of May 9, 2024. Emphasis was placed on accountability, public service, and prevention, rather than just on MCPD's policing outputs. The members of the ACP understand that the job of police is complex and challenging, but it is also essential that as a matter of justice we ensure that all residents who come before the law are treated fairly and equitably. This means that MCPD works to serve our marginalized communities as fairly and effectively as our more affluent communities. To this end, the work plan focuses on marginalized communities that suffer most from crime and must be taken into consideration when developing policy recommendations.

At its May 12 and June 9 meetings, the commissioners reviewed and revised the ACP work plan. (See Appendix B – Work Plan). They also agreed to create subcommittees for several strategies to ensure that each is addressed adequately. For example, a subcommittee is working to better understand how police reforms are being implemented, including recommendations and findings of the Reimagining Public Safety Task Force (RPSTF) and other similar efforts. Another subcommittee was formed to look at public safety in our schools.

Public Outreach and Community Input

To help the members of the County Council better understand how County residents feel about public safety, the Commission seeks direct input from a diverse group of community members, especially those who live and work in areas disproportionately impacted by crime and policing. The commissioners created a subcommittee to create a program of community engagement meetings and, based on the subcommittee's recommendations, they decided to hold two public engagement forums, one virtually and one in person.

During its first public engagement forum, held virtually on March 10, 2025, the Commission elicited public input on MCPD's new policy enhancing the requirements for consent searches. Presenters, including Council Vice President Will Jawando, Public Safety Committee Chair Councilmember Sidney Katz, MCPD Chief Marc Yamada, and State's Attorney John McCarthy, gave opening remarks. Representatives from the Montgomery

County Police Department (MCPD), including Chief Yamada, Assistant Chief Nicholas Augustine, Assistant Chief Darren Francke, and Assistant Chief David McBain, briefed on the department's new consent search policy.

Released on December 2, 2024, the new policy (FC 0710) states that officers "should have reasonable articulable suspicion" before requesting a consent search. Also, an officer must record the interaction on body worn camera video and use a new phone application or an alternate written form to document a person's consent. The new policy mandates supervisory review of each consent search within five working days.

The presenters answered questions submitted online by members of the public, as well as by ACP commissioners in attendance. Generally, the new policy was recognized as a step in the right direction. However, concerns remain about the disproportionate representation of minorities and people of color in traffic stops and consent searches. There were also concerns expressed that the operative language of the new policy (i.e., the verb "should" rather than "shall") raised doubts about the department's enforcement of the requirement that officers have a reasonable, articulable suspicion before requesting consent to search. A concern was also expressed about the resources required to review body camera footage for all consent searches at a time when the department is short-staffed.

During its April and May meetings, the commissioners discussed the public forum and confirmed its value in obtaining input directly from community members and contributing constructively to the public conversation on policing. For example, some commissioners found helpful the earnest conversation between Chief Yamada and Councilmember Jawando over the validity of using census data in identifying potential racial bias in policing practices.

At their meeting in May, the commissioners decided that the next ACP public forum would be held in September and in person. They are working with staff to solicit direct input on the topics members of the public would like to include in the September forum.

Issues

Consent searches at traffic stops: During its July 8 meeting, the ACP met virtually with Councilmember Will Jawando, who had introduced Bill 2-24, Consent Search of Motor Vehicle and Data Collection ("Freedom to Leave Act"). The commissioners asked the Councilmember a range of questions regarding the bill. After the meeting with Councilmember Jawando, the commissioners separately discussed the bill.

The consensus among the commissioners was that the data available on consent searches suggested that, when they are banned or limited, there are fewer pretextual stops and the searches that do take place become more productive. Multiple law enforcement experts have stated that the widespread use of consent searches disincentivizes officers from honing investigative skills helpful in carrying out their duties more effectively. The

commissioners also concluded that the bill would encourage MCPD officers to focus on more productive efforts to prevent and solve crimes while preserving the dignity and safety of drivers from disproportionately affected marginalized groups. They then voted to support the bill and to formalize this decision in a letter to the County Council. (See Appendix C – Letter to the Council regarding Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection [Freedom to Leave Act], July 10, 2024)

Though the bill did not progress at the Council, MCPD revised its Consent Search Policy to add the requirements that an officer have “a reasonable, articulable suspicion” to request consent to search, records the interaction on body worn camera video, and documents whether the person declines or approves the search. The commission was briefed on the new policy by Assistant Chief Francke at its November 18 meeting and, as noted earlier, the commission held a public forum on March 10 focused on the new policy.

Statistics and staffing: During its September 9 meeting, the commissioners were briefed Assistant Chief Willie Parker-Loan of the Patrol Services Bureau on recent crime statistics. He also discussed staffing levels in the department and across the districts, as well as how the Drone as First Responder program would increase the efficacy of deployed officers. The commissioners asked several questions seeking better understanding of the racial and ethnic breakdown of victims of crime. They also asked about the dynamics behind progress in 2023 to reverse crime increases in the western, more affluent police districts, while it continued to increase in the eastern, less privileged districts. The commissioners also requested a breakdown of officer vacancies by district and a breakdown of crimes by category, which was provided subsequently.

MCPD and the immigrant community: At their November 18 meeting, the commissioners voted to form a subcommittee to review Expedited Bill 26-24E, Police - U visa Law Enforcement Certification Policy. The U visa was created by Congress to provide legal status and a path to permanent residency for victims of certain crimes who have suffered substantial mental or physical abuse and are willing to assist law enforcement in the investigation or prosecution of those crimes. The expedited bill would require that any policy directive regarding MCPD’s U visa “certification of helpfulness,” or Form I-198B, “not be more stringent than the criteria required under federal immigration law; and must not be inconsistent or conflict with the standards and regulations under federal law.” The subcommittee conducted its own research on the issue, discussed the draft bill with MCPD representatives and Council staff, and presented its analysis and recommendations to the ACP during its meeting on January 13.

During the meeting, the commissioners resolved that removing unnecessary administrative requirements to MCPD’s limited role in the U visa process would encourage law enforcement agencies to better serve immigrant crime victims and to prosecute crimes committed against them. MCPD’s policy then had four requirements for “certifications of usefulness,” each of which was more restrictive than required under federal law, but not

inconsistent with the law because Congress granted broad discretion to law enforcement agencies regarding whether and how to complete these certifications.

The commissioners agreed to welcome the Expedited Bill, especially removing the requirement that a request for certification of usefulness be made less than ten years since the underlying crime took place. This requirement had been established when MCPD records and databases were primarily based on paper. Since then, the department has made strides in automating its information and databases, and the requirement is no longer necessary. The commissioners, however, also agreed that MCPD should be allowed to reject applications based on crimes committed outside its jurisdiction, except under limited circumstances allowed by state law. The commissioners then voted to convey this advice in a letter to the County Council. (See Appendix D -- Letter to the Council President regarding Expedited Bill 26-24E, Police - U visa Law Enforcement Certification Policy [The "Uplifting Victims and Immigrant Safety" Act] - January 14, 2025)

During its February 10 meeting, the commissioners discussed with MCPD representatives whether patrol officers had noticed any change in the level of cooperation that they are receiving from the immigrant community due to changes in federal policy this year. The MCPD representatives said that it was too early to tell, but explained that MCPD has not, at least in the past 20 years, participated in the immigration enforcement program that deputizes local officers for federal immigration enforcement.

MCPD budget and staffing: At its February 10 meeting, the ACP created a subcommittee to analyze the County Executive's FY26 proposed operating budget for the department with a view toward making recommendations on possible changes. Historically, the ACP has focused on personnel costs, which comprise 85% of operating costs, rather than on equipment costs. At its April 14 meeting, the subcommittee reported that it had looked into numerous aspects of the budget but did not come up with specific recommendations for the Commission. For example, there was concern about the reliance on patrol overtime, which jumped 54% from 2019 to 2023. The conclusion was that the increase in overtime driven mostly by staffing shortages MCPD, which are likely worsen before they get better because of enhanced pension multipliers and other benefits that became effective January 1, 2025. It was also noted that Chief Yamada has publicly said that he plans to use technology to help fill some of the gaps created by the staffing shortages.

Also at the February meeting, MCPD representatives provided an update on the status of MCPD's hiring of clinical social workers, who will eventually support the Crisis Intervention Team (CIT) model.

Appreciation

The ACP is extremely grateful to its staff from the County Council: Senior Budget and Policy Analyst Susan Farag, a treasured resource for the Commission, the Council, and the County at large, and Legislative Analyst Logan Anbinder. They have consistently provided

essential support throughout the year, without which the work of the ACP could not have been accomplished. We also appreciate the information provided by MCPD in response to ACP questions, as well as the participation of MCPD representatives, Captain Jordan Satinsky and Captain Kathy Estrada, as well as FOP representative Sergeant Cate Brewer.

Conclusion

Over the past year, the commissioners have worked to provide the County Council with helpful and considered advice on policing matters and public safety. In this effort, each commissioner has drawn on individual experiences and expertise, as well as research, presentations, discussions and public input through our own contacts, as well as through public forums.

While a significant amount of our effort thus far was required to complete training, we look forward to building on the work of our last year to more effectively fulfill our mission. We plan to organize public forums in various parts of the county and to report to the Council about findings during these forums. We will also make greater use of subcommittees to work more efficiently, and we will seek to enhance our contribution to the public conversation in Montgomery County about public safety and policing.

Appendix A – Current Membership – 2025

Council Designated Commissioners

(effective February 13, 2024, unless otherwise indicated)

- Reverend Brian Bellamy (Chair)
- C. Arthur Blair
- Cherri Branson
- Kristy Daphnis
- Christina DeLane
- Sony George (since October 2024)
- Francisco Javier González (Co-Vice Chair)
- Henry Mulzac (since December 2024)
- John Stephenson
- Teresa Walsh
- Sean Watson

County Executive Designated Commissioners

- Eva Quittman (Youth, 25 or younger and Co-Vice Chair)
- Vacant (Young Adult, age 26-35)

Ex-Officio Members

- Captain Kathy Estrada, Director of Community Engagement Division, MCPD (Chief's Designee, since March 2025)
- Sergeant Cate Brewer, MCPD (Fraternal Order of the Police Lodge 35 Designee)

Appendix B – Workplan

Note: This workplan was reviewed and adopted on June 9, 2025. It will be reviewed and revised on an annual basis, or sooner if circumstances require.

The Advisory Commission on Policing (ACP) was created in 2019 by the Montgomery County Council in response to the public dialogue around policing practices and to increase community involvement in matters of public safety. Its mission is to advise the Council on policing matters and recommend policies, programs, legislation, or regulations with regards to policing.

Montgomery County Code Section 35-6 establishes the 15-member Advisory Commission on Policing. The ACP's duties are to:

- Advise the Council on policing matters;
- Provide information regarding best practices;
- Recommend policies, programs, legislation, or regulations;
- Comment on matters referred to it by the Council;
- Conduct community outreach for community input; and
- Accept correspondence and comments from members of the public.

Goal: To help the County Council identify data-driven and community-centered solutions that improve the delivery of fair, effective, and equitable policing services to Montgomery County residents and ensure that the evolving needs, expectations, and values of the County's diverse communities are addressed.

Objectives: To provide feasible, pragmatic, and evidence-based recommendations to the County Council concerning policing, including policies, programs, legislation, or regulations pertinent to the Montgomery County Police Department's (MCPD's) policing and efforts to cultivate community engagement, trust, transparency, accountability, and public service.

Strategies: The following strategies will inform the work of the Commission over the next twelve months:

1. Proactively gather data and insights from a variety of sources, which includes benchmarking, and methods on policing matters from both the police department and all segments of Montgomery County's diverse communities, with particular attention to those who live and/or work in areas disproportionately impacted by crime and policing, and on marginalized groups, such as youth, people of color, LGBTQ+, immigrants and those whose primary language is not English, and people with disabilities. (ongoing)
2. Work with MCPD to better understand how certain aspects of police reform are being implemented, including recommendations and findings of:

- a. Reimaging Public Safety Task Force
 - b. Effective Law Enforcement for All (ELE4A)
 - c. Montgomery County (MD) Office of the Inspector General
 - d. Maryland Police Training and Standards Commission
 - e. Office of Racial Equity and Social Justice (ORESJ)
 - f. Maryland Police Accountability Act of 2021
 - g. Commission on Accreditation for Law Enforcement Agencies (CALEA)
- MCPD's efforts should exceed these requirements and recommendations, as well as meet the expectations and demands of Montgomery County's diverse communities. (ongoing)
3. Access, evaluate and provide feedback on MCPD planning processes and specific goals, objectives, and outcomes for all significant program areas. (ongoing)
 4. Examine MCPD community policing outcomes to ensure that these efforts are focused on priorities that meet the expectations of community members and the County Council. (ongoing)
 5. Review MCPD's data collection, analysis, reporting, and management practices to ensure they meet internal policy and legislative requirements, advance transparency and accountability to support the department in providing effective, responsive, and equitable policing. (Data subcommittee)
 6. Provide recommendations on all pending legislation that impacts policing. This work should focus on communities of color that have been historically overpoliced, and that these same communities are also disproportionately victims of crime and have a real need for effective public safety services. (ongoing)
 8. Review the role of police in the probable cause and pretrial release decisions of District Court Commissioners. (Pretrial release subcommittee)
 9. Contribute to the ongoing discussion regarding public safety in schools, including the presence of police officers in the County's public school system and avoiding the school to prison pipeline. (ongoing)
 10. Prepare and submit reports and recommendations to the County Council in a timely manner, including an annual report by July 1 on its functions, activities, accomplishments, plans, and objectives. (ongoing)

Appendix C – Letter to the Council Regarding Bill 2-24 , Police – Traffic
Stops – Consent Search of Motor Vehicle and Data Collection (The
“Freedom to Leave” Act), July 10, 2024

(see next page)



ADVISORY COMMISSION ON POLICING

Dear esteemed members of the County Council,

We are writing on behalf of the Advisory Commission on Policing to recommend that the Council pass Bill 2-24, the Freedom to Leave Act, with a full ban on consent searches. Although this bill covers a small fraction of all traffic stops, we believe that it would improve racial equity in policing, build trust between the community and our police, and improve public safety by diverting police towards more effective investigatory methods. Extensive data suggests that a ban on consent searches may actually improve public safety, in addition to supporting racial justice in the County.

Consent searches are ineffective as law enforcement tools; in a December 2023 Public Safety Committee worksession, now-Chief Yamada stated that only one out of 205 consent searches performed led to the recovery of an illegal firearm. A University of Texas study finds that consent searches are less likely to return contraband than probable cause searches, and are therefore a significantly less efficient use of law enforcement resources. Similarly, data Dr. Earl Stoddard provided to the Police Accountability Board indicated that since MCPD changed its consent search policy about a year ago by requesting written approvals for consent searches, only about a dozen items of contraband have been found as a result of consent searches. Additionally, Connecticut, New Jersey, and Rhode Island, as well as Minneapolis and several jurisdictions in the San Francisco area, have all banned or severely restricted consent searches with no adverse impact on public safety.

Not only are consent searches largely unproductive, they can also be actively counterproductive. As Councilmember Jawando mentioned during our detailed July 8th discussion on the bill, multiple law enforcement experts have stated that the widespread use of consent searches disincentivizes officers from honing the investigative skills necessary to carry out their duties. Thus, banning consent searches would increase the effectiveness and efficiency of MCPD officers by having them focus on more productive efforts to prevent and solve crimes, while preserving the dignity and safety of drivers from disproportionately-affected marginalized groups. The data available on consent searches suggests that when they are banned or limited, there are fewer pretextual stops and the searches that do take place become more productive.

For these reasons, we ask that you pass the Freedom to Leave Act, and fully ban consent searches in Montgomery County.

Thank you for your consideration.

Rev. Brian Bellamy
Chair, Advisory Commission on Policing

Eva Quittman
Chair, Freedom to Leave Act subcommittee

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Appendix D -- Letter to the Council Regarding Expedited Bill 26-24E,
Police - U visa Law Enforcement Certification Policy (The "Uplifting
Victims and Immigrant Safety" Act), January 14, 2025

(see next page)



ADVISORY COMMISSION ON POLICING

January 14, 2025

The Honorable Kate Stewart, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear President Stewart and Members of the County Council:

Pursuant to the charter of the Advisory Commission on Policing (ACP), this letter provides the ACP's advice regarding Expedited Bill 26-24E, Police - U visa Law Enforcement Certification Policy.^[1]

We welcome Expedited Bill 26-24 in general but believe MCPD should be allowed to reject applications based on crimes committed outside its jurisdiction except under the limited circumstances allowed by state law.^[2]

The expedited bill would require that any policy directive regarding MCPD's U visa "certification of helpfulness," or Form I-198B, "not be more stringent than the criteria required under federal immigration law; and must not be inconsistent or conflict with the standards and regulations under federal law." Removing unnecessary administrative requirements to MCPD's limited role in the U visa process would contribute to advancing the County's goals for public safety and for racial equity and social justice. It would also encourage law enforcement agencies to better serve immigrant crime victims and to prosecute crimes committed against aliens.^[3]

MCPD's current policy has four requirements for "certifications of usefulness" that are more restrictive than required under federal law, but they are not inconsistent with the law.^[4] This is because Congress granted broad discretion to law enforcement agencies regarding whether and how to complete these certifications, consistent with policy, as well as local and state law. Indeed, many law enforcement agencies across the country choose to not accept any requests for certification of usefulness or have requirements that are more stringent than MCPD's.^[5]

We recommend that the expedited bill allow MCPD to reject "usefulness certification" requests based on crimes committed outside Montgomery County except under the circumstances allowed by Maryland Code Criminal Procedure § 2-102 and MCPD FC No.: 514, dated December 4, 2018. As currently written, the expedited bill would require MCPD to remove its first requirement: that requests for usefulness

Advisory Commission on Policing

certification be based on a crime committed in Montgomery County. Although the Department of Homeland Security (DHS) “U Visa Law Enforcement Resource Guide” notes that there is no such requirement in the law, the wording suggests that this was meant to allow for rare exceptions, such as joint investigations, mutual aid agreements, emergencies, etc.^[6] Removing this MCPD requirement entirely could invite requests that would be better handled by law enforcement agencies in other jurisdictions, that MCPD has no ability to verify, and that it is, therefore, unable to certify. This would provide no benefit to the county, but it could overload MCPD’s staff and cause unnecessary delays or backlogs in the certification process.

MCPD’s second requirement establishes time limits for accepting requests for certification of helpfulness. These time limits are more stringent than federal regulations, which “do not set a specific statute of limitations for [certification of helpfulness]. The key is the victim’s helpfulness, not the timing of the helpfulness.”^[7] Moreover, this requirement dates to a time when the department’s documentation was based almost entirely on paper, which made it labor intensive and difficult to verify key elements in old cases. Since then, MCPD has greatly improved its automated data capabilities.

MCPD’s third requirement is that the request be based on a crime investigated by its officers, which is also more stringent than federal immigration law requires. According to the U Visa Law Enforcement Resource Guide, “[c]harges do not have to be filed, nor does an investigation or prosecution need to be open or completed at the time a certification is signed. For example, a victim may establish eligibility for a U visa if the certifying agency detected the qualifying crime based on the information provided by the victim.”^[8] Moreover, actual MCPD practice is to take a broad interpretation of the term “investigation,” and in cases the initial investigation of the officer at the scene is deemed sufficient.

The fourth MCPD requirement, that “the case has not yet been prosecuted,” is also more stringent than required by federal immigration law, which recognizes an alien may apply for a U visa at different stages of the investigation or prosecution.^[9] This requirement is unnecessary, as, pursuant to a memorandum of understanding, MCPD does not handle requests for “certification of helpfulness” in cases where there has been an arrest, let alone a prosecution. If received by MCPD, those requests are forwarded to the State’s Attorney’s Office or the United States Attorney for the District of Maryland.

In addition, current MCPD policy does not mention the possibility of accepting requests for “certificates of usefulness” from persons who witnessed a qualifying crime, have “suffered substantial physical or mental abuse,” have information that is helpful to law enforcement, and cooperate with the police. Therefore, we recommend that MCPD amend its policy to explicitly allow applications from those individuals who were not the intended victim of the crime but would otherwise qualify for a U visa under federal immigration law.

Finally, the removal of these unnecessary administrative requirements could reasonably be expected to result in an increase in the requests for “certifications of helpfulness” MCPD receives and, therefore, in the resources needed by the department to process these requests in a timely and efficient manner. But it is difficult to predict the magnitude of such an increase. Over time, jurisdictions have seen a shift from most requests pertaining to crimes that were several years old to mostly requests based on crimes that occurred within the past few months.^[10] This would suggest that the pool of

likely applicants based on crimes that took place over 10 years ago has shrunk significantly already. Also, increases in applications could be attenuated by perceptions of the incoming federal administration, as new U visa applications dropped significantly during the years 2018, 2019, and 2020.^[11]

Sincerely,

Rev. Brian Bellamy, Chair
On behalf of the
Advisory Commission on Policing

Cc: County Council
Council Chiefs of Staff
Police Chief Marc Yamada

^[1] Staff Report on Expedited Bill 26-24, Police – U visa Law Enforcement Certification Policy, November 14, 2024.

^[2] <https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/0500/FC%200514%20Limited%20Jurisdiction%2C%20In%20Maryland%2C%20Outside%20Montgomery%20County.pdf> and <https://codes.findlaw.com/md/criminal-procedure/md-code-crim-proc-sect-2-102/>

^[3] ICAP Declaration, “Support for Education and Awareness on U Visa Certifications and T Visa Declarations,” 2018. <https://www.theiacp.org/resources/resolution/support-for-education-and-awareness-on-u-visa-certifications-and-t-visa>

^[4] <https://www.montgomerycountymd.gov/pol/Resources/Files/family-visa/UVisaPolicy.pdf>

^[5] UNC School of Law Immigration/Human Rights Policy Clinic, “The Political Geography of the U Visa: Eligibility as a Matter of Locale”, 2019. <https://law.unc.edu/wp-content/uploads/2019/10/uvisafullreport.pdf>

^[6] Page 13, DHS, U Visa Law Enforcement Resource Guide, 2022, downloaded December 11, 2024. https://www.dhs.gov/sites/default/files/2022-05/U-Visa-Law-Enforcement-Resource-Guide-2022_1.pdf

^[7] Page 8, USCIS U Visa Law Enforcement Resource Guide.

^[8] Page 13, USCIS, U Visa Law Enforcement Resource Guide

^[9] Page 13, USCIS, U Visa Law Enforcement Resource Guide

^[10] Police Executive Research Forum, “U Visas and the Role of Local Police in Preventing and Investigating Crimes Against Immigrants,” in Subject to Debate, Vol. 31, No. 2, June-August 2017. https://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2017/debate_2017_j_unaug.pdf

^[11] USCIS, Number of Form I-918, Petition for U Nonimmigrant Status, January 2023. https://www.uscis.gov/sites/default/files/document/data/I918_FY23_Q1.pdf