



Policing Advisory Commission

Monday, March 8, 2021

Virtual Meeting

6:30 – 8:00 pm

Meeting Minutes

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

Commission Members Absent: None

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

Support Staff: Carlos Camacho, Susan Farag

Guests: Heidi Rhodes (JUFJ), Devorah Stavisky (JUFJ & YPP), Jaime Koppel (Communities for Just Schools Fund), Danielle Blocker, Katie Stauss (SSJC), Laura Wallace

Meeting was called to order at 6:34 pm

Agenda:

I. Attendance

II. Administrative/Procedural Items

- Approval of minutes
 - Commissioners voted to approve the minutes from the February 8, 2021 Meeting. Mr. Osorio moved and Ms. Lynn seconded. **Motion passed unanimously.**
- Update on letters to County Council on reviewed legislation
 - Mr. Camacho sent letters to Council. The letter on Bill 45-20 was included in a staff report to the Council's Public Safety Committee for their worksession on the bill on March 11.
- Special PAC meeting tentatively scheduled for March 23, 2021 at 6:30pm
 - The PAC will be joined Dr. Felicia Bell. This was a response to Commissioner's request to hear from experts outside of law enforcement. Dr. Bell would like to pair her presentation with another expert but that has not been finalized yet.

III. Discussion on Bill 7-21 - Police - School Resource Officer (SRO) - Building Positive Law Enforcement Relationships Within Schools

- Ms. Mirza – PAC has discussed this issue extensively particularly during discussions on Bill 46-20 and have received more public input on this issue than any other issue to date.

- Ms. Williams spoke on behalf of the Policing and Schools Subcommittee. The subcommittee believe that Bill 7-21 is inadequate in addressing concerns raised by community members and puts the onus on MCPD to fix the problem of over-policing youth. The proposed changes are inconsistent with the bill that the PAC has already endorsed (Bill 46-20), as such the subcommittee does not recommend the bill for full PAC review.
- Mr. Ricks believes the PAC should have the chance to review the bill.
 - Ms. Lynn concurred with Mr. Ricks.
- Ms. Farag – PS/E&C Committee session on the two SRO bills has been postponed until June, after MCPS has had a chance to weigh-in. Councilmember (CM) Navarro has also come up with an alternative cluster-based approach for police coverage at schools. The County Executive (CE) has also proposed a similar approach. The PAC could potentially weigh-in on these proposals.
- Mr. Sterling – The CE spoke with the District 18 Democratic Breakfast and said that he believed the police would end the SRO program and reconfiguring beats to still provide police coverage to schools, as required by state law.
 - Ms. Farag – This would be the officer-cluster model, where police are assigned to schools and check-in every day, as well as intervene in certain circumstances.
- Mr. Reid – Wanted to clarify that these other proposals would not be in lieu of providing counseling and other supports to students in schools.
 - Ms. Farag – This proposal would not be in place of other supports to students but just wanted to make the PAC aware of these other proposal in case it wanted to weigh-in.
- Mr. Osorio – CM Navarro’s proposal is basically a local care team model, where officers would be part of cluster teams along with mental and behavioral health professionals, based on the CAHOOTS model. Officers wouldn’t be in schools but still be part of the community as part of these local care teams. CM Navarro proposed this about two weeks ago. Mr. Osorio believes it is not a bad model because it still removes SROs from schools but still allows them to be part of the community.
- Mr. Ricks was concerned that CM Navarro’s proposal would have police hanging around outside of schools without positively interacting with people and students. The public hearings were pretty well stacked with people against SROs. Believe that we should discuss CM Navarro’s proposal.
 - Ms. Mirza clarified that CM Navarro’s proposal is not a bill.
- Ms. Frederickson moved to call the question and proceed to a vote on the subcommittee’s recommendation to not recommend Bill 7-21 for full legislative review. Seconded by Ms. Branson.
- The Subcommittee voted on the subcommittee’s recommendation to not recommend Bill 7-21 for full legislative review.
 - Yes (11) – Mr. Osorio, Mr. Sterling, Dr. Gaster, Ms. Hudson, Ms. Williams, Mr. Reid, Ms. Fredrickson, Ms. Sandi, Ms. Mirza, Mr. Price, and Ms. Branson
 - No (2) – Ms. Lynn and Mr. Ricks
 - **The motion passed 11 to 2**
 - Mr. Sterling noted that there was no vote on the previous question called by Ms. Frederickson and it was assumed to pass.
 - Ms. Mirza acknowledged and urged PAC members to review the Parliamentary Procedures and Robert’s Rules of Order prior to the next meeting.

IV. Subcommittee Updates

- Policing and School Subcommittee:
 - Mr. Osorio noted that beginning next Monday the subcommittee will be meeting next from 6:00pm-6:30pm to start mapping out their workplan and begin making other recommendations. Welcomes input from all.

- Discretionary Policing Subcommittee:
 - Ms. Branson – the subcommittee will meet March 17.
 - Dr. Gaster – will be discussing traffic stop incidents in MoCo. Have not decided on a standing meeting date/time.
- Emergency Response Subcommittee:
 - Ms. Lynn – The subcommittee met last week. Minutes are published on the PAC website. The County has both long-term and short-term goals when responding to mental health crisis. The long-term goal is to create a restoration center down county near the Seven Locks facility but this will take ~3-5 years to renovate. This center will be able to house folks short-term periods (24 hours) and longer-term periods (~3 days). Will be staffed by nurse practitioners, doctors, mental and behavioral health clinicians, social workers. Large peer support aspect as well. Will also be advocating for IDD/Autism individuals to also have a space. In the short-term, will focus on getting CAHOOTS training, Crisis Center will be opening more beds on March 22, Crisis Center has hired three more social workers but will try to hire three more. MCPD is also training folks to be “super” CIT. Are talking about splitting into up county and down county teams. Next meeting is April 6.
 - Ms. Mirza - Need more multi-lingual people applying to the vacant social work positions.
- Hiring and Discipline Subcommittee
 - Ms. Hudson – Jointly came up with a list of questions for Chief Jones and Sergeant Brewer. Also spoke with Cpt. Cokinios about the training given to plain clothed officers because of the death of Kwamena Ocran. Cpt. Cokinios clarified that Gaithersburg PD is not the same as MCPD and they are not required to send their trainees to MCPD training.
- Mr. Camacho will be posting all of the subcommittee meeting dates and times on the PAC website.

V. Q&A with Chief Jones and Sergeant Cate Brewer

- The PAC compiled a list of questions to pose to Chief Jones and Sgt. Brewer on topics of interest. Below are the questions and a summary of their responses:
- What changes or reforms would you like to see with regards to policing in our county? With so many areas of policing being looked at and so many telling the police how to do their job, what policing areas do you think need improvement and where improvement is actually possible (due to available budget, etc.)?
 - Chief Jones – Mental health response is at the top of the list. Supports the Crisis Now model. Have collaborated with the hospitals in MoCo to apply for a grant for a restoration center, which would be critical in addressing not only mental health concerns but also substance abuse calls. Would give officers an alternative to charging people with minor offenses and also diverting people from the criminal justice system. This is a long-term goal. In the short-term perspective, we need to figure out how to re-direct calls for service that do not involve violence or a threat of violence away from the police. Encouraged that there are additional resources being committed to this but this is only the start of this process. This would take the burden off of officers. Currently an audit is being conducted by a consultant - Effective Law Enforcement 4 All - and is excited at what type of recommendations will come out of that. Also, engaged Georgetown University to look at Active Bystander training for the Duty to Intervene policy.
 - Ms. Mirza – Where can we find more information on the audit?
 - Chief Jones - The consultant has been hired through the CE’s office and a preliminary report will be due in June.
 - Sergeant Brewer – The FOP has been advocating for more community policing. Also believe

MCPD should shift away from arrests as metrics for success and instead look at the number of positive police interactions. Clarified that MCPD does not have quotas. There has also been an impetus to recruit locally and to engage young people if they are interested in a career in law enforcement. There has also been discussion around changing the uniforms to something softer and less militant. Do have the Citizen Academy but it may too long for many citizens to commit to. A weekly meeting has been created for officers to discuss issues related to race and law enforcement, current events, etc. which is a great thing to foster and expand within the law enforcement community. Can do more to open the dialogue and interact with more people on contentious issues.

- Ms. Mirza – Are these weekly meetings just for officers?
 - Sgt. Brewer – Yes, for now and it has helped within MCPD but it could be expanded to include the community.
- Dr. Gaster – What kind of a job evaluation do officers get? There is a lot of info on the Open Data Portal on arrests but don't see arrests as a proper outcome measure, it's what comes after that is important but there seems to be no connection between MCPD and courts. Is this true regarding this lack of connection?
 - Chief Jones – It is not so simple to follow an arrest through the court system. If someone is arrested, the State's Attorney handles 50+ cases on any one docket and within these cases there are pleas agreements, diversion programs, and other factors/avenues that a case can take. There is no tracking mechanism but you can look up any case through the courts. Regarding ratings, each position has a different rating system based on the duties assigned. The discussion around revamping the rating system has been ongoing for many years because it can be convoluted. Office of Human Resources for the County also has input on the rating system. There is no easy fix.
- Has there ever been any audit or other formal attempt to address white supremacy within the Montgomery County Police Department (MCPD)? How can we assure the residents of Montgomery County that the officers who have sworn to protect and serve them are not aligned with white supremacy?
 - Chief Jones – Any police officer linked to white supremacy will not be a police officer in MoCo. Have not done a formal audit as this issue has arisen recently. We do monitor officer behavior, social media, or any connection found to any extremist group will not be tolerated. If we receive any complaints of an officer's social media containing these types of views, this would be investigated. Have not had any instances of officers who were involved in the insurrection aside from working and protecting the Capitol. Has spoken with other City Chiefs to figure out strategies on how to monitor veteran officers and new recruits.
 - Ms. Mirza - What proactive strategies are taken to monitor social media posts for extremism among officers?
 - Chief Jones – Do an extensive review of any new recruit's social media account to ensure they meet the criteria of MCPD and do not show extremist views. Would do an internal investigation on anything posted on social media that violates MCPD policy.
- The Reimaging Public Safety Task Force (RPSTF) had several recommendations regarding the law enforcement culture, for example, "Enhance accountability and establish goals for hiring, promotion, and advancement that support change in culture." What are your thoughts about the role of hiring, promotion, and advancement in changing culture?

- Chief Jones – Are not necessarily looking for candidates that have previous law enforcement experience or a criminal justice degree. Need to continue to look for folks with a variety of backgrounds and experiences. Think it's important to recruit local officers from MoCo. The Police Cadet program allows us to do this by paying full-time students a part-time salary to gain experience in law enforcement and then later transition to becoming an officer. Want a diverse applicant pool that know MoCo.
- In response to an Anne Arundel County Police officer being suspended with pay for their participation in the insurrection, the President of Lodge 70 (Anne Arundel) of the Fraternal Order of the Police (FOP) stated, "Our department will do a thorough investigation and we are confident that the officer in question acted in a professional manner in their capacity as a private citizen." It is concerning that participation in an insurrection that challenged the foundations of our democratic government could be considered "acting in a professional manner." Sergeant Brewer, at a time when public trust in police is so low, do you understand how officers' participation in such activities, even as a private citizen, can erode trust in the policing system? How can your organization help assure our residents that it is committed to addressing white supremacy in its own ranks?
 - Sgt. Brewer – Yes, of course can see how things like this can erode public trust and unfortunately we do not have all of the information. All the info I found says that the police dept did not know and was unable to confirm where this individual was during the insurrection at the Capitol. To our knowledge, no one in MCPD took part in the insurrection. We have never as a union received complaints that someone in the dept has had ties to white supremacy but if we ever did, we would ensure that the proper reporting took place within the guidelines of the dept or govt.
- In July 2000, a 23-page Memorandum of Agreement (MOA) between the DOJ and MCPD and the FOP was signed as a product of a DOJ investigation into complaints made against the MCPD by the Montgomery County Chapter of the NAACP. The areas of serious concern addressed in the MOA were (1) traffic stops, (2) relationships between the police and the community, (3) complaints and investigations of misconduct, (4) training and career development, and (5) oversight, reporting and recordkeeping. These are among the same concerns facing the county today and are issues of keen concern to the Policing Advisory Commission and its subcommittees.
 - What measures were taken by the MCPD and the FOP to meet the terms of the agreement? Are you fully satisfied that today the MCPD remains in compliance with the objectives of the Agreement?
 - Chief Jones – MCPD instituted mobile video systems in many patrol vehicles and began recording traffic stops into a self-managed database using a palm pilot. Feel that MCPD was in full compliance with the MOA in 2000 and remains in compliance. The MOA expired in 2005.
 - Sgt. Brewer - All officers now have to issue a formal written warning citation instead of just a business card during all traffic stops. FOP is not involved specifically with regards to MCPD's community outreach program. Right now, there remains an extended period of time to complete formal investigations. As far as career advancement, a lot of training for career advancement has been denied because of funding issues.
 - Ms. Hudson – Much of what was in the MOA dealt with the computerization of data, has this been done and can we see it?
 - Chief Jones - the focus of the MOA dealt with the computerization of traffic stop data through palm pilots. The process has since changed with the MD state law and the

creation of the E-tix data system – all law enforcement depts must report traffic stop data to the state. Are now working with the Council through Bill 45-20 to collect more data and maintain other data sets through a newly created system.

- Ms. Branson – What public reporting does MCPD have detailing changes in policies and program, as result of this MOA? It would be great for the PAC to have a written narrative of what caused the MOA to occur and the results.
 - Chief Jones – Since this happened 15 years, we will have to do some research to get the PAC this info.
- Subsequent to the MOA of July 2000, was there any other litigation against the MCPD or the FOP alleging racial discrimination? Did any of that litigation result in agreements to change any of the policies or procedures of the MCPD?
 - Chief Jones – Is sure that there has been other litigation but can't think of anything significant, again would have to do some research on that. There has been nothing in the form of formal orders from courts but there may have been other agreements made.
 - Ms. Mirza – It would be great to look at the 2000 MOA as well as to identify any change in policies and practices as a result of litigation since then.
- Mr. Ricks – Mr. Duncan was the CE when the palm pilot program was created. Recalls this not being a great program because there was no info as to the individual who uploaded the data. The new system is improved correct?
 - Chief Jones – The E-tix system records an officer's ID number, so it can be disaggregated that way.
- Why is the current **collective bargaining agreement** between the FOP and the MCPD not posted online for public view?
 - Chief Jones – The collective bargaining agreement is available on the MCG website under the Office of Labor Relations
- One of the RPSTF recommendations was to “promote a culture of greater accountability by improving transparency through annual **public hearings**, annual **reports on incidents and discipline**, and inclusion of the **Internal Affairs Division** and the **Office of the Inspector General** in reporting processes.” Chief Jones and Sergeant Brewer, what are your thoughts on this recommendation?
 - Chief Jones - Fine with the recommendation to have an annual public hearing. Already publish annual reports on Use of Force, IAD, and Community Policing. The Council will also mandate further reports as we get to the end of this legislative session.
 - Cate – The FOP also agrees with the recommendation but personnel information should be redacted.
- Another RPSTF recommendation was to “conduct a risk assessment of police activities to determine the need for and effectiveness of having all officers carry firearms at all times.” Chief Jones and Sergeant Brewer, what are your thoughts on this recommendation?
 - Chief Jones – The issue with officers not being armed is a liability issue. Officers need to act if something occurs in their presence, it their duty to respond. This would need to be worked through with the County Attorney's Office. Also, have to think about officer safety and officer's mindset.
 - Sgt. Brewer – Believe this would negatively impact officer and public safety. Violent crime is increasing, particularly this year in MoCo. Would want to know what would the risk assessment actually look like? What would be calls that an officer would not have to be

armed for? We have had an incident where a citizen called in a theft that occurred earlier and then tried to murder a police officer, so it's almost impossible to know when an officer needs a weapon and when they wouldn't. When people call 911, police must respond. We cannot simply choose not to respond. Going forward, it may be determined that there are instances where police may not have to respond to an incident and instead other professionals could respond. This would have to be the result of a culture shift.

- Does the MCPD look for any particular skills or attributes in assigning officers to **plainclothes operations**? Are there any minimum qualifications? Are there any factors that would disqualify an officer from receiving such an assignment?
 - Chief Jones – It depends on what the plain clothed assignment is. There are officers who focus on crimes in progress – thefts, burglaries, etc. We train officers to at least have the minimum qualifications to do the work that a specific unit entails (e.g. narcotics unit).
 - Sgt. Brewer – There are qualifications that are outlined in a position description. There are things that would disqualify an officer such as previous work performance.
- Ms. Mirza – would like to move that we provide the list of questions to Sgt. Brewer and Chief Jones in order for them to provide answers to the remaining questions (Question 9 through 19) and respond to Ms. Branson's request regarding any report written on the 2000 MOA by the next PAC meeting. Ms. Frederickson seconded.
 - Yes (10) – Mr. Sterling, Dr. Gaster, Ms. Williams, Mr. Reid, Ms. Fredrickson, Ms. Salazar-Sandi, Mr. Price, Ms. Lynn, Ms. Hudson and Ms. Branson
 - Abstentions (3) – Ms. Mirza, Mr. Osorio, and Mr. Ricks
 - **The motion passed 10 to 3**

VI. New Business

- Ms. Branson – Are we going to formally look at the recommendations of the RPSTF or work with these recommendations in any way? Hope we would review them and come up with a process to either ratify them or push back against them. Feel like it would be good to provide the County with a list of priorities that both entities agree with.
 - Ms. Mirza – This would be a great thing to add to the agenda for the next meeting but not sure that going through each recommendation and ratifying each one would be a good use of time. It could be useful to get people's reaction to them and start a discussion around the recommendations.
 - Ms. Hudson – Could formally assign recommendations to each subcommittee based on the issue.
 - Ms. Mirza – Believe some subcommittees are already reviewing the recommendations but we could make this a more explicit process.

VII. Meeting Adjourned

- Meeting Adjourned at 8:02pm