



Policing Advisory Commission

Monday, April 12, 2021

Virtual Meeting

6:30 – 8:00 pm

Meeting Minutes

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

Commission Members Absent: Sergeant Cate Brewer (FOP representative), Chief Marcus Jones

Ex Officio Members Present: Asst. Chief Dinesh Patil (designee for Chief Jones)

Support Staff: Carlos Camacho, Susan Farag

Guests: Taman Morris (MoCo OMB), Heidi Rhodes (JUFJ), Seniah Zachariah (MoCo League of Women Voters), Dr. Christopher Rogers (MoCo DHHS),

Meeting was called to order at 6:34 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 MPIO request.
- 2. Administrative Items**
 - Approval of Minutes from March 8 and March 23 PAC meetings
 - Ms. Frederickson motioned to approve both set of minuets and Ms. Branson seconded. Both sets were approved unanimously.
 - The PAC received answers to questions submitted to Chief Jones and Sgt. Brewer during the March 8, 2021 PAC meeting. All Commissioners should have received the answers. Many thanks to Chief Jones and Sgt. Brewer!
 - All Boards, Committees, and Commission members will be required to attend mandatory ethics training that will take place on April 20, 21, and 22. Commissioners should plan on attending one of those sessions.

3. Guest Speaker – Dr. Presentation from Dr. Christopher Rogers on Montgomery County Community Health Needs Assessment

- Dr. Rogers is the Policy and Strategy Officer for Public Health Services at the Montgomery County Dept of Health and Human Services.
- Dr. Rogers and Healthy Montgomery, the local health improvement coalition for Montgomery County, is currently working on coordinating the Community Health Needs Assessment (CHNA) (conducted every five years) as a way to identify health priorities and needs of the community that will be highlighted in a final report that will help guide the County's health initiatives over the next five years.
- The CHNA is a three-part data collection process consisting of:
 - 1) quantitative data collection component involving surveys sent to 10,000 residents on dietary patterns and health behaviors, chronic conditions, social conditions, etc. Will also analyze secondary source data sets such as State-level, and Federal-level data like Census data and Behavioral Risk Factor Surveillance System (BRFSS) data. There is also an environmental scan of health resources in the County. This will be done via survey as well.
 - 2) qualitative data collection component consists of focus groups to learn about health needs, barriers, priorities in the community, as well as perceptions and attitudes about the health of the community. 21 Focus groups, consisting of ~30 participants, each will be done virtually. Focus groups vary considerably in an effort to represent the diversity of MoCo. There will also be key informant interviews to similarly gather info on health perceptions of key stakeholders with specific knowledge regarding groups and initiatives within the County.
 - One of the key informant interviews will focus on five select Boards, Committees and Commissions (BCC) from the County, the PAC being one of those selected BCCs.
 - a. It is important for the CHNA to get the PAC's perspective regarding the impact of public safety on overall health and well-being. The interview will take place on June 23 at 6:00pm.
- Mr. Sterling – To what extent will the CHNA look at data related to people hospitalized due to gun shots, stabbing, violence against youth, vehicle collisions, and other violent crimes?
 - Dr. Rogers - the quantitative survey will have questions related to both intentional and unintentional injuries and how those aspects impact health in the community. The qualitative portion will also give residents the opportunity to identify those areas as problems that need attention.
- Dr. Gaster – Will the quantitative aspect of the assessment go beyond using the survey data, for instance using hospital and insurance records?
 - Dr. Rogers – Will partner closely with hospitals in the County. MedStar and Johns Hopkins are also doing their own Community Needs Assessment so we will pull data from those sources to further inform the survey data and the CHNA as a whole.
- Ms. Branson – What outreach is being done with regards to the homeless community?
 - Dr. Rogers – This was a challenge for CHNA. Did receive guidance from advisory committees and community partners but due to the fact that the focus groups are being done online and the homeless population is very transient it would be difficult to include them given some constraints, however, there is a chance that some community residents that participate in the survey and in other ways may have been homeless at a previous time in their life and will be able to provide their perspective on this issue. Another way the CHNA attempts to overcome this is by having

organizations like the Inter-Agency Commission on Homelessness be part of this Key Informant Interview group.

- Ms. Branson – How specifically is the Inter-Agency Commission on Homelessness going to be involved? Perhaps this forum is not the best way to interact with the homeless population, but their perspective is invaluable as they are a group that experiences many health-related issues. Who will ensure there are recommendations surrounding this population?
 - a. Dr. Rogers – Are going to have key informant interviews with community and social service providers and at least one organization is one of the leading homeless services providers in the County.
- Mr. Osorio – If a Commissioner is interested in participating in the key informant interview please email Ms. Mirza, Ms. Osorio, and Mr. Camacho and we will forward your information onto Mr. Rogers.

4. Subcommittee Updates

- Hiring and Discipline Subcommittee
 - Ms. Salazar-Sandi - The subcommittee is putting together a letter of concern because the subcommittee feels that there are issues which are not being answered or addressed clearly. Will send this out to the PAC soon and the hope is to discuss the letter at the next PAC meeting. Also, as a result of recent state legislation, there is now more of a path forward to address issues of accountability.
 - Ms. Fredrickson – There are many things that the state legislation addresses that the PAC has been discussing and that County legislation has attempted to address like the law enforcement oversight mechanism (i.e. trial boards). Imagine the Council will be looking at how to implement those provisions so it is important for the PAC to know what is left for the County to do, where does the County have to implement new legislation or policies, where are the gaps (e.g. SROs). Can the PAC reach out to other advocates or someone from the state legislature for a briefing?
 - Dr. Gaster – Why not reach out to Will Smith, Chairman of the Senate Judicial Proceedings Committee?
 - Mr. Osorio – I sat down with Ms. Mirza and we both agree that the path forward is to reach out to those who crafted the legislation.
 - Dr. Gaster – Wondering how the legislation affects the release of personnel records particularly related to the outcomes of disciplinary process?
 - Ms. Fredrickson – this is addressed in the legislation but there are some certain exceptions regarding the availability of personnel files.
 - Dr. Gaster – The issue of personnel records is an issue addressed in the collective bargaining agreement with the FOP, so where are we currently in the negotiation process and can the PAC now speak to this issue given the new state legislation?
 - a. Ms. Frederickson – There is a 2022 effective date in the legislation so it only affects collective bargaining agreements post-2022, and this may be something the County should consider in its negotiations.
 - Mr. Osorio – If there are any other specific questions regarding state legislation issues subcommittees wish to explore, please send me or Ms. Mirza an email. This also ties into the workplan that will be discussed later in the meeting.
- Discretionary Policing
 - Ms. Branson - Have not met since we the last PAC meeting but we did send a

letter/email seeking clarification on which subcommittee should handle a certain issue.

- Mr. Reid – The issue deals with general performance management and observation. The Reimagining Public Safety Task Force (RPSTF) report spoke a lot about culture. While we have a Hiring and Discipline subcommittee where does performance management fit in (e.g. things like officer promotion)? Culture is really a grey area that doesn't fit into any one category.
- Mr. Osorio – This could be a recommendation we produce, specifically defining what culture is and how to measure changes in culture.
- Dr. Gaster – Have also been doing work on traffic stops, which is on the subcommittee's agenda as they are a highly popular form of police interaction with the community, and they are highly discretionary.
- Emergency Response Subcommittee
 - Ms. Lynn – Met and discussed the incident regarding the 5-year-old in Silver Spring who wandered away from school. Also, spoke about mental health and invisible disabilities and how to get help for parents who may not know how to best help a child with an invisible disability. Working with Dr. Santiago, the head of behavioral health for the County, and is consulting with him on emergency response and how to best structure the crisis restoration center to help everyone with mental health challenges. Also, thinking about how to implement CAHOOTS and Crisis Now model or some blend of the two. April 29 is the next meeting of the mental health and emergency response group we put together.
 - Ms. Hudson – what in particular was discussed regarding the incident with the five year old?
 - a. Ms. Lynn – Really just reacting to the video and acknowledging the lack of mental health resources for so many people.
 - b. Mr. Ricks – Believes the child had some prior issues at school before this incident and so we talked about counseling in the schools and who could have potentially helped in that situation other than the police.
 - c. Ms. Lynn – MCPS has a role in this as well.
 - d. Ms. Hudson - the officers' manner of interacting with the 5-yr. old was inappropriate and likely traumatizing for the child.
- Policing and Schools Subcommittee
 - Mr. Osorio – the subcommittee spoke with multiple youth and parent groups and are beginning to work on our subcommittee workplan that will include recommendations on what resource personnel should look like in schools and identifying gaps in MCPS. Plan on having a draft workplan done by the first week of May.

5. Discussion on Recommendations from the Reimagining Public Safety Task Force

- In the interest of time, this agenda point was moved to the next PAC meeting on May 10.

6. Work Planning

- Mr. Osorio presented slides detailing specific deliverables the PAC must produce by the end of its first year.
 - The PAC has accomplished quite a bit in its first year such as advising the Council on policing matters; provided info on policing best practices; recommended policies, programs, legislation or regulations; and commented on matters referred to it by the

- Council. Specifically, the PAC reviewed proposed legislation through subcommittees and the full PAC and then sent letters to County Council and Executive commenting on the legislation (one matter was specifically referred to PAC by the Council)
- Going forward the PAC will proactively study policing practices and develop recommendations based on identified areas of interest.
 - The PAC must also conduct at least one public forum for community input on policing each year.
 - Will begin putting this together and the plan is for this to not be a presentation by the PAC to the public but an opportunity to hear from the public.
 - The proposed date is Monday, July 12 from 6:30 to 8:00pm and it will be conducted virtually.
 - The proposed format is for members of the public to sign up to speak ahead of time, with a time limit of 2 minutes for speakers. Those who are unable to attend or speak are welcome to submit input through our public comment portal.
 - Must also submit an annual report, by July 1, on the PAC's functions, activities, accomplishments, and plans and objectives.
 - Subcommittees are requested to prepare a draft of a short (1 page or less) summary of their functions, activities, accomplishments, and plans and objectives by the next monthly meeting on May 10.
 - The PAC must also accept correspondence and comments from members of the public, which the PAC has done and will continue to do through the online comment form on the PAC's website. Also plan to translate the public comment guidelines/form to allow the broader community to interact with the PAC.
 - The Commission must also engage in public education. The PAC hosted a presentation on history of policing policy in US with Dr. Felicia Bell, which was recorded and available on the PAC website. Plan to continue hosting experts and hold public hearings on specific topics.
 - PAC Leadership Transition
 - Ms. Mirza – wanted to ensure that there is a plan for leadership transition. Commissioners may self-nominate or be nominated (with their consent)
 - Nominations for Chair and Vice Chair are due by Friday, May 7 to Council staff by email (if nominating someone else, please cc them so they can confirm their consent to be nominated).
 - Plan to announce nominees at the May 10 PAC meeting.
 - August will be the first meeting chaired by the first officers.
 - No PAC meeting planned in July as we will have submitted our annual report and July will be the public forum.
 - Ms. Hudson – Will we do any radio or other public announcements for the public forum other than just posting it on the website?
 - Mr. Osorio – have been thinking through how to reach a wider audience and one thought was to advertise in El Tiempo Latino and other local publications.
 - Ms. Branson – Also suggest advertising in MyMCMedia and other avenues. Another question is that we sent a letter to the Council on pending legislation and was wondering if we received a response? Interested in knowing how the recommendations were received by the Council and would like feedback on those recommendations, good or bad, and if they would like any more input from the PAC.
 - Mr. Osorio – As far as we know we have not received a response so ask that Mr. Camacho follow up with Council President's office on that.

- Mr. Ricks – Are we required per the charter to change officers annually?
 - Mr. Osorio – No but when we assumed our position as Chair and Vice Chair we assumed it was a one-year term. We will consider the term length and get back to you all.

7. Proposal to convene a hearing regarding MCPD Drug Arrests

- Mr. Sterling – I circulated a proposal to the PAC. The data in the proposal states that the State’s Attorney is not doing prosecutions for marijuana possession, but the County continues to make thousands of marijuana arrests per year. Believes it would be appropriate for the PAC to hold a public hearing to understand the impact of this, the objectives of these arrests, the consequences of the arrests, and the rationale behind making these arrests knowing the State’s Attorney will not bring these to court. It would be great to get insight into how these management decisions are made within the department and how that translates to what officers do.
 - Proposes a motion to decide as a PAC to conduct a public hearing to discuss drug arrest data and outcomes in Montgomery County and the policy implications thereof.
 - Dr. Gaster seconded Mr. Sterling’s motion.
- Mr. Ricks - what data do we have? Thought Montgomery County was not going after people with marijuana, if it is under a certain amount?
- Mr. Sterling – the data is in the memo with a citation to the MD State Police Annual Report. Vernon, you’re correct based on what the State’s Attorney’s policy is but this does not seem to align with MCPD policy.
- Dr. Gaster – want to add that between 82-85% of drug arrests in MoCo is for simple possession, which is far higher than the average for the state as a whole. There was about 5,000 such arrests in 2018. These are huge numbers and use of resources that doesn’t seem to align with the State’s Attorneys policy and County policy.
- Mr. Ricks – would like to see a report from the Chief and State’s Attorney on what constitutes those arrests. Could these arrests have been made in concert with other things?
- Dr. Gaster – The PAC should send a formal request to the Chief to provide testimony for the public hearing.
- Mr. Osorio – This is a chance to clear up what the data seems to show. If there are discrepancies that the Chief could address then we would welcome that. The County Attorney should also be formally invited.
- Dr. Gaster – feel this may be a good model for the PAC to use going forward, whereby a Commissioner writes up a memo of this kind and then we do a public hearing with all relevant stakeholders and on the basis of that we can move forward on a recommendation.
- Mr. Sterling – Mr. Ricks concerns make the point that we need to understand what is behind these statistics. This data is typically reported based on FBI Uniform Crime Reporting, in that because any arrest can involve multiple crimes, there is a hierarchy. Every single charge is not reported as a separate arrest, so you report the most serious crime out of the crimes involved in an arrest. Following, this methodology, these marijuana arrests were the most serious crime charged for that arrest, meaning there could be even more arrests involving marijuana possession that are not reported because there was a more serious crime involved. We know we have a policy of decriminalization and we know that these crimes have disproportionately impacted people of color.
- Assistant Chief Patil – My guess from just looking at these numbers for the first time is that these are civil violations and not criminal arrests. We will work on getting more clarity. Also, we use National Incident Based Reporting, which is a newer FBI standard that captures all of the offenses

in an arrest. Just wants to clarify the difference between a physical arrest and person getting a civil citation.

- Dr. Gaster – The data says arrests and to me that means a person is taken into custody. Is that not the case?
 - Asst. Chief Patil – would be astounded if those numbers actually represent arrests. They are most likely civil citation charges and that there is a merging of state-level data on how MCPD reports offenses.
- Ms. Fredrickson – would propose a friendly amendment to say we ask for clarity on what these numbers actually represent and after we get that, the PAC should take a vote on the public hearing.
- Mr. Sterling – the data says that the arrests are counted in the same manner as arrests for other drugs (e.g. heroine, fentanyl, opioids, etc.). If the police are reporting marijuana citations in the same way that they are reporting other drug arrests, then there is a problem.
- Mr. Osorio – Propose an amendment giving MCPD a week, by April 19, to get the PAC clarity on the drug arrest data, whereby after receiving the clarification the PAC will reconvene to vote on Mr. Sterling’s proposal to hold a public hearing.
 - Mr. Sterling accepted the amendment.
- The PAC voted on the proposed amendment
 - Ayes – Mr. Osorio, Ms. Mirza, Dr. Gaster, Ms. Branson, Mr. Price, Ms. Hudson, Ms. Fredrickson, Ms. Lynn, Ms. Salazar, Mr. Sterling
 - Nays – None
 - Abstentions – Mr. Ricks, Mr. Price, Ms. Williams

8. Meeting Adjourned at 8:00pm