



POLICING ADVISORY COMMISSION

Monday, September 11, 2023

6:32 PM to 8:15 PM

[Meeting Virtually](#)

Meeting Minutes

Commission members present: Cherri Branson, Kristy Daphnis, Christina DeLane, Laurie Ekstrand, Robin Gaster, Ty McKinney, Vernon Ricks, Eric Sterling [8 attendees]

Commission members absent: Sgt. Cate Brewer (FOP, ex-officio) [1 absent]

Ex-officio members present: Capt. Jordan Satinsky (MCPD) [1 attendee]

Support staff: Logan Anbinder, Susan Farag [2 staff]

Guests: Lt. Jeff Innocenti (MCPD), Capt. Warren Jensen (MCPD), Heidi Rhodes (Jews United For Justice), Lt. Chris Tippery (MCPD) [4 guests]

Mr. Sterling called the meeting to order at 6:32 PM.

I. Attendance and Administrative Items

- Council staff took attendance and began recording the meeting. Eight members were present, which represents a quorum.
- Total attendees: 15

II. Approval of August Minutes (6:32 PM)

- **VOTE:** Mr. Ricks moved and Ms. Daphnis seconded approval of the August minutes. The PAC voted (8-0) to approve the August minutes.

III. MCPD overview of automated traffic enforcement (speed, red light, and school bus cameras) (6:34 PM)

- Capt. Jensen introduced Lt. Tippery, who presented on MCPD's Automated Traffic Enforcement Unit (ATEU). Topics included overviews of speed cameras and citations, red light cameras and citations, and school bus cameras and citations.
- Mr. Sterling asked if cameras have any downtime. Lt. Tippery clarified that cameras operate 24/7 and are tested every day; the unit closes on Thanksgiving and Christmas. Mr. Ricks asked

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whether cameras in school zones are deactivated when schools are not in session. Lt. Tippery confirmed that this is the case as an exception to the general policy; cameras in school zones operate only Monday-Friday between the hours of 6AM and 8PM.

- Ms. Branson asked about the process for issuing tickets identified by cameras. She also asked whether the placement of the cameras is coordinated with the physical placement of officers. Lt. Tippery indicated that once the image is captured, the contractor does an initial review; the contractor must send images that are prosecutable at least 95% of the time. Next, trained ATEU processors review the images. Then images go to the vendor that prints out the citations on a document that has been approved by the district judge. MCPD coordinates with Traffic Division leadership on camera placement.
- Ms. Daphnis mentioned that the state institutes strict guidelines on the camera program. Lt. Tippery also indicated that camera placement is specific and that MCPD works in collaboration with the state or the County depending on the jurisdiction under which the road falls. Additionally, the state Office of Traffic and Safety review and must approve the site for camera placement.
- Ms. Daphnis asked about individuals who appear in court and receive an offer to have their citations reduced but not waived. Lt. Tippery indicated that once a case is presented to a judge, the judge may adjudicate it however they want.
- Mr. McKinney asked for more details about the vacancies in the ATEU. Lt. Tippery indicated that there are two supervisory and two staff positions vacant but that this has had no impact on the operations of the unit. He discussed the importance of maintaining daily deployment logs for cameras.
- Ms. DeLane asked whether daily activation of cameras is done in person; Lt. Tippery clarified that this is done remotely. Ms. DeLane asked for more information on why the citations are not bilingual; Mr. Tippery indicated that changes to citation would require approval by the district judge. Ms. DeLane asked whether MCPD tracks how many citations are found in favor of the driver; Mr. Tippery indicated that MCPD does not. Ms. DeLane asked about the process for day-of review of citation contestation; Lt. Tippery indicated that reviewers will review the contested citation the day of the hearing and clarified that the reviewers are civilian personnel who are not the officers who reviewed the potential citation originally. Ms. DeLane asked for more information about citations that were not issued due to a bus stopped out of the roadway; Lt. Tippery clarified that buses must occupy only a single travel lane in order for citations to be issued for triggering the camera on that bus. Ms. DeLane inquired whether MCPD had discussed offering a payment plan that splits bus citations into smaller installments; Lt. Tippery indicated that he did not believe that this was heavily weighed in MCPS negotiations with the contractor at the time of the contract with MCPS, and ATEU would like to have more input on the next iteration of the contract.
- Mr. Ricks noted that speed limit signs are posted in English and that he would not be in favor of citations being offered in multiple languages.
- Mr. McKinney asked whether there are any situations in which officers would be involved in testimony at court dates; Lt. Tippery indicated that officers would not be involved at that point.
- Lt. Tippery shared links to the [annual school bus report](#), [Federal Highway Administration report](#) that uses Montgomery County as a case study, and [MCPD camera request form](#).

IV. Discussion of Bill 32-23, PAC – Amendments, and potential testimony (7:16 PM)

- The PAC discussed proposed testimony on Bill 32-23.

- Dr. Gaster suggested defining oversight as oversight of specific officer actions, which would fall under the purview of the Police Accountability Board (PAB) and leave the PAC available to pursue other areas related to MCPD.
- Ms. Branson indicated agreement with Mr. Sterling's proposed testimony with an amendment regarding the role of the NAACP in the memorandum of understanding mentioned in the testimony. She moved approval of the testimony along with a request for the chair to present it at tomorrow's public hearing. Mr. McKinney seconded.
- Mr. Sterling indicated that he and Mr. McKinney were invited to join the worksession on September 18th and that he plans to attend. The PAC discussed the potential role of Mr. Sterling and Mr. McKinney at this worksession.
- Ms. Branson noted that the bill is moving quickly; Mr. Sterling indicated his support of this timeline so that action can be taken before the PAC fully expires at the end of January.
- Dr. Gaster suggested that PAC members ask about the role that the Public Safety Committee expects the PAC to play in the worksession. Ms. Farag indicated that Mr. Sterling and Mr. McKinney have been invited to sit on the panel and would participate in the dialogue at the worksession.
- Ms. DeLane asked whether individuals who have not been previously approved before the day of the public hearing may speak; Ms. Farag indicated that this is correct although they could submit written testimony.
- **ACTION: Council staff will identify the deadline to sign up for public testimony.**
- Mr. McKinney suggested that the PAC clarify the extent to which they will be able to participate in the worksession.
- **ACTION: Council staff will clarify the extent to which Mr. Sterling and Mr. McKinney have been invited to participate in the Public Safety Committee worksession.**
- Dr. Gaster expressed interest in a discussion surrounding the term "oversight." He also objected to the suggestion in the testimony that the PAC's name change to include the term "oversight." He suggested that the PAC's function is better termed "advice."
- Ms. Ekstrand suggested the PAC may not need to engage in this particular question, if instead they delineate between the functions of the PAC and the PAB without mentioning "oversight." Mr. Sterling indicated his concern that since the proposed bill removes oversight function from the PAC, the bill could relieve the PAC of many of its current responsibilities.
- Ms. Daphnis indicated general agreement with Dr. Gaster.
- Mr. McKinney indicated agreement with Dr. Gaster and Ms. Daphnis. He suggested that the PAC propose language indicating that the PAC has never been an oversight body and stating that the PAC's role is advisory.
- Mr. Ricks agreed with Dr. Gaster.
- Mr. Sterling noted that the PAC has a strong consensus towards indicating that the PAC agrees that the PAC is not an oversight body and is not seeking oversight authority since its role is to provide advice to the Council, and will adjust the testimony accordingly. This would include removing the word "oversight" in the recommended name change.
- Ms. DeLane indicated agreement with the proposal. She suggested that Lt. Tippery would not likely present information on ATEU to the PAB the way that he presented this evening to the PAC.
- Ms. Branson indicated that the NAACP will suggest the PAC's name be changed to the Advisory Commission on Policing. She expressed disagreement with Dr. Gaster's suggestion that "oversight" be defined and further suggested that the discussion that the PAC is currently having be had during the Public Safety Committee worksession. She suggested that the PAC indicate

that its role is to review programs, practices, and procedures of MCPD as they affect the residents of the County.

- Mr. Ricks moved to amend the testimony to remove the section regarding oversight.
- Ms. DeLane asked for clarification regarding Ms. Branson's comments and asked how groups in other circumstances would be able to participate in shaping legislation if they were not able to participate in worksessions as the PAC will be. Ms. Branson indicated that this is the reason that she asked for clarification on the role of the PAC at the worksession. Ms. Branson explained the process that legislation follows from the worksession to its appearance before full Council, including opportunity for the public to weigh in on the amended legislation and opportunities for other Councilmembers to offer amendments. She reiterated her suggestion that in light of this process, there will be other opportunities to have the oversight discussion besides this PAC meeting.
- Dr. Gaster suggested adopting Ms. Branson's proposed language: "The role of the PAC is to review the programs, practices and policies of the MCPD as they affect the residents of Montgomery County."
- Mr. McKinney suggested that the PAC request that Ms. Branson accompany Mr. Sterling and Mr. McKinney to the Public Safety worksession. Ms. Branson said she will be at the worksession and would be available to participate if asked.
- **VOTE: Mr. Sterling seconded Mr. Ricks's earlier amendment to remove from the testimony the language regarding oversight. Vote passed unanimously (8-0).**
- **VOTE: The PAC voted unanimously (8-0) to adopt the testimony as amended.**
- Mr. Sterling moved and Dr. Gaster seconded suggesting the name of the new PAC be the Advisory Commission on Policing, as suggested by the NAACP. Ms. DeLane suggested that the name include the word "community" to recognize the PAC's community role.
- **VOTE: The PAC voted to recommend that the name of the PAC be changed to the "Community Advisory Commission on Policing" by a vote of 6-0 with Ms. Daphnis and Mr. Ricks abstaining.**
- Ms. Branson suggested that the important note would be to emphasize that the name should exclude a broader function than police. Mr. Ricks expressed concern that a future group might overlap with the PAC in the future.

V. Discussion/Approval of Annual Report (8:09 PM)

- Mr. Sterling suggested postponing consideration of the annual report. Mr. Ricks, Dr. Gaster and Ms. Branson expressed a hope to approve the report prior to the upcoming worksession on Bill 32-23.
- **VOTE: Ms. Branson moved to approve the report and grant the chair the flexibility to make technical corrections and then submit the report to the Council. The vote passed unanimously (8-0).**

VI. New Business – Discuss response to MCPD's Clearance Data (8:13 PM)

- Dr. Gaster moved that the PAC request a briefing from MCPD on: (1) how MCPD views clearance rates, including the evolution of clearance rates over time and including at the district level, and (2) information on the other jurisdictions against which MCPD's clearance rates are compared (i.e. where MCPD gets its benchmarks).
- **VOTE: The aforementioned motion passed unanimously (8-0).**
- **ACTION: Council staff will request that MCPD provide such a briefing.**

VII. Adjourned

Ms. Branson moved to adjourn, Ms. Daphnis seconded. **Meeting was adjourned at 8:15PM.**