



Policing Advisory Commission
Monday, July 26, 2021
Virtual Meeting
6:30 – 7:30 pm
Meeting Minutes

Commission Members Present: Vernon Ricks, 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: Caroline Fredrickson, Justice Reid, Jasmine Williams, Alicia Hudson

Support Staff: Susan Farag and Carlos Camacho

Guests: Carmen Facciolo (MCPD)

Meeting was called to order at 6:35 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. Review of PAC Executive Summary that will serve as introduction for the Annual Report**
 - Commissioners received a draft copy of the PAC's first Annual Report with an executive summary.
 - Plan is to send the Annual Report to the Council on Friday, July 30.
 - Commissioners were given the opportunity to give their feedback on the Annual Report at the meeting or via email by Wednesday, July 28.
 - Ms. Branson suggested that the names of Commissioner's be listed in alphabetical order. Also, there is a section that talks about legislation but it's not formatted to say legislation referred, think it would be helpful to have a heading called "Legislation Referred." There were also some grammatical changes that she will send in an email. Finally, hope that the report could include some language that would provide context regarding when the PAC's work took place. For example, the PAC was working at the same time as the RPSTF, the MCPD audit, and the General Assembly's Work Group to Address Police Reform & Accountability in Maryland.

- Mr. Ricks agrees with Ms. Branson about contextualizing the PAC's work and adding that the Council was also involved in considering various pieces of police reform legislation.

3. ELE4A Audit Recommendations

- Commissioners received the list of recommendations from the ELE4A Preliminary Audit Report and which Subcommittee will be tasked with reviewing each recommendation.
- Each Subcommittee should begin to parse through their assigned recommendations so that in August the PAC can have a more robust discussion as to how the PAC can assist in furthering those recommendations.

4. Review and approval of PAC Statement regarding the Body Camera Footage in the shooting of Ryan LeRoux

- The PAC reviewed and considered a letter asking MCPD to release the body worn camera (BWC) footage of the Ryan LeRoux police-involved shooting, as well as requesting additional information from MCPD regarding the incident and both mental health crisis and police-involved shooting investigatory processes.
- Ms. Farag shared that Chief Jones will be holding a press conference on the incident on July 27 at 12:30pm.
 - Asst. Chief Facciolo – the purpose of the press conference is to release the BWC footage. Chief Jones will be walking the press through the video and then the video will be made available via YouTube.
- Mr. Osorio – the fact that the video will be released tomorrow changes the context of the letter. Dr. Gaster sent some suggestions on the wording of the letter. Ms. Salazar and I spoke and still believe that the PAC should go on record with the community asking for the release of the BWC footage. Would like to discuss the letter further because I understand that there are some concerns with regards to the language and would also like to discuss this process in general because from the moment the incident happened to when the footage will be released, 11 days will have passed. Does the PAC need to act quicker and send a letter say five days after a similar incident?
- Ms. Salazar – I am concerned about some of the emails that were sent regarding the letter. Don't believe the letter was accusatory, it was just stating facts. Would like to have a conversation about what it means when a young man is killed by the police in our County. I believe we are all trying to be transparent and hold others and ourselves accountable. Our response being on record is important to our community because we are the PAC and are charged with supporting changes in the County that will improve the relationship between the community and the police. Would like to know how you all would like to frame this letter because some Commissioners have spoken about the verbiage used and I am having a hard time framing it in a different way – someone was killed at the hands of the police and there were 24 shots fired. Would like to hear particularly from Dr. Gaster and Ms. Lynn about their thoughts on how the letter should be framed. Also, would like to echo something said by Mr. Osorio that having these uncomfortable conversations will lead to our community feeling safer.
- Asst. Chief Facciolo – I think the PAC writing this letter does show that the PAC stands with the community but getting the BWC footage released in this timeframe is actually very rushed. There are several hours of footage, from multiple views from multiple officers. MCPD started

production of the video the day after the incident and just produced to a final version last night. This process takes time and also MCPD needs to get approvals from the Howard County State's Attorney's Office and the County Executive before MCPD can release anything. Realistically, a five day timeline, unless it's just one officer and one video, would be very difficult. In other jurisdictions/major cities they release BWC footage within 30 to 60 days. MCPD will support and work with whatever the Commission expresses in its letter but just wanted to inform the PAC of the process and that MCPD is not dragging their feet in releasing the footage.

- Dr. Gaster – Believe we should add some detail to the letter based on what Ms. Salazar said – that this was a tragedy and a failure of the process. Could include that it reportedly took more than an hour for an officer to respond to the scene and when they officer did show up they did not have a crisis negotiator available until after the shooting. I believe we should say that this deserves a full investigation, not just of the officers but of the process – what happened that led to this outcome? My email was in objection to using the word “murder” because that involves pre-meditation and there is no evidence on that. That word is too strong and premature. Should be more cautious in our language but am fine with using the word “killing” because it is accurate. We should acknowledge the tragedy and urge the police to be as transparent as possible, as quickly as possible. We could also include a paragraph regarding the importance of the changes in Annapolis (e.g. LEOBR is still in place). Officers still have not been interviewed a week after the incident. This is a tragedy like the Robert White incident so there are lessons to be learned from this and we need to call on the police to do the analysis so that this doesn't happen again. We need to ensure that the entire investigation is done transparently.
 - Mr. Osorio – agree that we should change the word from “murder” to “killing.”
- Mr. Sterling sent a comment in the chat that was read by Mr. Osorio:
 - “I don't think that the letter would be improved if we used the term “wantonly slaughtered” to characterize the tragic killing of Mr. Ryan LeRoux. Thus, I don't think the use of the word murder in that sense is justified as preferable to killed. I think in making an official communication on behalf of the PAC about a legal matter we can't justify the misuse of a critically important legal term like murder because some people commonly use murder when it really is a synonym for killing in the legally most culpable and blame worthy sense. Using the term murder at this time will be understood correctly to be deliberately provocative. Making an accusation of murder at this point, given what is publicly known, undermines our credibility and weakens our ability to call out misuse of deadly force when those are the facts. Ultimately our most important contribution will be to influence and improve the management of the police department. To accomplish that requires us to earn the confidence of Council as well as the public. The sophistication of our communication is critical to earning that confidence. We are still so young in our history we are still trying to win such confidence. I think characterizing this killing as a murder at this stage would needlessly forfeit our credibility.”
 - Mr. Osorio – The use of the word murder was not meant to be deliberately provocative but to capture what the incident was. Understand Mr. Sterling's point of using “murder” in the legal sense. We were really trying to capture what was known about the killing up to this point in time.
- Sgt. Brewer – For purposes of the law, the word murder itself refers to the criminal act. Homicide and killing more accurately reflects the incident as the intentional taking of a person's life. Some members of the public may not know the distinction, but the PAC should

be deliberate in its use of language. Also, there is some information that is included that was not taken from the findings of an investigative body such as “24 bullets into him” and is thus not necessarily factual. Need to be careful of where we get our information even if it from the media.

- Also, just want to be clear that LEOBR has nothing to do with criminal investigations, so LEOBR has nothing to do with this incident at this point, as LEOBR only governs internal, administrative investigations. Any statements made by the officers were voluntary because every person has the right to remain silent under the 5th Amendment.
- Ms. Lynn – The word murder really struck me because of the intent. Agree that we are trying to be transparent and that the community needs answers to these questions. Felt like the letter was written from a very emotional place and was accusatory. These are complicated investigations that take time. Wanted to soften the language a bit. In the last paragraph would like to change the grammar from “we have even less answers now than we did that night” - “less” should be changed to “fewer.” Need to be careful about the PAC’s image and think this letter in its current form would reflect differently from what I think our image should be.
- Ms. Farag – wanted to let everyone know that the investigation is now in the Howard County State’s Attorney’s hands. MCPD doesn’t have any say and are also constrained in what they can say. Did run the letter by legal counsel here at the Council and they did have concerns regarding the word “murder,” which is not a determination that the PAC can make and counsel was also concerned that it could be potentially libelous. Also, the 24 bullets fired is not a determined fact so would recommend the PAC use the word “allegedly.”
- Asst. Chief Facciolo wanted to clarify that it took 45 minutes, not an hour, to respond because the situation was deemed a low priority call by the 911 dispatcher, which lends itself to the de-escalation tactics used, as MCPD did not rush to the scene of the call. The entire interaction was an hour long.
 - Also, if you look at the Supreme Court Case *Garrity v. New Jersey*, it prohibits officers from giving coerced statements from fear of losing their jobs and that these statements cannot be used in a criminal prosecution but that they can provide voluntary statements that can be used as part of the investigation.
 - Also, the Medical Examiner in conjunction with the Howard County State’s Attorney’s Office will release how many shots were fired and how many subsequently hit the victim.
 - Wanted to clarify that under current practice, the Major Crimes or Homicide Sections of MCPD conducts an investigation that is then reviewed by the Howard County State’s Attorney who can then request further information, if needed. They don’t do the investigation; they just review the investigation.
 - MD Law is changing and today a former DOJ Civil Rights Prosecutor was named head of the new Office of Officer-Involved Shooting Unit at the MD Attorney General’s Office, who will formally be in charge of investigating shootings moving forward.
- Ms. Branson – I think we are in agreement that we are going to send a letter. I think we are in agreement that we are not going to use the word murder so recommend using police-involved shooting or police-involved killing because that is factual.
 - Also, need to use the word allegedly in places where we try to re-state the facts
 - I think what is most important is that we ask questions for clarification as to the process because what I’ve heard today is different from what I’ve heard in the past and we really need to understand the policies and the process.

- Should use this opportunity to: 1) state our concern about the police-involved shooting; 2) ask more questions about policies and process (e.g. what happened with the crisis negotiator, who responded, what happened that changed this from a crisis call to a dangerous call that led to a death, what lessons are learned from that, what does it mean now that the investigation was transferred from MoCo to HoCo?)
 - Finally, should use this letter to be very clear that the shootings of people have to stop.
- Mr. Osorio – we will make the changes suggested by the PAC and another draft will be sent tomorrow so that everyone can review within a certain time frame. While the BWC footage will be released tomorrow, there are still issues with the process and that these incidents keep happening.
- Ms. Mirza– Would like to add a question regarding what the crisis response format looks like. How can we ensure that when a crisis call is made that the police do not respond in an hour but a crisis response professional responds immediately?
- Ms. Salazar– I believe the LETT Act is what created the process to hand over criminal investigations to the Howard County’s State’s Attorney but agree we do need more information on the process and answers as to what is the involvement of the community when something like this happens in our County and when we want answers but the investigation is with Howard County?
 - Also, in response to Ms. Lynn’s comments, this is an emotional matter and this is an emotional letter because it is about the killing of a member of our community. We want to be impartial and transparent but we are also human. We all want immediate answers but there seems to be barriers to transparency so what are they and how do we lower these barriers?
 - Also, our image is important, particularly our image on how we hold people accountable.
 - Agree with Ms. Branson that we need to understand the facts but also need to let it be known that we are appalled that these killings keep happening.
 - Need to highlight the institutional issues of the barriers, the response, and what happens after.
- Asst. Chief Facciolo – Want to reiterate that officers on the scene were certified crisis intervention officers and certified in de-escalation techniques. Also, there was a significant amount of time in which the police were on the phone with the victim in an attempt to de-escalate the situation.
 - There is a difference between CIT and Hostage Negotiators – when someone barricades themselves, both teams are dispatched and a negotiator attempts to negotiate a release, while the purpose of CIT team member is to de-escalate a situation. An officer cannot make the determination as to what is needed until they are present on the scene.
 - There is an agreement in place between the MoCo State’s Attorney’s Office and the HoCo State’s Attorney’s Office that was put in place by elected officials but this will be changed given the police reform laws implemented at the State level.
- Ms. Branson – we haven’t answered the question of who is this letter going to?
 - Mr. Osorio - Think the letter should go to both the Council and Chief Jones but will leave it to the PAC to decide.
 - Ms. Farag suggested that the County Executive also be copied
 - Mr. Osorio – There are many reasons why these incidents keep happening. Seems that the priority of a police response changes when it is a person of color. Our task should be that everyone makes it home safely. We have to acknowledge the reality that there

appears, at times, to be systemic issues in the police response when responding to incidents involving young people of color.

- Hope to have an updated draft to Commissioners ASAP and hope to send the Annual Report and the letter out by Friday.

5. Meeting Adjourned at 7:28 pm