

HIRING AND DISCIPLINE SUBCOMMITTEE MEETING MINUTES
(INITIAL MEETINGS OF THE HIRING AND DISCIPLINE SUBCOMMITTEE OF THE POLICING ADVISORY COMMISSION)

DATES: The subcommittee convened for its initial meetings on November 4th and 8th of 2020.

TIME: The meeting convened at 5:00 p.m. on both dates via Zoom.

ATTENDEES: All four members were in attendance on November 4th: Nadia Salazar, Caroline Frederickson, Eric Sterling and Alicia Hudson. All committee members were present for the meeting on the 8th, with the exception of Caroline Frederickson who was unable to attend.

SUBJECT: Data needs and LEOBR

AGENDA: There was no written agenda.

MATTERS DISCUSSED: The subcommittee decided on its initial subject area of focus. The initial area of focus will be discipline, and LEOBR, in particular, because the subcommittee wants to address the issues that are already being looked at/discussed currently with the Montgomery Co. Police Dept. (MCPD).

I. DATA CONSIDERATIONS

The subcommittee discussed data that would be needed for its work. One commissioner stated that though data has been requested from MCPD, it has not yet been presented. The Police Advisory Commission (PAC) is awaiting data from the Internal Affairs Division (IAD). IAD has informed PAC that due to COVID constraints, IAD would not be able to get us the data for a couple of weeks. A commissioner noted that this is the second pushback we've received from MCPD. The commissioner noted that much of this data should already exist. A commissioner noted that access to data and transparency is the elephant in the room. The commission needs to be given a reason as to why it is taking so long to provide us with the data. The commissioner noted "Looking at campaign records, so we can see FOP contributions. What are the special interests at play?"

A commissioner stated that it helps for Mont. Co. to take action to help put pressure on the state. The commissioner posed the following questions as essential: What would revision of the disciplinary process look like? What is being advocated? Looking at the Mont. Co. contract and the idea that the police chief has the ability to implement discipline, how would the police chief's role change, if it's going to change?

The commissioner further added, “We believe the police officers deserve to have representation but there can’t be an extra level of protection of impunity that doesn’t apply to other public servant union workers. We should look at what is our baseline? I don’t want to be insensitive to the importance of collective bargaining. Because they have the power to take a life and authority to do that, we maybe should look at LEOBR and collective bargaining distinctly.” All commissioners concurred.

A commissioner asked what were the subcommittee’s resources for data collection. The commissioner noted that only the Reimagining Public Safety Task Force had been allotted budgetary funds for their work as well as a professional data consultant.

Another commissioner stated that the subcommittee should ask RPSTF to keep us in the loop re: the studies they are looking at for the task force.

II. LEOBR

A commissioner stated that if all of the officers in the state are 16,000 certified officers, there is a lot of disciplining going on. The commissioner noted that in some cases, officers receive more than one type of discipline. The commissioner recommended that we want to know discipline records for the last four-five years. Another commissioner raised the importance of knowing more about the hearing boards in the disciplinary administrative proceedings. The Subcommittee needs more transparency regarding the hearing process. What is the data regarding who is on the hearing board? There is provision for one civilian participant to be on the hearing board, but does the public know this? Have civilians participated on the hearing board? What is the training required for serving on the hearing board?

A commissioner noted that perhaps FOP could share with the subcommittee what this discipline process is and what it looks like.

A commissioner shared observations regarding police officer complaints. The commissioner noted the following: the cases opened in 2019 involved 270 allegations; there’s a difference between intake investigations and formal investigations; the MCPD doesn’t seem to follow up on the prior year. In 2019, 54 of the 70 investigations are still open. In 2019, only 6 of the cases were sustained against the officers that were the subject of the complaint. A formal complaint can be closed administratively because the complainant was uncooperative or there is an exoneration where the finding is that the officers’ acts were appropriate; other findings are “inconclusive” and “unfounded.” The commissioner noted, “What’s missing is what the disposition is where the complaint was sustained.”

III. SUMMARY OF NEXT STEPS/FUTURE ACTION ITEMS

The Subcommittee agreed that presentations/demos would be needed from FOP (and other entities) to inform the Subcommittee on the disciplinary process, the hearings process and the decision process regarding officer discipline. Additionally, the Subcommittee would also need informational presentations regarding what the Chief’s role currently is,

and what the new civilian police chief's role will be in the discipline process. What powers are allotted to the Chief and incoming civilian Chief in the discipline of officers?

THE MEETING ADJOURNED AT 6:00 PM.