



Policing Advisory Commission
Monday, July 19, 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, Justice Reid

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

Commission Members Absent: Caroline Fredrickson

Support Staff: Susan Farag and Carlos Camacho

Guests: Heidi Rhodes (JUFJ), Carmen Facciolo (MCPD), Phil Andrews (State's Attorney's Office)

Meeting was called to order at 6:33 pm

Agenda:

- 1. Attendance and Recording of Meeting:** Mr. Camacho 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. Administrative Items**
 - **Approval of minutes from June 1 PAC meeting**
 - The PAC unanimously approved the minutes from the June 1, 2021 PAC meeting.
 - **PAC Summer Schedule**
 - Going forward, the PAC will be meeting twice a month. The second monthly meeting will hopefully be much shorter (approximately 30 minutes) and act as a follow-up on any pending items that were discussed at the first PAC meeting. When the PAC begins meeting in-person, the second meeting will be virtual.
 - The PAC's summer meeting schedule is as follows:
 - Monday, July 19 at 6:30pm
 - Monday, July 26 at 6:30pm
 - Monday, August 9 at 6:30pm
 - Monday, August 23 at 6:30pm

3. Subcommittee Updates

- Hiring & Discipline Subcommittee
 - The Subcommittee met on July 8 with two members present. Reviewed the public hearing on drug arrests. Reviewed the second letter that was proposed by the PAC to be sent to the County Executive and Council requesting additional data from MCPD. Reviewed Bills 17-21, 18-21, and 19-21.
 - Also, discussed that the PAC should make a concerted effort to conduct outreach prior to the next public hearing, as the first public hearing had small turnout and those who are impacted most by drug arrests were not present. The Subcommittee is aware of the apprehension that some may have had in expressing their concerns and sharing their experiences on this issue. The Subcommittee suggested that participants be able to register anonymously and remain off camera during their testimony.
 - A member of the Subcommittee is drafting a letter to the Council/CE/MCPD for more information on drug arrests as a follow-up to the first public hearing.
- Policing In Schools Subcommittee
 - Met with the Student Wellbeing Action Group, created by the CE, and composed of 8 student members. They sent a document with recommendations on establishing mental health services and an MCPS-specific mobile crisis team.
 - Are planning to meet with members of the Restorative Justice Dept at MCPS to discuss the potential expansion of their office as they currently only have two full-time staff members. The Restorative Justice Dept has enough funding for five full-time staff so that are trying to fill three more positions before the beginning of the school year in September.
 - a. The Restorative Justice Dept is responsible for training MCPS staff and also creating protocols that would specify when and how MCPD responds to incidents at schools.
- Emergency Response Subcommittee
 - All of the new social workers - six in total - that were funded by the County have now been hired. They are now beginning their training, including Crisis Intervention Team training. Subcommittee Chair, Jenn Lynn, trained the social workers on autism and mental health. Some have already been going out on calls and, in some cases, responding without police. Calls have been categorized into three levels:
 - One – low threat (no weapons) and can be responded without police
 - Two – medium-level threat where a social worker would respond with police co-responding in a support role
 - Third – high level potential threat where police respond first, followed by the social workers
 - Also funding in the next budget for six peer support professionals that would help people after the incident takes place
 - Two crisis response hubs are being created in Germantown and Silver Spring. These will eventually be staffed 24/7, 365 days a year.
 - Have been working on the restoration center plans that will fully meet the needs of all people in crisis.
 - CAHOOTS training is starting next week. There will be public offerings where anyone from the public can attend the training starting in mid-August.
 - Also, beginning the work to consolidate emergency and non-emergency calls into one center to streamline the call taking/dispatch process.

- Discretionary Policing Subcommittee
 - Have agreed to start looking at the issue of pedestrian stops after finishing work on traffic stops.

4. Review and Discussion of MCPD/ELE4A Preliminary Audit Recommendations

- Mr. Osorio – want the PAC to focus on what the implementation of these recommendations would look like. Want to assign the recommendations to each subcommittee so that they can be reviewed.
 - Ms. Hudson and Dr. Gaster agreed with this approach allowing other Subcommittee/PAC members to be able to share their thoughts and opinions to the Subcommittee analyzing a specific recommendation.
 - Need to be cognizant of the Open Meetings Act (OMA) rules - a quorum of PAC members should not be discussing the recommendations outside of a public meeting.
 - Ms. Hudson suggested each Subcommittee assign a point person to collect and transmit any comments on a recommendation that could then be sent to the appropriate Subcommittee.
- The PAC reviewed several of the recommendations in the preliminary audit report including:
 - Determining a single repository for use of force and internal affairs (IA) incidents.
 - All use of force incidents be investigated
 - The H&D Subcommittee has been focusing on these issues to create a more transparent internal affairs investigation process, particularly with regards to the outcomes of investigations.
 - Expanding the role of IA to include investigating criminal misconduct of officers instead of assigning this to investigators of the Investigative Services Bureau (ISB) in MCPD
 - Asst. Chief Patil – criminal investigations of a police officer are currently assigned to a detective sergeant in ISB because criminal investigations have a different set of processes and procedures compared to internal policy investigations that IAD handles. This is because criminal investigative sergeants specialize in criminal investigations and are dealing in the same criminal procedure requirements that exist when investigating anyone of a crime. These rules are very different from policy and administrative investigations. Chief Patil stated that he believes that the current policy makes sense where criminal investigators do criminal investigative work.
- Asst. Chief Patil also introduced the new civilian Asst. Chief within MCPD, Carmen Facciolo, who will lead the new Community Resources Bureau.
- Mr. Sterling - Do we have any sense of how MCPD received these recommendations and the timing as to when MCPD will review and implement specific recommendations?
 - Asst. Chief Facciolo – Part of my role will be to oversee, along with the other Asst. Chiefs, the policy and planning division, which is ultimately responsible for implementing the recommendations included in the audit. In the coming weeks, MCPD will review the recommendations and start to create a strategic plan on how and when these recommendations can be implemented. Will continue to update the PAC and other entities on the progress made in this respect. Believes that there are some recommendations that will be able to be implemented rather quickly and are others that will take longer (e.g. restructuring divisions, buying new technology, creating new policies).

- Mr. Ricks – The Chief and the County Executive seemed to have received the recommendations very well and believe ELE4A will continue to work closely with the County to develop these recommendations further.
- Sgt. Brewer provided some insight as to the FOP's thoughts on some of the use of force recommendations:
 - Support initiating an internal auditing protocol for Body Worn Cameras (BWCs). There is a protocol currently defined in MCPD policy but would like it to be more strictly adhered to. This something that was also in Council President Hucker's bill (Bill 18-21).
 - As far as officers working off-duty who would be required to wear BWCs, Sgt. Brewer knows that there are officers in the unit that because they are not in the patrol unit their BWCs are taken from them for budgetary reasons. The majority of officers want BWCs and request them and the FOP supports the usage of BWCs.
 - Identifying/defining what a serious use of force is – should outline levels of force particularly when compiling and reporting statistics since current use of force stats do not differentiate between what type of force is used (e.g. putting hands on someone v. deploying a TASER).
- Ms. Mirza – Can Sgt. Brewer comment on what the FOP's concerns are with regards to the new use of force policy that has led to a lawsuit between the FOP and the County?
 - Sgt. Brewer – the issue is not necessarily the content of the policy but the attempt to circumvent collective bargaining and exclude the FOP from the conversation, despite the FOP's willingness to engage. Can't comment on everything because of the on-going lawsuit.
- Ms. Branson – Is it possible to identify which of the recommendations are subject to collective bargaining?
 - Asst. Chief Facciolo – As MCPD looks at what can be implemented, it will be subject to legal review and there will be conversations as to what is subject to collective bargaining.
 - Ms. Branson – If any recommendations are subject to collective bargaining then the PAC may not want to spend time looking at those specific recommendations. Is there a sense of the timing that the review of the recommendations will take place?
 - Asst. Chief Facciolo – realistically it will happen over the next few months during the fall and before the end of the year.
 - Dr. Gaster – don't quite understand why recommendations that would be subject to collective bargaining would be outside the scope of the PAC's work. The PAC should still comment on these issues so that the CE will know that the County should address these issues during the collective bargaining process.
 - a. Ms. Branson – As we work through this, I would like the PAC to focus on changing the things we can in order to use our time as efficiently as possible.
 - b. Mr. Osorio – I think we should focus first on assigning the recommendations to the appropriate Subcommittees and then at a later stage get input on what is subject to collective bargaining because I do understand Ms. Branson's point about not using our time to focus on things we will not be able to impact.
 - Sgt. Brewer - Things that are bargainable are wages, benefits, and working conditions. Health and safety are things that fall under the County Code and must be considered for all County employees. Also have a Labor Management Relations Committee (LMRC), which meets once a month to try to work out things collectively as labor and

management. Don't think it's fair to say that we shouldn't discuss things that will have to go through collective bargaining. There are things that the FOP is willing to discuss and change, like BWCs, which were bargained but was something that the FOP wanted.

- Mr. Ricks - there was a union rep at the press conference about the audit and it seemed the FOP was on board with the initiatives and will provide input.
- The PAC also reviewed some of the recommendations regarding mental health response.
 - Mr. Osorio - believe that many of these recommendations are already happening in some form and are just being expanded upon given the County's robust mental health interventions. For example, the County's Adolescent Mental Health Clinic does good work with teens in crisis and something that was discussed was expanding these services by hiring more clinicians.
 - Ms. Lynn – most of what is included in the report is already happening. Addressing mental health in jails/prisons is piece that we've been trying to include more in the discussion. CIT training is already happening. Streamlining the emergency call center intake and dispatch is also currently underway. Mobile Crisis Outreach Team is working on adding 2 - 4 beds at the Crisis Center on Piccard Drive as a stop gap until the Restoration Center is set up.
 - Collaborative Mental Health Group is meeting on July 28 and part of the meeting will include a presentation from Sheppard Pratt Hospital, who has begun to collaborate with MoCo hospitals to add approximately 15 more beds in MoCo hospitals. Many different organizations are involved in all of these efforts to address mental health crises.
 - Mr. Osorio – Another great thing is that all of these different groups and people are being trained using the same language and standards, which is different from how things have been done in the past.
- Ms. Hudson – would like to bring up and discuss the shooting death of Ryan LeRoux, which happened over the weekend. Are the police-involved shootings of Robert White, Finan Berhe, Kwamena Ocran, and now Ryan LeRoux linked to mental health crisis?
 - Asst. Chief Patil – In some of those cases there were potential signs of mental health issues, but we aren't always able to determine that fact because there isn't always sufficient evidence. It is way too early to know with regards to this last weekend's incident to say that there was or was not a mental health issue. In many cases you may have a mental health issue, but you may also have drugs/alcohol involved, which may have contributed to the outcome of the incident. MCPD tries to analyze each event, identify the contributing factors, and review what was done and what could have been done differently to improve and drive training for the future.
 - Ms. Branson – Has the BWC footage been released?
 - Asst. Chief Patil – it has not but it is the Chief's desire to release the footage at the appropriate time, which means at a time that does not interfere with the investigative process. For example, if the footage is released too quickly and MCPD has not been able to collect statements then the video could impact the validity of witness statements.
 - Ms. Mirza – Thank you Alicia for bringing up the incident to allow us to understand the human impacts of the decisions we are making and be aware that many community members are looking to the PAC.
- Ms. Mirza – Some things that stood out from the audit report regarding mental health response was that the current policies are outdated and insufficient to address the need. The report also

stated that County resources devoted to crisis response are “inadequate and poorly coordinated.” Am still hopeful but also want to use the urgency of this language to bring attention particularly with regards to the importance of ensuring that these initiatives addressing mental health get funded.

- Nadia, Susan, Carlos and Dalbin will categorize the recommendations and assign each to the appropriate subcommittee.

5. Discussion on PAC Outreach Efforts

- Mr. Osorio echoed the Hiring and Discipline Subcommittee’s sentiments of ensuring that the PAC get a higher level of turnout at future public hearings. It would be helpful to allow folks to register, testify (without their cameras on), and submit testimony anonymously because this was a concern expressed by some after the last public hearing. Also, using social media would be a great tool particularly to connect with youth.
- Ms. Hudson suggested doing a PSA on WTOP or doing other media interviews as was done prior to the last public hearing. Could also advertise on twitter and other social media sites.
- Dr. Gaster – Would like to make a distinction between general outreach and targeted outreach. Think it’s important that non-profit organizations (e.g. ACLU, NAACP, etc.) in the County send representatives to PAC meetings. They are a very important conduit to their own membership. Should develop a systematic list of the organizations that we want to engage with. This also pertains to spiritual/religious institutions in the community as well.
- Mr. Osorio – Shabab and I started to craft a list of media folks, which is along the lines of what Alicia said. Agree that we need to lean on these organizations doing equity work. Nadia and I can reach out first to these organization but also need to use the PAC’s existing connections/networks to get the community involved. Commissioners should let us know who you can reach out to in your network. Need as many people working on this effort as possible.
 - Also, heard from some in the community that there was some confusion regarding what information the PAC was looking for, so we need to ensure we communicate clearly on what the PAC is hoping to get out of a public hearing.
 - Also need to reach out to folks long before the hearing actually takes place so that all involved can be prepared.
 - It will also help when the PAC can begin meeting with folks face-to-face and going to different community events.
- Ms. Hudson mentioned that it would be great if Councilmembers could join the session or provide their support in preparation for the session.
- Dr. Gaster suggested using the Councilmember’s mailing lists and network and really getting the Council to support these sessions.
- Ms. Branson suggested using the Councilmember’s newsletters and the County’s Regional Centers to publicize PAC events. Need to be more intentional by not just announcing events but specifically inviting people/organizations to attend.
 - Dr. Gaster – it is also important for the PAC to provide the language that will communicate the details of the public hearing.

6. New Business

- Mr. Osorio and Ms. Salazar proposed that the PAC write a letter to MCPD asking them to release the body cam footage of the Ryan LeRoux police-involved shooting to the PAC. Chief Jones has shared the BWC footage with the family of the victim.
 - Ms. Branson – so would the PAC request that MCPD release the BWC footage to the

PAC or just publicly?

- Mr. Osorio – we initially thought about requesting that the footage be released to the PAC and that the PAC would review the footage in a closed session. While the PAC is not qualified to review BWC footage, it would still be beneficial for the PAC to see it.
- Ms. Hudson stated her desire to see the footage as it was helpful for her to see the BWC footage of Robert White.
- Ms. Salazar – Believe it is important for the public to see the footage as well. This request would be part of improving transparency on the part of MCPD. Want to see the footage to see what happened and how an incident like this could be avoided in the future.
- Sgt. Brewer – As a matter of procedure, if it was released to the PAC and the PAC meets under the rules of the OMA, then wouldn't it be released to the public?
- Asst. Chief Patil – every entity that we have to show the footage to before it is released publicly delays it being released to the public. From the standpoint of analyzing the footage, does the PAC need to see it before the public sees it or does the PAC just need to see it? MCPD is trying to release the footage in as timely a manner as possible and that process always includes giving the family the first opportunity to see the footage. Then we must work with the Howard County State's Attorney to ensure the integrity of the investigation because they oversee the criminal investigation. This would just add one more layer. The BWC footage will be released publicly.
- Dr. Gaster – do not understand why the PAC would need to see this before the public? It would actually put us in a difficult position where the PAC has information that cannot be made public. Do not see the purpose but do agree that it needs to be seen publicly.
- Ms. Salazar – alternatively we can write a letter asking it to be released publicly since we do not want to add another layer to this.
- Asst. Chief Facciolo – It is MCPD's intention to release the footage as soon as possible and the PAC can write a letter but it will be released no matter what.
- Mr. Ricks – Do not even think the County Council has seen it yet, so don't know why we should have to see it before anyone else.
- Mr. Osorio motioned for the PAC to write a letter supporting the release of body worn camera footage to the public as soon as possible regarding the shooting incident on July 18, 2021
 - Aye – Justice, Cherri, Eric, Shabab, Alicia, Robin, Nadia, Dalbin
 - Nay – Vernon
 - The motion was passed 8 to 1
- Ms. Hudson – wanted to add that according to news reports there was 30 minutes of de-escalation efforts, so it would be great to get a member of the Gaithersburg City Police Force to speak with the PAC to better understand de-escalation training for Gaithersburg City PD v. MCPD.
 - Asst. Chief Patil – Many of the new Gaithersburg police officers go through the MoCo training academy, some of that depends on hiring time which may lead to them training through another academy. They may do their own in-service training. Would like to point out that the circumstances between the Gaithersburg plain-clothed officer shooting and the shooting over the weekend were very different. Also, de-escalation requires a willing participant on the other side.
 - Sgt. Brewer – Gaithersburg City PD does participate in MCPD's in-service training. They do additional training on their own. They are offered and many do participate in the

Academy training as well. This most recent incident, while it occurred in Gaithersburg, was responded to by MCPD.

7. Meeting Adjourned at 8:00pm