



Policing Advisory Commission
Monday, January 25, 2021
Virtual Meeting
6:30 – 7:30 pm
Meeting Minutes

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

Commission Members Absent: Caroline Fredrickson, Justice Reid, Chief Marcus Jones

Ex Officio Members Present: Sergeant Cate Brewer (FOP representative)

Support Staff: Carlos Camacho, Susan Farag

Guests: Amari Mbongwo, Jaime Koppel, Michael DeLong, Stephanie Joseph, Anita Lampel, Janeane Marks, Melissa Goemann, Lauren Hurley, Jeffrey Rubin, Paul Holmes

Meeting was called to order at 6:42 pm

Agenda:

- 1. Attendance and Recording of Meeting:** Mr. Camacho took attendance and began recording the meeting.

Ms. Mirza and Mr. Osorio are interested in putting together a statement regarding the incident involving the shooting of Kwamena Ocran. They will present a draft to the Commission at the February 8 meeting.

- 2. Legislative Review Process:** The PAC discussed and voted to approve the proposed legislative review process with amendments
 - Ms. Mirza and Mr. Osorio have proposed a legislative review process that will be implemented in order for the Commission to review and comment on pending legislation introduced by the Council.
 - Ms. Mirza wanted to note that the PAC has received input from various organizations, experts, members of the public that has strengthened the PAC's work and has allowed the PAC to make an informed decision on the bills. Also, does not want the PAC to be caught in a state of inaction because they want or feel the need to do the exact right thing and have all of the answers. The PAC welcomes input from all stakeholders but the Commission must understand that they are just one part of the legislative review process within a larger legislative and

County ecosystem.

- Dr. Gaster posed a question - in the event that a piece of legislation does not get a full majority of the Commission (7 votes), what will be the process then? Is a full majority needed to endorse a bill?
 - Ms. Mirza – The way the proposed legislative review process is currently written, abstentions are not counted towards the vote.
 - Dr. Gaster suggested that the PAC should not recommend legislation without a majority.
- Mr. Sterling did not think that 30 days from the time the bill is introduced is enough time for the PAC to fully consider a piece of legislation. **Mr. Sterling offered an amendment to paragraph 2 stating: “30 days from when County Council holds its first public hearing” in lieu of “30 days from when the bill was shared or assigned.” Dr. Gaster seconded the amendment.**
 - **Mr. Sterling, Dr. Gaster, Mr. Osorio, Ms. Williams, Ms. Lynn, Mr. Ricks, Mr. Price, Ms. Branson, and Ms. Sandi voted in favor of the amendment. The amendment was approved and the legislative review process will be amended accordingly.**
- **Dr. Gaster offered an amendment to paragraph 7 stating that “A majority vote by the PAC is needed to endorse a bill.” Seconded by Ms. Branson.**
 - **Dr. Gaster, Mr. Sterling, Ms. Lynn, Mr. Price, Ms. Branson, Mr. Osorio, Ms. Williams, Ms. Hudson, and Ms. Sandi voted in favor of the amendment. The amendment was approved and the legislative review process will be amended accordingly.**
- Mr. Ricks asked for clarification as to whether only the subcommittee will receive the bill.
 - Mr. Osorio noted that only the subcommittee will be responsible for formally reviewing and providing a recommendation on the bill but all PAC members can review the bill and ask questions/make comments to the subcommittee, that the subcommittee could then incorporate into their recommendation.
- Ms. Branson wanted to ensure that the subcommittee will be formally notified when a bill is introduced. Also, a bill could fall into more than one subcommittee and that process needs to be made clearer.
 - **Paragraph 1 was made clearer and now the Chair and Vice Chair will formally assign each bill to a specific subcommittee, there will no longer be an automatic referral process.**
- **The PAC voted on the proposed legislative process with the two enacted amendments and the clarification to paragraph 1.**
 - **Mr. Osorio, Mr. Sterling, Ms. Williams, Ms. Hudson, Ms. Sandi, Mr. Price, Ms. Mirza, Ms. Lynn, Dr. Gaster, Mr. Ricks, and Ms. Branson voted in favor of the legislative review process and thus was enacted.**

3. Bill 34-20 – Police – Disciplinary Procedures: The PAC voted to approve the recommendation of the Hiring and Discipline Subcommittee to support Bill 34-20.

- Ms. Hudson read the subcommittee’s statement on the bill, which is also available on the PAC website. Three subcommittee members endorsed the statement with one member abstaining.
- Mr. Sterling abstained from supporting the subcommittee’s statement because he felt it was too much of a discussion on LEOBR repeal. Mr. Sterling wrote his own statement which he shared with the PAC outlining the bill’s implication on three fundamental questions – 1) Can the MoCo Govt change the way MCPD does business? 2) Can the recommendations of the PAC be adopted? 3) Can the County Council, the County Executive, and the Chief of Police make significant changes in policing practices in MoCo. To answer yes to these three questions, Bill 34-20 is essential. He thinks the bill should be adopted. Essentially every policy directive is only

applicable if it is not in conflict with the contract in place between the FOP (police union) and the County. It's unacceptable that the FOP policies are more determinative of MCPD's policies than those given by the Police Chief.

- Sgt. Brewer wanted to clarify that a hearing board is only held if an officer does not accept the punishment from the Chief or decides to appeal the punishment. This has only happened once in three years and the officer in question was terminated in this one case. The traditional hearing board will be triggered in the same way and will not speed up the process – it is the investigation into the officer's misconduct that takes a long time. Changing this may not result in the outcome that the PAC or the community is seeking. Also, the union contract is an agreement, it is not simply a document that the FOP writes. The agreement does not include management rights.
 - Mr. Ricks – Years ago we had effects bargaining which limited the Chief's ability to give directives. This ultimately changed. Still want to ensure that an officer has the opportunity to have a fair trial but not a bargained trial where it can hold up operations and a resolution.
 - Sgt. Brewer – I think the process is fair because there are not three officers sitting on an alternate panel. There is one union member, one management level officer, and a third party, neutral member chosen by the union.
- Ms. Hudson read information provided by Mr. Bob Drummer, Legislative Attorney for the Council, regarding the lack of agreement between the union and MCPD/County on adding citizen members to the alternate hearing board. Also, pointed out that the Chief does not have final say in discipline in an alternate hearing board. Furthermore, Ms. Hudson presented statistics provided by Council staff regarding discipline – since 2015, the number of dismissals recommended by the Chief (12), the number of cases that went to a trial board (2), the number of cases where the discipline recommended by the chief was sustained (1), and the recommended discipline was reduced (1). Ms. Hudson also shared some statistics that are included in the MCPD FAQ sheet regarding Internal Affairs and the number of investigations they have conducted regarding officer conduct - the internal Affairs Division received 270 complaints in 2019 and opened 212 cases of which 70 formal investigations were initiated.
- Ms. Branson – It has to be clear that the vote is on the bill as it currently exists. Also need to make a decision on the documentation that is going to be sent to the Council. Who is this going to be sent to? Council? Council and CE? Need to determine these procedural elements for all legislation that the PAC considers
- Mr. Osorio – Ms. Mirza and Mr. Osorio plan to send a letter to the Council outlining the recommendation on the legislation, the vote of the PAC, along with any additional documentation the PAC would like to provide the Council. They plan to share this package with the PAC prior to sending to the Council. Also, this endorsement will indeed only address the bill as it is currently written.
- Ms. Branson also brought up the issue of proxy voting and if the PAC should allow for this process.
- **Dr. Gaster made a motion that proxy voting be permitted provided the Chair and Vice Chair are notified in advance of the meeting by the PAC. Seconded by Mr. Osorio**
 - **The PAC voted 9 to 1 in favor of the motion. Mr. Sterling voted against the motion.**
- **Vote to support Bill 34-20**
 - **The PAC voted 11-1 with one abstention in favor of supporting Bill 34-20.**
 - **Mr. Ricks voted against supporting the bill and Mr. Reid abstained from voting.**

4. **Bill 46 - 20 – Police – SROs – Prohibited:** The PAC did not vote on supporting the legislation but did hold a discussion on the bill.

- Based on the legislative review process that was approved earlier in the meeting, which specified that the subcommittee has 30 days until after the first public hearing is held in order to review and offer recommendations, the PAC decided not to vote and instead wait until after the public hearing is held to vote.
 - The public hearing is now scheduled for February 12, 2021
- Mr. Osorio updated the PAC that Mr. Price has recused himself from the SRO subcommittee, at least for the time being, because he is a teacher at MCPS. He will now be joining the Emergency Response Subcommittee.
 - Ms. Branson brought up the point that there are now only two subcommittee members on the SRO subcommittee and that their structure now differs from the rest.
 - Mr. Osorio and Ms. Mirza will discuss and determine whether another Commissioner will be reassigned to the SRO subcommittee.
- Ms. Williams read her statement in support of Bill 46-20. She specified broad support among MCPS students including 30 student-led organizations. She mentioned the fact that MCPS's counselor to student ratio being well below the recommendations from the National Association of School Psychologists. Ms. Williams also mentioned the trauma experienced by students of color when seeing police officers in their school. She also voiced her support for the reallocation of funds towards restorative justice programs and counseling services.
- Mr. Osorio added that the subcommittee not only spoke with students when examining this bill but also spoke with the Montgomery County Education Association (MCEA), where 60% of their delegation voiced their support for the bill, MCCPTA, where their Diversity, Equity, and Inclusion delegation also supported the bill.
 - Mr. Ricks noted that the Board of Education (BOE) did not give their explicit support for the bill.
 - Mr. Osorio noted that MCPD, 5 BOE members, and 25 high school principals are not in support of the bill. On the other hand, a majority of students, teachers, and parents do support the bill. He also noted that MCPS has two full-time restorative justice programs in a school system of 166,000 students. Some of the arguments against this bill is that SRO's fill a mentoring role with students, but he points that this role can be filled by professionals other than police officers. Finally, he spoke about MCPS' issue whereby teachers and administrators are too quick to call on SROs to address student behavioral issues, which he deemed unacceptable.
- The SRO subcommittee are in support of the bill as it is written with the appropriations to go toward the services that are mentioned.
- Mr. Ricks stated that he did not hear that all students were in support of the bill. Also, mentioned societal issues that are not corrected at home but are instead sent to school to be corrected. He mentioned that recently a 13- and 14-year-old were arrested for hijacking and assault. He also expressed his opposition to the bill.
- Ms. Sandi – Emphasized that seeing young people as perpetrators of crime is what feeds the school to prison pipeline. What worries her is what she has seen and experienced as a young person being profiled as a criminal at school, which can have detrimental impacts on youth. She mentioned that there is a way for police officers to support youth without having to be in uniform with a gun at school.
- Ms. Mirza – Mindful that young people, especially young people of color are used to getting

their opinions dismissed. Understands that we need to listen to experts and administrators but also need to ensure we listen to students.

- Further discussion and the vote on the bill was tabled until after the public hearing is held.

5. Bill 45-20 – Police – Community Policing – Data: The PAC did not discuss or vote to endorse the bill because of timing.

- The public hearing did take place on bill 45-20 on 12/8/20 and the Public Safety Committee held a public worksession on 1/21/21.
- Ms. Branson did mention that the Discretionary Policing Subcommittee did review the bill and made their recommendation to support the bill.
- Dr. Gaster asked about a potential process with which a subcommittee or a PAC member can recommend adding an amendment to a bill being reviewed.
 - Ms. Mirza responded by saying that amendments are something the subcommittees can consider and then bring the proposed amendments to the PAC to discuss as a whole.

6. Other Business

- Next PAC meeting is February 8
- PAC members should send questions/comments on legislation to the subcommittees or to Mr. Camacho who can then share with the PAC.
- The Reimagining Public Safety Task Force is sending their recommendations to the County Executive now and will be made public on the January 28th. The preliminary findings of the MCPD audit will be made available by the Spring. Mr. Camacho or Ms. Farag will share the recommendations with the PAC as soon as they are made available.

Meeting was adjourned at 8:07pm