



ADVISORY COMMISSION ON POLICING

January 31, 2024

Honorable Andrew Friedson, President

Honorable Kate Stewart, Vice President

Montgomery County Council

Re: Use of the Advisory Commission on Policing (ACP)

Dear President Friedson and Vice President Stewart:

Thank you for taking on the leadership of the County Council in 2024.

The terms of the current members of the Advisory Council on Policing expire today. We thank the County Council for the opportunity to have served the County by providing citizen and expert review of the policies, practices, and procedures of the Montgomery County Police Department (MCPD). On behalf of the first ACP, I am synthesizing below some of our conversations in recent months contemplating the conclusion of our service.

In reviewing the relationship between the County Council and the Advisory Commission over the past 3 ½ years, we encourage the Council to take increasing advantage of the incoming ACP's ability to provide a forum for public comment and analysis. We encourage you to direct questions to the ACP regarding the policies, practices, and procedures of the Montgomery County Police Department (MCPD) with an aim to identify areas in which improvement may be possible or warranted. The ACP role is unique. It can independently question MCPD practices that concern the public or that have been unexamined, but because the ACP has no disciplinary or regulatory authority it cannot threaten or interfere with the MCPD. We encourage you to more fully use the ACP and request the ACP inquire into matters beyond pending legislation.

As our term concludes, we remain concerned that the MCPD still has serious problems in managing its data regarding its activities. We are struck by the length of time involved in the planning and procurement process for developing a data management system that would empower the MCPD management, the County Executive, the County Council and the public to better understand the subtleties of the MCPD operations and its many and varied responses to

Policing Advisory Commission

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evolving crime, public safety, order maintenance, traffic safety and public health conditions, incidents and trends.

We are concerned that too much reporting of the MCPD is of its outputs and is insufficiently tied to the outcomes. For example, the number of arrests for offenses is an output – when the arrest results in a conviction or a dismissal is an outcome. Of course, a perfectly valid and adequately investigated arrest can result in a dismissal due to problems wholly outside the control of the MCPD – but the failure to have granular outcome data prevents analysis of performance. Concluding with arrests prevents an understanding of how MCPD officers and programs play out in the decision making and demands upon the State's Attorney, the courts, the correctional system, and social services agencies.

We are also concerned that the data collection and analysis is misaligned with the community's expectations and need to understand what the MCPD is doing to and to whom.

We are concerned that the MCPD does not have other comparable jurisdictions that it uses to test its performance on the many important programs and activities it carries out by comparison with similar departments. Montgomery County is unique, but not utterly dissimilar from the rest of the United States. We believe that identification of jurisdictions in other parts of the country could be useful to create potential benchmarks for MCPD performance – if not for all programs, perhaps for some. Comparisons with the police departments in our neighboring jurisdictions – Fairfax County and Prince George's County – are interesting, but insufficient for "benchmarking" the work of the MCPD.

We discussed at some length the reservations that some of us have regarding the value of the Council's requirement that there be some type of randomized review of body worn camera (BWC) footage. We struggled to conceive of a methodology that could yield meaningful quantitative data from the BWC footage. The selection of footage to review at random does not create a statistically valid random sample. We appreciate the Council's desire to use BWC footage as a tool to carry out the public's desire for expanded accountability by the MCPD, but several of us do not feel that the current approach and sample size of reviewed footage is meaningful.

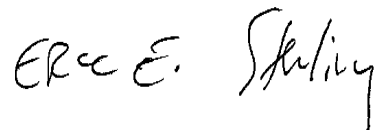
We wrote to you that we took no position on Bill 43-23. We believe that the proper response to calls for service with unarmed service providers (often referred to as CIT or "community responders") is a subject that should continue to be examined by the next Advisory Commission on Policing. This is an area of policing still be examined in many parts of the country and needs continued review.¹

An issue that we did not examine is the role of the police in the probable cause and pretrial release decisions of District Court Commissioners, and we encourage our successors to study this aspect of MCPD activity.

Finally, we want to thank the MCPD leadership. Chief Jones came to our meetings and made himself or his top commanders available to answer our questions. We especially commend the service of the representatives of the MCPD who have frequently participated in our meetings, especially Captain Jordan Satinsky and notably Sgt. Catherine Brewer, representing the Fraternal Order of Police (and almost never missing a meeting), for sharing their very great experience and depth of knowledge about the programs and procedures of the MCPD. And we

want to thank Sgt. John Mullaney of the Citizens Academy program for his many courtesies and support of the members of the ACP in familiarizing us with the MCPD.

With best wishes,

A handwritten signature in black ink that reads "Eric E. Sterling". The signature is written in a cursive, flowing style.

Eric E. Sterling, Chair
Advisory Commission on Policing

Cc: New members of the Advisory Commission on Policing

¹ Amos Irwin and Rachael Eisenberg, *Dispatching Community Responders to 911 Calls*, Center for American Progress, Law Enforcement Action Partnership and Policing Project, New York University School of Law, December 13, 2023. <https://www.americanprogress.org/article/dispatching-community-responders-to-911-calls/> (accessed 1-31-24)