

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## BILL 33-23: POLICE – VOLUNTARY REGISTRY FOR EMERGENCY 911 CALLS – ESTABLISHED

### SUMMARY

The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 33-23 is indeterminant as there is insufficient information to estimate the potential demographics of voluntary registry participants in the County by race and ethnicity and insufficient evidence on the effectiveness of law enforcement registries to improve law enforcement interactions for people with disabilities in general and BIPOC with disabilities in particular. OLO offers one policy option for discussion and consideration.

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### PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF BILL 33-23

Voluntary 911 registry programs collect the personal and medical information of individuals with disabilities to be accessed by law enforcement and other first responders during emergency responses. Registry programs are intended to create more effective interactions during emergency situations for individuals with disabilities or special needs who choose to opt-in.<sup>3</sup>

During the 2023 legislative session, the Maryland General Assembly proposed but failed to pass a bill that would require local jurisdictions to establish voluntary 911 registry programs.<sup>4</sup> Voluntary registries have been implemented in other jurisdictions in Maryland, including in Howard County.<sup>5</sup>

If enacted, Bill 33-23 would:

- Establish a voluntary registry for emergency 911 calls for individuals to provide, directly or through a caregiver, personal and medical information;
- Permit the collection of information regarding an individual's behaviors and other diagnoses such as sensitivity to bright lights, tendency to avoid eye contact, nonverbal language, hearing or visually impairment, autism, physical disability, and others; and
- Permit the registry information to be accessed by first responders, including those who provide police, fire fighting, emergency medical services or mobile crisis response, when responding to a call at a flagged address.<sup>6</sup>

According to the sponsor of Bill 33-23, the personal information submitted to the registry will remain in the Computer Aided Dispatch System for first responders after the individual or caregiver completes an online form at no cost.<sup>7</sup>

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## Bill 33-23

Bill 33-23, Police – Voluntary Registry for Emergency 911 Calls – Established, was introduced by the County Council on July 25, 2023.

In July 2022, OLO published a RESJIS for Bill 14-22, Police – Private Security Camera Incentive Program – Established. Please refer to this RESJIS for more detailed background on policing and racial equity.<sup>8</sup>

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### LAW ENFORCEMENT INTERACTIONS, PEOPLE WITH DISABILITIES, AND RACIAL EQUITY

While serving people with disabilities can present unique challenges in various emergency situations – including during medical emergencies, fires, and natural disasters – challenges arising from emergency responses involving law enforcement have raised the most concern among disability rights advocates.

According to Serving Safely, a national initiative led by the Vera Institute of Justice in collaboration with the Bureau of Justice Assistance, “[c]onservative estimates show that at least 10 percent of calls to police involve people who have serious mental illnesses, and that a third to a half of all use-of-force incidents involve an individual with some type of disability.”<sup>9</sup> Local data suggests this condition also exists in the County, as mental illness was a contributing factor in 33 percent of use-of-force incidents in 2022.<sup>10</sup> Law enforcement interactions can escalate and become dangerous when police officers misunderstand the behavior of people with disabilities.<sup>11</sup> For instance, as described in “Advancing Public Safety for Officers and Individuals with Intellectual and Developmental Disabilities (I/DD):”

“It can be quite challenging for law enforcement officers to spot [I/DD], which often have no outward or obvious signs. As a result, people with I/DD are often mistakenly perceived as suspicious when, in actuality, the behavior is related to their disability. In interactions with law enforcement, some individuals with I/DD may not be able to understand or respond appropriately to an officer’s commands or, out of fear, may even try to run away. Like many others, officers may have preconceived notions about disability and related behaviors, but officers need to serve all communities in a fair and impartial way.”<sup>12</sup>

The intersection of policing inequities by race, ethnicity and disability status compound challenges experienced by Black, Indigenous, and Other People of Color (BIPOC) with disabilities during law enforcement interactions. For instance:

- A study published in 2017 of a nationally representative dataset found that more than half of Black people with disabilities were arrested by age 28.<sup>13</sup>
- A study published in 2021 of the Washington Post’s database of police-involved shootings found that “police are more likely to shoot and kill unarmed Black men who show signs of mental illness than [W]hite men who exhibit similar behaviors.”<sup>14</sup>

Disparities in law enforcement interactions among BIPOC with disabilities emerge from a legacy of racial inequity in policing, where the earliest policing efforts, slave patrols, were charged with policing free and enslaved Black people.<sup>15</sup> Today, racial inequities in policing persist with harsher treatment of BIPOC in the criminal justice system, mass incarceration, and the collateral punishment of incarceration on BIPOC families and communities.<sup>16,17</sup> Locally, while Black constituents account for 18 percent of the County’s population, they account for 30 percent of traffic stops, 44 percent of arrests, and 59 percent of use of force incidents by the Montgomery County Police Department (MCPD).<sup>18,19,20</sup>

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Several groups have focused on developing resources to improve law enforcement interactions for people with disabilities, for instance:

- **The Vera Institute of Justice’s Serving Safely Initiative** is a national initiative in partnership with the Bureau of Justice Assistance to enhance policing for people with mental illnesses and developmental disabilities.<sup>21</sup> Vera has also developed a Civilian Crisis Response Toolkit providing equitable alternatives to police for responding to behavioral health crises.<sup>22</sup>
- **The Arc’s National Center on Criminal Justice and Disability** “pursues and promotes safety, fairness, and justice for people with [I/DD], especially those with hidden disabilities and marginalized identities, as victims, witnesses, suspects, defendants, and incarcerated persons.”<sup>23</sup> The Arc partnered with the Office of Community Oriented Policing to increase awareness and learning resources on I/DD for law enforcement.<sup>24</sup> Additionally, the Bureau of Justice Assistance hosted a virtual workshop in 2019 from the Arc and Vera with guidance for law enforcement officers to effectively serve people with I/DD.<sup>25</sup>

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### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 33-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

**For the first question,** OLO considered the potential demographics of people who opt-in to the voluntary registry, as they could benefit from first responders having personal and medical information to assist in emergency responses. There is insufficient data and research for OLO to estimate the potential demographics of voluntary registry participants in the County by race and ethnicity. However, because of established distrust between BIPOC communities and law enforcement,<sup>26</sup> there could be racial and ethnic disparities in program participation. In a study reviewing voluntary registry programs throughout the Country, researchers at the International Association of Chiefs of Police noted that “community members who fear law enforcement [were] often reluctant to participate.”<sup>27</sup>

**For the second question,** OLO considered whether the voluntary registry program could address inequities in law enforcement interactions for people with disabilities in general and BIPOC with disabilities in particular. As described by the Arc’s policy brief on law enforcement registries for people with disabilities, “despite their growing popularity, there is currently no research or evidence that registries improve police responses to those with disabilities.”<sup>28</sup>

Taken together, OLO finds the anticipated RESJ impact of Bill 33-23 is indeterminant.

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### RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>29</sup> OLO finds the anticipated RESJ impact of Bill 33-23 is indeterminant. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for discussion and consideration:

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- **Target outreach on voluntary registry to BIPOC constituents and require annual report for voluntary registry program.** Because of established distrust with law enforcement, BIPOC communities may be less likely to participate in the voluntary registry. To address this, resources can be devoted to conducting targeted outreach in BIPOC communities with culturally and linguistically appropriate strategies that meet BIPOC constituents where they are. Metrics could also be established in collaboration with local disability rights groups to evaluate the registry's effectiveness in improving police interactions among BIPOC with disabilities – this could include data on response protocols used at flagged addresses by officers within the I/DD unit and MCPD at large. The Council could require an annual report from MCPD on program participation by geography and metrics measuring improvement in police interactions to monitor the effectiveness of the registry program in advancing RESJ.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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### CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement with assistance from Diana Carrillo, OLO Summer Fellow.

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<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid.

<sup>3</sup> [Policy Brief: Law Enforcement Registries for Individuals with Disabilities](#), The National Center on Criminal Justice & Disability, The Arc, July 2019.

<sup>4</sup> [HB 1176](#), Maryland General Assembly, Introduced February 10, 2023.

<sup>5</sup> [Introduction Staff Report for Bill 33-23](#), Montgomery County Council, Introduced July 25, 2023.

<sup>6</sup> Ibid.

<sup>7</sup> Memorandum from Councilmember Luedtke to Councilmembers, Introduction Staff Report for Bill 33-23, July 6, 2023.

<sup>8</sup> [RESJS for Bill 14-22](#), Office of Legislative Oversight, July 21, 2022.

<sup>9</sup> Fact Sheet, [Serving Safely: The National Initiative to Enhance Policing for Persons with Mental Illnesses and Developmental Disabilities](#), Vera Institute of Justice, February 2019.

<sup>10</sup> [MCPD 2022 Annual Use of Force Report](#), Montgomery County Police Department.

<sup>11</sup> Keith M. Christensen and Jill Bezyak, [“Communicating with Individuals with Disabilities: Policies and Training for Law Enforcement Personnel,”](#) ADA National Network, July 28, 2017.

<sup>12</sup> [“Advancing Public Safety for Officers and Individuals with Intellectual and Development Disabilities \(I/DD\),”](#) Community Policing Dispatch, Office of Community Oriented Policing Services, U.S. Department of Justice, May 2019.

<sup>13</sup> Erin J. McCauley, [“The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender,”](#) American Journal of Public Health, December 2017.

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- <sup>14</sup> Minyvonne Burke, [“Policing Mental Health: Recent Deaths Highlight Concerns Over Officer Response,”](#) NBC News, May 16, 2021, citing Marilyn D. Thomas, et. al., [“Black and Unarmed: Statistical Interaction Between Age, Perceived Mental Illness, and Geographic Region Among Males Fatally Shot by Police Using Case-Only Design,”](#) Annals of Epidemiology, January 2021.
- <sup>15</sup> Michael A. Robinson, [“Black Bodies on the Ground: Policing Disparities in the African American Community—An Analysis of Newsprint From January 1, 2015, Through December 31, 2015,”](#) Journal of Black Studies, April 7, 2017.
- <sup>16</sup> [Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System](#), The Sentencing Project, April 19, 2018.
- <sup>17</sup> Andrea Flynn, Susan Holmberg, Dorian Warren and Felicia Wong, *The Hidden Rules of Race: Barriers to An Inclusive Economy*, Roosevelt Institute (Cambridge University Press, 2017)
- <sup>18</sup> Natalia Carrizosa, [OLO Memorandum Report 2022-12, Analysis of dataMontgomery Traffic Violations Dataset](#), Office of Legislative Oversight, October 25, 2022.
- <sup>19</sup> Elaine Bonner-Tompkins and Natalia Carrizosa, [OLO Report 2020-9, Local Policing Data and Best Practices](#), Office of Legislative Oversight, July 12, 2020.
- <sup>20</sup> MCPD 2022 Annual Use of Force Report
- <sup>21</sup> Serving Safely: The National Initiative to Enhance Policing for Persons with Mental Illnesses and Developmental Disabilities
- <sup>22</sup> Jackson Beck, et. al., [Civilian Crisis Response: A Toolkit for Equitable Alternatives to Police](#), Vera Institute of Justice, April 2022.
- <sup>23</sup> [Our Initiatives: Criminal Justice](#), The Arc.
- <sup>24</sup> “Advancing Public Safety for Officers and Individuals with Intellectual and Development Disabilities (I/DD)”
- <sup>25</sup> Video, [Intellectual/Developmental Disabilities: 10 Facts Officers Need to Know](#), Office of Justice Programs, U.S. Department of Justice, December 10, 2019.
- <sup>26</sup> [Race, Trust, and Police Legitimacy](#), National Institute of Justice, U.S. Department of Justice, January 9, 2013.
- <sup>27</sup> [“A Guide to Law Enforcement on Voluntary Registry Programs for Vulnerable Populations,”](#) International Association of Chiefs of Police.
- <sup>28</sup> Policy Brief: Law Enforcement Registries for Individuals with Disabilities
- <sup>29</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council