



## POLICING ADVISORY COMMISSION

To: Montgomery County Councilmembers

Cc: County Executive Marc Elrich

Cc: Chief Marcus Jones

From: Policing Advisory Commission

Date: January 24, 2022

Re: **Bill 17-21: Police – Community Informed Policing and Bill 39-21: Taxation – Public Safety Officers – Public Safety Emergency Communications Specialists – Property Tax Credit**

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Dear Councilmembers,

The Policing Advisory Commission (PAC) respectfully submits our comments on Bill 17-21 and Bill 39-21. We welcome this opportunity to advise the Council on policing matters and recommend policies, programs, legislation, or regulations, per our authorizing statute in the Montgomery County Code §35-6(f). After careful review, consultation with relevant stakeholders and experts, and deliberation amongst PAC members, **we are neither in support nor opposed to these bills.**

Both bills were reviewed by the PAC's Hiring and Discipline Subcommittee. The PAC met on January 10, 2022 to discuss the subcommittee's recommendations and ultimately voted to unanimously approve the analysis and recommendations as written by the Subcommittee. The Subcommittee analysis can be found below.

### **PAC Hiring and Discipline Subcommittee Recommendations**

The Hiring & Discipline Subcommittee of the Policing Advisory Commission has reviewed Bills 17-21 and 39-21. The Subcommittee, pursuant to its review of the bills, also reviewed the Public Safety Committee work sessions and hearings on the bills, the legislative Staff Report, data and recommendations from the Reimagining Public Safety Task Force report, reports of the Office of Legislative Oversight and the Effective Law Enforcement For All (ELE4A) preliminary race audit of the MCPD. We also met with and received comments from the Silver Spring Justice Coalition (SSJC), a coalition of faith groups, human rights and civil rights organizations in Montgomery County, and Sgt. Cate Brewer, a prominent instructor of the MCPD police academy. Further, we routinely gather information from news articles and academic publications regarding the subject matters of hiring and discipline in policing.

#### **BILL 17-21**

Bill 17-21 provides the following:

- 1) Require the Montgomery County Police Department (MCPD) to collaborate with local educational institutions to recruit cadets who reflect the community's diversity.
- 2) Require 30 hrs of training in "community service and social justice" before acceptance to the police academy. Performance in the training would become part of the application process for the academy.
- 3) Require MCPD to collaborate and partner with local educational institutions for an unspecified amount of continuing education on related subject areas, including racial



## **POLICING ADVISORY COMMISSION**

equity and social justice.

While the bill is envisioned as a concerted effort to respond to the compelling data showing stark racial disparities in policing, we conclude that the bill is missing critical provisions, including the following:

### **1) Details about the curriculum subject matter and the timeline for completion of each subject area.**

We do not believe, nor has any data been produced showing, that 30 hours of training in the various subject areas would improve policing and ameliorate racial disparities. Indeed, after conferring with Sgt. Cate Brewer, a prominent MCPD instructor for police recruits, we are persuaded that more time would be welcome to complete recruit training in general. In the subcommittee's estimation, "more time" per subject area might consist of the following: a week for Racial Equity; a week for Social Justice; a week for Active Listening and Conflict Resolution; and so on.

Sgt. Brewer offered further suggestions to the curriculum to improve training which the Subcommittee found instructive. Training in decision-making and additional background on the 4<sup>th</sup> Amendment to the U.S. Constitution, with practice drills to ensure the recruits have learned the material and are competent. As a result, more than 30 hours seems required. The Sergeant herself is a proponent of a longer training period of nine months or more in order to cover the subject areas identified in the bill.

The Subcommittee agrees — as did Sgt. Brewer — that the Bill's proposal to include others besides the Police Department in training, including potentially Montgomery College, would be beneficial but this would require further study of existing models, best practice, and currently available data.

### **2) Meeting the Goal of Empathic Policing**

Page 21 of the Legislative Report states as follows:

"The goal of this collaboration is for officers to spend less training time on badge-heavy survival tactics and more time on crisis intervention. This training is designed to create a more empathic and socially aware officer. It is the intent of Montgomery College to prepare and sustain a police force that is exposed to multiple perspectives, critical thought, and comprehension of the cultural dynamics of the communities they serve."

While a "more empathic and socially aware police officer" is certainly in order, we are not persuaded that the bill in its current form could achieve that objective. Current County resources are inadequate to meet the training needs described. According to Sgt. Brewer, 1,450 officers come to in-service training twice a year, while there are only 6 instructors. The Sergeant asserted that more trainers are needed. Without incorporating elements of the training envisioned by



## POLICING ADVISORY COMMISSION

the Bill into the in-service training, the vast majority of officers would have no exposure to the curriculum. Even were new recruits to have access to the new curriculum, that would affect only a tiny portion of the force.

### In Regard to Amendments

There was much concern raised about loss of recruits due to the law requiring 30 hours of training pre-hire, which the officers would have to pay for themselves. The Subcommittee recommends the following amendments for your consideration: offer higher salaries to those recruits who undertake the training (training, again, being far lengthier than 30 hours) before being hired. Another option is tuition reimbursement to ameliorate financial hardship on new recruits.

There is some concern that allowing training to be completed *after hiring* would do little to build the trust and confidence of members of the community or that the bill would ameliorate racial disparities since the officer is hired *before* having demonstrated successful completion of the training.

We emphatically support the Amendment requiring that officers demonstrate successful completion of the training. We propose that a testing instrument should be administered to show successful completion of the training. Further, the test should not be multiple choice but rather a written exam, not unlike the bar exam, providing various fact patterns designed to illicit thoughtful and detailed response. In addition, recruits should be tested through drills and situational exams.

Perhaps it would be timely to consider the minimum education requirements for hiring in the entire context of how officers are recruited, screened, vetted or cleared, and entrusted with the tools of deadly force. Without a fully articulated review of the context in which hiring and recruitment and training take place, legislating on certain education requirements seems premature.

***The Hiring and Discipline Subcommittee is neither opposed to nor supportive of the bill.***

### **BILL 39-21**

Bill 39-21 would provide a County property tax credit of up to \$2500 for a full-time sworn police officer, firefighter, emergency medical technician, or a public safety emergency communications specialist employed by the County.

The intent of the Bill, as we understand it, is to increase the number of County employees occupying these positions who reside in the County and help recruit and retain these employees. While the Subcommittee finds the idea worthy of consideration, we suggest considering raising the credit amount. Given the rising property taxes in the county coupled with the relatively modest pay for first responders, raising the credit would be in order.



## **POLICING ADVISORY COMMISSION**

In conclusion, the property tax incentive is well-intended but is believed to be inadequate to accomplish the intended goal. The goal of recruitment would likely be more readily achieved through salary increases, rather than a property tax credit and the goal of having officers reside in County would be more likely achieved with a higher credit amount than is contained in the bill.

***The Hiring and Discipline Subcommittee is neither opposed to nor supportive of the bill.***