



Policing Advisory Commission
Monday, August 23, 2021
Virtual Meeting
6:30 – 7:30 pm
Meeting Minutes

Commission Members Present: Alicia Hudson, Dalbin Osorio, Shabab Mirza, Caroline Fredrickson, Vernon Ricks, Nadia Salazar, Cherri Branson

Ex-officio Members Present: Sergeant Cate Brewer (FOP representative)

Commission Members Absent: Robin Gaster, Justice Reid, Jasmine Williams, Jerome Price, Eric Sterling, Jenn Lynn

Support Staff: Susan Farag, Carlos Camacho

Guests: Heidi Rhodes (JUFJ), Robert Landau (SSJC)

Meeting was called to order at 6:33pm

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 July 26 and August 9 PAC meeting
 - PAC had no edits
 - Minutes were approved unanimously by the PAC
- 3. Review Traffic Stop/Enforcement Information Request:** Commissioners were asked to provide feedback on the information request regarding traffic enforcement that was put together by the Discretionary Policing Subcommittee.
 - Ms. Fredrickson – not quite sure of the purpose of the request. Know that MCPD is going to be asked to speak about the request but would like some more clarification on it.
 - Mr. Osorio – Had previously sent MCPD an information request so this is a follow up to those questions.
 - Ms. Fredrickson – Believe we should have follow-up. Is the intention to send these to MCPD prior to the meeting? Should we be editing the document prior to sending?

- Mr. Osorio – Yes, we would like to send these prior to the meeting so Chief Jones and MCPD can come prepared. This would allow us to look at the information that was already provided and identify any gaps in the information.
- Ms. Hudson – Feel like the request is a reflection of where we have been heading but it is very long; could it be condensed? May have a better chance of getting a better response if it is shorter and more concise.
 - Ms. Salazar – agree that it could be shortened
- Ms. Fredrickson – Agree about the length. Also, feel like we may get a better response if it is more matter of fact and less argumentative.
- Ms. Branson – Please provide this feedback to the whole Discretionary Subcommittee and not just Dr. Gaster.
- Mr. Osorio - Ms. Branson, is it fair to say that the answers received by the PAC necessitated this further dialogue?
 - Ms. Branson – Partially. It is a combination of the answers received and conversations the Discretionary Subcommittee has had, which is one of the reasons for the tone of the request, because we have not gotten clear answers and we need to be direct in what we are asking for.
 - Ms. Osorio – This is important context to this request.
 - Ms. Fredrickson – We agree we that we need to be direct but just more concise.
 - a. Ms. Branson – We just aren’t very optimistic as we have been asking the same questions for months now and not getting answers.
- Mr. Ricks – Agree with Ms. Fredrickson that we don’t want a confrontational conversation but rather an informational conversation.
- Ms. Branson – A response is not necessarily an answer so at some point we need to take the gloves off.
- Mr. Osorio – These are not new questions, the difference is going to be a shift in setting, with Chief Jones sitting with us and having a conversation. We have gotten a varying degree of answers over the first year.
- Ms. Fredrickson – Agree with everything that has been said but believe that the less stuff there is in the request, the less they can avoid answering and dancing around the point.
- Ms. Mirza – Glad that this is happening and understand that follow-up does fall through the cracks, for example the question about how officers are evaluated and the timeline for MCPD’s revamping the evaluation system. The quicker we can get this to MCPD, the better.
- Ms. Salazar – No one is saying that we need to take an aggressive or accusatory tone but there does need to be some escalation because we have had similar experiences in the past with other requests for information.
- Ms. Branson – To clarify, when we sent the letter on the Ryan LeRoux police-involved shooting did we cc the Council?
 - Mr. Camacho – Yes, the Council was cc’d.
 - Mr. Branson – Think that part of our escalation should be to make things public because the residents of Montgomery County have an interest in this work and the questions we are asking. The public deserves to be part of this dialogue so we should consider doing a public press release regarding the questions and answers we have received to this point. It doesn’t have to be hostile but this may increase the likelihood of the PAC getting answers that are responsive to our questions.
- Mr. Osorio – This makes a lot of sense. Propose a motion that the PAC release a press statement by the end of the week outlining the questions we have been asking to turn up the pressure on MCPD.

- Ms. Hudson seconded the motion.
- Mr. Ricks – Are we not supposed to meet with the Chief in September?
 - Mr. Osorio – We are but I share the Subcommittee’s concern that even meeting with Chief Jones in September will yield the same results - us not getting the information we need.
 - Mr. Ricks – Why turn up the heat when we have not given him the opportunity to respond?
 - a. Ms. Salazar – We have given them opportunities to respond in different forms and this will help us get the answers we need prior to meeting with MCPD.
- Mr. Camacho – Wanted to clarify the timeline of MCPD’s response on traffic stop information. MCPD responded to the first part of the data request in December 2020. Then the Discretionary Policing Subcommittee shared a follow-up information request with Council staff to send to MCPD. Council staff read the request and asked the Subcommittee for clarification on data sources used and definitions of terms. The Subcommittee never responded despite follow-up from staff so the second data request was never sent.
 - Ms. Branson – This is problematic because we were not under the impression that Council Staff were going to be the gate keepers to information requests. The last conversation I received basically said to send the request and allow MCPD to ask for further clarification, if needed. It is troubling that Council staff is making decisions to forward along our work or not.
 - Ms. Hudson – Why didn’t the Subcommittee just send the request themselves?
 - a. Ms. Branson – I think we all believed the letter had been sent.
 - Mr. Osorio – Believe that staff was asking for clarification to ensure that they got the Subcommittee the information they were asking for and then when they did not receive a response it wasn’t sent forward. I did have a conversation with Dr. Gaster asking him to respond so that it could be sent forward but never heard anything further.
 - Ms. Fredrickson – Need to leave the meeting but wanted to say I am for the press release idea and for additional follow-up but am a bit confused as to what MCPD has and has not responded to.
 - Mr. Ricks – Don’t believe staff is trying to be gate keepers but trying to steer us in the right direction to get the information we need. Think we should table this motion until Chief Jones comes to speak with us in September.
 - Ms. Branson – My concern is that the Subcommittee was never told that if clarification is not received then the request will not be sent forward so yes there was gate keeping. Also, some of the uncertainties that were expressed should have been expressed by the police so that we could have furthered our dialogue with them. To me, the role of staff is to execute the request of the Commissioners. We should probably table this because we have no way to go forward but now we need clarification on different issues.
 - Mr. Camacho – The PAC did receive a response from MCPD on information regarding traffic enforcement in December, which is referenced in the first part of this additional request. When the second part was sent I asked for clarification from the Subcommittee on data sources and definitions. I followed-up on several occasions but did not receive a response. The reason it was not sent forward at that point is because I have sent other data requests in the past to MCPD and have been told by MCPD that they do not know what the PAC was asking for and to please clarify. In an effort to

facilitate a smoother process in gathering this information I requested additional information from the Subcommittee.

- Mr. Osorio – Given this information, I would like to revoke my previous motion related to the press release and instead motion to send this current data request to MCPD by tomorrow and give them a week to respond. Just think this was a miscommunication but this will allow us to move forward on this. We may have to revisit this because I think Ms. Branson’s point about MCPD not giving us all of the information we need is valid.
- Ms. Farag – Just wanted to add that MCPD is not adequately staffed to handle specific PAC requests. It goes through as basically an MPIA request but they do try to prioritize your requests. We wanted to better understand the data source(s) because there are multiple data sources at the state level that folks can access and not all sources match-up, which would inhibit their ability to accurately respond. Also, their records management system was built in 1999 and it does not capture everything that everyone wants but MCPD is currently trying to address this by procuring a new system. It is taking a long time due to the County’s procurement requirements. That being said, they may not be able to get you all of the data that you request, not because they are hiding something, but because they can’t get it for you.
 - Mr. Ricks – Agree with what Ms. Farag said and it was told to us those systems don’t match up. Believe Mr. Camacho and Ms. Farag were just trying to provide background and context for the request. Think we just should wait to hear from Chief Jones in September. It is also difficult because Dr. Gaster has not been on the call and it was my understanding that he was the one leading the request.
 - Mr. Osorio – If the data doesn’t match then what difference does it make what Chief Jones says to us because he will be going off of faulty data? We know that the data they shared with us comes from a faulty system and one of the recommendations from the Subcommittee is to improve their data collection systems. That’s not to say that we should not invite Chief Jones but I feel that any information he provides may not be a fact because of their systems and data.
- Ms. Branson – The problem with the data source inquiry could have been resolved with a footnote. The greater issue is the issue of the data not matching and being insufficient because MoCo like every place else has to report data to the Federal Govt and the State. Maybe the data we want is the data that MCPD sends to the Federal Govt. This is why we need the one-on-one dialogue with the police to understand what data they are using to make policy, create programs, and send forward to Federal and State stakeholders. Regardless of how faulty it may be, that is the data that they have trust in and that is the data we need to see.
- Ms. Salazar – Want to remind everyone about the MOA between MCPD and DOJ that was signed in 2000 about traffic stop data. This is nothing new. We just need to know what data they are using.
- Ms. Hudson – All the data and reports issued by OLO, RPSTF, ELE4A show that there is racial disparities in traffic stops, deaths, use of force, etc. Think that Mr. Osorio and Ms. Salazar should do PSAs, radio spots, press releases about these issues. Also, think that there should be some type of follow-up for Commissioners who do not show up for PAC meetings.
- PAC voted on Mr. Osorio’s motion to send the information request as written to MCPD and request that they respond in one week’s time – until August 30. Ms. Hudson seconded the motion.
 - Aye – Ms. Hudson, Ms. Branson, Mr. Osorio, Ms. Mirza, Ms. Salazar, Ms. Fredrickson
 - Nay – Mr. Ricks
- Mr. Osorio - Motion to send a press release publicly asking Chief Jones to respond to the questions the PAC asked in the Ryan LeRoux letter. Ms. Branson seconded the motion

- Aye – Ms. Hudson, Ms. Branson, Mr. Osorio, Ms. Mirza, Ms. Salazar, Ms. Fredrickson
- Abstain – Mr. Ricks
- Mr. Osorio and Ms. Salazar will draft a press release that will be sent to the PAC, giving Commissioners 48 hours to provide edits in an effort to release the statement by the end of the week.

4. Review Government Alliance on Race and Equity (GARE) Racial Equity Toolkit

- Mr. Osorio - we will not discuss the Racial Equity Toolkit today. The Council staff person that was supposed to come and discuss the Toolkit with us is not longer with the County so hopefully at the second meeting in September we will have someone else from the County come in and speak with the PAC.

5. New Business

- Ms. Hudson – Would like to request that the PAC invite Assistant Police Chief Facciolo to come speak with the PAC along with Chief Jones.
- Sgt. Brewer – There was a question regarding the centralization of the traffic unit in the data request so wanted to let the PAC know that this did occur in the beginning of July. Also, I have concern about the information on the cost of traffic stops that is also in the data request. I think that it makes some assumptions, like that all officers are making traffic stops, that aren't true. This could be potentially misleading.
 - Mr. Osorio – could you point us to who may have this information?
 - Sgt. Brewer – don't think there is a way to quantify the cost of a traffic stop.
 - Ms. Branson – The point about quantifying traffic stops was more of a hypothetical with the underlying issue being that there is a cost-benefit analysis that should be done and that the costs are not just borne by the civilian being stopped but there is a cost to the department and taxpayers. If the police believes that there is another way to calculate this cost-benefit then it would be more than appropriate to use that.
- Ms. Branson - The County Executive has started a workgroup to look at policies and procedures but they will not be working with the PAC. There are too many groups working on issues that are not talking to each other and this needs to be addressed. We should ask the County Executive about the purpose of this new group and how all of these actions will lead to progress. We should assert ourselves and better understand how our work and that of the Council's fit in with the work being done on the Executive side.
 - Mr. Ricks – agree that there is too much going on and no coordination.

6. Meeting Adjourned at 7:38pm