



Policing Advisory Commission
Tuesday, June 1, 2021
Virtual Meeting
6:30 – 8:00 pm
Meeting Minutes

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

Ex-officio Members Present: Sergeant Cate Brewer (FOP representative), Assistant Chief Dinesh Patil (Chief Jones' designee)

Commission Members Absent: Justice Reid, Caroline Fredrickson

Support Staff: Susan Farag

Guests:

Meeting was called to order at 6:35 pm

Agenda:

- 1. Attendance and Recording of Meeting:** Ms. Farag took attendance and began recording the meeting. All guests were asked to enter their name and any organizational affiliation into the chat. Guests were invited to share their thoughts and comments in the chat with the understanding that Commissioners may keep these for their own records and that comments may be made public in the event of an MPIA request.
- 2. PAC Officer Elections**
 - The candidates for Chair and Vice Chair offered brief remarks ahead of the officer election on June 14.
 - Dalbin Osorio is the candidate for Chair
 - Nadia Salazar Sandi is the candidate for Vice Chair
 - Ms. Salazar briefly spoke about her vision for the PAC now that she will assume the role of Vice Chair, specifically:
 - Would like to get clarity from County Staff about how the PAC can best communicate with the Council moving forward as the PAC is charged with making recommendations on policy, etc.
 - Would like all of the Subcommittees to work on their policy recommendations
 - Very interested in hearing from the community through mechanisms like public hearings

- Wants to track what is being discussed at the Council's Public Safety Committee so that the PAC can be heard.
- Would like to streamline the process for communication between Council staff and the PAC in terms of receiving emails and pertinent information (e.g. receiving info once a week).
- Encourages Commissioners to reach out directly with any ideas or concerns

3. Proposal on Traffic Stops Public Hearing

- Robin Gaster presented his proposal for a PAC hearing on traffic stops, following the approach the PAC took on deciding to hold a public hearing on drug policy in the County. Members of the Discretionary Policing Subcommittee also agreed with this approach.
 - Traffic stops are a significant area of concern not only in the County but across the US. There is evidence that black and brown drivers are stopped more frequently than white drivers and also get more citations.
 - There are also concerns regarding the rationale for traffic stops given by MCPD. If you do an analysis of where the stops occur and where accidents occur, they do not overlap enough. Seems that this is an area where we need to consider what is appropriate policy for Montgomery County.
 - 120,000 traffic stops per year in a County of 1 million people. We don't know if that is a good number of stops. Every stop imposes costs on both the department and the person being stopped (e.g. time, money, views of the police).
 - The Discretionary Policing Subcommittee will be putting forward a request for additional data.
 - It is the PAC's responsibility to create a bridge between the community and the police. This is an issue that many people have a problem with and we need to hear from not just people who want fewer traffic stops but also from those that feel for example that speed limits are not being enforced enough.
 - Should give the community the opportunity to speak on this issue and also be able to ask the police about why they enforce the way they do, whether there are improvements that they would like to see, and then we can move forward with recommendations.
- Ms. Hudson pointed out that many of the recommendations offered by Dr. Gaster in his proposal for the public hearing aligned with the recommendations from the Reimagining Public Safety Task Force (RPSTF).
- Ms. Branson sees the purpose of the public hearing to see if policy and practice are aligned. Also, to figure out what the public feels and thinks about these issues. Currently the subcommittee submitted questions about the policy (e.g. pretextual stops, repair orders, automation, role of the traffic division, etc.). Believes it is good for us to lay this information out for the public, for example, the fact that 80% of traffic stops are not being done by the traffic division. Then we can ask the next question, which is – are these the policies that are effective and effective to what end? What is the desired outcome? What does the public think the end goal of traffic enforcement should be?
 - We are trying to figure out what are the policies, what are the practices, and how do they affect the people? This is the underlying rationale behind the public hearing.
 - The public should also understand our analysis and why we are asking these questions.
- Ms. Mirza - the process for now will be the PAC voting on whether or not to hold a public hearing and then the Subcommittee taking what comes from the hearing and drafting

recommendations based on the information collected and then presenting the recommendations to the PAC.

- Mr. Ricks – Would like some more clarification on the specific issues with traffic stops that the PAC is striving to address, is it speed enforcement? stops for drugs?
 - Dr. Gaster – There are three broad sets of concerns or issues:
 - There are too many traffic stops and many are unnecessary
 - The people who are being stopped are disproportionately minorities
 - Where the stops take place is not directly addressing the places where accidents/issues occur
 - Ms. Branson – The information we have received from the police is that part of the traffic safety program is an accident prevention program but this policy does not seem to align with an analysis done by Dr. Gaster’s son. The public’s input on this lack of alignment is extremely valuable.
 - Ms. Mirza wanted to clarify that the public hearing that the PAC will hold on June 14 regarding drug enforcement policy is separate from this proposed public hearing on traffic stops.
- Mr. Sterling – I see driving on the road that disturbs me, so I am wondering how we can educate drivers on how not to drive dangerously. It could be that instead of relying on the discretion of the police to decide whom to pull over, maybe we need more cameras because they are objective. These are things we can discuss during the course of our hearing. The data that Robin and his son analyzed seem to suggest that there is a disconnect between what the police are doing and what they say they are doing. It is this disconnect that is at the heart of the community’s concern regarding public safety and management of the police department.
- Dr. Gaster – There are a lot of issues to cover regarding policing. Suggest that this hearing be held as a subcommittee hearing because if we hold all hearings as full PAC hearings we will simply not be able to manage them efficiently and not be able to do enough hearings. Everyone would be able to attend, there would be no votes, purely informational so running them out of the subcommittees with leadership chairing them would allow us to work more in parallel rather than in series.
 - Ms. Mirza – Need to keep in mind that if there is a quorum of PAC members attending a subcommittee hearing then we would need to abide by the MD Open Meetings Act.
 - Ms. Hudson – Much of the work our subcommittee (Hiring and Discipline) has been done trying to get public input and canvassing for public attendance but that just hasn’t happened. Don’t think that this is going to be effective, but we need to do a better job at publicizing these meetings.
 - Dr. Gaster – this is an important issue and we obviously have to do better in order to be a bridge to the community. Perhaps devoting some time during the next PAC meeting would be a good idea to improve outreach.
- The PAC voted on holding a hearing on traffic stops as outlined in Dr. Gaster’s proposal.
 - Yes – Robin Gaster, Dalbin Osorio, Jasmine Williams, Eric Sterling, Alicia Hudson, Jerome Price, Nadia Salazar, Shabab Mirza, Cherri Branson, Jenn Lynn
 - No – None
 - Abstention – Mr. Ricks
 - The PAC voted to hold the public hearing on traffic enforcement but did not make a decision on whether the hearing will be coordinated by the full PAC or by the Discretionary Policing subcommittee.

4. Presentation on Statewide Policing Bills

- The Commission was joined by three guests to learn more about the policing bills that were recently passed by the General Assembly:
 - Delegate Gabriel Acevero, District 39
 - Delegate David Moon, District 20
 - Yanet Amanuel, ACLU of Maryland and MD Coalition for Justice and Police Accountability

- Delegate Moon – To provide some context, a year after he was first elected to office in 2015, the murder of Freddy Gray happened in 2016. Up to that point, leadership in the General Assembly had been ignoring police reform bills. It wasn't until protests in Baltimore that representatives agreed to advance a bill. Wasn't convinced that that bill was going to remedy the issues presented, so here we are with the passage of this new reform bill in 2021. Does believe that his new bill does make some progress but there is more work to do.
 - What was passed and what it means going forward:
 - House Bill 670 – State repealed Law Enforcement Officers Bill of Rights (LEOBR) and created a new discipline process. Ensure that this is a civilian-driven process. Worth going through the bill text to try to map out all of the stages of the discipline process to see if you all are satisfied with the level of civilian involvement.
 - The discipline process is going to be based on a new state-wide uniform disciplinary matrix that still needs to be created.
 - Every County is going to be creating a Police Accountability Board, which again don't exist yet so need to ensure that the right people make it onto these boards.
 - MoCo should be insistent on being able to give input on what this disciplinary matrix looks like and how the Police Accountability Boards are structured. The County can always go beyond these new state minimum requirements.
 - The implementation details are going to be critical.

- Delegate Acevero – A lot of the work done by the General Assembly was based on a report by the House Workgroup on Police Accountability in MD, created by Speaker Adrienne Jones. Others, including Delegate Acevero and Moon, proposed other police accountability ideas that they were hoping to have considered such as:
 - The issue of white nationalism in law enforcement – encourage folks to look at an unredacted report by the FBI discussed by the House Subcommittee on Civil Rights and Civil Liberties that delves into the topic.
 - Ending qualified immunity particularly in state court, as has been done in Colorado and New Mexico.
 - Banning no-knock warrants
 - SROs and police in schools, as well as the disproportionality of school arrests and minor infractions of black and brown students.
 - The General Assembly also passed a piece of legislation introduced by Del. Acevero named after Anton Black called Anton's Law.
 - Would prefer a democratically elected civilian oversight board with subpoena, investigatory, and disciplinary powers to increase accountability, transparency, and community oversight.

- Ms. Amanuel gave a presentation of the legislative recap on behalf of the MD Coalition for Justice and Police Accountability
 - The coalition has about 100 members from different community organizations, advocacy groups, affected family members, faith organizations, etc.
 - A lot of the issues the coalition advocates on are issues that these folks and organizations have been advocating on for decades.
 - The Coalition called for the repeal of LEOBR and replacing it with a streamlined process that minimizes the extent to which officers get extra due process, focuses on innocence and guilt in disciplinary procedures, is without barriers to prevent or delay discipline, establishes a person or entity responsible for discipline that can be held accountable for disciplinary decisions, and allows for local jurisdictions to create external oversight bodies to make the final decision on discipline.
 - HB 670 did repeal LEOBR but still maintains the worst part of LEOBR, which are the trial boards and have the final say in discipline. Also, the bill doesn't go into effect until July 2022 so that means that departments/police unions could include provisions of LEOBR into a new collective bargaining agreement that would not be impacted by the new provisions of HB 670. The Coalition scored this legislation a C-
 - The Coalition also supported SB 178/HB 120 - Reforming the MD Public Information Act (Anton's Law) and scored this legislation an A.
 - Establishes that, except for a record of a "technical infraction," a record relating to an administrative or criminal investigation of misconduct by a police officer, including sustained and unstained complaints, is not a personnel record for purposes of the Public Information Act (PIA), thus those records are not subject to mandatory denial of inspection under PIA.
 - Del. Acevero – This creates more transparency and allows the public to be able to understand officer's disciplinary records and who is policing our streets.
- Dr. Gaster asked if Anton's law changes access to the outcomes of a specific complaint against an officer.
 - Del. Acevero – Understanding the outcome of the disposition of a specific complaint was part of why we were pushing for with this law, so yes this law will provide access to this information.
- Ms. Branson asked if the legislation that created the new Police Accountability Boards is enabling legislation or whether it requires the creation of these boards? Also, wanted to know if anything that was passed dealt with the expungement of police records? Third, will anything that was passed affect the current MOU that MoCo has where the State's Attorney refers police use of force death and bodily injury investigations to the Howard County State's Attorney?
 - Del. Moon – Counties are mandated to create Police Accountability Boards but the way that each County goes about implementing these boards is up to each jurisdiction, which is worrisome.
 - Del. Acevero – Regarding the current MOU between MoCo and Howard County, what was ultimately passed was a system in which the investigatory responsibility will fall to the State Prosecutor's Office, which is an office within the Attorney General's Office, but State's Attorney have a right of first refusal; this means that if a State Attorney does not bring charges against an officer then the State Prosecutor could then bring charges irrespective of the State's Attorney's decision.
 - Ms. Amanuel – HB 670 prohibits officers from expunging their misconduct records but that doesn't go into effect until next July so there is concern that departments may

expunge records before the law goes into effect. Also, in terms of the involvement of local jurisdictions in creating the Police Accountability Boards, jurisdictions are charged with appointing members to the board as well as establishing a budget and staff. That's to say that a local law may have to be passed in order to set the parameters around who and how members of the boards are appointed.

- Mr. Ricks asked if there were any pieces of legislation that the Delegates were concerned about the Governor not signing into law?
 - Del. Acevero - Governor Hogan basically vetoed the Police Accountability package that was passed and the General Assembly overrode all of those vetoes during session. Has challenged the Governor on Anton's Law, particularly after the Governor had asked publicly for answers and accountability in the case of Anton Black. Was very disappointed that the Governor ended up vetoing Anton's Law, which tries to address these questions of transparency.
- Mr. Sterling - Where there any reform measures that had unanimous agreement, including support from the FOP and other police unions?
 - Del. Acevero – No
- Ms. Mirza – There was previously a provision giving a five-day waiting period before officers accused of wrongdoing must speak to investigators for internal investigations, has that been retained in the current set of laws?
 - Ms. Amanuel – No, this provision was not included in HB 670

5. New Business

- Ms. Branson – we just heard from the delegates that record expungement was passed but will not become effective until July 2022 so suggest that the PAC write a letter to MCPD and other County institutions expressing the PAC's position that no records should be expunged and to get a commitment that expungements be put on hold.
 - Ms. Mirza suggested that this issue be referred to the Hiring and Discipline Subcommittee as they have already taken a stance on this previously so it will likely not be very difficult for them to draft a letter outlining this position.
- Ms. Lynn – Would like to take names and emails of Commissioners who would like to take part in the CAHOOTS training, as she is currently working to organize this training with DHHS. Please send an email if you are interested in the two CAHOOTS trainings sessions.
- Ms. Mirza reminded everyone that Dr. Gaster had suggested that the PAC discuss public outreach at the next PAC meeting.

6. Meeting was adjourned at 7:50