



Policing Advisory Commission
Monday, November 09, 2020
Virtual Meeting
6:30 – 8:00 pm
Meeting Minutes

Commission Members Present: Jerome Price, Jenn Lynn, Shabab Ahmed Mirza, Caroline Fredrickson, Nadia Salazar Sandi, Vernon Ricks, Eric Sterling, Alicia Hudson, Robin Gaster, Jasmine Williams, Dalbin Osorio

Commission Members Absent: Cherri Branson, Justice Reid

Ex Officio Members Present: Chief Marcus Jones, Cate Brewer (FOP representative)

Support Staff: Carlos Camacho, Susan Farag

Guests: Marcos Ferrer, Nick Augustine (MCPD), Lisa Mandel-Trupp (Chief of Staff to Council President Sidney Katz), Linda Thompson, Alicja Nutting (Montgomery County League of Women Voters' Observer Corps)

Meeting was called to order at 6:35pm.

Agenda:

- 1. Attendance and Recording of Meeting:** Mr. Camacho took attendance and began recording the meeting.
- 2. Administrative Updates:**
 - i. Commission voted to unanimously approve minutes from last two meetings (10/12 and 10/19).
 - ii. PAC Citizen Academy started on Wednesday, November 4
 - Ms. Mirza - Some PAC members were not in attendance but are planning on viewing the recorded sessions asynchronously. Is the recording from the first session now available?
 - Mr. Camacho – Cpt. Cokinos is in the process of downloading the video. It will be shared with the PAC as soon as it is available.
 - iii. Survey fielded by County and Reimagining Public Safety Task Force
 - Dr. Gaster – Agree with everything in Eric’s comments to the PAC regarding the survey (see below). It is a poorly designed survey and it’s concerning that this was the first effort from the new consultant who is working with the Task Force. Feel like it is an opportunity missed. Every organization that has customer facing functions should understand what their customers think and this is something MCPD should be doing at least annually or more regularly.
 - Ms. Farag – Not sure if the consultant was involved in the survey. Will work to confirm that.
 - Mr. Sterling’s previous comments on the survey:

A survey is important, and it is great that it will be available in seven languages spoken in the county!! However, please pardon me if I seem too critical.

The survey, in a word, is lousy. More precisely, it is disorganized, incoherent and amateurish. I don't think it will be helpful. It is hard to imagine how a tabulation of the answers will provide

data that is meaningful about what the community thinks about the problems in Montgomery County and how they should be addressed. There is the potential for respondents to say something meaningful in the open-ended focus area questions at the end - after respondents may have become exhausted trying to figure out how to provide meaningful answers to the first 37 ambiguous questions -- but the prompts for the focus area questions are poorly written.

But first, the initial 37 question subjects are arranged in an absurd alphabetical order, rather any kind of logical grouping of the subjects. An animal attack is arranged as "In-progress Animal Attack" -- placed between homicide and indecent exposure.

Most of the questions ask if, for some particular subject such as "addiction" or "citizens academy" or "homicide" or "Neighbor disputes" or "National Night Out," MCPD should be the "main department responsible," (responsible for doing what about the subject - solving it? addressing it? responding to it?, making an arrest? making a referral for service?); or if the responsibility should be shared with some unnamed service providers; serve only as a backup to another service provider which "cannot respond" (meaning what?); or not involved. These polling responses are terribly ambiguous, to the point of being unhelpful.

Take the category "Neighbor disputes (disagreements between neighbors)". This could reasonably be a huge range of issues -- my neighbor is routinely and inconsiderately noisy; my neighbor lets trash spill into the yard and street; my neighbor's kid uses a bow and arrow and other shooting games and the objects land in my backyard; my neighbor has a floodlight in the back of his house that shines into my porch and windows; my neighbor won't trim his trees dead limbs that overhang my house; my neighbor parks in my parking place; my neighbor threatens my children; my neighbor doesn't clean up after his dog goes on my walk; my neighbor's frequent visitors are loud, park in my reserved space, are threatening, litter, etc. The police almost certainly has responsibility for being contacted about some of these kinds of disputes and not for others -- it depends, doesn't it?

Take "Addiction (physically dependent on a drug, alcohol or activities)." Aside from an antiquated definition of addiction, what is the question really? We all have very different ideas about what the implications are of this complex condition for the police or for other service providers. Some might think of the inability to cease the activity and the consequences of the loss of money spent gambling or purchasing drugs or alcohol and how that might lead to remunerative crime -- and others will think about the need for appropriate treatment. The question, and the others, are so ambiguous that whatever the count of the answers borders on the meaningless.

Take "noise violations (busking, dog barks, loud music/party)" Busking?? Really. Responding to loud music/party -- there is such a range of situations, how can you pick out the proper response? Are we being asked for the ideal response living in an ideal community of the future where we all know our neighbors or the different real worlds we live in? Is it late afternoon or midnight? Is it just loud music in the next door apartment and I know my neighbor is getting carried away, or is it 50 or more people loudly partying at a home or apartment where I don't know the owner or tenant (and they have a Second Amendment right to be armed)? And how would a compilation of the number of answers help tell us what the proper policy for MCPD would be?

Then there are five focus areas that are also ambiguous. Certainly there are many times when open-ended questions are useful. My sense is that asking, "Do you have any opinion on the

[focus areas]? is not terribly helpful when the focus areas have an "inside baseball" quality such as focus area 2 -- "The Montgomery County Police Department (MCPD) budget: review data and structure." Are we being asked to provide the Task Force with our ideas about how it should address the focus area, or are we being asked out opinion about the budget data provided by the MCPD, or the structure of managerial units in the MCPD, or something else?

The lack of sophistication of this survey is initially not terribly encouraging to me about the sophistication of the consultant or the nature of the "audit" they will do regarding MCPD.

I hope that our group can do better.

- Dr. Gaster – Also, have no sense of what the population is, which populations are responding or if it representative. Survey bias is a huge problem with surveys - does the sample match the population you want to survey?
- Ms. Fredrickson – Agree with Robin and Eric’s comments. What can we do about this now? Is there a way to modify? Survey is already out so if we can’t make any changes then what other avenues do we have to get public input?
- Ms. Mirza – We will discuss later tonight on how the PAC can get public input. The survey closes this Friday, November 14. We can make sure that the views from the PAC are sent to the folks analyzing the survey to hopefully help frame the results appropriately.

iv. Reimagining Public Safety Task Force public forum tentatively scheduled for December 3

- Ms. Mirza – This is the date that the PAC was looking at to potentially hold our forum. Advise that the PAC forum be moved to later in 2021. Also, County’s Chief Equity Officer, Tiffany Ward, briefed the Task Force this evening. Ask that Carlos look into any recording of that briefing so that the PAC can view it.

3. Data Request Response from MCPD: Commissioners’ thoughts on MCPD documents and possible follow-up

- Ms. Mirza – Chief Jones noted that the response was a partial response to the request as this was a lot more complex to put together a list of all the databases and data dictionaries. Some of the databases are “off-the-shelf” databases so some of the data fields aren’t necessarily used by MCPD but are still included. Invite Commissioners to look at the response and identify any fields that would warrant a more in-depth look, particularly as they relate to the different subcommittees. Also, wanted to make a note of the different interpretations of the statutes within the PAC legislation regarding the amount of time MCPD has to respond to data requests. It was previously thought that MCPD had 30 days to respond with the data however, Chief Jones stated that only MCPD’s initial response confirming receipt of the request needs to be within 30 days of the request.
- Dr. Gaster – The data dictionaries seem to be comprehensive and it will provide a base for how to get data out of MCPD. Can see clearly which kind of data MCPD collects or are supposed to be collected, allowing the PAC to home in on the particular data and questions in their databases. Perhaps we can send a letter thanking MCPD, while noting that the PAC will still expect data within 30 days in future requests.
- Ms. Mirza – What really stood out is that MCPD is understaffed during the pandemic. Given that the statute was drafted before the pandemic perhaps the PAC should have some patience.

4. Updates from Subcommittees

- i. Ms. Mirza – PAC has split into four subcommittees. As a reminder, emails between members of a subcommittee can be private as there is no quorum. All subcommittees recommendations are deliberated by the full PAC. Each subcommittee can decide if they want a Chair or some other type of organizational structure. Ask that each subcommittee decide on a set meeting time for every month at least for now until we figure out what meeting regularity works. Also, ask that each subcommittee post a meeting link and minutes for the public through the PAC website.

ii. School Resource Officer Subcommittee

- Mr. Osorio – Set to meet with Young People for Progress next Tuesday, Nov 17, to hear directly from them now that we know that Councilmembers Jawando and Riemer will offer a bill to remove SROs and an accompanying appropriations bill reallocating the \$3M to other school resources. Would like to meet with students to see how they would ideally like to see those funds used and also how they can leverage the PAC to create the change they are looking for. Mr. Price has also been connecting with his own students to get a broader student perspective. Also, have decided to appoint Ms. Jasmine Williams as Chair.
- Mr. Price – Interested to get the insights and perspectives from my own students and their friends in other schools because I have noticed that the experience with SROs are very different as school demographics change. For example, schools with more Black and Latino students tend to have more interactions with SROs compared to schools with a higher White and Asian student populations.
- Ms. Lynn – Wanted to call attention to a recent email sent regarding reallocating funds towards school psychology and counselors. A state-wide committee presented stats from the MD State Dept of Education (MSDE) on the recommended ratio of students per psychologist and per counselor nationwide and what the ratio is in MD.
 - Mr. Osorio - will share Jenn's stats with the group of students that the subcommittee meets with next week to get their thoughts.

iii. Emergency Response Subcommittee

- Ms. Mirza – The subcommittee has not met yet.
- Ms. Lynn – Looking into getting some information from ECC staff on the calls they are getting, what they see as being helpful, especially with regards to mental health-related calls. Will having extra social workers marry together with the type of calls for service the ECC receives?
- Mr. Sterling – Posted in the PAC files a paper called “Alternative 911” from the Center on American Progress and the Law Enforcement Action Partnership. The paper looks at 911 calls and this might be useful for the subcommittee.
- Ms. Mirza – Posted a link in the chat <https://abolitionanddisabilityjustice.com/reforms-to-oppose/> from a group of disability justice activists who were looking at mental health interventions that may end up having the same dynamics as incarcerations and giving recommendations on how to avoid those outcomes.
- Ms. Lynn – Dr. Gaster sent another example of a great mental health program.
 - Dr. Gaster – The Cahoots program in Eugene, OR. Mental health service providers share responsibility with the police over mental health response and have had success over the 20 years that it has been implemented.

iv. Discretionary Policing Subcommittee

- Dr. Gaster – The subcommittee did meet. Decided that we would start with traffic stops as it is one of the more visible aspects of discretionary policing. Developed a document asking for information from MCPD regarding what it's doing in terms of traffic enforcement. Would like to know things like what incentives influence officer activities (e.g. bonuses for stopping people). What is traffic policing for? Want to explore the relationship between where traffic accidents occur and where traffic stops occur. Haven't seen anything from MCPD on this. Would like the data request to come from the PAC and not just the subcommittee. Will share so PAC members can view and decide whether they support it or not.

v. Hiring and Discipline Subcommittee

- Ms. Hudson – Have had two meetings and done some great work. Will the minutes be posted or not?
 - Ms. Mirza - they will be posted but they do not have to be as detailed as the full PAC minutes

- Ms. Sandi – The subcommittee priorities will be looking at disciplinary procedures and LEOBR and how this impacts the County, with an understanding that there is also a focus on this at the state-level but we are focusing more on the local impacts. The subcommittee will tackle this and the Internal Affairs process first and then move onto hiring practices. One of the barriers that was discussed was access to data but now that they have some data it will take some time to analyze the information and also put it into context by speaking with the FOP and MCPD. Also, will look at LEOBR and its impacts on unions. Discussed how discipline and hiring works and how the decision makers who are chosen (e.g. elected officials and campaign finance policies) impact this process. Concerned about the data - 270 allegations in 2019 (both intake and formal allegations) and 54 of the 70 investigations are still open. Would like to invite folks to understand the process more fully. Another aspect of this is that a third party that compiles the data and puts it together, so how do we get access to that? Also, discussed the types of reforms that would be legally able to come forth out of the PAC and working within certain restraints. Other pieces involve looking at the Union contract and Bill 34-20 that the PAC was asked to comment on.
- Ms. Hudson - Interested in knowing what the process is in how civilians are incorporated (e.g. do they get training, how is this publicized, etc.) in an administrative hearing board. Would need someone to come in and explain that process.
- Ms. Sandi – Will likely be reaching out to Cate Brewer at FOP and Internal Affairs
- Ms. Fredrickson – A lot of good work has been done outside of MoCo and MD in terms of disciplinary best practices but it is a fraught area as you also have to weigh the collective bargaining and worker’s rights aspect. Should look into experts involved in this area.
- Ms. Hudson – Police are like no other public servant who are subject to a collective bargaining agreement so need to be sensitive to this respect.

5. Discipline and Data Quality Discussion

- Dr. Gaster – Did an analysis on data from Internal Affairs (IAD). Will share with everyone. Went through their database and compared it to the IAD annual report and their data is really poor. It doesn’t answer the basic questions that IAD should be answering – how many investigations were there, what happened in them, how many were sustained, for those that were sustained what happened? They need help with their data. This does not require a breach of officer confidentiality as it is aggregate/anonymized data. Has shared this with the CE, the Chief, and the head of IAD but none have responded to this.
- Mr. Sterling - I wrote a question to the President of Montgomery College who was having a forum on marijuana stops.
 - Dr. Gaster - recommend sending this to Chief Jones to get a better answer than what was given.
- Mr. Osorio – Believes what stands in front of the PAC is rebuild the trust between the police and communities of color who are impacted by an injustice system of policing. If we can’t trust the data (and a survey!) then how can we trust the other aspects of policing?
- Ms. Sandi – I think there was never trust to begin with. It should be about creating a sense of safety to start with. The reality is that the Commission has to build the trust that never existed.
- Dr. Gaster – At the end of the Citizen Academy last week, there was a long discussion about the failure of MCPD to communicate with the public. There is a lot of activity that is below the radar. They have no professional outreach organization. There is a delicate balance between giving the police a platform for propaganda and giving the police the opportunity to explain what they are doing so that citizens can have a discussion.
- Mr. Sterling – One of the Citizen Academy presenters said there is a war on the police in the United State. I was struck by that comment in the context of the Citizen Academy. The officer said he wore body armor more often. The problem of trust exists on both sides. It is alarming to hear that the/our police feel that there is a war against them. There is a need for a much

more sophisticated dialogue between the police and the community that they serve. If the police feel that there is at war then that can lead them to behave in a dangerous manner.

- Chief Jones – This is a lot to take in. Think there is a lot to learn about the police department based on the questions posed by the Commission. It is clear that not all are educated on all the aspects of policing and I take Dr. Gaster’s point about a lack of communication on the part of the police but there are many facets of the department that do communicate well with the many different communities in MoCo. MCPD has well established relationships with the African American Liaison Committee and the Latino Advisory Commission that meet monthly. Ask for some patience because all of these questions are great and MCPD has answers for these questions but the opportunities to go before you are somewhat limited. There is a lot to share and are committed to share. We have a lot of MPIA requests in the last six months. Do not have the staff to keep up with this. MCPD supports the PAC and its work but want to have a chance to have a conversation with all of you. I respect all opinions, but the reality is that there is a lot of discussion right now about police reform and all departments are having the same conversations in their community. We all have to come up with ways to develop positive relationships and have positive outcomes and I am committed to doing so. This is not new to me. Nadia’s questions with regards to IAD complaints are great – some complaints come externally and others come from within the department. It may take extra meetings. We have a lot of information to share and it will take many meetings for MCPD to bring in subject matter experts to speak to the concerns that the PAC has. Then the PAC can formulate recommendations on policy changes and so forth based on that information.
- Ms. Mirza – Made a conscious decision to not put Chief Jones and Cate Brewer on any subcommittee as their expertise will likely be called upon by all the subcommittees. As we do future subcommittee updates, we should not put them on the spot during the meetings as we have not shared any questions or concerns with them ahead of time but they can of course offer any responses or reflections as they see fit.
- Ms. Brewer – The PAC does have a lot of information to go through and appreciate that folks will reach out with other questions that myself or Chief Jones will try our best to answer.
- Ms. Hudson – Really enjoyed the Citizen Academy and really appreciate Chief Jones and Cpt. Cokinos’ presentations and think it would be very helpful if the community were able to access this information.
- Dr. Gaster – Thank you for the data MCPD was able to provide. On the IAD data, sorry if I spoke sharply, but had a conversation with Cpt. Cokinos on why the data doesn’t show what it should. Not complaining about what MCPD has but is simply saying that MCPD may need help in telling its story. Believe MCPD doesn’t have the staff to do the type of communication it should do and that the community deserves.
- Chief Jones – Don’t disagree with you Dr. Gaster. MCPD is in the police business and the focus across America hasn’t always been on giving out data. Have 700 professional staff but few staff work in the Policy and Planning Division, which deals with more data than any other division. Also, lost two of the most important people from that division in the past year. Couldn’t agree with you more on the communications piece and MCPD will be hiring a civilian professional to lead its Public Information Office, which is different from how its traditionally been done in the County but felt it was necessary to make that change. There needs to be a financial commitment from the County to provide MCPD with the personnel to be able to provide those resources.
- Mr. Ricks – Have been urging the PAC to go through the Citizen Academy will give the PAC a real world understanding of policing and answer a lot of these questions.

6. Public Input on Policing Matters

- i. Ms. Mirza – Next agenda item is on public input on policing matters. Already have the County

Executive's survey that has been made public and public forums coming up next year. Any other ideas on how to reach out to the public?

- ii. Ms. Fredrickson – Interested in knowing when the results of the survey will be ready? Would also like to perhaps work with the Task Force on a follow-up survey that further narrows and refines the questions asked based on the answers they receive to the current survey.
- iii. Ms. Mirza - PAC had previously discussed using social media, radio spots, podcast to raise awareness for the PAC. Could be as simple as creating a comment form on the PAC website.
 - Mr. Osorio – Like that idea and that would allow the PAC to compile the questions (weekly or biweekly) and answer them in that manner. Also, allows the PAC to respond/address concerns as they come about.
- iv. Ms. Lynn – Agree that's a great idea but not even sure that the community knows that we have a website. This goes back to the need of communication from the Police, the PAC, and the public. Would be happy to help with revamping the website.
- v. Dr. Gaster – Think a website and web presence is the way to go. Social media is used in real time and there is the added problem of individuals speaking for the PAC or for MCPD and that is a dangerous way to go but we do need to be present within the community.
- vi. Mr. Osorio – Thinks there is a line we can toe with social media. Can questions from the public be filtered through the Chief and/or other officers in order to address community concerns in real time? Need to find a balance that is respectful, inclusive, and safe.
 - Chief Jones – MCPD has been doing a lot of outreach over the past 7/8 months. I do, on average, two community meetings like this a week and it's a great way to do outreach and reach new populations. Would want to work in partnership with the PAC to answer the questions the public has. If that is the direction where the PAC wants to go then it could be put together. MCPD is also working on putting together a FAQ sheet to educate the community and will be releasing in the upcoming weeks.
- vii. Nadia – Would like to explore a way to set aside a time during meetings for the public to comment and even if they don't get an answer at that time, they can still comment. Perhaps these comments would be addresses bi-monthly for example. Appreciate that the PAC's meetings are recorded so that there is a public record and that we are held accountable. Also, need to reach people where they are at and should understand who the FOP and MCPD has been speaking with so that efforts aren't duplicated and we are able to identify any instances of inconsistent messaging.

7. New Business

- i. Ms. Mirza - Reminder for Subcommittees to send meeting times and minutes with Mr. Camacho to post on the webpage. Also, we will be doing a review of the webpage and soliciting input from all of you.
- ii. Committee Scheduling Updates:
 - **SROs** – Meeting is next Tuesday, Nov. 17 at 6pm (tentatively). No standing meeting yet.
 - **Emergency Response** – No standing meeting time but maybe Wednesdays could work going forward.
 - **Discretionary Policing** – No standing meeting time and doubt we will.
 - **Hiring and Discipline** – No standing meeting time/date. Will ensure to announce meeting times and info. out sooner.
- iii. Ms. Hudson - Have we thought about advertising in El Tiempo Latino, radio stations, TV, public venues, or other media outlets to reach diverse communities?
- iv. Robin – Have discussed community engagement several times and agree that it should be part of our central mission so perhaps we can re-visit the subcommittee structure or appoint someone to lead the community engagement efforts, perhaps Dalbin.
- v. Information Request from the Discretionary Policing Subcommittee (on behalf of the entire PAC)
 - Motioned by Mr. Osorio and seconded by Ms. Hudson to put forward data request
 - Vote – Carries unanimously

Meeting was adjourned at 8:01pm.