



Policing Advisory Commission
Monday, Oct 11, 2021
Virtual Meeting
6:30 – 8:00 pm
Meeting Minutes

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

Ex-officio Members Present: Carmen Facciolo, Cate Brewer

Commission Members Absent: Jasmine Williams, Jerome Price, Justice Reid

Support Staff: Susan Farag, Carlos Camacho

Guests: Heidi Rhodes (JUFJ; hrcapitals@gmail.com), Nicholas Augustine (MCPD), Robert Landau (SSJC; Rlandau806@gmail.com), John O'Brien (MCPD), Taman Morris (OMB), Wade Holland (MCG), Peter Francis (petergrancis13@gmail.com), Neil Rao,

Meeting was called to order at 6:35pm

Agenda:

- 1. Attendance and Recording of Meeting:** Mr. Camacho took attendance and began recording the meeting. All guests were asked to enter their name, any organizational affiliation, and contact information 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.
 - Mr. Osorio addressed the attendance policy for Commissioners. PAC has moved to two meetings a month in order to move items along quicker. The second meeting is intended to be shorter in order to wrap up issues discussed at the first monthly meeting. It is critical for Commissioners to attend. Replacing a Commissioner and having a new person appointed would set the Commission back. The PAC was afforded some leeway previously with attendance but now we must ensure we abide by the attendance policies.
 - Mr. Camacho spoke to the County's policy regarding Boards, Committees, and Commissions. Commissioners who miss 3 meetings in a row will be removed automatically. Also, because the Commission currently is scheduled to meet 24 times in one year, Commissioners may miss 5 meetings in a year prior to being removed.
 - Ms. Mirza also commented that if fewer than 7 Commissioners attend a meeting, then the PAC fails to have a quorum and the Commission cannot move anything forward.
- 2. Subcommittee Updates**
 - Safety in Schools – Unfortunately Ms. Williams' grandfather passed last month and as such, she has not been able to be involved with the PAC as of late. Ms. Williams is weighing whether she will continue in her role as a Commissioner or not.

- Mr. Osorio has met twice with the Student Wellbeing Action Group (SWAG). SWAG has done work and met with many stakeholders focused on mental health response. SWAG would like to meet with Mr. Osorio and Sgt. Brewer to have the opportunity to meet with folks from MCPD.
- Hiring and Discipline Subcommittee – Two members of the Subcommittee did meet and discuss the recommendations from ELE4A and have been working hard on writing their comments/reactions/recommendations on the audit but have not yet formally issued a written response on the recommendations. Ms. Hudson met with Dwayne Crawford, CEO of National Organization of Black Law Enforcement Executives (NOBLE) and will be sharing what she learned with the subcommittee at the next meeting.
 - Mr. Osorio – PAC will review the ELE4A recommendations at the next PAC meeting on Oct 25.
 - Mr. Camacho also reminded Commissioners that the Office of Legislative Oversight (OLO) will be presenting to the PAC at the next meeting.
 - Ms. Hudson encouraged Commissioners to look at past OLO reports on traffic enforcement.
- Emergency Response – Have been struggling to find a time to where all members can meet. The next Emergency Response Collaboration Meeting is Oct 28 at 7pm. MCPD Officer Laurie Reyes will be presenting on tracking calls regarding individuals with disabilities. The topic of involuntary hospitalization of adults will also be discussed. Encourage all PAC members to attend.
 - Ms. Lynn has also been asked to help with an effort to coordinate meetings with folks from the disability community and MCPD. She has put together a diverse group of families to give MCPD their feedback.
 - Mr. Ricks stated that the group that Ms. Lynn has put together is very important and will provide valuable feedback to MCPD.
- Discretionary Policing – Moving forward on traffic enforcement. Sent another information request to MCPD, which they should be getting back shortly. Have put out the public comment form and hope that all Commissioners are activating their networks to get people to respond. Looking forward to the opportunity to meet with the MCPD team leading traffic enforcement in the beginning of November. By then, the PAC should have answers to questions on outcomes from traffic enforcement. The last response received from MCPD states that they saw writing tickets and citations as the best metric for tracking success on traffic enforcement, but we concluded that it is probably insufficient. Hope the meeting with MCPD is productive and will allow the Subcommittee to write recommendations on traffic enforcement. Also, Ms. Branson is going to start leading the Subcommittee’s effort on pedestrian stops. Also, wanted to check in with Mr. Sterling on his work on drug policy.
 - Mr. Sterling – Don’t have anything to report on the issue of drug policy.
 - Dr. Gaster – did we ever follow-up with MCPD on what is going on with drug enforcement, specifically with possession enforcement? Did we send them a formal request?
 - Mr. Sterling – we did ask for data and they came back with a hasty analysis of marijuana arrests v. citations, which wasn’t very substantive. The data was not broken down by any demographic category.
 - Mr. Osorio - it may make sense to invite MCPD to speak with the PAC on this topic.
 - Dr. Gaster – seems like we have done some preparatory work and the next step would be to think about drug policy because it connects to other issues like traffic stops – e.g. smelling marijuana as part of pretextual stops. It may be beneficial to put together a formal information request, open up a public comment period, and then do a public hearing/meeting early next year.
 - Mr. Ricks - I thought we received information from MCPD and/or the State’s Attorney that they were not prosecuting anyone for small amounts of marijuana possession?
 - a. Mr. Osorio – Believe that is the State’s Attorney policy but that doesn’t seem to be happening in practice.
 - b. Dr. Gaster – the latest data we have is that thousands of marijuana arrests are still occurring, and this may be citations but we do not know definitively, and

citations still carry a financial penalty. This type of enforcement still seems be a priority for MCPD.

- c. Mr. Sterling – it's not simply the citation that is consequential, it is the interaction between MCPD and the public, which could instill fear and lead to other negative outcomes.
- d. Mr. Osorio – agree with all of this and think that the Discretionary Policing Subcommittee can make progress on this quickly given the work we have already done on this issue.

3. MCPD Traffic Enforcement Information Request

- The PAC went through MCPD's response to the PAC's traffic enforcement information request.
- Question 1
 - Dr. Gaster –MCPD did not provide an explanation of the analysis or an example of the analysis MCPD uses to determine where traffic enforcement is most necessary.
 - Ms. Hudson – Agree with the Dr. Gaster's comment. The statement is very broad and general. There is no example of the analysis.
 - Mr. Sterling and Mr. Osorio also agree. It is not really responsive, it is evasive.
 - Ms. Salazar agrees, as the statement just outlines with the CTU does.
- Question 2
 - Dr. Gaster – the response is better than the first response.
 - Mr. Osorio – we are still in the middle of a pandemic so there are still probably less cars on the road, so it would be difficult to measure the CTU's impact on collisions.
 - Mr. Sterling – the answer gives County totals but does not give a sense of what fraction of deployments were CTU deployments and what fraction were patrol unit deployments. We are not given an analysis that shows us what is different. We are just given data on the number of collisions. It doesn't tell us anything about enforcement.
 - Asst. Chief Facciolo – Believe the change to the CTU occurred in June 2021, right before my arrival, so it would be too early to provide stats on the change. The pandemic also hinders our ability to paint an accurate picture. Would recommend that the PAC wait a bit longer to see the actual impacts of the CTU on enforcement/collisions.
 - Ms. Hudson – would like to know where the CTU efforts are concentrated. I know that many minorities would like to see fewer stops and interactions with the police. Can MCPD produce that info?
 - Asst. Chief Yamada – The CTU actually didn't start until July 2021. Our focus has been on the major arterial roadways and not in residential areas, so on Connecticut Ave, Veirs Mill Rd, University Blvd, East-West Hwy, 355, New Hampshire Ave, etc.
 - Ms. Branson – MCPD acknowledges a decrease in the number of cars on the road due to the pandemic, so what is the decrease? If there is a 17% decrease in the number of cars on the road and a 17% decrease in the number of collisions, then there is not real impact. Also, there is a mix of time periods and data that doesn't make sense. There is no attempt to really be responsive. This question is asking where enforcement is occurring. I would assume that insurance carriers have good data on where collisions occur in the County but that is not the comparison we are seeing but that is what we should see; it would be objective. We asked MCPD if they had collision data from insurance companies. We should ask what external data MCPD is using to deploy these stops – that will show us where collisions are actually occurring. There has to be some external, objective data source on the location of collisions.
 - Mr. Osorio – As a follow-up, how did MCPD determine where to deploy CTU Units? What data was used?
 - Asst. Chief Yamada – We use data from the Accident Collision Report System (ACRS) reports, which comes from MD State Police and not held by the County. If you look at those collision numbers, they have been consistent for at least the last dozen years, that collisions occur on the same roadways, which is on the major arterial roadways and that is where we deploy CTU units.

- Asst. Chief Facciolo – we do not have an outside source that accurately represents the number of vehicles on the road or that are on the road during the pandemic. If that data exists and the PAC would like to share that with MCPD, we will take a look. Think we should wait longer to see the impacts of traffic enforcement. Also, I am not aware of any report released by the Intl Institute of Highway Safety focusing on specific Counties.
- PAC voted unanimously (10-0) to allow Mr. Wade Holland, Program Coordinator for Vision Zero, to provide some context regarding the data on traffic collisions.
 - Mr. Holland – Prior to working for Vision Zero, I was the data analyst for the Pedestrian Safety Initiative. As Chief Yamada stated, the main data source we use for engineering, enforcement, and education efforts is internal collision data collected by police. When we first started the Pedestrian Safety Initiative, my predecessor did an analysis on different data sources including crash data from police and EMS data collected by Fire and Rescue. There was a lot of overlap and hot spots were identified. We ultimately chose to use police data because it is much more detailed. Also used data from the State Highway Administration (SHA) on traffic but we do not have real time traffic counter data on most roads, only on interstates (I-495/I-270). Do not have traffic data for 2020 yet on those roads. There are third party data sources but they can be hit or miss.
- Ms. Mirza – Wanted to reference a section on pretextual stops and guns seized during traffic stops. Seems like there is a lot of data on that but what is frustrating is that there are some data points that are consistently being collected during traffic stops (e.g. guns seized) but not on other data points like warrants being served or drugs being seized. Are we only seeing data that show law enforcement in a positive light?
- Dr. Gaster – The firearm data is useful but it needs to be put into context – the number of guns seized compared to the number of stops made – which was 46 seizures from January 1 to June 30, 2021 out of 50,000 traffic stops, based on the number of stops made in previous years. Also, last we heard, there was a plan to put all traffic enforcement under CTU. We also heard that CTU accounted for 15% of traffic stops and the rest are done by patrol officers in the districts, for which there is no coordination. There was a plan to move all traffic enforcement under CTU to have a unified strategy for enforcement. What has happened to that plan?
 - Chief Yamada – We do not reach out to insurance companies for collision data for many reasons (e.g. crashes are not always reported to insurers). Not sure who has told the PAC that all traffic enforcement was going to fall under CTU but that was never the plan. There will be a coordinated effort among all of the districts. Traffic enforcement and education doesn't fall solely on CTU. You have District Traffic Complaint Officers, Community Services Officers, and Patrol Officers in every district doing enforcement.
 - Sgt. Brewer – CTU could not possibly be the only unit doing traffic stops. If there are specific complaints and where the data show hot spots for collisions and other issues, that is more so where CTU responds.
- Ms. Branson – I don't think anyone told us that the Traffic Division or CTU would be doing all of enforcement but that they have its own policy priorities and that those policy priorities would then be given to the districts. Is that happening or are other divisions/districts allowed to create their own policy priorities regarding traffic enforcement? How does the Traffic Division develop their own policy priorities and how do other districts develop their priorities?
 - Chief Yamada – The 6 district stations have their own individual priorities based on complaints and needs from the communities. That is where the differences would come in between policy priorities between the Traffic Division and the districts. Each district continues to operate under their own priorities and CTU focuses on major arterial roadways and also focuses on five specific violations based on Vision Zero – distracted driving, impaired driving, aggressive driving, forgoing occupant protection, and impairing pedestrian safety. It's not just enforcement that CTU focuses on, education is the main priority currently being implemented.
 - Ms. Branson – So basically each district can still set its own priorities, there has been no change.
 - Ms. Farag - a lot of this was discussed during the FY22 operating budget for the police. The

staff report on the MCPD budget has info on what CTU was going to do and a lot of that was based on Vision Zero's Racial Equity Task Force that wanted them to prioritize the major safety infractions and not to focus on minor safety violations, which is what they are doing. Data shows that when other departments around the nation have done so, these places have seen an increase in road safety and a decrease in racial inequities in traffic stops.

- Dr. Gaster – A key distinction is that “departments” around the nation have made this change but what we have is a unit within the dept – 85% is not aligned with these goals.
- Ms. Farag – We actually have two very different traffic functions – one is responsive to community concerns and the other is based on data to reduce driver and pedestrian collisions.
- Ms. Hudson commented in the chat that the racial inequity persists due to differences across municipalities (e.g. Gaithersburg PD, Takoma PD, MCPD, etc).
 - Mr. Osorio – I think we need to work with MCPD to ensure there is no lack of cohesion in terms of policies.
 - Ms. Branson – My concern is exactly what Ms. Hudson stated, racial equities. As long as things stay the same and nothing changes these disparities will continue. No matter what we suggest there is a justification by the Police to retain the status quo, which is frustrating and disrespectful of what our role is. The community needs to be aware. Now we are being asked to wait six more months for data [on CTU]. At this point delay is about denial of responsiveness and accountability. We have had the same conversations about traffic enforcement data for the last 4 meetings so we need to take a different approach.
 - Mr. Osorio – we have been having this traffic conversation for much longer than that and we will need to continue going through this document together to formulate a response. A lot of these issues we are facing now will most likely come up on other issues. Have been pleasantly surprised that MCPD has been willing to be part of the conversations but MCPD must work with us and get us the data we need.
- Dalbin and Nadia will craft an email to the PAC on next steps regarding MCPD's response.

4. New Business

- None

5. Meeting Adjourned 8:01pm