



ADVISORY COMMISSION ON POLICING

Monday, December 11, 2023

[Meeting Virtually](#)

[Meeting Minutes](#)

Commission members present: Cherri Branson, Kristy Daphnis, Christina DeLane, Laurie Ekstrand, Robin Gaster, Vernon Ricks, Eric Sterling [7 attendees]

Commission member absent: Ty McKinney [1 absent]

Ex-officio members absent: Sgt. Cate Brewer (FOP), Capt. Jordan Satinsky (MCPD) [2 absent]

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

Guests: Dale Phillips (Budget Director, MCPD) [1 guest]

Chair Sterling called the meeting to order at 6:3PM.

I. Attendance and Administrative Items

- Council staff took attendance and began recording the meeting. Chair Sterling confirmed that 6 members were present, which represents a quorum. Ms. Branson joined shortly after this time.
- Total attendees: 10

II. Approval of draft minutes, November

- **VOTE:** Mr. Ricks moved and Dr. Gaster seconded approval of the minutes subject to any corrections. Motion passed 6-0 with Ms. DeLane abstaining.

III. Youth recruitment to ACP status. Letter seeking SSL hours for youth participation.

- Ms. Farag reported that the application period has been extended until Monday, December 18th.
- Ms. Farag confirmed that the ACP can offer SSL hours for youth participation.
- Ms. Daphnis indicated that the position could be posted on an SSL opportunities website.
 - **ACTION:** Council staff will identify how to post this opportunity, including making sure it is accessible to private school students.

Policing Advisory Commission

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IV. Healthy Montgomery letter

- **VOTE:** Ms. Branson moved and Dr. Ekstrand seconded sending the letter regarding the Community Health Needs Assessment to Chief Jones. After discussion as outlined in the two bulleted points below, the motion passed 6-0 with Ms. DeLane abstaining.
- Ms. Daphnis suggested an edit to the letter to include a mention of the school crossing guard program and a parenthetical so that the relevant sentence would read: “traffic enforcement by the police (either by patrol officers or by automated means) is a critical component.”
- Chair Sterling clarified that the letter is intended to suggest to MCPD that the Department be engaged in this community health effort.

V. [Bill 33-23](#) – Police – Voluntary Registry for Emergency 911 Calls Established. Letter (6:53 PM)

- **VOTE:** Ms. Daphnis moved and Ms. Branson seconded sending to the Council President the letter as drafted regarding Bill 33-23. The motion passed 6-0 with Ms. DeLane abstaining.

VI. Traffic citation fines: Letters to State Comptroller, County Office of Management and Budget, CAO, and a separate letter to MCPD about how writing traffic citations impacts officer evaluations, if at all.) (6:56PM)

- Letter to State Comptroller
 - Ms. Daphnis noted that MC 6-24 and MC 15-24 are being proposed by State delegates that would require certain distributions of school bus fines and other speed monitoring and automated enforcement fines for the purpose of making safety improvements in the areas where the fines are collected. She suggested that this background may not change the pertinence of this letter but that it may be relevant over time.
 - Dr. Ekstrand suggested the last sentence of the letter requesting information on the revenue transmitted to the County be revised to ask why, if the information cannot be provided, that is the case.
 - **VOTE:** Mr. Ricks moved and Ms. Branson seconded sending the letter as amended. After additional discussion as outlined in the bulleted points below, the motion passed 6-0 with Ms. DeLane abstaining.
 - Mr. Ricks requested clarification on whom the letter will be from; Chair Sterling confirmed they will be sent on behalf of the Advisory Commission on Policing (the Commission’s new and current name).
 - Ms. Branson suggested including a time frame for the requested information in the letter; Chair Sterling indicated that he was not expecting a response before the end of the ACP’s current term.
 - Ms. Branson also suggested indicating that the response to the letter should be directed to the ACP care of Ms. Farag. Chair Sterling indicated his assent to including that in the letter.
- Letter to Jennifer Bryant, Montgomery County OMB Director, cc’ing CAO Rich Madaleno

- Chair Sterling suggested amending the letter to include the question about why the information could not be provided in the event it could not in fact be provided, and also to include a request to direct the response to the ACP care of Ms. Farag.
- **VOTE: Mr. Ricks moved and Ms. Branson seconded sending the letter as amended. The motion passed 6-0 with Ms. DeLane abstaining.**
- Letter to Chief Jones of MCPD
 - Dr. Ekstrand suggested amending the letter to ask what data is collected per officer relating to traffic enforcement, who gets to see that information, and what correlation there is between those numbers for individual officers and any kinds of ratings. Ms. Branson agreed and also suggested asking whether this is an issue that has been a part of collective bargaining.
 - Mr. Ricks asked why the ACP is being so specific in this letter with regards to traffic in light of the fact that officers have many other responsibilities on a daily basis. Chair Sterling responded that this focus comes from a focus on understanding any potential incentives for patrol officers to stop individuals more frequently.
 - Dr. Gaster suggested using the word “performance” in the context of officer evaluations.
 - **VOTE: Dr. Gaster moved and Dr. Ekstrand seconded sending the letter as amended. The vote passed 6-0 with Ms. DeLane abstaining.**

VII. Transition Letters: Includes some measures to ease the ACP’s transition to a new set of commissioners. (7:23PM).

These include letters from the Chair, Dr. Gaster and Dr. Ekstrand:

- **To MCPD opposing the department’s process for random review of body-worn camera (BWC) footage,**
 - Dr. Ekstrand determined that speaking informally with MCPD outside of her role with the Commission would be the best way to offer this collaboration.
 - Chair Sterling suggested sending a letter noting that the ACP has identified issues with the BWC data methodology and suggesting that MCPD seek guidance, to lay the groundwork for this collaboration.
 - Dr. Gaster suggested that the BWC review overall is not a good use of resources. He suggested that the ACP write to the Council voicing its opposition to the BWC review policy.
 - Dr. Ekstrand expressed hope that the review system could be reworked in a way that would make it valuable.
 - Mr. Ricks suggested that random sampling could be useful.
 - Ms. Branson suggested a compromise position of suggesting to the new iteration of the ACP that the incoming commissioners review the BWC policy. She also suggested the new ACP review crisis intervention training and data collection more broadly.
- **From the Chair noting the ACP’s current priorities and the ways in which the new commissioners could contribute to the work, including improving two-way communication between the ACP and the Council, and encouraging additional benchmarking between MCPD and other jurisdictions.**
 - Chair Sterling read a draft of a letter to Council President Friedson and Council Vice President Stewart regarding these matters.

- Mr. Ricks voiced concerns with the letter and indicated that he recalled that MCPD had said it would take some time for the new systems to produce the requested data.
- Dr. Ekstrand indicated that she did not remember MCPD comments to the effect of what Mr. Ricks commented and indicated that even if there was some delay, this delay is very long.
- Ms. Branson agreed with Dr. Ekstrand's comments and gave as an example the fact that the State's Attorney had similar data collection issues and was able to attain a new system within a relatively short period of time.
- Dr. Gaster agreed with Dr. Ekstrand and Ms. Branson that the data problems at MCPD are deeply rooted. He suggested that arrest data is not sufficient without data on outcomes of those arrests and also that benchmarking is typical in many organizations. He further suggested separating the benchmarking question from the question of arrests for marijuana possession.
- Mr. Ricks suggested that benchmarking should be for like jurisdictions. Chair Sterling agreed that neighboring jurisdictions such as Prince George's and Fairfax Counties may not be good jurisdictions against which to benchmark since they are not necessarily similar to Montgomery County.
- Dr. Ekstrand noted the difference between output and outcome measures and suggested that the MCPD could be more focused on outcomes.
- Mr. Ricks indicated his understanding that MCPD would be upgrading its data collection system.
- Ms. Branson summed up the discussion as amounting to the ACP believing that traffic enforcement is misaligned with community needs and expectations. She suggested the ACP request an examination of the data collection efforts, including outcome measures and benchmarking that MCPD is using, since those efforts would be in sync with community and public policy needs. She also suggested asking the next cohort of ACP commissioners to look into crisis intervention/de-escalation training as well as the role of police in the charging decisions of magistrates.
- Chair Sterling suggested it is his sense that MCPD is not able to manage itself adequately and doesn't have a clear enough vision of the relationship between what it's doing and what the outcomes are.
- **ACTION:** Chair Sterling indicated that he would take all the concerns into account and revise the letter prior to the holiday.
- Mr. Ricks noted that he doesn't see a level of data on par with the COVID-era health reporting data coming from MCPD.
- Dr. Ekstrand agreed with Chair Sterling's comments.
- Dr. Gaster shared his concern that MCPD will be heavily focused on more effectively collecting the data it already collects and making marginal improvements, which he believes is not the right approach.
- **VOTE:** Dr. Gaster moved and Mr. Ricks seconded that the ACP invite Ms. Cathy LaDana, Director of MCPD's Information Management and Technology Division, to speak to the ACP about these issues at the next meeting. The motion passed 5-0 (Ms. Branson and Ms. DeLane abstaining).
- **ACTION:** Chair Sterling and Council staff will collaborate on an invitation to Ms. LaDana.

VIII. New Business (7:51PM)

- The ACP plans to review Council Bill 43-23 at the next session.

- Mr. Ricks voiced his concern that the impending departure of all the members of the ACP will result in a diminishment of expertise on the commission. He suggested that the process to apply to continue on the commission was onerous (e.g. submitting a resume, etc.)
 - Ms. Daphnis indicated that she was willing to resubmit a resume but was concerned about having the ability to take the time to participate in another interview before the Council.
 - Ms. Branson suggested that the reapplication process is in line with the Council's emphasis on transparency. She wondered whether this process might decrease the size of the pool of candidates relative to the alternative. She noted that she has not decided whether she will reapply for the ACP but she is concerned about the lack of institutional memory on the next iteration of the ACP.
 - Chair Sterling requested unanimous consent to send a letter on the matter of gun disposal, as regarding the recent *New York Times* article.
 - **ACTION:** Chair Sterling will draft this letter.
 - Ms. Branson suggested inviting Chief Jones to the meeting in January; Dr. Gaster strongly opposed inviting Chief Jones.

IX. Adjournment.

Dr. Gaster moved to adjourn, Mr. Ricks seconded. **Meeting was adjourned at 8:18PM.**