Montgomery County, MD Police Department (MCPD)

JULY 2022

Effective
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Effective Law Enforcement for All, Inc. MCPD Audit Team

Effective Law Enforcement For All, Inc., is a 501(c)(3) tax-exempt nonprofit organization with a mission to promote and improve safe and effective policing for police departments and the general public. ELEFA partners with governmental entities, community and civic stakeholders, police departments, and other law enforcement agencies to identify, advance, and implement policing practices that meet the public's demand for policing that is lawful, safe, and effective for the police and the public.

A key mission is to foster innovation and advancements in tackling obstacles related to constitutional policing and law enforcement. ELEFA consists of a diverse, multi-disciplinary team of recognized experts in (1) best-practices policing (including former police chiefs and academics); (2) community engagement; (3) data analysis; (4) diversity and inclusion; and (5) civil rights law, to help community stakeholders, elected officials, and police leadership work collaboratively to understand and implement policing that is "safe and effective for police and the communities they serve."

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Effective Law Enforcement for ALL

October 31, 2022

Dear County Executive Elrich,

On behalf of Effective Law Enforcement for All, Inc. (ELEFA), we are proud to provide our review of the Montgomery County Police Department (MCPD). Since July 2020, ELEFA has partnered with County officials, the MCPD, the Reimagining Public Safety (RPS) Task Force, and local residents to identify, evaluate, and recommend structural and systemic improvements the Department can implement to achieve a shared vision of safe and effective law enforcement in Montgomery County, MD.

Our report is truly the product of constructive collaboration between County stakeholders, the public and the Department. The efforts of the MCPD, the County, and members of the RPS Task Force are a testimony to the power of collaborative change. Your work will not only have a positive impact on policing in Montgomery County, but will serve as a model for communities nationwide. We look forward to our continued work with you to support the implementation of our recommendations.

ELEFA's audit included evaluation of the Department's organizational culture, policies, resources, transparency, procedures and operations. The Preliminary Report issued in June 2021 identified a number of opportunities for improvement. Since then, ELEFA has continued its audit of the MCPD, working in close cooperation with the Department and other constituent organizations.

Our Final Report provides recommendations that offer improvements in officer education, supervision, practices, accountability and public transparency. Key recommendations set forth in the Final Report include:

- **Use of Force.** ELEFA has made a number of recommendations to improve the training, management and investigation of uses of force by MCPD officers.

- **Mental Health & Crisis Response.** Building on the observations in the Preliminary Report, ELEFA has made recommendations intended to improve the County's capacity to respond to individuals experiencing a mental or emotional health crisis, to enhance officer mental health crisis response training, and to ensure better understanding by both officers and the public of the ecosystem of resources available to assist individuals in crisis.

- **Internal Investigations.** ELEFA has made recommendations to ensure that uses of force and misconduct complaints are independently, uniformly, and transparently investigated and reported.

- **Training.** ELEFA made a series of recommendations to improve the quality of recruit and in-service training, including Field Officer Training (FTO), and to expand training to improve cultural sensitivity and reduce the risks presented by explicit and implicit bias. Importantly, ELEFA recommends that the Academy emphasize a "Guardian" approach over a "Warrior" mindset, which was also a recommendation of the RPS Task Force.

- **Data Collection & Analysis.** ELEFA has recommended improvements to the MCPD's data analysis systems to achieve user-friendly, integrated and comprehensive data analysis capacity. One of the key recommendations is that MCPD adopt an Early Warning and Intervention System (EWIS). By flagging warning signs that an officer is demonstrating performance issues or is suffering from emotional, mental or physical health concerns, an effective and comprehensive EWIS system allows supervisors to intervene proactively in order to prevent harm to the officer or the public, thus saving careers and lives.

- **Body Worn Cameras.** ELEFA has recommended expanded deployment of Body Worn Cameras (BWCs) and improvements to the standards guiding the recording of officers' interactions on duty.

- **Recruitment.** ELEFA made several recommendations intended to strengthen an already robust MCPD recruitment program, including more intentional consideration of diversity and inclusion, competitive compensation, incentives, and enhanced technology (for background investigators).

We extend our appreciation to the leadership and members of the MCPD. They welcomed our involvement, and continually worked with our team to ensure access to the information and personnel needed to understand the Department's operations, and to make practical, meaningful, and feasible recommendations for improvement. Further, the MCPD has embraced ELEFA's recommendations, and is working to implement them.

We thank you for selecting ELEFA to partner with you in reimagining public safety in Montgomery County, MD. It continues to be a privilege and honor to support your commitment to achieving law enforcement that is safe and effective for police and the communities they serve.

Very truly yours,

Effective Law Enforcement for All, Inc.
www.ele4a.org

OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

October 28, 2022

TO: David L. Douglass, President
            Effective Law Enforcement for All

FROM: Marc Elrich, County Executive

SUBJECT: Effective Law Enforcement for All Final Audit Report of the Montgomery
            County Police Department

I want to thank Effective Law Enforcement for All (ELEFA) for a thorough and thoughtful analysis of the Montgomery County Police Department (MCPD). Since I took office in 2018, my administration has been committed to a safe and equitable community. This audit will provide additional actions to further that effort.

There has too often been a misconception that we have to choose between public safety, transparency, and accountability. We need public safety, but that can only be achieved through a partnership between police and the community. I believe adopting many of the recommendations made within this audit report will further our efforts around building safer communities throughout the County.

Additionally, as this ELEFA audit report indicates, we need to continue to expand our efforts to address mental health in our community. Too often law enforcement has been left to manage situations that society has failed to address. My administration has invested in continued expansion of the Mobile Crisis & Outreach Teams (MCOTs). Those teams have increased the calls that receive a mental health provider only or a joint mental health provider and law enforcement response. In 2020, MCOTs responded to 495 calls for service. In 2021, that number increased to 979. This expansion will continue and move to more mental health professional only responses.

Moving more mental health responses away from police responses allows the police to focus on other law enforcement challenges and crime prevention measures, provides more meaningful help for people in mental health crisis, and results in fewer negative interactions. To continue the effort to divert mental health calls away from the criminal justice system, we are grateful to the Maryland General Assembly for assisting in our efforts to build a Restoration Center which will further our efforts to divert those experiencing a mental health or addiction crisis away from the criminal justice system and towards additional treatment services.

I also want to recognize the training enhancements recommended by ELEFA in this audit. MCPD has already begun making some of the recommended changes over the last year. That important work will continue with the hiring of a civilian Ph.D., to oversee the police training curriculum, as the interim ELEFA report recommended, to direct development of law enforcement training materials as recommended by the audit. This investment will help to keep the MCPD training current with national best practices, improve tracking of the trainings received, and have a strategic approach to offering continuing learning and improvement opportunities to our officers.
This audit will support MCPD's and the County's ongoing efforts to improve transparency and accountability while promoting public safety and justice.

MONTGOMERY COUNTY DEPARTMENT OF POLICE

Chief Marcus Jones and the senior executive staff have reviewed the long list of recommendations completed by Effective Law Enforcement for All and concur with many of them. Chief Jones has prioritized the recommendations for implementation as soon as possible. There are several recommendations that have been implemented by the department and will be assessed in the coming year. This response will address the highest priorities and proceed to the next highest level as time and resources permit. The highest areas of concentration will be data collection, behavioral health responses, and training.A

The Montgomery County Police Department is amid procurement for a new Records Management System (RMS) which will allow for implementation of several data sets. This system is scheduled to be operational in January 2024. There are several data sets recommended in this audit which will be programmed into the system. The data sets will be developed for areas such as Crisis Intervention in mental health responses, evaluating data to develop efforts to reduce force in crisis or mental health calls for service, assessing newly established CIT reports to ensure utilization data is tracked to support ecosystem changes. The RMS willalso support the collection of use of force data overall, arrest, traffic stops, and more comprehensive stop and search data by the department and provide these sets to the county's open data portals while creating a more comprehensive dashboard for better understanding with real time data. CIT data will also be created utilizing a new dashboard in these portals. This system will also be utilized for the Community Engagement Officer (CEO) activities within the Montgomery County Public School System. These data sets will be created prior to the implementation of RMS but will be integrated.

Crisis Intervention is a critical area of concentration for the department and there has been a progressive approach by the county to address many areas while this audit was being performed. Montgomery County Government has initiated a Restorative Justice Center concept to focus upon behavioral health in the community and divert many individuals away from the criminal justice system. The "Crisis Now Model" is being established through a partnership with the Behavioral Health Crisis Collaboration. This will allow for many of the recommendations in this report as officers will have alternatives to addressing situations or be eliminated from assisting due to the services available. The county has begun to increase Mobile Crisis Teams which are working with officers more efficiently and responding to more events. There is progress in establishing an alternate response model in the meantime with more resources in the 911 center to assist call takers and dispatchers. Additional CIT training for officers and supervisors is embraced by the department with a commitment for better record keeping policies and an emphasis on refresher training. Expanding the CIT team is an important goal as the department addresses attrition. The department will also expand upon new Computer Aided Dispatch codes specifically for crisis intervention and better data collection.

MCPD has embraced a recommended new training construct to create the Guardian Culture as noted by the Reimagining Policing Task Force. A new position has been created and supported by the County Executive and County Council for a Civilian PHD/Director of Academics for the Training Academy. This should be implemented in FY23. MCPD has created a recommended De-escalation/Use of Force Training Unit and it has been tasked with creating an expanded lesson plan. There have been identified recommendations in the report and noted previously for training which have been implemented.

MCPD has noted there are several priorities that are currently in progress, some due to legislation passed at the state and/or local level. Early intervention, body worn camera review and officer wellness are a few examples. Starting salary increases negotiated by the county and approved as well as Field Training Officer pay were important aspects to assist with hiring and retention.

ELE4A produced a comprehensive audit of the MCPD, and the department is committed to implementing many of the recommendations noted in the overall report. MCPD is grateful for the work product, and we look forward to improving our department as a result.

ELEFA Review of the Montgomery County, Maryland Police Department (MCPD)

On July 1, 2020, County Executive Marc Elrich announced his vision to reimagine public safety in Montgomery County, Maryland, with the goal to create a more equitable and inclusive county by promoting safe neighborhoods and communities that are better for all residents.

As you know, the Reimagining Public Safety Initiative is broad and ambitious. It entails an in-depth and comprehensive examination of those County Departments and resources that provide public safety services for the purpose of creating a better, safer community for all. Effective Law Enforcement for All, Inc. ("ELEFA") is partnering with Montgomery County to identify, evaluate, and recommend structural and systemic changes necessary to achieve a shared vision for reform and innovation in your community. We aim to support your established dialogue, enable, and empower the reimagining of what safe and effective policing can and should look like in Montgomery County. A key goal of our review of the MCPD is to help Montgomery County evaluate the police Department's leadership, education, accountability, and practices. Our assessment has included consideration of the Department's organizational culture, policies, resources, transparency, procedures and operations. Throughout our report, we note potential improvements to standards for public safety and policing, as you envision it for your community. During our review of the MCPD, ongoing changes regarding state law, local legislative activity and collective bargaining continue to impact and shape the path forward when addressing any real or perceived obstacles to reform.

MCPD is divided into five bureaus and the Office of the Chief Marcus G. Jones, who was sworn in as Chief on November 8, 2019, and has more than thirty years of experience with the Department. The bureaus are the Patrol Services Bureau, Field Services Bureau, Investigative Services Bureau, the Management Services Bureau and Community Resources Bureau. The Patrol Services Bureau contains the general policing districts. The Field Services Bureau includes the Special Operations Division (SOD). The SOD consists of the Canine Unit, Emergency Services Unit, Special Events Response Team, and Tactical Unit. The Investigative Services Bureau consists of the Criminal Investigations Division, Special Victims Investigations Division, Major Crimes Division, and Special Investigations Division. The Management Services Bureau is largely a civilian support bureau that consists of Emergency Communications, Budget, Personnel, Training, and other Support Services.

The MCPD is a nationally recognized, Commission on Accreditation for Law Enforcement Agencies (CALEA) accredited agency, having successfully completed their 8th re-accreditation on-site review in July 2020. Law enforcement accreditation is a voluntary process that demonstrates a Department's commitment to professionalism and to maintaining current professional law enforcement standards. CALEA sets many standards, including training, that the Department shall follow to maintain its certification. Since its creation over three decades ago, CALEA has awarded accredited status to approximately 800 agencies, just 4% of the nation's 18,000 policing agencies.

The MCPD has been accredited every 3-4 years since 1993 through independent assessors representing the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). While CALEA does not normally do "deep dives" into analyzing statistics and case file investigations, these assessors do examine a wide range of critical policies and practices to ensure they meet national standards. The Department has had many favorable reviews for more than two decades. The MCPD was most recently re-accredited for the 8th time in July 2020 with favorable remarks by the independent CALEA assessors.

The MCPD is a high-performing organization. Yet, like all high-performing organizations, there is not only opportunity for improvement but continuous improvement is essential to maintaining pace with constantly changing environmental circumstances and public expectations. Accordingly, our Final Report on the review of the MCPD focuses on those areas in greatest need of improvement. Our recommendations are extensive, although they vary in magnitude and importance. We are confident they provide a path for the County to reimagine its policing philosophy, policies, training and practices to emphasize public safety, effectiveness, and transparency. ELEFA's recommendations are intended to promote more effective, accountable, and safer policing, as appropriate for the Department. Further, notable deficiencies and our prescribed reforms are generally recognized by the DOJ and reform subject matter experts as effective in achieving legitimate ends in constitutional policing that is both lawful and provides appropriate safeguards for the protection of life and property. Our standards are generally reflected in DOJ Consent Decrees, model policies issued by respected organizations and agencies, such as IACP and the DOJ COPS program, and the President's Commission on 21 Century Policing.

Executive Summary

ELEFA has partnered with County officials, the MCPD, the Reimagining Public Safety (RPS) Task Force, and local residents to identify, evaluate, and recommend structural and systemic improvements the Department can implement to achieve a shared vision of safe and effective law enforcement in Montgomery County, MD.

ELEFA's audit included evaluation of the Department's organizational culture, policies, resources, transparency, procedures and operations. ELEFA issued a Preliminary Report in June 2021 that identified a number of opportunities for improvement. Since then, ELEFA has continued its audit of the MCPD, working in close cooperation with the Department and other constituent organizations.

Though this audit's scope is limited to recommendations based in the MCPD, it should be noted that the implementation of many recommendations will involve cross-agency cooperation and that safe and effective policing requires a healthy ecosystem of agencies working towards shared goals. Further, it should be noted that the MCPD is a high-performing organization. Yet, like all high-performing organizations, there is not only opportunity for improvement but continuous improvement is essential to maintaining pace with constantly changing environmental circumstances and public expectations. Accordingly, our final report on the review of the MCPD focuses on those areas in greatest need of improvement, rather than the strengths of the department.

This summary focuses on the key findings and recommendations of the full report and therefore omits useful information regarding methodology; further discussions; and some recommendations or alternative suggestions. It also omits a preliminary section on the organizational structure of the MCPD. This content can be found in the full report.

An overview of the review is provided on the following pages.

Key recommendations set forth in the final report center around the following areas:

- Systems & Technology
- Early Warning & Intervention Systems (EWIS)
- Education & Training
- District Leadership, Operations & Calls for Service
- Use of Force
- Mental Health Response
- Alternative Response
- Officer Wellness
- Recruitment & Hiring Process

Systems and Technology

Generally, ELEFA found that the Department has the potential and an opportunity to become a data-driven organization leading to better training, performance, accountability, and transparency, but realizing these benefits will require improved data collection and analysis to fully meet the Department's and County's needs. This section is crucial to many of the other areas of recommendation in this report, because adequate data gathering and analysis is crucial to understanding problems and progress. Further, issues with data specific to elements of policing will be discussed in their respective sections of the report.

Key Findings:

- Competent personnel in the Information and Technology Division can perform analytical work.

- There are major gaps in both data collection and analysis. MCPD's systems for tracking and classifying uses of force, CIT responses, and Calls for Service are outdated and woefully inadequate relative to the Departments' needs, generally accepted practices, and the public's demand for transparency.

- Department arrest data is maintained in the Correction and Rehabilitation Information Management System (CRIMS). This database produces the Daily Arrest dataset available on Montgomery County's open data portal. The dataset does not include the race/ethnicity or gender of arrested individuals and only holds data for 30 days.

- During interviews with personnel regarding field interviews, staff members did not know or understand the capabilities of Delta Plus, the system which maintains data from traffic stops, searches, traffic collisions, and field interviews.

- Officers are not required to enter information on all stops based on reasonable suspicion, and may enter information in a field stop but the data is entered into a narrative input on Delta Plus which is not conducive to study.

- The Crisis Intervention Team (CIT) Unit does not use data or analytics to inform strategy or operations. Its work has been self-described as being "reactive" to incoming calls and referrals. The CIT Unit does not have a comprehensive understanding of the number of CIT trained officers, incoming calls and referrals, or any other key data points related to their work. Additionally, the CIT Unit does not use any data to evaluate performance, and the Department as a whole does not track CIT call data, in part because the code for CIT response is often mistakenly foregone.

- Due to severe limitations, historical data does not provide a comprehensive understanding of officer-civilian interaction.

- All areas of policing could stand to see data gathering and analysis improvements which are outlined more thoroughly in the report, including Human Resources, Training, Overtime data and Internal Affairs data.

Key Recommendations:

- **Create internal processes** to ensure that key data on all reasonable suspicion stops are captured in an appropriate single database.

- **Conduct regular analyses of its traffic stop data.** This analysis and the accompanying raw data should be publicly available in efforts to increase transparency and trust with the community.

- **Anonymized Use of force data should be publicly available.**

- **Continue to procure a new RMS and ensure that it is able to comprehensively collect data** in such a manner that is conducive for analytics. The new RMS should have dedicated fields for all relevant data points and the ability to validate geocoded addresses. Ideally, the new RMS would be integrated with other critical data such as use of force reports, crisis intervention reports, and arrest data.

- **CIT data is crucial to not only the MCPD, but all of Montgomery County's crisis response ecosystem.** It should be gathered and shared with other stakeholders, as per ELEFA's commitment to sharing data. The CAD's secondary call code should be used so that calls pertaining to crisis intervention can be tracked. This will be expanded on in the Mental Health Response section of the report as well.

Early Warning and Intervention Systems

Maryland state law now requires each department in the state to create an "early intervention policy" for tracking complaints to identify an officer who may exhibit a pattern of actions or behavior in order to provide intervention. An Early Warning or Early Intervention System is a computerized database of police officer performance indicators, including uses of force, citizen complaints, arrests, traffic stops, officer discipline records, use of sick leave, and others.

Key Findings:

- The MCPD EWIS is based on a system wherein an officer's supervisor is notified after a third citizen complaint in 12 months. The supervisor can then determine which tool would be most effective, and their response to the EWS including the method and results is recorded in a counseling memo. This memo, however, only remains in the officer's records for a further 12 months.

Key Recommendations:

Produce a more robust EWIS that considers more factors (for example weapons discharge and missed court appearances) and analyzes data in more ways (for example, a peer officer comparison).

Education and Training

The Montgomery County Police Department (MCPD) has excellent training facilities and committed professional training staff and meets and/or exceeds all of their training mandates for the Police Academy, in-service, and various training programs.

It is important to note that since the preliminary report has been released, several crucial changes have been made to education and training. Work is underway to update any and all training materials that ELEFA has selected, as well as identify and remove harmful training practices like references the "Warrior" mentality. In addition, new training programs are being implemented both for new recruits and annually, such as adding a training block on procedural justice for Sergeant and Lieutenant schools. Therefore, all of the key recommendations in this section are already in the process of being addressed, which is reflected in the report with detailed information on the steps already being taken.

Key Findings:

- Many exceptional recruit training programs. The Academy does require its instructors to debrief recruits during and after learning activities. However, they do not teach an actual problem-solving model that recruits must use to critically think and solve the numerous learning activities given to them in the Academy.

- Officers welcomed changes to Academy training. MCPD does not use an 8-step traffic stop approach and, in many cases, does not allow for the violator to have "voice" – as in procedural justice. In past discussions with the Education and Training Division (ETD), they purposely do not do this, as they perceived it could lead to conflict, but after brief discussion were willing to adopt changes to training.

Key Recommendations:

- **Ensure that Academy training is at a university level**; consider hiring a civilian PhD at a high level and introduce learning constructs so that retention of information is stronger.

- The Re-Imagining Public Safety Committee (Task Force) identified changing the MCPD to a "Guardian" culture as their number one recommendation. This can be achieved through **increased training that focuses on the values of the department; promoting active bystandership; focusing on procedural justice training** (for example, CAL-POST's 8-step model LEED format for traffic stops).

- **Consider more programs for annual training requirement** so that retention improves and lessons learned are reinforced.

District Leadership, Operations, and Calls for Service

We reviewed over 500 BWC recordings to consider Department and District culture, operations, leadership, and management, as well as officers' interactions within the Montgomery County community. A breakdown of results as well as in-depth discussion by district with district-specific recommendations can be found in the full report.

Key Findings:

- Most officers were courteous and friendly while handling calls for service and traffic stops. The community members reporting incidents were ethnically and racially diverse. Although a representative sample was utilized for the review, few arrests were observed during the BWC audits. In general, there were no indications of racial bias in the BWC incidents observed.

- However, of the traffic stops reviewed in the random BWC sample, most interactions included people of color.

- There was excellent handling of domestic abuse calls for service; officers used appropriate de-escalation where necessary and were empathetic, well-trained and informed.

- There were limited incidents where individuals in crisis were given inadequate explanation prior to transport, which can lead to fear and the mistaken conclusion that the individual is under arrest.

- There was a lack of supervisors observed at the scenes for calls for service. We observed very few supervisors at the scene of most calls for service.

- In most cases, officers did not properly introduce themselves to citizens at the beginning of events. There were some examples of officers being brusque and/or stern in their communications skills with the reporting persons.

- The MCPD has an extensive list of disposition codes that officers can use to reflect the outcome of calls for service. Unfortunately, the audit revealed that officers only use a few of these codes such as code 29911 "Other Miscellaneous" and code 24131 "Disorderly Conduct" to reflect the outcome of most of these calls for service.

- Several Body Worn Camera (BWC) protocol issues, for example BWCs being activated after the officer's arrival, leading to missing context and data.

Key Recommendations:

- **Supervisors should conduct regular, random audit reviews of BWC's** when there is any type of arrest or physical altercation on domestic calls for service. Supervisory reviews will aid in verifying officers are clearing calls properly

- **Change the BWC activation policy** to clearly direct a) officers shall press BWC activation button prior to broadcasting any information regarding traffic stops; b) require Sergeants to randomly review a monthly sample of BWC incidents of the officers assigned to their shift; and 3) ensure activation of all AXON devices (have AXON link devices). BWCs should be turned back on in sufficient time to capture all discussions with the parties (after officers have turned them off for private consultations). Further, Montgomery County Bill 18-21 requires random review of body worn camera footage.

- Officers can **improve their professional response with a proper greeting and personal introduction,** rather than "What's going on?", "Did you call?" etc.

- **Consider requiring Sergeants to conduct bias investigations at the scene of traffic complaints.** Also, data analysis should be undertaken to prove or disprove if transitory traffic patterns impact racial disparities and to what extent.

- **Discuss issuing stripped chevrons** for Sergeants to place on the arm sleeves of their shirts to improve the identification of field supervisors.

- **District Commanders should ensure reviews of field supervisors** to ensure that they are responding to a variety of calls and investigations in a more uniform manner.

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Use of Force

ELEFA evaluated MCPD's use of force policy, reporting, sixty use of force incidents, and a sample of use of force investigations. ELEFA found areas for improvement in the Department's policies, practices and some investigations. For example, the former policy lacked specificity and failed to address important aspects in uses of force; however, many of these concerns are addressed in MCPD's recently adopted, revised policy. The Response to Resistance and Use of Force Policy, FC 131, became effective May 2021.

The Command Staff was very accommodating and helpful in assuring that ELEFA had all the information and documents required to conduct our review. MCPD provided ELEFA with a list of use of force incidents. From this list, a sample of cases was selected for the review. The random selection included force such as: OC (Oleoresin Capsicum) Spray, commonly known as 'pepper spray', K-9 bites, strikes, takedowns, weapons (handguns/rifles), ASP (Armament Systems and Procedures), commonly known as 'batons' and ECDs (Electronic Control Devices-Tasers, and also referenced as ECWs).

A total of 60 incidents were selected plus 8 completed formal internal affairs investigations. The review particularly targets MCPD internal processes for assigning, investigating and reviewing force incidents occurring by MCPD officers. Additionally, ELEFA considered bias in MCPD investigatory and complaint intake processes. ELEFA also selected a sample of six Internal Affairs (IA) investigations over a three year period to study.

Key Findings:

- ELEFA observed the following use of force and policy violations in our review of BWCs: pointing of firearms, takedowns, subject complaints of injury/pain, OC spray, strikes, tactical vehicle stop, officer demeanor (excessive cursing), failure to give warning before ECD deployment, damage to property, improper use of K9, subject complaints of possible excessive force.

- MCPD does not define levels of force or provide guidance to the investigating force officials on circumstances when to elevate less serious uses of force to Internal Affairs or a Force Team to initiate a formal investigation, though MCPD reports all use of force reports are reviewed at the Bureau level after review by the commands.

- As previously stated in the Systems and Technology section, inadequate data hampers any understanding of the real problems around use of force incidents.

- MCPD does not issue BWCs to SAT (Special Assignment Teams). These officers work on the front line and often engage with the public. When force is used, no video is available to review when warranted.

- Off-duty BWCs may be a bargaining item in negotiations with the FOP.

- Generally, the Internal Affairs administrative investigations were complete and contained all the information within the investigative case file to support a finding. (i.e., BWC video, Mobil in-car camera videos, interviews of witnesses, interviews of involved and witness officers, physical evidence, scientific evidence). Response letters to complainants are timely.

Key Recommendations:

- **Define Departmental standards on use of force levels** and terms, i.e. serious use of force

- **Determine a single repository** for use of force and IA incidents.

- **All use of force incidents should be investigated, and not simply reviewed.** IAD currently may not have the staff to investigate all use of force incidents. Expand the role of IA to include investigating criminal misconduct of officers instead of assigning this to investigators in ISB (Investigative Services Bureau). IAD needs additional staffing to conduct parallel criminal and administrative case investigations.

- **Develop a Force Investigation Team (FIT) within Internal Affairs** to conduct serious uses of force investigations and review. This may be considered along with OAG responsibilities related to handling criminal cases.

- Develop a system to conduct criminal and internal investigations as **parallel investigations.**

- **Revise MCPD use of deadly force investigation policies and protocols** to require a prompt, separate, parallel administrative investigation of each officer-involved shooting, and require the preparation of a report documenting investigative findings. This would be an improvement on the current IAD administrative report.

  ~ continued

- **Allow the Districts to review only those less serious uses of force.** Although there is ACC, there may still be a role for the Internal Investigative Review Panel should broaden their role when convening on force matters, and determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes.
- **Define a Departmental standard on what is expected to be included** when conducting District level force investigations.
- **Administrative intake should be required to be recorded by audio or video.**
- **Provide training to District supervisors in force investigations** and hold them accountable for evaluating their officers' videos with a critical eye.
- **Initiate an internal auditing protocol for BWC and other force related videos.**

Mental Health Response

Safe and effective responses to mental and behavioral health crisis calls require a coordinated, inter-agency response. Focusing exclusively on MCPD's policies and practices will not achieve necessary improvements. This report focuses on the MCPD's response but consequently will mention elements of the broader Montgomery County behavioral health ecosystem.

ELEFA reviewed existing policy; BWC on forty randomly selected mental health calls for service; the mental health related training from 4 previous (non-consecutive) years; and interviewed a broad spectrum of stakeholders (including all MCPD District Commanders, a Mental Health Court Judge, MCPD officers assigned to the CIT team, members of the Mental Health Advisory Committee and many more detailed in the full report).

Taken together, this has informed a better understanding of the current roles, functions, and gaps as part of a holistic ecosystem supporting 21st century response to individuals in crisis.

The full report discusses different possible models; further questions of intersectionality; observations on BWC footage as well as an in-depth overview of service delivery and why improvements to CIT response are so wholly necessary in any community. Due to the crucial nature of the topic, this section has many additional findings & recommendations that are detailed in the full report.

Key Findings:

- There are presently four CIT trainings offered per year, with the Chief of Police opening the training. This is commendable as it signifies support from the Department's leadership.
- MCPD CIT completion data exists (73% SGT; 70%LT; 50% CPT; 64% FTO's; and 66% patrol CIT trained) but there is no information on how recently training was completed, which is particularly relevant considering that there have been so many changes to MCPD CIT programs
- After a fatal shooting in 2000, CIT training began and used the Memphis voluntary/specialized only model, but has since been moving towards a more generalized model wherein all recruits must attend the 40 hour training. Though there are benefits, this can mean that officers who aren't CIT specialized are responding when situations call for someone with better and more recent training.
- Of forty calls analyzed, only three calls involved the use of the MCOT. In one case, MCOT was already on scene. Strengthened partnerships and improved protocols may be required for this model to be more successful.
- It is somewhat unknown how many officers are CIT certified. The training tracking system has deficiencies. In addition, too few officers are Taser certified. No Requests for CIT officers are heard over the air, and rarely for CRSS.
- The current MCPD specialized program under the Crisis Response and Support (CRSS) umbrella is a CIT team made up of two full-time officers and one clinician (LCSW). The team had been operating without a Sergeant, however one was recently assigned.

Key Recommendations:

- **Prioritize CIT training for all commanders,** make it a requirement for pre-service promotion, and mandate mental health refresher training annually, or at minimum every three years.

- **Create a "bumped up" specialized cadre of officers with additional training** who are prioritized for response to higher level calls for service. This specialized model would provide a "real time" response, for example, a co-responder clinician and CIT officer on patrol and prioritized to calls for service that involve a mental health component; a follow up response for high frequency utilizers of mental health calls for service, as well as patrol and community request for follow up.

- **An internal specialized response is needed to assist with calls where MC44 would be otherwise utilized.** Additionally, co-locating MC44 teams within the police substations would be another good option to consider, not only to improve clinician/police relationships, but also to improve knowledge of the program, facilitate improved response time, and to have the clinician teams own the EEP and hospital liaison process.

- **Evaluate data to develop efforts to reduce force in crisis or mental health related calls for service.**

- **Data assessment may be required to develop targeted efforts to reduce call times for crisis related calls for service.** Specialized response services should be considered.

- **Determine any barriers to accessing the crisis center.** Facilitation of access to medications, community-based resources etc. are greater at a community crisis center than a hospital, while reducing trauma that can be associated with hospital environments.

- **Evaluate updating the training tracking system at MCPD.** Additionally, automate the date the (40) CIT was provided, and develop a cadence for required refresher training at minimum every three years, preferably annually. Develop use of an alpha character, or other character to designate mental health calls even when clearing it with a primary call code. Additionally, differentiate and train on 2942 and 2950, using 2950 for all emergency petition transports.

- **Ensure crisis policies are evaluated annually, with stakeholder and public input; ensure policies integrate well with other Department policies as well as with Fire/EMS and other community resources**

- **Establish a call code system** that accounts for primary and secondary call codes that best capture overall calls for service (CFS) that involve a mental health component. Call codes should also be developed for alternative response calls. Require a CIT report be reliably completed for calls that are closed out as calls involving a mental health component.

- Because MCPD reports they often drop people off at the jail in order to get individuals screened by jail mental health staff (CATS), **ensure utilization data is tracked to support ecosystem program changes.**

Safe and effective responses to mental and behavioral health crisis calls require a coordinated, inter-agency response.

Alternative Response

Montgomery County has strong public motivation and resources to develop a more robust, integrated crisis response system (for instance, a multidisciplinary community response model(s), behavioral health unit, mobile crisis outreach, community facing social worker embedded in telecommunications to divert non-emergency calls, additional EMS based mobile integrated health teams etc.). As mentioned in the Mental Health Response segment, this broader ecosystem is essential to safe and effective crisis response. Though this report focuses on MCPD, some of the recommendations in this segment are directed towards other actors/stakeholders.

Key Findings:

- The County has adopted the Crisis Now Model, which includes 24/7 Crisis Call hubs, mobile crisis outreach teams and 24/7 receiving centers. This is a strong model, with recommendations in this report fully supporting this.

- If it is often unclear when MC44 (MCOT) or the MCPD should respond, this is an ecosystem problem and must be prioritized.

- The Montgomery County Sheriff's Office (MCSO) Domestic Violence Unit are charged with serving emergency petitions (typically those issued by the court), in addition to restraining orders and child custody orders. This unit has no pre-assessment process to identify fit for this role, and emergency petitions can sometimes get "bumped down" in urgency due to priority of restraining orders. It is estimated this unit serves and transports 400-500 emergency petitions annually, with MCPD estimated to serve even more. Due to MCPD data limitations, this is difficult to track.

Key Recommendations:

- **Establish clear criteria for emergency communications to identify and dispatch these calls,** and ensure there are robust, ongoing cross-discipline training (including call code designation, triage questions, and CIT training). While the goal of many of these programs is to divert calls from 911 altogether (e.g.: 988), the reality is many calls will still come to 911. A coordinated effort between a CIT coordinator, emergency communications and other multi-disciplinary community response programs should be prioritized. There should be thorough awareness of the programs, and a streamlined approach for response.

- **Expand the CRSS CIT Team.** This current team of two sworn officers and a civilian social worker is drastically understaffed. This should be expanded to a behavioral health unit, and likely tripled or quadrupled in size to do justice to the needs of the community. A multidisciplinary team could be piloted under this unit.

- **Establish much needed paramedic, clinician, soft uniform CIT officer and (where appropriate, PEER) dedicated multidisciplinary-response team models,** with unmarked vehicles, and soft uniforms. Whenever possible, prioritize alternative transport options that do not include handcuffs.

- **Consider embedding a clinician(s) inside telecommunications to divert from law enforcement response at all,** while also utilizing a warm hand off as necessary to a resource line, multidisciplinary team that includes a CIT officer, or other non-police based programs (CAHOOTS, MCOT etc.). As Maryland gears up for the implementation of 988, this is a good place to dedicate alternative response resources.

- **Consider a specialized behavioral health unit** taking lead in police involved emergency petitions.

- **Include a laminated card kept in all patrol vehicles** (or pocket books if MCPD carries those) that includes important information for officers to easily reference to include things like: Correct Mental Health Clear Codes; Crisis Center locations, hours of operation, phone number; MCOT hours of operation, contact person and phone number; Hospital Phone Numbers, locations and type of individuals accepted (youth, adult etc.); CATS contact info and hours of operation; CIT Unit phone and email; Specific paperwork or procedure information etc. along with a "resource list" for patrol to give out to families on these calls.

- **Develop justice involved case management teams at the community mental health center** who have the role of serving high frequency utilizers of law enforcement calls and jail bookings. These teams can also assist with a warm handoff out of the hospital for emergency petitions.

Officer Wellness

Officer Wellness was not a formal part of this review, however, one cannot discuss community crisis services and holistic wellness without including a focus on officers who are often responding to these crises. The health of our first responders is a key part of community health and the positive outcomes on calls for service involving a mental health component. All too often, community resources are being funded, but not law enforcement resources designated for wellness. This should be considered an equal priority.

Key Findings:

- MCPD has had 3 officer suicides in the past 10 years.

- For many years, efforts have been under way to formulate a wellness program specific to MCPD officers. However, a comprehensive wellness program is not in place. The FOP would like to see a nationally recognized wellness program as an important goal.

Key Recommendations:

- **Complete a comprehensive officer wellness needs assessment** (which includes Patrol officers as part of the task force), and develop a strategic implementation plan.

Recruitment and Hiring Practices

A police organization's success begins with its recruitment strategies. A Department's recruitment efforts impact every other function of the agency. Model departments ensure that recruitment efforts are designed and operated to identify and hire candidates that reflect the communities they serve, especially including historically underrepresented populations. The Department requires an associate degree, or equivalent, at the time of application, or three years of active-duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by MCPD.

The full report analyzes recruitment and retention data, and goes into further detail about both challenges and opportunities to find the right recruits.

Key Findings:

- Challenges to hiring include police-specific; such as well-publicized police use of force incidents in recent years negatively impacting public image; as well as more general recruitment challenges such as generational workforce differences and the pandemic.

- Montgomery County salaries used to be some of the highest in the area but have now fallen in comparison to other local agencies in the region. It was reported that being ranked 13th in the area in starting salaries negatively impacts attracting quality candidates. As of FY23, the Fraternal Order of Police Lodge 35 has negotiated a wage increase that would increase officer's pay to one of the highest in Maryland.

- The Department surpassed prior recruiting efforts with successful diversity recruitment in Session 74, having a 58% minority representation (7 White, 5 African American, 2 Hispanic, 3 Asian). Unfortunately, they were able to fill only 17 of the 34 authorized positions for this Academy Session.

- In 2019, the recruitment team added 41 police officers as decentralized recruiters. As of 2022, the Department has 93 decentralized recruiters. The decentralized recruiters are well trained in current recruitment information, they assist with career fairs and community events, and serve as mentors to police cadets. One of their main goals is to find recruits that represent the community of Montgomery County.

- There are new partnerships and pathways being built including an expansion of the Cadet Program with Montgomery College, offering scholarships.
- There is a downward trend in employee retention, particularly notable among younger officers and FTOs.
- A variety of screening measures are used, including a polygraph test and psychological evaluations.

Key Recommendations:

- **Add a cloud-based technology** as a streamlining measure and to increase effectiveness and efficiency for background investigators. This is currently in progress since the preliminary report.
- **Reduce the amount of time it takes to process candidates** using technology and combining processes when practical and the MCPD is implementing these practices. This is currently in progress.
- **Review and analyze adverse impact analysis reports** regularly for negative trends and adjust practices as warranted to reduce adverse impact at any stage, if indicated. And make adjustments to the written test. The MCPD has completed this review, made adjustments to the written test, and eliminated the PFAT testing.
- **Consider increasing the starting salary for entry-level MCPD police officers** to become more competitive in the Washington Metropolitan area. There is a significant increase proposed in the FY 23 budget. MCPD should consider conducting a comparison study on all Maryland law enforcement agencies' salaries and present the data to the County Council for consideration.
- **Assess MCPD employee turnover continually,** and review reasons officers leave the Department. The MCPD is working with County HR to continually assess attrition.
- **Provide additional training and leadership guidance** so that workplace "inclusion" becomes part of the everyday MCPD work-life culture.
- **Provide more training and monetary incentives to FTOs.** Training should focus on the importance of providing the best possible training to probationary officers by following all Department policies and procedures. Consider paying the FTOs the full amount of the hourly rate even when they are not training probationary officers.
- **The Department's leadership must continually promote "inclusion"** as an integral part of its culture and value. Improving recruitment should continue to be a broad, department-wide, effort involving steps to improve community relations and community engagement, increase transparency, and continue persistent efforts targeted at reaching under-represented populations.

A Department's recruitment efforts impact every other function of the agency.

Organizational Structure

The MCPD experienced organizational change in 2019. Chief J. Thomas Manger retired after 15 years of service and Assistant Chief Russ Hamill succeeded him as Acting Chief of Police.

Shortly thereafter, Chief Hamill was announced as the new Chief of Police for the Laurel (MD) Police Department and Chief Marcus Jones was announced as the Acting Chief of Police for the MCPD. Additional vacancies in MCPD leadership occurred when Assistant Chief Laura Lanham left to become Deputy Chief of the Rockville City Police Department and Assistant Chief Dave Anderson retired.

In November 2019, the Montgomery County Council confirmed Chief Marcus Jones as Chief of Police. Due to the COVID-19 pandemic, four new assistant chiefs were not confirmed until April 2020. They were Assistant Chief Ron Smith, Assistant Chief Tom Didone, Assistant Chief Willie Parker-Loan, and Assistant Chief Dinesh Patil. In 2021 the Department added a new administrative Assistant Chief of Police role to the new Community Resources Bureau, Assistant Chief Carmen Facciolo. Within the past year, Assistant Chiefs Smith and Didone have retired and Darren Francke and Marc Yamada were promoted to Assistant Chief.

The stated Mission of the MCPD is to: "Safeguard life and property, preserve the peace, prevent and detect crime, enforce the law, and protect the rights of all citizens and that they are committed to working in partnership with the community to identify and resolve issues that impact public safety".

Our assessment of the MCPD's organizational structure indicates the MCPD is well organized relative to Departments of its size, nationally. MCPD appears to have a unit or section for every imaginable occurrence or crime. The Assistant Chiefs and Captains we interviewed for this review were all well-versed in processes and directives, professional, and intimately familiar with their Department functions, needs, and the progress and development of their units. All were forthcoming with information, articulate, and understanding of the need for and questions relating to this review of the MCPD.

The general requirements for entry-level police officers in Montgomery County greatly exceed the national average. To join the MCPD, the general requirements for applicants include: an Associate degree (60 college credits) or equivalent, or three years of active duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by the MCPD. A comprehensive background investigation is conducted for all potential hires. The hiring process includes a written examination, scored interview, polygraph examination, and psychological and medical examinations. To be promoted to the rank of Sergeant, or above, supervisors must have successfully completed a bachelor's degree, at a minimum.

MCPD Bureaus

Chief Jones is responsible for administering the Department in accordance with applicable laws and regulations, and ensuring MCPD organizational goals are being met.

Chief Jones is well-respected throughout the Washington-Metropolitan law enforcement community and active in national and local police organizations. The Internal Affairs Division, reporting directly to the Chief of Police, is responsible for ensuring the integrity of the Department by thoroughly and objectively investigating complaints of employee misconduct.

The Department is organized into the Office of Chief of Police and five bureaus: Patrol Services Bureau, Field Services Bureau, Investigative Services Bureau, Management Services Bureau, and Community Resources Bureau. Each of these bureaus is under the command of an Assistant Chief. All bureaus are grouped by function under the control of the Chief of Police. The Patrol Services Bureau contains the general policing districts. The Field Services Bureau contains the Special Operations Division (SOD). The SOD consists of the Canine Unit, Emergency Services Unit, Special Events Response Team, and Tactical Unit. The Investigative Services Bureau consists of the Criminal Investigations Division, Special Victims Investigations Division, Major Crimes Division, and Special Investigations Division. The Management Services Bureau is largely a civilian support bureau that consists of Emergency Communications, Budget, Personnel, Training, and other Support Services, including Technology, Records and Facilities.

The approved FY21 Operating Budget for the police Department is $281,446,640, a decrease of $13,880,689, or 4.70% from the FY 2020 budget. Personnel costs represent 83.04 % of the budget, with a total of 1,898.86 FTEs. Operational expenses count for the remaining 16.96 % of the FY21 budget. According to the County website, a proposed FY23 budget has been submitted for $295.7M, a recommended increase of 4.49% from the FY 22 approved budget of $282,951,484.

As evident through the Department's bureaus, MCPD provides countywide law enforcement services to the residents of the incorporated cities of Rockville, Chevy Chase Village and Gaithersburg. Other municipalities that fall within Montgomery County, and thus in MCPD's jurisdiction, are Barnesville, Brookeville, Chevy Chase, Friendship Heights, Garrett Park, Glen Echo, Kensington, Laytonsville, Poolesville, Somerset, and Washington Grove. However, Rockville, Chevy Chase Village and Gaithersburg maintain their own police Departments that are meant to complement MCPD. Furthermore, Maryland State Police patrol Interstate highways 495 (the "Beltway") and 270 and assists MCPD with investigations of major crimes. This review focuses on the Montgomery County Police Department specifically.

Office of the Chief

The Chief of Police is the highest-ranking officer within the Department and is responsible for administering the Department in accordance with applicable laws and regulations and ensuring that organizational objectives are being met. Functions under the Chief of Police include:

INTERNAL AFFAIRS DIVISION
Responsible for ensuring the integrity of the Department by thoroughly and objectively investigating complaints of employee misconduct. This division is also responsible for the implementation and coordination of all disciplinary actions and procedures instituted by the Office of the Chief.

AUDITS AND INSPECTIONS SECTION
Responsible for conducting audits of all Department property, facilities, evidence, and assets. Also responsible for operating an inspections program that is responsive to the County Code, Department directives, and Commission on Accreditation for Law Enforcement Agencies' (CALEA) standards.

ACCREDITATION SECTION
Responsible for ensuring the Department maintains CALEA accreditation by maintaining CALEA records and conducting compliance audits and inspections of CALEA standards.

QUALITY ASSURANCE SECTION
Responsible for regularly monitoring and documenting compliance for supervisors regarding the Department's various administrative requirements for reporting and recording events. Also responsible for reporting compliance with other departmental requirements, including, but not limited to, acknowledgment of administrative directives, completion of training, and physical exams.

PUBLIC INFORMATION OFFICE
Primary provider of information to media sources. The Chief of Police has designated personnel from this office as official spokespersons for the Department. They are responsible for discussing departmental policy, managing Department websites and social media content, and coordinating with outside entities such as Crime Solvers and the Victims' Rights Foundation.

Effective
Law Enforcement
for ALL

Patrol Services Bureau

The Patrol Services Bureau is the largest of the bureaus and provides direct police service through patrol and investigative functions. The Department is served by six District stations: Rockville, Bethesda, Silver Spring, Wheaton, Germantown and Montgomery Village. In 2020, the Department reported responding to 727,500 calls for service. In 2021, calls for service increased by 8% to 786,298. The Patrol Division includes: Administrative Support; Community Services; Patrol Investigative Units; plainclothes Special Assignment Teams (SAT); and the Duty Commander.

Field Services Bureau

The Field Services Bureau provides specialized police and community services through various functions of the Department, including: Administrative Support; Security Services Division; Special Operations Division (Homeland Security, Emergency Services, Search Operations, and Special Events Response Team); Tactical Support Section (Canine, SWAT,); and Traffic Division (Automated Traffic Enforcement, Schools Safety, Special Traffic Operations).

Investigative Services Bureau

The Investigative Services Bureau provides investigative functions, including: the Criminal Investigations Division, MCP Crime Lab, Forensic Services Section, District Investigative Sections and Financial Crimes; Major Crimes Division (Fugitive Section, Homicide Section, Missing Persons/Cold Case, Robbery Section and Victim Witness Assistance Section); Special Investigations Section (Criminal Enterprise and Gang Unit, Electronic/Technical Surveillance Unit, Repeat Offender Unit, Vice and Intelligence Unit, Digital Intelligence and Analysis Unit); Drug Enforcement Section (Drug Interdiction Team, Drug Investigative Unit, Firearms Investigative Unit, Major Offender/Conspiracy Unit, Pharmaceutical Unit); and the Special Victims Investigations Division (Child Abuse/Sexual Assault, Child Exploitation, Domestic Violence/Elder Abuse, Sexual Assault, and Missing Persons/Runaway Section).

Management Services Bureau

The Management Services Bureau provides staff support services for the Department, including: Administrative Support, Communications Division; Employee Health and Wellness; Information Management and Technology (Crime Analysis Section, Field Services (desktop/laptop, Body Worn Cameras or BWCs, mobile video systems, Interview Room recordings); Records Section; Records management Unit; Technology Section (Database and Cloud applications); Legal and Labor Relations; Management and Budget Division (False Alarm Reduction, Financial and Grants Management, Fleet Management, Procurement and Logistics, Vehicle Recovery); Personnel Division (Administrative Section, Background Section, Volunteer Resources Section); Training and Education Division (Field Training and Evaluation, Firearms Training, Leadership Development Institute, Training Development Section, Training Operations Section) and Capital Development and Facilities Section. Recent changes under the Training Division include: the De-Escalation and Force Training Unit, which is responsible for training involving Use of Force, De-escalation, and Less Lethal Devices. The Unit also provides supplemental scenario-based training involving communication and de-escalation techniques.

Community Resources Bureau

The MCPD embraces the concept of community policing as a philosophy and an organizational strategy. The Community Policing approach allows the police and the community to work closely together in creative ways to solve the problems of crime or fear of crime; address physical and social disorder; and advance the overall quality of life in the community. The Department's Vision Statement includes working in cooperation with the community they serve; working to enhance community relations; and building trust through transparency, accountability and strong leadership. Additionally, the Department strives to be a premier agency by employing a highly educated, diverse, and technical workforce that utilizes purpose-driven technology, and effectively balancing their resources to meet the Mission.

The Department has added a new Community Resources Bureau. The non-sworn, civilian employee is expected to provide leadership and oversight as the Assistant Chief of the Community Resources Bureau. The new bureau is responsible for overseeing the Department's Community Engagement Division and the Policy and Planning Division. The County sees this position as a "unique opportunity to be a transformational force".

The Assistant Chief overseeing the Community Resources Bureau manages an organizational unit by assigning work priorities to subordinate units. The new position, among other administrative duties, represents the County government and the Chief of Police in various forums. This position includes addressing concerns of controversial and sensitive police matters by explaining goals and objectives, responding to questions, misunderstandings, and any apprehensions, with a special effort geared toward gaining the support of groups being addressed and bridging the gap between the police and the community.

COMMUNITY ENGAGEMENT DIVISION

The Community Engagement Division, located within the Community Resources Bureau provides resources and services to the Department and community to "strengthen relationships through open, transparent communication and proactive engagement. The Division focuses on building trust and relationships with partners and communities through awareness, education & prevention, outreach, and engagement." The Department reported 2,090 community engagement events in 2019 and 2,004 events in 2020, during the COVID-19 pandemic.

The Department regularly reviews its organizational structure and functions and has made some significant modifications to its operational strategy within the past year. In addition to the key leadership strategy of a new civilian Assistant Chief overseeing the new Community Resources Bureau, the Department made some organizational component changes.

Recently, there have been changes related to traffic:

- Community Traffic Officers within each District. The traffic officers are assigned to provide assistance to the community by answering questions on basic traffic law infractions and answering community complaints to reduce problematic driving behaviors.
- Under the Traffic Operations Division, the new Centralized Traffic Section is using data driven deployments on major arterial roadways and are responsible for High Visibility Enforcement (HVE) of traffic laws, conducting collision investigations and addressing traffic related problems and assisting with special events. The Centralized Traffic Unit also has primary responsibility for coordinating and handling all vehicle escorts for the Department.

The Community Engagement Division focuses on building trust and relationships with partners and communities through awareness, education and prevention, outreach, and engagement.

From SRO to CEO 2.0

SRO Model	2021-2022 CEO Model	Proposed CEO Model
• Stationed in high schools full-time	• Not present in any way on MCPS campus	• Designated work station in high schools, not stationed permanently
• Limited to no cluster engagement	• Limited to no cluster engagement	• Engagement with schools across the entire cluster
• Direct line of communication with principal	• Principal cannot contact CEO directly; calls 311 or 911	• Direct line of communication with school
• Responded to school incidents "whenever possible"	• Do not respond to school incidents	• **Do not respond to school incidents**
• Shall take lead in death, sexual assault, robbery, arson, hate crime, destructive devices and firearms, distribution of controlled substance	• Shall take the lead in death, sexual assault, robbery, hate crime, physical attack requiring a 911 call, felony theft, firearms, brandishing a deadly weapon, gang-related events	• Shall take the lead in death, sexual assault, robbery, hate crime, physical attack requiring a 911 call, felony theft, firearms, brandishing a deadly weapon, gang-related events
		• **Joint professional learning**

MCPS TV
Maryland's Largest School District
MONTGOMERY COUNTY PUBLIC SCHOOLS

The new Community Resources Bureau supports the community and patrol services through education, communication, and transparency. A major change in the past year is the modification of roles from the School Resource Officers (SROs) to the Community Engagement Officers (CEOs). These officers focus on maintaining safe schools and providing mentoring opportunities for students. The CEO roles are currently under review by the Montgomery County leadership and it is anticipated additional changes to their responsibilities and roles will be made in 2022. There are areas of this report discussing SRO data collection and roles prior to the name change and position responsibilities in their new roles as Community Engagement Officers.

The new role of Community Engagement Officer (CEO) is a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and problem solving who is designated to work as a liaison to MCPS. Duties include the following:

- Serve as a liaison between their agency and MCPS officials for police-related concerns and incidents.
- Handle school service calls (SSCs). The responding CEO and/or the appropriate police Department's unit having follow-up responsibility will investigate these SSCs at the direction of their law enforcement agency in a way that, to the greatest extent possible, minimizes disruption to the school day.
- Serve as contact points to deliver law enforcement programs such as DARE, crime prevention, and gang awareness and may be asked to participate in school-based events such as career days, assemblies, study circles, and other staff/student events.
- Enhance the relationship and level of community engagement with the elementary and middle school communities.
- Maintain contact with members of their agency's gang units in order to stay informed regarding current gang trends, share information, coordinate interventions, and support gang investigations.
- Assist with traffic safety and enforcement activities in and around their designated school clusters.
- Coordinate assistance at major school events such as athletic events, large dances, or other activities when needed.
- Coordinate familiarization training ("walkthroughs") to include a review of the schools' emergency response plan/procedures for responding officers within their district. This walkthrough training will be coordinated with the school administration during after school hours.

The new MOU (memorandum of understanding) states that law enforcement will not be used to enforce MCPS policies, rules, regulations, and/or procedures. In addition, "CEOs will have no special law enforcement emphasis while performing their duties and responsibilities. While on MCPS property, the CEOs have full authority as sworn police officers. All enforcement actions will be taken in accordance with appropriate Federal, State, County, and Local laws and involve law enforcement agency policies and procedures. MCPS and the appropriate school staff will be notified of any actions taken in accordance with normal practice and any appropriate agreements between the involved law enforcement agencies and MCPS.

Interagency Partnerships

The Department has interagency cooperative relationships with the Montgomery County Sheriff's Office, the Gaithersburg Police Department, the City of Rockville Police Department, the Maryland State Police, the City of Takoma Police Department, the Chevy Chase Village Police Department, and the Maryland National Capital Park and Planning Commission Police Department.

These agencies have signed Memorandums of Understanding (MOUs), when appropriate, and the level of cooperation while delivering service to the residents of Montgomery County is exceptional. Depending on the size of the Department in the cooperative relationship with Montgomery County, the Memorandums of Understanding are unique to each agency.

The County enjoys effective, mutual relationships with outside agencies and has for many decades. Leadership throughout the County and in municipalities work closely, and in a relatively seamless fashion. Most of the agencies are nationally accredited and there is a high level expectation for professionalism – which is demanded and expected by the Montgomery County community.

Sheriff's Office

In Montgomery County, the Sheriff's Office serves as the arm of the Court and performs court-enforcement activities such as: court security, warrant service, civil service, evictions, emergency petitions, prisoner transportation, extraditions, attachments and child support enforcement – to name the major activities. The deputies are uniformed and in marked cars, and on occasion they make traffic stops and perform "back up assistance" to Montgomery County officers. Generally, Deputy Sheriffs do not respond to calls for service.

Gaithersburg & Rockville City

The two largest Departments working closely with MCPD include the Gaithersburg Police Department and Rockville City Police Department. These municipalities have chosen to employ their own Departments for providing added service and protection over and above what Montgomery County services. City and County Police officers have concurrent authority and responsibility for the enforcement of all applicable City, County, and State laws within their geographical boundaries.

This relationship has been demonstrated as effective and successfully operational over many decades. It is expected, and written in the MOUs, that the County Police shall provide services within each City to the same extent and degree as services performed and furnished in other areas of the County. While this is a long-standing agreement, it is clear that if the City Departments, each with approximately 60 sworn employees, chose to eliminate their respective Departments, Montgomery County would have difficulty maintaining the same level of service without adding additional personnel.

City officers respond to calls for service on the Montgomery County dispatch channel and write police reports in the County's Report Management System (RMS). These Departments have been accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) since 1993, and they are committed to a Community Policing philosophy.

Other Municipalities

The City of Takoma Park and Montgomery County acknowledge that while the County has "territorial" law enforcement jurisdiction over the entire County, including the City, the County has agreed and practiced for over 65 years not to exercise this jurisdiction within the City limits. Since 1949, Takoma Park Police have been responsible for providing police protection throughout their entire corporate limits. Takoma Park operates its own Communications and Records Division but shares appropriate reporting information with Montgomery County.

The Village of Chevy Chase is a smaller municipality of approximately over 700 homes, in just under one-half square mile, abutting the Washington, DC boundary. The Department of eleven sworn positions maintains its own 24-hour communications division, and works closely with the MCPD, monitoring calls and responding to community needs. The Chevy Chase Village Police Department is also a nationally accredited agency. The Village maintains the Department to provide an extra level of service for its residents, including vacant house checks while community members are away from home.

Written Directive System

The MCPD has an elaborate written directive system made up of Rules, Function Codes, Headquarters Memoranda, Training Bulletins, Standard Operating Procedures and Training Modules and Procedural Manuals.

There are rules that prohibit specific behavior and rules that require the performance of certain duties. Function Codes contain policies and procedures that the Department has established in order to operate effectively. Policies are general statements guiding the organization toward attainment of its goals. Procedures are specific guidelines to assist employees in handling a wide range of tasks. Headquarters Memoranda are used to provide a means of relaying information of a specific nature Department-wide and may be utilized for interim implementation of policy and procedural changes. There are also Entrance Level Training Rules and Regulations used to prepare police officer candidates.

The written directive system is well designed, with many reviews and signoffs at the appropriate levels. Even though many policies were issued many years ago, even decades ago, the content of each is reviewed annually for any necessary changes. There is a complete review system for implementations, including sign offs from SMEs, legal advisors, union contract representatives and several Executive-level officers.

Training bulletins are developed by the Training and Education Division and issued to employees to introduce new legislation recently passed by the state legislature or on other pertinent training subjects. Training modules are developed to meet mandated training needs of the Department. Procedural Manuals provide more lengthy explanations for tasks requiring in-depth instruction. Examples of Procedural Manuals include the Field Report Manual and the Citation Manual.

All written directives are issued by the Chief of Police and researched and reviewed by a wide-range of Subject Matter Experts, the Policy and Planning Division and the Department's Legal Section. Each component of each Bureau is responsible for keeping apprised of current laws and best practice trends relating to their respective policies.

Department directives are sent to the FOP in final draft form. There is a process for questions and alteration until agreement is reached. If agreement cannot be reached, then the issue is brought before a permanent umpire. FOP receives a notice of upcoming changes, however, it only approves policy that impacts bargaining members.

All policies are entered into the Power DMS system where officers are responsible for signing off that they have read and understand each policy.

All written directives are issued by the Chief of Police and researched and reviewed by a wide-range of Subject Matter Experts, the Policy and Planning Division and the Department's Legal Section.

Department Rules

The overall policy of the Department is to ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees and the community.

Department rules are designed to cover situations in which no deviation or flexibility is permitted. The policy includes acceptable and customary language for Department rules and expectations of a proper code of conduct.

MCPD policy includes standard policy language on code of conduct, expected of police departments implementing 21st century policing. The reviewed MCPD Function Code 300 is thorough and exhaustive. Some of the pertinent policy language to our review of the MCPD includes the following areas below.

Conformance to Law

MCPD policy states,

> *"Employees are required to adhere to Departmental Rules and Regulations, Departmental Directives and Memoranda, Montgomery County Personnel Regulations, County Administrative Procedures, Executive Orders, Montgomery County Code, and to conform to all laws applicable to the general public."*

Abuse of Authority

MCPD policy states,

> *"The lawful authority entrusted to police officers will not be used improperly to interfere with the lawful conduct of anyone. All officers must carry out their duties in a nondiscriminatory manner."*

Use of Force

MCPD policy states,

> *"Officers will use force only in accordance with law and Departmental procedures and will not use force more than is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, or in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm, or death. No officer will use force in a discriminatory manner."*

Duty to Intervene

MCPD policy states,

> *"It shall be the duty of every officer present at any scene where physical force is being applied to either stop, or attempt to stop, another officer when force is being inappropriately applied or is no longer required".*

Carrying of Credentials & Identification

MCPD policy states,

> *"Credentials will be displayed upon request. Employees will furnish their full name and identification number to all persons who request same when the employee is acting in an official capacity."*

Conduct Unbecoming

MCPD policy states,

> *"No employee will commit any act that constitutes conduct unbecoming an employee of the Department. Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct."*

This section adds these comments:

> *"As county employees, we are constantly being observed and judged by the community we serve. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the Department.*

"Conduct unbecoming" is a highly controversial regulation and often viewed as a "catch all" offense. Although non-specific, "conduct unbecoming" has been upheld in court for certain acts committed by police officers both on and off duty. The following examples of "conduct unbecoming" have been upheld by various state and federal courts throughout the country: speeding, placing an unauthorized poster in a squad room, lying in a Departmental investigation, excessive absenteeism, profane language in public, barroom fighting off duty, ticket fixing, assault on a fellow officer, annoying and/or molesting bar patrons off duty, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a superior, and the failure to cooperate with an internal affairs investigation. The following examples of conduct that the courts have found to be unbecoming include embarrassing the Department by neglecting "discretion" and vigorously enforcing municipal ordinances; disrespectful, but private, language to the Chief of Police while under emotional stress; and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty.

Although these court cases have involved police officers, "no employee will commit any act which would reflect unfavorably on the Department or the county government."

Untruthful Statements

MCPD policy states,

> *"Employees will not make untruthful statements, either verbal or written, pertaining to official duties.*

Courtesy

MCPD policy states,

> *"Employees will be courteous and discreet to members of the public. Employees will maintain proper decorum and command of temper, and avoid the use of violent, insolent, or obscene language".*

Discrimination/Harassment & Use of Derogatory Language

MCPD policy states,

> *"Employees of the Department will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by county, state, and federal law.*

Employees will not take nor contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation, or proceedings brought under Department policy, or county, state, or federal law.

Supervisors and/or managers of the Department will conduct a prompt and candid inquiry into any instance of alleged discrimination or harassment that comes to their attention. All information regarding such allegations will be documented and forwarded to the Internal Affairs Division.

The Montgomery County Department of Police will continue to prohibit officers from exercising police powers in a manner that unlawfully discriminates against individuals based on race, national origin, gender, religion, or ethnicity. In addition, except in the situation described below, officers will not, to any degree, use the race or national or ethnic origin of drivers or passengers in deciding upon the scope or substance of any action in connection with a traffic stop or a checkpoint or roadblock stop. Where officers are on the lookout for, or are seeking to stop, detain, or apprehend, one or more specific persons who are identified or described in part by race or national or ethnic origin, officers may rely in part on race or national or ethnic origin in taking proper action."

Systems & Technology

The Department must address gaps in data collection and analysis across key aspects of the organization.

These gaps are primarily in uses of force, crisis intervention, and community policing. They rely on key data systems that should be replaced or modified to fully capture data from officer-civilian interactions. The lack of data on pedestrian stops, voluntary contacts, and vehicle passengers exemplifies this need. The recommendations enclosed in this report provide the Department with a path forward to develop a comprehensive analytic infrastructure.

The Department must expand its analytic capacity by hiring additional analysts whose work would focus on strategic and management analyses. These analysts and their work should be incorporated into CompStat meetings and managerial decision-making. This expanded analytic capacity should also support the collection, management, analysis, and reporting of key data such as police stops, community engagement, crisis intervention, uses of force, human resources, and internal affairs. They must also ensure that their new records management system is able to capture all key data in machine-readable fields and ideally be integrated with other key reporting such as that for uses of force, arrests, and crisis interventions. Additionally, they should begin to use its computer-aided dispatch system's secondary call code in order to fully comprehensively capture its calls for service data. These steps will allow the Department to generate a more comprehensive understanding of its officer-civilian interactions, which should ultimately be shared on Montgomery County's open data portal.

Overview

AH Datalytics conducted a virtual site visit to determine the Department's capability to use data analysis to drive management decision making and support open data engagement with the community.

This needs assessment set out to evaluate:

- How data is used in MCPD

- What datasets or data points are needed to achieve the goals of the Department

- What datasets or reports are missing or needed to address the gap

- How data will be accessed to create reports

- How reports will be accessed and used

The process for drafting the needs assessment included: Engaging and gathering requirements from police leadership, field supervisors, officers, and other relevant stakeholders; Documenting critical uses of data for the management needs of the Department; and understanding the existing functions of the various units within the Department that undertake analysis, what software and approaches are used currently, and challenges facing those units. The findings and recommendations follow.

Analytic Capabilities

The Department's analytic capabilities are spread throughout the Department and focus on tactical rather than strategic or management analytics. Data analysis is primarily located within the Crime Analysis Section, Policy and Planning Division, and Information Management and Technology Division (IMTD). Overall, Department analysts are restricted by incongruent data systems and decentralized analytics. Personnel describe the Department's data collection and processes as archaic and reliant on manual workarounds. Current analytical capabilities appear to be solely directed at operational or tactical analysis. It is unclear whether any data or analyses support strategic policing or managerial decision-making. We did not witness any evidence of this practice throughout the scope of this study.

The IMTD oversees MCPD's technology and information systems and consists of the Field Services Section, Records Section, and Technology Section. The division appears to have competent staff that is able to overcome some of the Department's data and analytic deficiencies through manual workarounds. For example, the Department's lead programmer and database architect (DBA) performs the critical task of joining data from disparate systems to make their data usable. Competent, but limited, staffing caused long delays in obtaining information. This sole staff member also creates reporting systems, dashboards, and fulfills open records requests. It is our understanding that the majority, if not all, of their key analytical processes rely on this sole staff member's work. A Police Commander expressed concern about what the Department would do if this staff member were to leave given that they are the only person who can manually analyze certain key data; this creates the concern of a "single point of failure". This is a significant vulnerability given that the majority of the Department's key analytical work appears to be manual. The Department's self-identified reliance on its lead programmer and DBA signals a need to institutionalize analytical skills and capabilities.

The Crime Analysis Section is a decentralized unit with analysts embedded within the units they support. The section has an analyst in each District's Detective Section as well as traffic, violent crime, and headquarters analysts. The analysts assist with open investigations by providing general case support, suspect target workups, and victimology. They also provide traffic, communication, and association analysis. Their day-to-day work is managed by their respective supervisors who report to the Crime Analysis Section manager. The analyst manager provides training, overall strategy, and focuses on creating products that enable the rest of the Department to be more self-sufficient.

The Department has a CompStat meeting infrastructure in which leadership uses data provided by analysts and IT personnel to inform police operations. These meetings appear to be solely focused on tactical or operational data and do not include management or strategic analytics. Department personnel expressed that the data used in these meetings is often listed with no context and that often "eyes get glazed over". Personnel stated that community engagement data is sparsely included in CompStat meetings and the data that is included represents activities, such as the number of hours spent or officers involved in community engagement, rather than the outcomes derived from these activities.

The Policy and Planning Section conducts regular data analysis. This relies on two planners to produce annual reports on uses of force and vehicle pursuits. Other regular analyses produced by this group include assisting with: facility planning, workforce analysis, and strategic planning. When conducting workforce analysis, the Planning Section uses an off-the-shelf software program called JusticeX.

This program helps the Department assign their use of time but does not offer insight into how their time should be spent. Such insights are a hallmark of data-driven management in a 21st century police Department.

Recommendations:

- **The Department should hire additional analysts** to augment its lead programmer's work and train existing personnel in how to develop, maintain, and use needed data products. MCPD's human capacity is the most significant barrier to developing a comprehensive analytic infrastructure.
- **Additional analytical capacity should be focused on producing strategic and management analyses.** These analyses should be incorporated into CompStat and management decision making processes.
- **The Department should involve analysts and their data products in regular management meetings such as CompStat.** Leadership will need guidance and support on how to use these data products to inform daily and high-level decision-making once the Department develops a comprehensive analytic infrastructure.

Calls for Service

The Department uses a computer-aided dispatch (CAD) system called Motorola Premier One to capture its calls for service. Overall, the system is well set up to capture data. The system allows for secondary call codes to denote whether calls are related to secondary issues such as mental/behavioral health concerns, weapons, or domestic violence. The Department does not use secondary call codes, which limits their understanding of policing activities via calls for service. This particularly affects their ability to fully capture mental/behavioral health calls for service that are often not represented in primary call types.

Recommendation:

- **MCPD should establish new policies, processes, and training for dispatchers to begin using their CAD's secondary call code.** This is a critical step towards ensuring that MCPD is comprehensively and accurately capturing calls for service data, which is needed to inform management decision-making. This recommendation was also put forth in a review of MCPD by the non-profit organization Effective Law Enforcement For All (ELEFA).[1]

Crime Incidents and Arrests

The Department collects and maintains incident reports in its record management system (RMS) called E-Justice. The RMS has deficiencies that impede comprehensive data collection. The system lacks dedicated fields for information that is consequently included in the system's narrative portions. Data in the narrative text is not machine-readable or conducive to analytics. IMTD personnel manually extract data from the narrative text, which is a time-consuming and inefficient task that is also prone to human error. This makes routine processes such as classifying crimes cumbersome and inaccurate. The RMS suffers from data quality issues such as duplicated individuals, misspellings, and code changes, all of which create more manual work and hamper the Department's analytic capabilities.

Department personnel acknowledge these deficiencies and they are working towards replacing their RMS. The deficiencies of the current RMS will make interim solutions difficult to develop but will be necessary as the Department continues to move towards the use of automated dashboards, reporting, and overall comprehensive analytics.

Department personnel said that data collection is often impeded by a lack of business processes rather than an information system's actual capacity. This barrier to comprehensive data collection further exhibits the need for additional analysts assigned to supporting personnel in developing, implementing, and managing such processes.

Department arrest data is maintained in the Correction and Rehabilitation Information Management System (CRIMS). This database produces the Daily Arrest dataset available on Montgomery County's open data portal.[2] The dataset does not include the race/ethnicity or gender of arrested individuals and only holds data for 30 days.

Recommendation:

- **The Department should continue to procure a new RMS and ensure that it is able to comprehensively collect data in such a manner that is conducive for analytics.** The new RMS should have dedicated fields for all relevant data points and the ability to validate geocoded addresses. Ideally, the new RMS would be integrated with other critical data such as use of force reports, crisis intervention reports, and arrest data.

Stops and Searches

The Department maintains data from traffic stops, searches, traffic collisions, and field interviews in a state-based data system called Delta Plus. This system can collect and maintain field interview data that is commonly used for stops of suspicious persons and individuals. During interviews with personnel regarding field interviews, staff members did not know or understand the full capabilities of Delta Plus (for example, expressing that it did NOT capture certain information, which it does). Some staff members were unable to articulate what Delta Plus is designed to capture or how often that information is collected. Some expressed, for example, that Delta Plus is unable to capture data from pedestrian stops and voluntary contacts. Delta Plus does, in fact, capture data for pedestrian stops. Additional training may ensure all officers are aware of this capability.

The Department does not collect this data in any computerized system, which is a significant gap in data collection and analysis. Data on traffic stops includes information on searches such as a search's legal basis and outcome. However, this data does not fully represent officer-civilian interactions during stops and searches because the Department only collects data on the vehicle's driver and not on other passengers. The Department has noted that requiring the collection of data on all occupants may increase the potential for conflict, particularly if occupants would be less than happy to provide such information to officers when they haven't committed or been a part of any violation.

This gap, however, does make it relatively impossible to build a comprehensive understanding of officer-civilian interactions, including civilians' demographics and the outcomes of these interactions.

Officers are not required to collect data on all stops based on reasonable suspicion which is another significant gap in the Department's stop, search, and arrest data. Officers may collect details on reasonable suspicion stops in a field interview section within Delta+, but this data is entered into a narrative field that is not conducive to analysis. Other stop data may be collected in E-Justice if a citation is given, but this collection is limited as well. The extent to which this data is collected is unclear given that different information is collected across multiple systems and is stored in different databases. Due to these limitations, historical data does not provide a comprehensive understanding of this officer-civilian interaction. The extent to which this data is made internally available for analysis is also unclear.

Recommendations:

- **The Department should create internal processes to ensure that key data on all reasonable suspicion stops are captured in an appropriate single database.**
- **Further, the Department should conduct regular analyses of its traffic stop data.** They should make this analysis and the accompanying raw data publicly available in efforts to increase transparency and trust with the community.
- **These recommendations are aligned with that of Montgomery County's Reimagining Public Safety Report** which calls for enhanced collection, use, and availability of racial equity data.[3,4]

Community Engagement Division

The Community Engagement Division (CED) oversees the Crisis Response Support Section, Community Outreach, Community Engagement Officers, and the Peer Support Section.[5] The CED demonstrated an interest in collecting and using data but struggles with capturing activities regarding problem-solving, community outreach, engagement, and CEOs. This is a challenge many police departments struggle with.

While the CED is trying to capture CEOs activities and interactions beyond arrests, arrest data is based on self-reporting and differs from the arrest data collected by schools. This further suggests that the CED's difficulties regarding data collection and use extend beyond capturing non-traditional policing data. Overall, the CED needs support to cultivate a data strategy and manage its data collection and use. The CED acknowledges these difficulties and has expressed a willingness to collaboratively find paths forward.

Crisis intervention data is more straightforward with strong collection practices in many departments across the country.[6] Local stakeholders have suggested different ways MCPD could collect and use crisis intervention data to inform operations, yet crisis intervention data remains in need of significant improvement.

Crisis Intervention

The Department's crisis intervention data collection, management, and reporting are in need of significant improvement. The Crisis Intervention Team (CIT) Unit does not use data or analytics to inform strategy or operations. Its work has been self-described as being "reactive" to incoming calls and referrals. The CIT Unit does not have a comprehensive understanding of the number of CIT trained officers, incoming calls and referrals, or any other key data points related to their work. Additionally, the CIT Unit does not use any data to evaluate performance. The lack of CIT data hampers not only the Department's mental/behavioral health response but that of Montgomery County's as well.[7]

The Department does not comprehensively track CIT call data. Calls coded as mental/behavioral health in CAD are the primary source of CIT call data. However, as noted earlier in this report, the Department is not currently using the secondary call code, which limits the Department's and community's understanding of mental/behavioral health calls for service. This limited understanding further impacts staffing, training, resource allocation and decision-making in the Department and with other first responders and mental/behavioral health agencies.

CIT officers are supposed to complete a CIT form after the completion of every mental health-related call. This form is a Microsoft Word template, which makes it very difficult to use in analytics in any automated or efficient manner. It is unclear how often this form is filled out but a departmental review from the group Effective Law Enforcement For All (ELEFA) noted that the Department had not completed a CIT form in the two years prior to the publication of their report.[8] Without accurate data on the number of CIT calls or dispatches, the CIT Unit is unable to identify how many forms should be completed and by whom. The ELEFA report notes that the current form is lacking critical data points as well.

The Department does not have accurate or readily accessible data on how many officers are CIT trained and/or certified. The CIT Unit is responsible for managing CIT training records, which differs from other training records that are managed by the Academy. Training records must be maintained in a centralized location to readily inform staffing and personnel decisions.

The state of CIT's data collection, strategy, and use have not yet improved despite practical recommendations from external stakeholders such as ELEFA and Montgomery County. This may further exemplify the need for MCPD to augment its analytical capacity.

Recommendations:

- **The Department should begin using the CAD's secondary call code** to accurately and comprehensively capture mental/behavioral health calls for service. This data is critical to not only informing CIT training, staffing, strategy, and overall performance but that of external health agencies and County programs as well. This recommendation is aligned with the findings from ELEFA's Review.[9]

- **The CIT form should be made available in a format that allows for the data to be exported and analyzed.** This can be done similarly to any other data collection instrument either through the new RMS that the Department is working to procure, or other software that can ensure this data is collected in a machine-readable manner.

- **The CIT Unit should collaborate with Montgomery County stakeholders** to ensure its CIT form is collecting the necessary key data points.

- **The CIT Unit should share CIT training records with the Training Academy.** The Academy should hold all personnel training records in a centralized location.

- **Once the Department is collecting comprehensive CIT data, this data should be included in the County's open data portal.** Regularly sharing CIT data with the public and key stakeholders will be a critical step towards addressing the information silos and the need to expand data collection in this area, as was identified in Montgomery County's Reimagining Public Safety Report.[10] This recommendation is also aligned with ELEFA's recommendation to share data reporting with key stakeholders.[11]

Problem-Oriented Policing

Department personnel expressed that all officers are expected to perform problem-oriented policing activities and that, while many do, these activities are not documented. Annual performance reviews are supposed to track officer performance in this regard, yet rarely do so. Community Engagement Division personnel believe that problem-oriented policing needs to be better structured and tracked.

Community Engagement Division

Department personnel state that the goal of its community engagement activities is to build positive community relationships. Its activities are typically outreach-oriented such as attending events and speaking with community members. The Community Engagement Division (CED) acknowledges the importance of orienting its activities around data and suggested that doing so would help establish their relevance in the Department. The division struggles, however, with capturing traditionally non-quantifiable data such as positive interactions and community trust. Further, it appears they may lack the ability to capture POP (Problem Oriented Policing) projects, and to measure their effectiveness. (i.e. What was the problem and what resources were used to fix it? Did it impact a reduction in calls for service, etc.?)

School Resource Officers (Now Community Engagement Officers)

MCPD tracked SRO arrests and civilian contacts. Arrests were self-reported by SROs and differ from the arrest totals reported by the schools. Schools are ultimately responsible for reporting arrests to the state but the difference in SRO and school collected arrest totals cause significant concern. The CED recently began collecting information on SRO contacts using a new form that is designed to capture SROs activities, with whom they are conducted, and for how long. The CED reiterated the challenge of tracking non-quantifiable data, however, what those non-quantifiable data is was not clearly articulated. The community has faced many frustrations related to the presence or re-alignment of the SRO program throughout this review of MCPD, and the topic has been a key area of public and political discussion, continuing to shift during the course of this review.

Recommendations:

- **MCPD should hire analysts or assign existing personnel to support the CED's data strategy, collection, and use.** The CED needs support in identifying what data to collect, how to collect it properly, and how to use it to inform its community-oriented and Community Engagement Officer (CEO) activities. Collecting, evaluating, and using data on problem-oriented policing is a critical component for the successful implementation of any community policing program.

- **Once MCPD is accurately collecting and using CED data, MCPD should integrate said data into departmental meetings** such as CompStat and regularly share this data and subsequent analysis with the community.

The topic of School Resource Officers has been a key area of public and political discussion and continued to shift during the course of this review.

Uses of Force

Reportable force events are documented on an electronic form through an in-house program created by MCPD's lead programmer and DBA. The electronic form was designed to mimic the pre-existing paper form and is able to provide comprehensive workflow and data tracking for internal management purposes. MCPD personnel expressed concerns about whether this form is collecting the necessary data to allow for meaningful analysis of the Department's uses of force.

The collected data is exported into Microsoft Excel where it is then analyzed by MCPD personnel. Data analysis is manual; mostly limited to pivot tables, and according to MCPD personnel, relies on "the human eye". MCPD personnel expressed concern that this manual analysis may fail to identify key insights that would be otherwise identified or automatically reported on by computer software.

MCPD publishes an annual report that analyzes use of force trends by subject demographics, officers' police district, and other variables. The report only offers summarized data. MCPD does not publish raw-level use of force data on its website or the County's open data portal. Thus, entities trying to analyze MCPD's use of force data, such as the Reimagining Public Safety Committee, may have limited access to the analysis included in the annual report, which is insufficient for a comprehensive and independent analysis.

Recommendations:

- **MCPD should develop automated analytic products to internally visualize and analyze its use of force data.** These products will help MCPD officers to identify and understand trends and patterns, reduce the time spent preparing analysis, and regularly distribute data to Command Staff. These products can be built using Power BI similar to emerging products developed by MCPD's IMTD. Additionally, a public-facing, pared-down use of force data dashboard could replace MCPD's time-consuming annual reporting process.

- **MCPD should also publish anonymized use of force data to Montgomery County's open data portal to help the public better understand when MCPD uses force, upon whom, and what happens during those interactions.** This is a critical step towards enhancing transparency and trust with the community.

Internal Affairs

MCPD maintains internal affairs (IA) data, predominantly misconduct complaints, in professional standards software called IAPro. The IA's Office Service Coordinator (OSC) is responsible for the system's daily management, including data entry and exports. Currently, IAPro lacks integrated and broad reporting capabilities that results in personnel having to export data into Excel spreadsheets to prepare necessary reports. IA personnel require assistance from IMTD personnel to access data within IAPro that is not commonly used. Weekly reports on open investigations are manually created in Word documents despite IAPro having this capability. IA personnel have noted frustrations with IAPro such as the inability to change the terminology to better reflect MCPD processes as well as an overall lack of user-friendliness.

Recommendation:

- **MCPD should integrate the information that IA typically reports on into automated dashboards.** These dashboards would reduce personnel time spent on routine tasks and communicate key data in a more intuitive and engaging manner. The dashboards should reflect MCPD terminology rather than the terminology used in IAPro in order to create sustainable access to key data.

Training

MCPD's Training Academy stores curriculum and lesson plans in PowerDMS, individual training data in a law enforcement training management system called Skills Manager, and training attendance in an external spreadsheet. The Training Academy does not track CIT training or external training received outside of MCPD (such as at a law enforcement conference). We understand that CIT training data and other training information can be stored in Skills Manager.

Recommendation:

- **MCPD should analyze and publicly report on key data such as pass/failure rates and the number of training hours completed.** This recommendation is aligned with that of Montgomery County's Reimagining of Public Safety Report.[12]

Human Resources

Human Resources (HR) data is stored internally by MCPD's Personnel Division and externally by Montgomery County. MCPD extracts general HR data from the County's Oracle system and maintains it in an internal spreadsheet. This data is used to generate several monthly reports that include information on hires and separations, personnel ethnicity and gender, and personnel actions such as assignments, promotions, and transfers, among other data. It should be noted that while performance evaluations were not within the scope of this study, interviews with MCPD personnel revealed that the Department does not have a system for flagging missing performance evaluations and that years pass between performance evaluations for some officers.

Recommendation:

- **The Department should implement a system for flagging missing performance evaluations** and that time passed between performance evaluations of its personnel.

Hiring and Recruitment

Hiring is a County-level process at MCPD. Initial applications are sent to the County's Oracle system that captures initial applicant data. This data appears to be sufficient for MCPD's internal monthly reports. MCPD's Personnel Division's internal processes are tracked on a spreadsheet, such as where an applicant is in the application process.

Overtime

Hiring is a County-level process at MCPD. Initial applications are sent to the County's Oracle system that captures initial applicant data. This data appears to be sufficient for MCPD's internal monthly reports. MCPD's Personnel Division's internal processes are tracked on a spreadsheet, such as where an applicant is in the application process.

Recommendation:

- **MCPD should develop custom automated reports or dashboards to track key HR data, including data related to recruitment and applications.** Such reports or dashboards can augment the existing use of data to track HR performance and should be modeled after the reporting of overtime data.

Open Data

Montgomery County has developed an open data website (data.montogomerycountymd.gov), allowing the public to access datasets and create data visualizations. MCPD offers several datasets through this portal such as Daily Arrests, Traffic Violations, Crime, and Police Dispatched Incidents.[13] These datasets are updated daily. However, as was noted earlier in this report, the Daily Arrest dataset does not include the race/ethnicity of arrested individuals, which is a critical data point when reporting on any officer-civilian interaction, particularly arrests.[14] The absence of race/ethnicity in this dataset was also noted in Montgomery County's Reimagining Public Safety Report. Additionally, the crime incident dataset does not include any victim demographic information such as age, gender, or race/ethnicity. Such data is critical for understanding crime trends across demographic groups and for informing public policy decisions. This is another significant gap in MCPD's data reporting.

MCPD's lead programmer and DBA interfaces with Montgomery County's Technology Department to update these datasets regularly. This staff member is also responsible for providing data in response to public information requests. MCPD should include regularly requested information on Data Montgomery to facilitate common requests and further promote transparency, including data about the use of force, misconduct, pedestrian stops, and officer-involved shootings.

Recommendations:

- **The MCPD should expand its open data by publishing anonymized use of force data and eventually, more comprehensive stop and search data, crisis intervention data, and community policing data.** These datasets should be anonymized, disaggregated, and include key demographic data such as race/ethnicity. MCPD should also include the race/ethnicity of arrested individuals in its Daily Arrests and Crime Incidents datasets. This need was also identified in Montgomery County's Reimagining Public Safety Report.[15]

- **MCPD's open data repository could be further improved by building visualizations and interactive dashboards that display data in a more intuitive format.** Examples MCPD could follow include: Ferguson (Missouri) Police Department, Clemson University Police Department, Tucson (AZ) Police Department, or the Seattle Police Department.

Early Warning & Intervention System

Maryland state law now requires each department in the state to create an "early intervention policy" for tracking complaints to identify an officer who may exhibit a pattern of actions or behavior in order to provide intervention.

The MCPD "Early Warning Intervention System" is apparently created to satisfy the state requirement. The initial early warning systems were designed to identify officers who exceeded specific thresholds so supervisors could review the officers' behavior to determine if corrective action was necessary. Much has changed over the past 20 years. Surpassing a threshold does not necessarily imply an officer performed poorly. In policing, the term warning implies that the department must be alerted to some officer wrongdoing in order to correct the behavior. The United States Department of Justice, Office of Justice Programs, (NCJ Number 188565) dated July 2001, and authored by Samuel Walker; Geoffrey P. Alpert; Dennis J. Kenney, described early warning systems "…as designed to identify police officers who may be having problems on the job, and to provide those officers with appropriate counseling or training."

An EWIS is a computerized database of police officer performance indicators, including uses of force, citizen complaints, arrests, traffic stops, officer discipline records, use of sick leave, and others. Each department (or the negotiated consent decree) can determine how many and which indicators to incorporate into its system (Sam Walker).

Although meeting the basic requirement established by the state, early warning systems generally include much more information than citizen complaints. The MCPD should rename their system to "Early Intervention System." Many agencies refer to an early intervention system rather than an early warning system, since any "warning" would be followed by an intervention. A complete early intervention system includes considerably more officer performance measures than citizen complaints. Citizen complaints systems, referred to as early warning, were a good start in the early to mid-1990's, but they do not include enough information to constitute a more thorough intervention system. A fully integrated system is complex, has alerts, leads to documentation, and circles back to supervisors.

The MCPD EWIS is based on a third complaint within 12 months to notify a supervisor to meet with an officer to counsel the officer ("early warning"). MCPD Policy 306, IV, 3 states the supervisor can determine which action (Training, stress-management, peer support, etc.) can be employed to address the officer's performance. These are methods, in addition to counseling, that should be available.

The MCPD EWIS policy states a counseling memo will be completed following the supervisor meeting with the officer. Interventions to improve officer performance can include counseling by supervisors about the officer's performance, retraining on areas of police conduct where a problem seems to exist, or professional counseling to address an officer's personal problems e.g., substantive abuse, family issues (Same Walker). Counseling should not be confused with every possible effort to address officer performance.

The policy states the counseling memo will remain in the officer's file for 12 months. If the counseling memo is redacted from an officer's file after 12 months, there will not be any record of supervisory efforts to address an officer's performance. This part of the policy has the potential to erase all department actions to address deficient performance when the "counseling memo" is redacted from the officer's file. There is the potential that erasing all department efforts to modify officer performance will leave the department liable later since there will not be any evidence of any corrective action when the supervisor, and the department, either knew of or should have known of officer unacceptable performance. All supervisor and department efforts to modify an officer's unacceptable performance should be documented and maintained indefinitely. Changes to this process may be impacted by the CBA.

The MCPD may consider strengthening its EWIS memo records retention; the memo should be maintained indefinitely to indicate ongoing efforts to impact an officer's performance. (Once the memo is redacted from the officer's file, the officer and the union may claim it never existed. If this is a requirement of the collective bargaining agreement, efforts should be initiated either through bargaining or state law to change the requirement.)

Enhancing the Early Intervention System

MCPD has a basic Early Warning & Intervention System (EWIS) in place, but it needs to be more robust. For example, if the IAD director only may rely on memory to initiate an inquiry once an employee reaches the 3-complaints-per year threshold; this is clearly a "single-point-of-failure" system. An EWIS system would provide a more reliable flagging system. During the on-site visits, MCPD was open to an EWIS process in order to assist the Department in accountability and oversight.

Although this "early intervention system" is a start to tracking officer performance and taking supervisory action when needed, the system should be expanded. The MCPD should establish thresholds for additional EWIS performance measures that could be either number driven (1, 2, etc.) or determined by standard deviations (one standard deviation or two standard deviations). Early intervention systems need additional thresholds to identify officer performance in need of supervisory attention.

Each EWIS system utilizes a formula for identifying officers with patterns of problematic conduct. A peer officer comparison system is widely used. In this approach, officers are identified because they have higher numbers or problematic indicators than other officers working the same assignment.

Having a system to help identify officers in need of assistance is a benefit to the officer, the officers working the same shift and duty assignment, the officer's supervisors, the police agency, and the community the officer serves. Implementing an Early Intervention Policy also provides direction for periodic reviews of officer performance. Further an EWIS system and policy are important tools that provide considerable options to address a struggling officer's needs. Having an early warning & intervention system is a benefit to the officer, the Department, and the community. The more information the EWIS can make available to the supervisor, the more effective the system will be and the more valuable it will be to the officers and the Department.

Recommendation:

- **The MCPD should have an Early Intervention System to help identify at-risk officers.** Maryland Senate Bill 71 Sec. 3-516 mandates all law enforcement agencies have an early intervention system. This law goes into effect July 1, 2022.

A well-developed system, including key performance measures, would include initial costs, however if the system is used to its full potential the Department will save in several ways including:

- Department Efficiency - enhanced efficiency by identifying the high-performing officers and placing them in the right positions, which can result in producing better work with fewer personnel.

- Reduced Costs Related to Personnel Actions - early warning & intervention can identify officers who need assistance by providing their supervisors with an alert for significant incidents. Supervisors should be compelled to take employee actions and provide reports when they conduct their required quarterly review of data. Costs can be saved through fewer disciplinary cases, and addressing poor performance before the officer gets to a point of termination can save careers.

- Reduced Costs in the Community - EWIS can identify troubled or poor-performing officers and ensure supervisors take corrective action to prevent expensive claims and lawsuits. Better performing officers also lead to better interaction with residents providing greater value.

To have a premier EWIS, an agency would need to include all the following information.

- Awards
- Promotions
- Arrests*
- Discretionary Arrests (disorderly conduct, public intoxication, obstructing, interference with officer/administration of law)
- Traffic Stops*
- Vehicle Pursuits*
- Search/Seizure*
- Subject Resistance*
- Weapons discharge (intentional and unintentional)*
- Petition for emergency evaluation
- Training records
- Transfers
- Secondary employment
- Officer injury
- Criminal investigations*
- Civil Claims and Lawsuits*
- Citizen Complaints*
- Suspensions
- Disciplinary action
- Unauthorized leave
- Sick leave*
- Vehicle collisions*
- Mandatory counseling*
- Missed court appearances*
- Loss of Equipment*
- Officer subject to restraining order*

Essential data, the minimum performance measures of an early intervention system to identify officer performance problems.

Bias-Free Policing & EWIS

Biased policing is a grave concern for any Department. Agencies should make every effort to ensure they track and review all officer interactions that could lead to a claim of biased policing. All the following police actions should be documented and include the race and sex of the person stopped by each officer. The accumulation of data regarding sex and race can help the Department identify instances where the Department may want to take action and to provide evidence to the community that the Department considers bias-free policing serious enough to track, monitor, and address areas of concern: traffic stops, arrests, discretionary arrests, subject resistance incidents, search and seizure incidents, vehicle pursuits, weapons discharge (intentional), lawsuits, claims, and citizen complaints.

In the event a complaint of racial bias is received against any officer, any Detective or supervisor assigned to investigate the complaint has access to a wide range of police actions to assist in determining whether there is any indication of a history of actions taken by any officer against any particular group of citizens. Of course, that information can only be gauged if compared to the officer's peer group to ascertain if the percentages of each action, such as in arrests, is similar to the percentages of the officer's arrests.

Recommended Early Warning & Intervention System

This report provides only a basic explanation of key elements of a premier early warning and intervention system. Less inclusive systems can be nearly as effective but only if they contain the critical components needed to make effective decisions regarding both exceptional and troubled employees. In addition to the information needed to make knowledgeable assessments of employee performance, it's critical to know how to use the information and to incorporate comprehensive procedures to ensure the data isn't wasted. Proper training, documentation, and procedures are necessary for an effective EWIS.

A Department may opt to include only portions of the above listed data. However, a Department should include a minimum to identify officer performance problems (i.e. arrests, criminal investigations, weapons discharge, etc.). Each of these indicators can be indicative of an underlying crisis, especially when they are accompanied with other indicators in other performance measures. This data can help identify "at-risk" officers.

Alerts

Alerts should be automatically delivered electronically to supervisors when actions in any of the performance measures exceed the thresholds established for those areas. The Department should determine the thresholds. Suggestions are listed in the following two groups of alerts.

Alerts should be provided in one of two categories, possibly identified as a "yellow" alert and a "red" alert. Yellow alerts should inform supervisors a threshold has been passed and a red alert should inform supervisors when a significant threshold has been passed.

For the first group of alerts, a yellow alert would notify a supervisor if an officer had one instance of any activity listed of any activity recorded in the first list during the prior quarter. Each of these incidents is important although they do occur occasionally. A red alert would notify a supervisor if an officer had two instances of the same type in any of the following during the prior quarter.

Supervisors have options to recommend to their superiors by using the EWIS data and their own training and experience to suggest the following actions.

- **Award:** If the supervisor genuinely is convinced the EWIS data identifies superior performance and can explain those reasons, the supervisor should recommend some type of positive reinforcement such as a unit citation or Department commendation. Continued exceptional performance for several quarters should provide officer recognition as officer of the month/quarter/year or other accolade.

- **No action necessary:** If the supervisor determines the data identified acceptable performance, the supervisor should recommend no action is necessary.

- **Monitoring:** If the supervisor is unable to determine if the data may indicate an officer experiencing difficulty, the supervisor should provide monitoring. Monitoring should be defined as an identified number of occasions the supervisor physically observes the officer's performance whether it be as backup on a traffic stop, backup on a call for service, more periodic reviews of the EWIS for the officer, or other deliberate actions to observe the officer's performance. Specific direction as to the number of occasions should be provided to supervisors such as 20 or 30 incidents of monitoring in a three-month period.

Documentation

All supervisor/subordinate meetings should be documented and be considered when completing the quarterly reviews and when completing performance evaluations. Quarterly reviews should be documented on a Department form to be forwarded to the supervisor's superiors and for presentation at a quarterly command staff meeting.

Training & Command Staff Meetings

Training should be provided to officers so they understand what the early warning & intervention system tracks and how the supervisors will use the system when the supervisors receive alerts and when they complete their quarterly reviews.

Supervisors should be provided a manual and receive training from the manual explaining how the supervisors should review and process alerts. In addition, they should be instructed how to perform quarterly reviews searching for patterns, how to document their review, and how to make proper recommendations according to their findings.

Managers should receive the same training as supervisors so they understand what the supervisors are analyzing and how they are expected to provide the managers with meaningful recommendations regarding officer performance. The managers will need to understand how the quarterly command staff presentations are conducted. They will also need to understand the reasons for the meetings which are to 1) inform all command staff members of the performance of employees they may be receiving, 2) to ensure there is consistency in addressing employee performance within the Department, and 3) for younger command staff members to learn from the experiences of more experience personnel and the chief.

Command staff meetings should be scheduled quarterly. There should be mandatory attendance by section/district commander or their delegate. The delegate should be prepared to present the quarterly report.

The entire EWIS will be only as effective as the dedication and professionalism demonstrated by command staff members at this meeting. Further, having the most comprehensive early warning & intervention system will not be useful unless the supervisors understand how to use it and procedures are in place to ensure there is proper follow through. A complete EWIS system should include procedures to ensure the data provided to supervisors has been viewed and appropriate recommendations were made.

Education & Training Overview

The Montgomery County Police Department (MCPD) has excellent training facilities and committed professional training staff and meets and/or exceeds all of their training mandates for the Police Academy, in-service, and various training programs.

However, as acknowledged by the Academy Director, there is always room for improvement and certain human relations training topics such as fair and impartial policing, procedural justice, bias free, and community policing and engagement need refinement. Other areas for improvement are curriculum development, scenario-training and testing, re-sequencing of Academy curriculum, and the need to provide more university-level academic focus by hiring a civilian Director of Academics (PhD) to oversee the transition to a "Guardian" police philosophy on the MCPD.

These gaps are primarily in uses of force, crisis intervention, and community policing. They rely on key data systems that should be replaced or modified to fully capture data from officer-civilian interactions. The lack of data on pedestrian stops, voluntary contacts, and vehicle passengers exemplifies this need. The recommendations enclosed in this report provide the Department with a path forward to develop a comprehensive analytic infrastructure.

The Department must expand its analytic capacity by hiring additional analysts whose work would focus on strategic and management analyses. These analysts and their work should be incorporated into CompStat meetings and managerial decision-making. This expanded analytic capacity should also support the collection, management, analysis, and reporting of key data such as police stops, community engagement, crisis intervention, uses of force, human resources, and internal affairs. They must also ensure that their new records management system is able to capture all key data in machine-readable fields and ideally be integrated with other key reporting such as that for uses of force, arrests, and crisis interventions. Additionally, they should begin to use its computer-aided dispatch system's secondary call code in order to fully comprehensively capture its calls for service data. These steps will allow the Department to generate a more comprehensive understanding of its officer-civilian interactions, which should ultimately be shared on Montgomery County's open data portal.

This Section provides a final set of observations and identifies actions taken by the MCPD to address the preliminary recommendations on training outlined in the Effective Law Enforcement for All (ELEFA) "Reimagining Public Safety" Report, dated June 21, 2021. The Final Report continues to focus on the following training programs: recruit training (Academy), in-service training, supervisory training, field training officer (FTO), de-escalation, community policing, and cultural diversity and bias free policing. All new lesson plans and/or policies implemented since the release of the preliminary report were reviewed and will be commented upon in this Final Report.

To conduct this review, a request was made to MCPD to forward all training-related policies, procedures, manuals, lesson plans, testing protocols, training calendars, etc. for review. The appendix provides more detailed information regarding the specific policies and training documents reviewed.

ELEFA conducted a site visit to Montgomery County, Maryland in conjunction with this review. During this visit MCPD training was observed for four consecutive days. We specifically chose this week as MCPD was conducting scenario-based training for in-service on de-escalation and Academy training on use of force and constitutional law. The review aimed to develop recommendations for enhancing training and providing best practices for training, specifically to evaluate training in community policing including problem-oriented policing, stop/search/arrest (SSA) particularly in traffic stops, bias, culture diversity, use of force, firearms and less lethal weapons, crisis intervention, de-escalation, vehicle pursuits, and defensive tactics, with attention to racial disparity and improving bias-free policing. Officers were noted to have interest in additional training, such as DUI since driving under the influence was on the rise, and REID (John E Reid and Associates) training to improve interview/interrogation skills. Additional training requests have been challenging to meet due to both funding and staffing shortages. This section summarizes key recommendations, and actions taken since the 2021 preliminary report.

Recruit Training Overview

The MCPD Academy provides excellent training to its recruit officers and prepares them to be certified police officers in the State of Maryland. The curriculum is mostly lecture-based in the classroom with some scenario-based training in the CityScape facilities that mimics real world incidents. Practical application training to teach and then reinforce psychomotor skills are taught. MCPD does need to improve their scenario-based training and testing capabilities and specifically develop curriculum that can not only address tacticals skills needed, but equally important, address human relations factors that the recruits will encounter in the field. MCPD acknowledges that they need to improve in these areas and have begun the process to implement changes.

Final Observations and Actions Taken

- The MCPD manages a regional Police Training Academy that provides basic recruit training to several smaller law enforcement agencies within Montgomery County, Maryland. The main purpose of the Academy is to provide the basic skill sets required to become a State of Maryland certified police officer per the Maryland Police and Correctional Training Commission (MPCTC).

- The Academy successfully fulfills its primary mission, which is to provide basic recruit instruction and prepare its students to pass the MPCTC final exam and obtain a State of Maryland police officer basic certificate. The Academy is located on a large training site that serves as the Academy training center for both the Police and Fire Departments. The site is very impressive with college-campus style professional classrooms and sufficient technology to effectively teach its recruits.

- The training center site has an Emergency Vehicle Operations Center (EVOC) vehicle training track, which is rare for an agency of this size. It also has a CityScape layout of buildings that it uses to provide Reality-Based and Scenario-Based Training.

- The Academy provided 945.5 hours of instruction for its Academy class session No. 69. This number of instructional hours surpasses the MPCTC minimum requirement to provide recruits with 750 hours of instruction. The Academy also surpasses MPCTC sub-topic instructional requirements (firearms, crisis intervention, etc.).

- The Academy is highly structured with most training days beginning with classroom instruction on various learning domains (values and ethics, legal, community policing, criminal investigations, etc.) and ending the day with defensive tactics and physical fitness. The Academy instructors are well trained and clearly understand how to conduct learning activities such as role-play scenarios. The Academy staff takes pride in providing the best possible training to its recruits.

- The Academy obtains its curriculum from different sources such as the MPCTC, and various Federal and respected law enforcement agencies. Academy instructors are taught to write curriculum and add any agency-specific training requirements such as Department policies into the lesson plans.

- The Academy has a prosecutor from the State's Attorney's Office assigned permanently to its training staff. This allows the Academy to provide exceptional constitutional law training.

- The Academy has an orientation program that is given to recruits directly after graduation. This program exposes recruits to more bias-free and cultural diversity training by touring the African American Museum and the Holocaust Museum. The orientation program also provides more psychomotor skills training in firearms and driving.

- The MCPD has exceptional youth programs such as the Explorer Program and the Cadet Program that not only provides leadership, mentorship, and guidance to these youths, but also enables the Department to have a build-in feeder pool for future police officer candidates.

- The Academy Director embraced this review and stated that he realized prior to this review that the current curriculum needed more training on topics such as bias-free policing, de-escalation, procedural justice, community policing, and fair and impartial policing, etc., and began obtaining curriculum on these topics to build into the Academy and various in-service training classes.

- After the preliminary report was published, the Director of the Academy was transferred to a different assignment and replaced by another Captain of Police. The new Director is very committed to following the path the previous Director established regarding embracing the recommendations in this report. Four separate conference calls were made between ELEFA and the new and old Director of the Academy to discuss where the MCPD were in their implementation of the recommendations. After each training recommendation(s) there will be an "Actions Taken" response (italicized) that will summarize all efforts by MCPD to address and/or implement the recommendation (s).

Recommendation:

The Academy has lesson plans for all learning domains required by MPCTC, but the curriculum lacks some details in certain classes. For example, we reviewed the lesson plan on Use of Force and determined that de-escalation was covered in the class - although briefly. In a day-long meeting with the Academy Director, we identified which lesson plans and training documents needed refinement.

Action Taken:

The Academy has begun to update all the lesson plans and training documents identified by ELEFA as needing refinement during the site visit. Some of these updates will be commented upon within their appropriate recommendations section in this Final Report.

On May 17, 2021, the MCPD released its new Use of Force, Policy CF# 131, titled "Response to Resistance and Use of Force" that added more language to the policy on the principle of sanctity and dignity, de-escalation, and necessary and proportional use of force. The policy added more definitions and more discussions on the degree of force used by officers.

One of the main reasons for the rewrite of the UOF policy was to address County Council Expedited Bill No. 27-20, "Concerning – Regulations – Use of Force Policy." This bill directed MCPD to update its UOF policy on topics such as carotid restraints, limits use of force to defined criteria within the bill, limits no-knock warrant service, limits shooting at a moving vehicle, etc.

The Academy created a new block of training to teach the new policy and other general updates they had been developing to improve UOF training. The training consisted of three separate segments: 1) review of the new policy followed by a questions and answer period by Academy instructors; 2) review of the new policy on report writing requirements followed by a questions and answer period; and 3) presentation of the first module of training for Integrating, Communications, Assessment, and Tactics (ICAT) that introduced a new model on UOF decision making followed by a questions and answer period.

Due to a difficult timeline (60 days) to present the training to all MCPD personnel, it was decided to create a scripted voice over presentation of the new policy and report writing requirements. This ensured that the exact same material was given to all personnel and that the important changes from County Bill 27-20 were consistently addressed. The presentation was given in a classroom at the Academy with Academy instructors in the room who conducted the questions and answer period after each segment of the training.

In discussions with the Academy Director, he admitted that this methodology of training was not ideal but necessary to ensure all personnel were trained on the new policy before it was released. The use of voice over presentation followed by instructor question and answer periods mimics lecture-based instruction and reduces the retention rate of the material taught. The Academy Director stated that for recruits in the Academy, additional scenarios were developed and given on the new policy that reinforced the materials taught. Efforts will be made to increase scenario-based training on the new policy that will be given to in-service personnel in the future.

At the time of this Final Report, MCPD has a committee to update its Use of Force Policy FC # 131 in anticipation of mandated changes to use of force policy and training by the State of Maryland. While the State Attorney's Office has distributed a memorandum explaining to law enforcement agencies their interpretation of the definitions within the new state law (i.e., what is the definition of proportionality of force) there has been no training program released by the State of Maryland that supports the changes to the new law. The Academy Director believes that the changes already made to CF # 131 will closely mirror the new law and that MCPD should be able to quickly modify their policy and training to adhere to new law and training requirements.

In conclusion, there are several recommendations within the preliminary report that point to the need for MCPD to improve its curriculum development (lesson plans, scenario-based training and testing, training documents, etc.) capabilities. For example, the hiring of a professional academic person who, along with appropriate staff, can oversee all efforts to rewrite the existing curriculum and training documents would be a key step. This would enable MCPD to better address any changes to law that are enacted to increase police officer accountability and decrease police officer excessive use of force.

Recommendations:

The Academy is structured in a traditional law enforcement training format with certain learning domains (criminal law, etc.) being taught and then tested. While the Academy has a rational justification for when each class is taught, it does not teach classes at the optimal best sequenced time – such as teaching a legal class on reasonable suspicion followed by a tactical class on pat down searches, etc.

The concept of sequencing classes at the optimal time was discussed with the Academy Director and a staff member who is responsible for the Academy calendar. Examples of sequenced instruction from the Los Angeles Police Department (LAPD) Academy were given to them for their review.

Action Taken:

The Academy Director has made some minor changes to the sequencing of classes. Recognizing the importance of building off strong human relations classes at front of the Academy calendar, classes such as Mission, Vision, and Values (MVV) as well as the Department's motto of "PRIDE" were moved up to the beginning of the Academy calendar with the goal to reinforce these themes throughout the Academy. The Academy Director understands a comprehensive review of Academy sequencing needs to be undertaken, hopefully with the insight of a new civilian PhD as the Director of Academics.

Recommendations:

The Academy should consider introducing training constructs in its design of Academy curriculum. Academics have long known that human beings learn from three domains called Cognitive, Affective, and Psychomotor. These domains are translated into instructional curriculum by teaching students and constantly debriefing them on a problem-solving model for the cognitive domain, tactical concepts for the psychomotor domain, and reinforcing an organization's mission, vision, and values for the affective domain. Following these training constructs ensures that training managers are always cognizant of developing a "Whole Officer" who can effortlessly apply all these domains in field situations.

The Re-Imagining Public Safety Committee (Task Force) identified changing the MCPD to a "Guardian" culture as their number one recommendation. This can be achieved by embracing the above training construct and using facilitation techniques in the classroom to further rein-force the MCPC motto of "PRIDE" and the Department's mission, vision, and values during debriefing of recruit learning activities.

The Academy should consider taking the training constructs further by reinforcing teamwork as a critical component. By conducting training "in a team, by a team, to be a team," you create an environment where officers watch out for each other—tactically and by accepting key concepts such as active bystandership—preventing tragic situations like the George Floyd incident.

The Academy should consider adding the training construct of "not to an event, but through an event." Unfortunately, most Academies teach to a conclusion - say an arrest situation. They fail to teach the recruits to go beyond this and consider the impact on the community and neighborhood. By designing scenarios where trained facilitators debrief the whole officer, reinforce teamwork, and consider impacts on the community, you will make a better officer able to handle the stresses of law enforcement today and meet several Task Force recommendations.

Action Taken:

The Academy Director understands that implementing training constructs in the Academy is the direction the Department needs to go. However, it is important to develop a plan to achieve this goal. Part of the plan is the development of the current instructional staff to be prepared to facilitate Problem-Based Learning (PBL) activities, updating and/or re-writing of lesson plans to include more learning activities that support human relations training, re-sequencing the Academy calendar to ensure classes are taught at the optimal time, and improving classroom layout to support PBL exercises.

The Academy Director undertook a review of all Academy curriculum to ensure that no references to "Warrior" policing was in any lesson plan and training bulletin. The use of "Guardian" policing as a philosophy will be embedded into more curriculum. This will be reinforced by placing visuals on the walls of the Academy that support this philosophy. The Academy has already asked the County Print shop to prepare visuals of their Mission, Vision, Values, and their motto "PRIDE" to be hung in every recruit classroom. Visuals of "Guardian" policing, as well as other training constructs (Community Policing Model, ABLE, etc.), will be developed.

MCPD is in the process of gaining acceptance into Georgetown University's Active Bystandership for Law Enforcement (ABLE) program. Gaining acceptance into this nationally recognized program will certainly support the training construct of "in a team, by a team, to be a team" and reinforce not only the need for officers to support one another tactically but also in any peer intervention scenario.

Recommendations:

MCPD should consider hiring a civilian PhD as the Director of Academics or Co-Director of the Academy. This would ensure the development of the Academy curriculum and instructional protocols is at a university level. This would also support implementing the "Guardian" culture as the PhD could be a check on increasing psychomotor skills training (firearms and tactics). Having a civilian PhD as a leading training manager would also allow for continuity of operations as the sworn Captains generally rotate out of their assignments on a regular basis (approximately every three years) but the civilian PhD would remain.

Action Taken:

The Academy Director submitted a mid-cycle 2022 Competition List budget request to create a civilian Director of Academics (PhD) position. The Department approved this budget request and it was submitted to the Office of Management and Budget where it was initially declined for unknown reasons. This position is extremely important to lead changes towards the "Guardian" culture. Also, as expected, the previous Academy Director recently rotated out of his position and hiring a permanent civilian Director of Academics would have helped continuity of operations at this critical time.

Note: During meetings with the County Executive's Office, ELEFA was notified that the denied position was under re-consideration for approval based upon the documented importance of this position as outlined in this report. During discussions with MCPD command staff, it appears that on April 27, 2022, an M2 position for a civilian PhD has been approved for FY23. This professional will serve as a Deputy Director of the PSTA.

While hiring a Director of Academics is a priority, consideration should also be given to support this new position with appropriate staff. MCPD is considering placing an additional budget request to support the new Director of Academics. Preliminary, discussions have focused on a supervisor and perhaps three officers and/or civilians that will serve as the curriculum and instructional design unit that could handle development of all new curriculum, as well as other important assignments such as auditing instructors, and the development of a professional annual training plan.

Recommendation:

The Academy does require its instructors to debrief recruits during and after learning activities. However, they do not teach an actual problem-solving model that recruits must use to critically think and solve the numerous learning activities given to them in the Academy. Consideration should be given to adopting an actual problem-solving model (CAPRA [Clients, Acquiring and Analyzing, Partnerships, Response Assessment], SARA [Scanning, Analysis, Response, Assessment], etc.) and using this to debrief the recruits.

Action Taken:

The Academy Director is in discussions with the new Assistant Chief of the Community Resources Bureau to develop a Community Engagement and Policing Model that can be taught in the Academy and be the basis of solving community problems in the field.

MCPD curriculum is mostly lecture-based and improvements are needed for scenario-based training and testing capabilities.

Recommendation:

The Academy should consider adding robust scenario-testing to its curriculum. Currently, the Academy has scenario-testing protocols that are basically checklists of training objectives. While this method of testing is satisfactory, it is not ideal as scenario-testing with strong protocols that require SME development, legal vetting of the scenarios, and a double-test failure criterion, is certainly the best and most effective method to test a recruit in an Academy setting. The Academy should consider sending staff to observe scenario-testing at any of the 41 CAL-POST (California Commission on Peace Officer Standards and Training) Academies in the State of California.

Action Taken:

The Academy Director has expressed a desire to submit a request for training and travel to the Training Selection Committee to observe CAL-POST scenario training and testing. Should this be approved, then the Academy Director could also discuss better sequencing methodologies with the CAL-POST Academy Director during the trip.

Recommendation:

MCPD needs to improve its process for updating training documents, training bulletins, and Department policies. Many of the documents reviewed were outdated and reflected older concepts. Consideration should be given to speeding up the collective bargaining process or approving some of these source documents. Curriculum should be written with the best and latest updated training bulletins and policies.

In-Service Training Overview

MCPD in-service training is conducted by professional staff at a modern police and fire training facility. It minimally surpasses State in-service training mandates and ensures that all CALEA mandates such as bias-based and mental illness mandates are met. The Chief of Police (COP) takes an active role in training and addresses each in-service training class with an update on Department events and a question and answer period where he can discuss any officer or supervisor concerns. MCPD does need to improve their scenario-based training and testing and how they conduct traffic stops to incorporate more human relations training components (i.e. add the procedural justice tenet of "voice" into the curriculum for traffic stops.). Finally, MCPD does not have an actual annual training plan - just a simple matrix of mandates and electives - and efforts should be undertaken once the civilian Director of Academics (PhD) is hired to enhance the training plan.

Final Observations and Actions Taken

MCPD has a structured in-service training program that meets the requirements of MPCTC and all other legislative and judicial mandates. It currently provides the training at its central training facility (Academy) and utilizes the exceptional training site to its advantage. The Academy slightly surpasses MPCTC mandated 18 hours of annual in-service training. The Academy mandates that bias policing, ethics, and mental illness be taught annually.

The Academy also follows CALEA, which recently updated their standards to require annual training on topics such as biased-based policing and mental illness (crisis intervention and de- escalation). CALEA also requires annual training on UOF, Taser, firearms, rifle, shotgun, and legal updates, and bi-annual training on defensive tactics, ethics, etc.

ELEFA observed 2021 in-service training on use of force, de-escalation, building searches, and various box and wall drills for decision-making and proper use of force options. The drill instructors were well trained and played the role of victims and suspects professionally. Safety checks were administered and the CityScape building structures added reality to the drills tested.

The observed in-service training had a COP hour where he discussed the latest developments within the Department and the current state of law enforcement in the country. The COP was sincere in his remarks and encouraged all the officers to embrace changes in training and that he was the one who asked for the Task Force audit to be conducted in the first place.

After the COP in-service discussion, we had a meeting with the COP and discussed many of the observations and recommendations written into the preliminary report. The COP was attentive and certainly seemed to be committed to accepting and implementing many of the recommendations.

Recommendation:

MPCTC requires 18 hours of in-service instruction annually but the topics are heavily psychomotor. MCPTC should consider mandating more human relations training (bias free, procedural justice) on an annual basis.

Action Taken:

The Academy Director participates in quarterly meetings with MPCTC and will discuss adding more human relations training to the annual mandated topics. MCPD believes that CALEA mandates and their own annual in-service training mandates address some aspects of human relations training already (both mandate bias-based training annually, etc.).

Recommendation:

The Academy should develop a more robust annual training plan that considers all facets of training. They currently have brief training documents that list their training mandates and electives. This should be updated to a professional training plan.

Action Taken:

The budget request for the new PhD Director of Academics was approved in the FY 2022 budget. Once hired, this recommendation will be addressed.

Recommendation:

Consideration should be given to creating and testing in-service personnel on scenarios that contain procedural justice, fair and impartial policing, bias-free policing, cultural diversity and sensitivity, and community policing and engagement. This would further develop in-service "whole officer" training and prevent criticism that the training is too tactical.

Action Taken:

As noted, MCPD may consider observing the CAL-POST scenario training and testing.

Recommendations:

MCPD teaches a basic multi-step traffic stop format that does not fully embrace the concept of procedural justice. While they teach professionalism and inform the violator about the actions the officers will take, consideration should be given to adopting a traffic stop format based upon the CAL-POST 8-step model or a similar model.

Following a structured format such as 8-step will ensure the tenants of procedural justice: voice, respect, neutrality, etc. are followed. MCPD could also reinforce the new Academy curriculum by adopting the LEED format: listen, explain, equity, and dignity. This is also a Task Force recommendation.

Action Taken:

The Academy is currently in the process of modifying its traffic stop lesson plan to include more procedural justice. The final version of the model should closely resemble the CAL-POST 8-step model. The State of Maryland, under House Bill 670, recently enacted a law that directs changes to how law enforcement agencies conduct traffic stops. Specifically, officers shall identify themselves and their Department badge number on all traffic stops. The lesson plan will be re-written to address the new law and add the procedural justice steps. When completed, ELEFA will review the updated lesson plan to ensure the new law and recommended changes to improve procedural justice are added.

Note: MCPD paid for all Department personnel to get new name tags that also have the badge number printed on the name tag. The new name tags are in the process of being distributed at the time of this report.

The lead Academy cultural diversity instructor also developed traffic stop training scenarios for inclusion in the cultural diversity training course in the Academy. These scenarios focus on potential "bias" by police officers in traffic stops and require recruits to consider their own bias in their decision making during the traffic stop.

Recommendation:

As previously mentioned, the Academy should reach out and provide ABLE training to all its personnel. Adopting this training would support the training construct of "in a team, by a team, to be a team" and is also a Task Force recommendation.

Action Taken:

MCPD is actively working to engage and implement the ABLE Program.

Recommendation:

The Academy should also consider adding one more firearms qualification conditional test to its annual requirement. Currently, they conduct a training day and have their personnel qualify with their firearms during this class. This basically amounts to one firearms qualification per year – most Departments across the nation require a minimum of two per year (note: based upon the analysis done by the LAPD).

Action Taken:

The Academy Director stated that MCPD was not opposed to this recommendation and for years had two annual firearms qualifications. Issues such as lack of available ammunition (supply chain problems) impacted the number of qualifications per year. MCPD does require officers that carry rifles to qualify twice annually.

At the time of the Final Report, the Academy Director stated that MCPD had recently received an allotment of new ammo. This enabled him to increase the qualification course number of rounds fired from 30 rounds to 50 rounds. While adding the 20 additional rounds to the qualification course is commendable, efforts still should be made to have two separate qualifications per year.

The MCPD employs a relatively challenging qualification course. Employees are allowed up to three attempts to pass the qualification course. If an employee fails the third attempt they are assigned to remedial firearms training until they can pass the qualifications course.

Finally, a discussion was held on MCPD's requirement that all of their certified firearms have an eight-pound trigger pull. This requirement is high compared to national law enforcement averages (generally around 4 pounds) and the Academy Director will conduct a review with his firearm instructors to determine if it has any impacts on accuracy and firearms confidence levels.

Recommendation:

One of the Task Force recommendations is to move away from militaristic training and association. Field MCPD personnel wear their tactical vests on the outside of their uniforms which gives the impression to the public that they are all members of a tactical unit. Many law enforcement agencies require their field personnel to wear the vest under-neath the uniform and carry an additional higher-rated tactical vest in their patrol vehicles to place on the outside when responding to high-risk calls. Adopting this policy would make the field personnel look more friendly and professional - while keeping their ability to be tactically safe.

Action Taken:

MCPD understands that many people view outer vests as more militarist in nature. However, this issue has been subject to the collective bargaining process and bargained for in negotiations with the County Executive's Office. The MCPD would have to open bargaining on this topic with the FOP and both parties would need to agree to change the wearing of the outer vests.

Effective
Law Enforcement
for ALL

Field Training Overview

The FTO Program is well designed and greatly surpasses the State minimum requirement for the number of hours trained.
MCPD has developed a comprehensive Probationary Officer's Handbook that tracks performance and provides a guide for training the probationary officers. The hiring process for FTO candidates does consider past performance and disciplinary history, however there is no policy that requires a consideration of diversity. MCPD has had a difficult time hiring FTOs (if the candidates have a good background then they basically are hired) as the pay was considered too low of an incentive to take the job and the fear that their assigned probationary officer may make mistakes that can impact the FTOs personal career (fear discipline against them due to current negativity toward law enforcement officers.).

Final Observations and Actions Taken

The FTO Program is based upon a modified FTO model developed by the San Jose Police Department (SJPD) and requires the probationary officers to receive training in separate phases. Each phase is designed to test the probationary officer's abilities to handle actual field operations and ultimately to perform the duties of a police officer without direct supervision. It was reported that training of graduating recruits is becoming a problem. The Department lost many FTOs largely due to an increasing concern for their liability. For example, District 1 lost more than 25 FTOs of 110 sworn personnel. Many officers have relayed that they are worried about taking on the responsibility of training new officers. Some officers' concerns include beliefs they will be disciplined or charged if a trainee does something wrong.

The SJPD FTO model has been around for over forty years and numerous police agencies across the country use it to train and evaluate their probationary officers. It requires documentation of probationary officers in Daily Observation Reports, completion of a detailed 24-category checklist at the conclusion of every phase of training, and a supervisor checklist completed weekly.

MCPD significantly surpasses MPCTC minimum number of hours for its FTO Program (State: 240 hours – MCPD: 560 hours).

MCPD has a detailed FTO manual that explains the policies, procedures, and structure of the FTO program.

MCPD also has a detailed Probationary Officer's Handbook that is given to probationary officers and used by FTOs to track their progress. The handbook requires FTO sign offs on many categories of human relations and tactical training.

Recommendation:

The Task Force recommended that the FTO selection process require the candidate be given an extensive background check.
The FTO selection process does include a check of the candidates past disciplinary history and job assignments. It also includes a review of their previous personnel evaluations and commendations. However, there is no FTO selection documentation that shows that they use any form of "diversity" in the selection process. When asked, they stated that they consider this for all selections – but they should have it written into their criteria.

Anecdotal proof that they consider diversity and gender in the selection process could be found during the site visit to the Academy. The Director stated that it is a challenge to find female psychomotor skills (firearms, etc.) instructors and that he had a plan already in place to recruit more females to this unit. He clearly recognized the need for diversity and the role model advantages to having a diverse staff.

Action Taken:

The MCPD is not opposed to this recommendation and informally adheres to the policy (not written - but always considers diversity). The bigger problem with the FTO selection process is the poor incentives to attract top quality candidates to compete for the assignment. Currently, FTOs only get an additional $3.50 per hour during the actual FTO training time as an incentive. This limited amount of financial incentive is not enough for officers to be willing to train probationary officers, particularly when many officers believe that when the probationary officers make mistakes, as they tend to do, the FTO will be held more responsible under the current climate towards police officers. The Chief of Police and many District Captains routinely address this matter in leadership discussions with their officers.

Supervisor Training Overview

Supervisor training has a solid structure that begins with a mentoring program for candidates for Sergeant and upon promotion, five-weeks of training on job-specific skills and training on leadership from a nationally recognized leadership course. While the training does an excellent job on job-specific skills and leadership, it does need to provide more human relations training by possibly introducing scenario-based training exercises into the curriculum that would require discussions on topics such as procedural justice. The Executive School has many great performance objectives in the curriculum and perhaps embedding some of these objectives in Sergeant's and Lieutenant's Schools would improve the training.

Final Observations and Actions Taken

MCPD requires that all personnel attend a school designed to teach the necessary job-related skill sets for the following assignments: FTO, Sergeant, Lieutenant, and Executive (Command).

We reviewed all the calendars and some of the curriculum for the above listed schools and determined that the schools appear to provide the job task requirements for each assignment.

MCPD has a supervisory mentor program designed for Corporals and Police Officers III who are on the Sergeant's promotional list (candidates for promotion). They are allowed to ride in the field with experienced and respected Sergeants prior to their actual promotion. Corporals are already exposed to many supervisory activities at the District Police Stations, so they get to ride for approximately three weeks. Police Officers III ride for approximately five weeks.

When the candidates are promoted to Sergeant, they are required to attend a five-week Sergeant's School. They receive a nationally recognized three-week curriculum on leadership called the Leadership in Police Organizations (LPO). This leadership program is designed around 23 university-level behavioral science courses that teach topics such as equity and expectancy theories, conflict management, counseling, group development, etc., to name a few. It provides an excellent leadership baseline for new supervisors.

The last two-weeks of Sergeant's School is focused on teaching the job-related skills necessary to be successful as a Sergeant of Police in the MCPD.

Training should be provided on topics such as bias-free, FIP (Fair and Impartial Policing), and community policing which would support leadership initiatives and encourage positive behavior amongst their subordinates.

Recommendation:

While the Sergeant's School does an excellent job teaching leadership and job-specific tasks, it has little curriculum in human relations training. Some training should be given on topics such as bias-free, FIP (Fair and Impartial Policing), and community policing. This could be done by writing scenarios that enable the facilitators to discuss the human relations aspects built within the scenarios. Doing this would meet the Task Force recommendation that supervisors receive more training on community policing, leadership, and encouraging positive behavior amongst their subordinates.

The Task Force also recommended more private sector training be adopted by MCPD. We discussed this with the Academy Director, and he stated that they have received training from universities in the past, just not on a regular basis. We encouraged him to pursue better relationships with academic and business entities, especially at the supervisory level, to obtain training from them that gives a different perspective than typical law enforcement training.

The Executive School has many training objectives that should be built into the Academy, FTO, Sergeant, and Lieutenant Schools. Objectives such as "how to use the mission, vision, and values of the Department to impact patrol operations" should be trained early in your career and not when you have been a member of the Department for over a decade. The Academy should review the training objectives in their Executive School and write many of them into the curriculum of the other schools.

Action Taken:

The Academy Director stated that the Academy recently added a training block on procedural justice to the Sergeant and Lieutenant schools. He also pointed out that MCPD and CALEA require bias-based training on an annual basis for all in-service Supervisors and police officers. However, he acknowledged that these supervisor schools are geared to teaching job-tasks required of these positions. ELEFA requested this new training on procedural justice be forwarded for review.

The hiring of a Director of Academics (PhD) will go a long way towards improving the curriculum within these schools and address the lack of human relations training. The Director of Academics will be in a great position to develop stronger relationships with local private sector companies and universities to create partnerships in future training endeavors. Hopefully, a budget request for personnel to support the Director of Academics position will be approved in the next budget cycle.

Recommendation:

The COMAR regulations state that supervisory training needs to be completed within one-year of promotion to the rank of Sergeant. This is bad policy. Training should be provided prior to or directly after promotion to the rank of Sergeant. New supervisors who are not trained for months after their promotions can learn too many bad habits.

Action Taken:

MCPD does not agree with this COMAR regulation. They conduct a Department promotional process that ends with the candidates placed upon a promotional list. The candidates attend the new supervisor training and are mentored in an established ride along program prior to assuming the rank of Sergeant.

De-Escalation Training Overview

The MCPD provides a solid baseline for de-escalation training in the Academy and in-service training classes. They ensure that recruits receive sixty seven hours of training on conflict management, eight additional hours on mental health and wellness, and most importantly, now receive the full 40-hour State of Maryland approved Crisis Intervention Training (CIT) course directly after completing their FTO Program training. All recruits are trained and certified on the new Taser 7 model and are assigned these less-lethal tools before being deployed to the field. Recently the COP directed (after FOP concurrence) all MCPD officers to carry the new Taser 7 less-lethal model in the field.

MCPD is still waiting for the State of Maryland to release their new UOF training and will modify their training to meet any new requirements embedded in this curriculum. They created the new De-escalation and Force Training Unit (DFTU) and are currently obtaining all tactical and firearms certifications necessary to teach de-escalation techniques in a more advanced and professional manner. The DFTU is responsible for teaching the new Police Executive Research Foundation (PERF) course titled " Integrating, Communications, Assessment, and Tactics" (ICAT) that is a nationally recognized innovative training course on de-escalation strategies and techniques. The first module of training was completed last year and the second module of ICAT training is currently being taught. MCPD projects it will take approximately two-years to train all field personnel on the seven ICAT modules. Recruits are now given the entire 7 modules of ICAT in the Academy.

Final Observations and Actions Taken

Many law enforcement agencies have been teaching the principles of de-escalation for decades although they have not always used this terminology in their written curriculum. MCPD understands that it is in their best interest to identify any aspects of de-escalation training and techniques and use this actual name in their written curriculum. This would make it easier to clearly reference this important training topic within the curriculum.

The review of MCPD training documents revealed it does offer many training classes on topics that are generally associated with de-escalation such as Crisis Intervention Training (CIT), Crisis Negotiation Training (CNT), and conflict management and conflict resolution. MCPD also reinforce training competencies associated with de-escalation such as improving communications skills and teaching how to understand and apply use of force options.

The Academy has sixty seven hours of curriculum on "conflict management and dealing with people." They also require recruits to take an 8-hour Mental Health and Wellness class that has CIT topics embedded into the curriculum.

The Academy has recently agreed to provide training on Integrating, Communications, Assessment, and Tactics (ICAT) training that was developed by the Police Executive Research Forum (PERF). This training was specifically designed to teach de-escalation techniques and concepts to field personnel and will certainly help them to de-escalate high-risk situations.

At the end of the FTO Program, probationary officers are required to complete the entire 40-hour State of Maryland approved and taught CIT course. The Task Force recommended that the CIT course be given in the Academy. ELEFA respectfully disagrees. CIT training should be given after the probationer has some real-world experience and is in a better position to understand and apply the CIT and de-escalation concepts. MCPD has mandated the CIT course in the correct place – after FTO completion and before the probationary officers become full-time police officers.

Recommendation:

MCPD has a 33-page lesson plan on UOF that lacks detail in de-escalation and should explain the Department's "sanctity for life" philosophy in greater depth. The Academy is in the process of updating its UOF lesson plan. It will be reviewed to see if the above issues have been addressed.

Action Taken:

The Academy presented the new UOF policy training to the recruits in the last graduating class. They are waiting for other developments to occur before they conduct a second rewrite of the UOF lesson plan. One of these developments is the State of Maryland has tasked MPCTC with creating a new UOF policy and training to be given to all law enforcement officers. MCPD is serving on the committee to build the new policy and training and wants to wait for the outcome of this effort before writing the new lesson plan.

The other development is the new De-escalation and Force Training Unit (DFTU) personnel are currently undergoing training to obtain all the necessary certification to teach advanced de-escalation tactical concepts to recruits and in-service personnel. The DFTU is also conducting research on best de-escalation tactical concepts and methodologies to teach. Once these two developments are met, MCPD will rewrite the lesson plan and include these best practices.

Recommendation:

While the Academy teaches a tactical concept called "space, distance, and time," they should consider incorporating even more de-escalation tactical techniques into their curriculum. There are several techniques that are easily taught and understood by recruits. One is the tactical concept of "distance + cover = time." This formula instructs officers not to approach a person in a mental health crisis but to create distance between them, take cover behind an object (car, brick wall), and then use the time you gained getting additional resources, creating a plan, and communicating with the subject. More advanced tactical de-escalation models are also readily available to incorporate into the curriculum (ICAT training will help this).

Action Taken:

During the roll out of the new FC# 131 "Resistance to Force and Use of Force" training, all sworn personnel were given the first module of ICAT training which basically covered the ICAT UOF decision making model and reinforced proportionality of force and the sanctity for life.

The Academy Director stated that all in-service officers are now receiving the second module of ICAT training and that he projects an approximate two-year window for all officers to receive the entire seven modules within the ICAT training course. Recruits now receive the entire ICAT training course in the Academy and are certified on the Taser and issued a Taser prior to field deployment.

The Academy Director stated that de-escalation training will go further than just ICAT with supervisors being trained and expected to be able to lead officers in the field and instantly direct officers into de-escalation tactical roles (contact, cover, less lethal, etc.). This de-escalation best practice is more advanced and professional than currently exists on the MCPD. The new DFTU will also teach these de-escalation tactical concepts to officers and expect them to be able to handle any incidents like a field Sergeant.

Recommendations:

The Academy needs to modify their reality-based scenarios and drills to require recruits and in-service officers to slow down the situation and use de-escalation tactical techniques to increase the probability of using no force or the minimal amount of force necessary. We observed a few de-escalation drills that appeared to be rushed to get all the officers in class through the drills due to time constraints. This was discussed with the Academy Director, and he agreed.

The Academy wants to create a new training cadre called the "De-escalation and Force Training Unit (DFTU)" that would require all its instructors to become Subject Matter Experts (SME) and obtain certification on all aspects of UOF, de-escalation, and force options training. This unit would then be responsible for curriculum development, teaching the above-mentioned classes, teaching less- lethal training (Tasers, etc.), and analyzing actual MCPD-UOF data for trends and patterns and then updating curriculum to handle these situations better.

The DFTU could also be utilized as de-centralized training entity that could go to District stations and provide scenario-based training on de-escalation with the goal to take the appropriate time to run slowed-down de-escalation scenarios and ensure de-escalation techniques are effectively used.

Action Taken:

The Academy Director stated that after an extensive selection process, which included background checks and disciplinary evaluations, MCPD transferred one Sergeant and four police officers to the Academy to create the new DFTU.

The DFTU is actively obtaining the proper firearms and tactical certifications necessary to teach advanced de-escalation tactical concepts. The goal is for the DFTU to also conduct de-centralized training at the District station level and teach the field officers to slow down their responses in de-escalation situations and take the appropriate amount of time needed – do not rush their actions.

Recommendations:

MCPD should require that all officers be trained on Tasers and less lethal alternatives, and are required to carry the Tasers into the field daily. And while ELEFA is a proponent of CIT training for all field personnel, it should not be a prerequisite training that holds up the deployment of Tasers to all field personnel.

The Task Force recognized the significance of Tasers and encouraged MCPD to increase deployment. It is our understanding that this issue is in the collective bargaining process and all parties involved in this process should agree to speed up the deployment of Tasers as fast as possible.

Action Taken:

MCPD stated that they completed collective bargaining with the FOP on this issue and that the Chief of Police approved Taser deployment for all officers. The prerequisite requirement that all officers receive CIT training before they can be issued a Taser for field deployment has been revoked.

The updated plan to roll out Tasers to all field personnel will concentrate on training the officers who are currently utilizing the old model Taser X2 in the field. There are approximately 300 of these older Tasers deployed and all of the officers who are certified on these will be given updated training and given the new model Taser 7 to take into the field. As previously stated, recruits will receive the entire ICAT training course in the Academy and be trained on and issued the new Tasers. The Academy Director believes approximately 400 of the new Taser 7 models will be deployed by the end of the year. MCPD will then continue to train and issue the new Tasers concentrating on field personnel first.

Note: Due to the increased demand for Taser training, the Academy recently trained and certified additional adjunct Taser instructors to assist in the training. Adjunct instructors are assigned to the field but can be temporarily transferred into the Academy to train when needed.

Recommendations:

There are also organizational support entities that can assist in helping field officers respond to de-escalation situations. MCPD should consider expanding their co-responder (police officer and mental health practitioner) program, consider using teams with paramedics and mental health practitioners, implement a call-center where mental health professionals are embedded to resolve crisis calls, assist with a warm transfer to more appropriate resources (hot line) help determine if CIT response is appropriate or give advice to field officers. Additionally, MCPD personnel should work with MH professionals to design plans to respond to persons who are constantly in mental health crisis and generate many calls for service.

The MCPD provides a solid baseline for de-escalation training in the Academy and in-service training classes, but additional training opportunities are recommended.

Cultural Diversity & Bias-Free Policing Training Overview

MCPD has recently agreed to increase cultural diversity training in the Academy from 10-hours to 13-hours - meeting a Task Force recommendation. In addition, they currently teach Fair and Impartial Policing (FIP) which contains implicit bias and teach many other bias free training classes. While MCPD does expose recruits and in-service officers to cultural diversity and bias free training, they still use lecture-based instruction as the overall modality in the classroom. As previously stated, MCPD should move to more Problem-Based Learning (PBL) exercises with trained facilitators in the classroom supported by more scenario-based training and testing outside of the classroom. They should embrace new innovative forms of training such as virtual reality and set the stage for providing the most cutting-edge law enforcement training in the State of Maryland.

Final Observations and Actions Taken

The Academy is required per COMAR to provide "sensitivity to cultural and gender diversity" training to all recruits. They achieve this by teaching a 10-hour class on cultural diversity that includes discussions on policing in a multicultural society. Recruits also receive training on FIP- Implicit Bias, Hate and Bias crimes, ethics, and are required to participate on field trips to the African American Museum and the Holocaust Museum.

One Task Force recommendation is for the Academy to teach that legitimacy does not come from the law but from the community that the Department serves. The Academy Director embraced this view and stated that they have always approached training from the perspective that we exist to serve the community and that the Department's mission, vision, values, and motto of "PRIDE" supports this philosophy.

MCPD has an excellent pre-Academy training program for police candidates that not only prepares them physically, but also exposes the candidates to a curriculum on bias free policing, cultural diversity, communications skills, and characteristics of a good police officer.

The Academy and CALEA mandate annual in-service training on bias-free policing and bi-annual training on ethics.

The DOJ's FIP training for supervisors has several exceptional training objectives: inform and mentor subordinates on FIP, identify bias policing in their subordinates, take corrective actions when they detect bias policing, assess their own behaviors and decisions in terms of their potential for bias, and communicate with community members and groups about bias policing.

The other FIP training classes for recruits and Patrol officers have equally exceptional training objectives that are the focus of the training given. We interviewed the lead instructor for cultural diversity training and reviewed all the scenarios that are used as learning activities in the class. The instructor explained that he wants the recruits to feel a little stressed while handling situations they may not have been exposed to in the past. The scenario training is given on the City Scape to mimic a real-world environment.

In the cultural diversity class recruits are given same-sex domestic violence scenarios where a third person at the scene is a friend of the partners and the opposite sex. The scenario tests the bias of the officers as some of them assume the man and the women are the couple involved in the domestic violence situation. The instructor conducts in-depth debriefs of these scenarios and challenges the recruits to not let their personal bias impact their investigations nor the decisions that they must make as bias-free law enforcement officers.

Recommendation:

While the new Academy curriculum addresses cultural diversity and bias-free policing, most of the curriculum is still taught in a lecture-based format. Consideration should be given to creating more scenarios (and testing protocols) on human relations training topics.

The Task Force recommended that the Academy increase cultural diversity training from 10- hours to 12-hours. ELEFA concurs. Discussions with the Academy Director and the COP indicated an acceptance of this recommendation, and the cultural diversity lead instructor was directed to begin curriculum development for the additional two-hours of training.

As previously discussed, the Academy should consider adopting the CAL-POST 8-Step traffic stop format or a similar one to prepare recruits to conduct these stops in a structured format that automatically has procedural justice (voice, respect, etc.) and bias-free tenants embedded into the curriculum. They should also teach the tenants of Listen, Explain, Equity, and Dignity (LEED) to the recruits during this training segment. This was also a Task Force recommendation that the Academy has embraced.

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Action Taken:

The Reimagining Policing Task Force recommended the Academy increase cultural diversity training from 10-hours to 12-hours. The Academy Director approved this change and adopted a 3-hour MPCTC created class on "diversity" to be included in the Academy. While the MPCTC class is a traditional lecture-based lesson plan on diversity, it does cover some important topics such as the need to improve relationships between police and the communities they serve.

The lead Academy cultural diversity instructor also developed traffic stop training scenarios for inclusion in cultural diversity training course in the Academy. These scenarios focus on potential "bias" by police officers in traffic stops and require the recruits to consider their own bias in their decision making during the traffic stop.

Recommendation:

As discussed earlier, MCPD needs to create a more robust Annual Training Plan. They currently have brief descriptive documents that list the training mandates and electives that will be given to its personnel. It is simplistic, and efforts should be made to make it look more formal – a document that could be handed out in presentations and/or community meetings.

MCPD also needs to ensure that the training plan addresses human relations scenario training on an annual basis. They currently do a good job on tactical related scenarios but need to expand and teach more human relations scenarios. They should take the various topics that make up human relations training and ensure at least one scenario on these topics is taught each year. This may require additional instructors and resources. The Department may also want to consider VR (Virtual Reality) modules.

Action Taken:

The Director of Academics position was approved in the budget. This position will have an impact on creating more robust annual training plans and ensuring that more human relations training is built into the training plans.

District Leadership, Operations & Calls for Service

We reviewed over 500 BWC recordings to consider Department and District culture, operations, leadership, and management, as well as officers' interactions within the Montgomery County community.

BWC Selection Approach

To develop the sample timeframe for the randomized BWC review, a selection of call code clearances and CAD information for September 2019, September 2020, September 2021 was requested. These clearance codes are provided in the table below. Specific codes were anticipated to capture varied interactions with community members. Traffic related BWC were selected by Code 54 traffic stops in CAD, but also include 2812 and 2815. To develop the samples, for each of the six Districts 100 incidents were randomly selected from each District, and 100 incidents were selected each related to SVU, Crisis, Procedural Justice related code types, and for Traffic (including 2812 and 2815) by staggering a selection of incidents from each year.

The table below describes the clearance codes used to develop the BWC Review random sample:

District	SVU	Crisis	Traffic	Procedural Justice
0116 Homicide – by Police Officer **0442** Assault Aggravated Beat Serious Injury– on Police Officer **0822** Assault Simple Assault – on Police Officer **0832** Assault Intimidation – on Police Officer **1521** Weapons Possession – Hand gun **1531** Weapons Discharging – Hand gun **182x (x: all)** CDS Laws Selling **1864** CDS Laws Possession Implement – Marijuana **183x (x: all)** CDS Laws Possession **2411** Disorderly Conduct unlawful assembly Disorderly Conduct disorderly conduct **2991** Misc. Calls Other Misc. Calls	**0443** Assault Aggravated Beat Serious Injury – on spouse/partner **0444** Assault Aggravated Beat Serious Injury – Other Domestic (except Child Abuse) **0823** Assault Simple Assault – on spouse/partner **0824** Assault Simple Assault – Other Domestic (except Child Abuse) **2742** Other Offenses Ex Parte/Protective Order Violation	**2112** Juvenile Offenses Out of Control **2942** Misc. Calls Mental Illness **2948** Misc. Calls Sane Collection Stranger **2728** Other Offenses Loitering Dash 2 and 4 **2737** Other Offenses Trespassing Dash 2 and 4 **2950** Misc. Calls emergency petition /transport	**All traffic** CAD Code 54 **2812** Misc. Traffic Offenses driving under the influence **2815** Misc. Traffic Offenses Violation of Alcohol restriction	**2213** Liquor Law Violations unlawful possession under 21 **2216** Liquor Law Violations Drinking in Public over 21 **2216** Liquor Law Violations Drinking in Public over 21 **2791** Other Offenses all other non-traffic criminal offenses **2934** Misc. Calls Drunk **2938** Misc. Calls Investigation/Police Information

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BWC Overview

Overall, most incidents handled by MCPD officers were handled professionally across the BWC review.

The following tables provide a summary overview.

6. Did the BWC capture the event(s) of the officer interaction(s) and/or engagement(s) enough to complete this review form?
497 responses

- No, the BWC does not adequately capture event (s)
- Yes

86.3%

13.7%
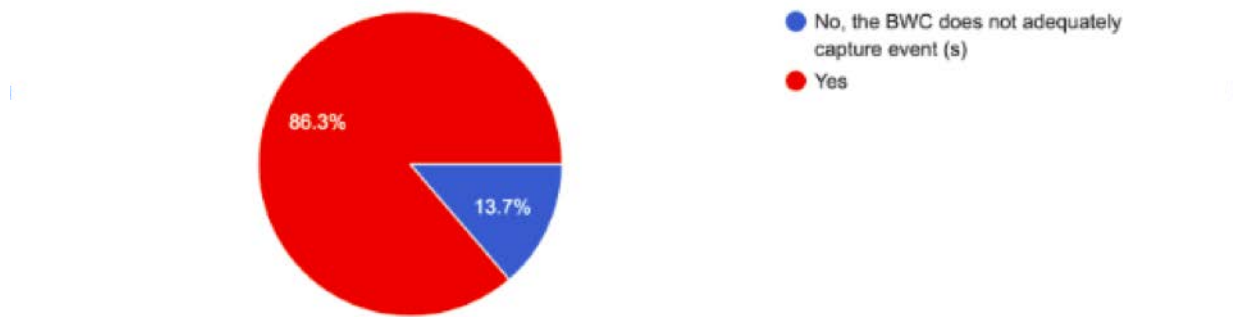
8. Officer/Incident District Assignment:
429 responses

- 1D
- 2D
- 3D
- 4D
- 5D
- 6D
- Domestic Review (district not required)
- Crisis Review (district not required)

△ 1/2 ▼

13.3%
9.8%
13.5%
11.4%
13.5%
13.5%
12.6%
12.4%
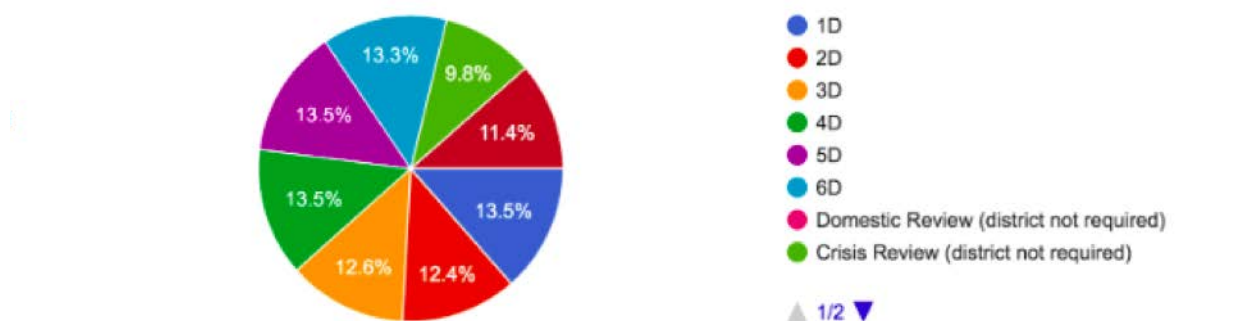
19. Rate the quality of the VIDEO on a scale of 1-5, with 5 indicating high quality video, and 1 indicating low quality video:
429 responses

1 (0.2%) 1 1 (0.2%) 2 3 (0.7%) 3 19 (4.4%) 4 405 (94.4%) 5
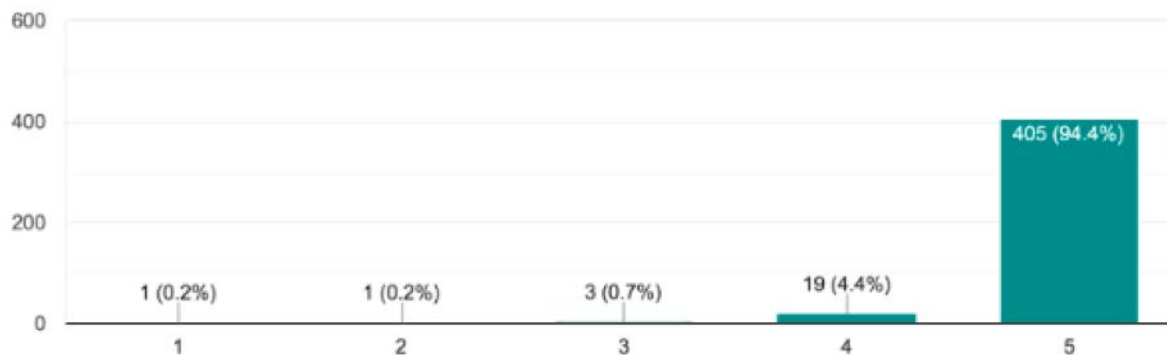
21. How many officers were on the scene/captured in the BWC reviewed?

426 responses

Legend:
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1/2 ▼

Pie chart values: 38.7%, 31%, 12.9%, 9.4%
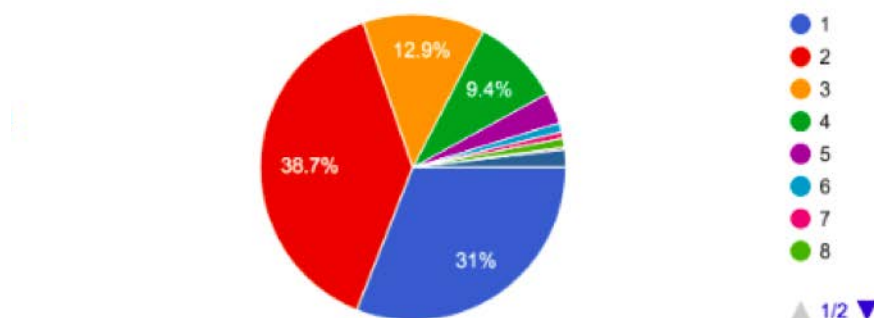
35. In your opinion, was this event/interaction cleared with the appropriate call code/disposition #, based on the totality of your independent review of this BWC/incident?

428 responses

- YES, THIS IS AN APPROPRIATE CODE FOR THE BWC EVENT/ INTERACTION
- NO, I WOULD EXPECT THIS TO BE CLEARED DIFFERENTLY/WITH OTHER/DIFF CODE

Pie chart values: 61.4%, 38.6%
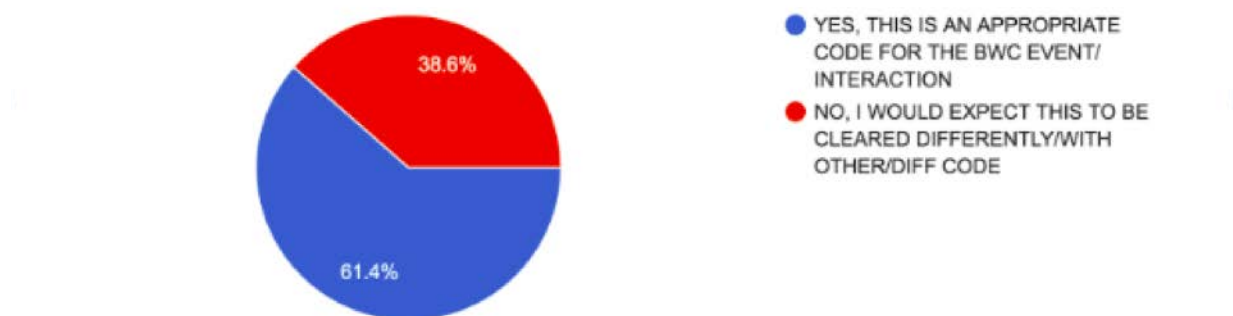
36. Overall, did the officer's interaction meet your standards for procedural justice? (i.e. If you were the officer's supervisor...)

428 responses

- Yes , It meets my standards & I have no concerns
- I have some concerns
- No, It would not meet my standard as a supervisor

Pie chart values: 77.3%, 13.3%, 9.3%
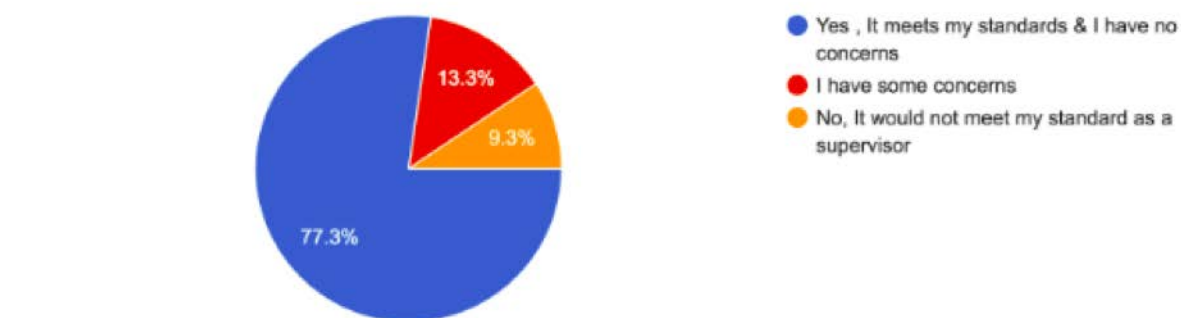
Overall, most incidents handled by MCPD officers were handled professionally. Most officers were courteous and friendly while handling the calls for service. The community members reporting incidents were ethnically and racially diverse. Although a representative sample was utilized for the review, few arrests were observed during the BWC audits. In general, there were no indications of racial bias in the BWC incidents observed. Overall, some general recommendations should be considered to improve MCPD District level leadership, management and operations.

Interviews with District leadership and reviews of BWC were conducted to assess the operations, management and leadership of MCPD across districts, with specific attention to supervision, procedural justice, professionalism, calls for service, and the quality of community relationships and interactions. Some of the key concerns expressed by leadership included officer and supervisor morale, staffing, creating specialty positions, organizational shifts in personnel capacity, and keeping up with ongoing changes in written and upcoming directives, such as use of force and documentation of use of force. Leadership notes there have been many changes to policies and procedures within an extremely brief period of time. For example, use of force policy has recently changed and these impacts need to be disseminated and effectuated among officers. A major training issue is understanding the new policies and directives, and being able to apply them effectively. There needs to be more follow-up training on how to apply new policies and directives.

Overall we noted the following:

CALL HANDLING

Most calls for service were handled professionally. ELEFA did observe examples of District officers handling high priority calls in an outstanding manner.

SUPERVISION

There was a lack of supervisors observed at the scenes for calls for service. We observed very few supervisors at the scene of most calls for service. ELEFA paid close attention to additional officers on-scene to determine if one of the individuals may have been a supervisor. The lack of supervisors on scene and review of incidents on BWC can lead to poor close and effective supervision. Further, there was indication that supervisors may be required for consultation in the field and for counseling or training if the supervisors reviewed the BWC recordings. Other recordings would offer evidence of officer training needs for tactics in approaching a stopped motor vehicle, documenting the type of call (approximately one-third of the calls), asking sufficient questions during a call, and encouraging efforts at procedural justice.

PROFESSIONALISM AND PROCEDURAL JUSTICE

In most cases, officers did not properly introduce themselves to citizens at the beginning of events. There were some examples of officers being brusque and/or stern in their communications skills with the reporting persons. Spanish speaking officers were often on the scene and there were other instances where they should have been called. It is unclear whether training Academy scenarios contribute to poor preparation in communications during calls for service.

COMMUNICATIONS SKILLS

ELEFA observed different examples of communications skills that were positive and some that were negative. First, very few officers introduced themselves at the beginning of calls for service. They would begin "did you call" or something similar. Introducing yourself is basic police work and when followed up with professional behavior can go a long way in achieving respect and legitimacy. As previously stated, while there were a couple of examples of officers being brusque, officers were overall professional and courteous during the calls - they just needed to conduct introductions better.

DISPOSITION CODES

The MCPD has an extensive list of disposition codes that officers can use to reflect the outcome of calls for service. Unfortunately, the audit revealed that officers only use a few of these codes such as code 29911 "Other Miscellaneous" and code 24131 "Disorderly Conduct" to reflect the outcome of most of these calls for service. Capturing the correct incident and coding accordingly will allow the Department to further assess and manage workload and repetitive calls for service. Correct data will allow the MCPD to effectively manage their calls and problem solve for repeat issues. Proper use of clearance codes can support workload analysis, determine types of events, and lead to better data analysis and audit controls. Capturing the true dispositions of calls for service can help in data analysis of your calls for service and allow for improved planning and response to the calls. Correct data will allow the MCPD to effectively manage their calls and solve repeat issues.

BWC POLICY

ELEFA reviewed the MCPD Body Worn Camera System policy titled: FC No. 430, dated 01-06-21. This policy is more restrictive in regards to the ability of supervisors to review the body worn camera (BWC) footage, the length of the footage activation, and how many camera systems should be activated during the incident, than the majority of law enforcement agencies we have reviewed nation-wide. Thus

the recommendations offered are based upon best practices and MCPD would need to enter into collective bargaining with the FOP to adopt all or some of these recommendations.

The audit discovered several BWC protocol issues that MCPD should address.[16] Many reviews indicated the BWC activated after the officer's arrival. Officers should activate the BWC audio system before they broadcast any information. Activating the BWC when dispatched to an incident scene will capture the entire call from dispatch to completion. This will allow for further review by a supervisor. Accepted best practice would direct officers to capture the incident on the BWC, the in-car video, and the backseat camera.

In some reviews, there was a lack of supervisors observed at the scenes for calls for service. There are two potential reasons why the ELEFA did not observe supervisors at the scenes. The first is that Sergeants may not be held responsible for responding to calls for service, which can lead to poor close and effective supervision. The second may lie in the fact that Sergeants do not wear easily identified chevrons. MCPD reports staffing is a major concern related to capacity for more presence on scene.

There are several BWC protocol issues that MCPD should address to strengthen its BWC program. First, officers should be trained and held accountable for pressing the BWC activation button before they act on initiating any traffic stops. The touching of the BWC button starts the audio recording and allows for assessing the broadcast information en route to calls for service and the reason for the traffic stop. Also, MCPD should require that all AXON devices (BWC, In-car video, and backseat video) be automatically initiated upon one of the devices being activated. This would give three separate videos and angles to review. In addition, there was little evidence that Sergeants reviewed BWC footage of the officers assigned to them (were not on the AXON audit trail).

TACTICS

Overall the tactics used by District officers were good. However, there were some examples of areas where improvement is needed. For example, some officers often knocked on the front door standing directly in front of the door. Some officers held their flashlights in their gun hands. At times we observed there was a lack of cover of the violator's vehicle by secondary officers during traffic stops. We observed several FTOs while training probationary officers on how to conduct traffic stops, stayed in the vehicle and only the probationary officers interacted and gave the citation warning to the violator. All of these are easily correctable by providing additional training that reinforces the basics of police work in a safe manner.

MENTAL HEALTH CALLS

There were many instances where officers did an exceptional job with de-escalation, demonstrating empathy and professionalism. Some concerns with officers making fun of people, using profanity in front of community members, and not calling for Spanish Speaking officers with individuals who were demonstrating difficulty understanding English.

As outlined in the Mental Health Crisis portion of this report, District officers do not seem to ask for Crisis Intervention Trained (CIT) officers or the Mobile Crisis Outreach Teams (MCOT) when dealing with persons in a mental health crisis.

The MCPD essentially does not have a CIT program in the way it is intended. The term "CIT officer" was heard on only one mental health call for service during this review. No request for a CIT officer, or request for/reference to the MCPD CRSS (Crisis Response and Support Services) team was observed. While there are significant benefits to having all officers taking the 40-hour CIT training, the current practice is a "one and done" model. There is no refresher training, however a new e-learning module was recently presented. In addition, there is no specialized team to focus on higher level mental health CFS, Emergency Petitions (EAPS), repeat callers, or hospital discharges etc. Community members who know about CIT are instructed to ask for CIT officers - which is officers who have the demonstrated skill set, interest, advanced training, and familiarity with community resources.

Another key takeaway regarding MCPD current practice is that there were limited instances where adequate explanation of why the individual in crisis was being handcuffed to transport to the hospital (Department policy). Adequate explanation prior to handcuffing calm, compliant individuals reinforces they are not under arrest or in any sort of trouble, and helps to mitigate trauma and improve police/community trust. Often many officers were observed on the scene of mental health calls, and in several instances 6-9 officers were on scene for significant periods of time when it was unclear the purpose of these larger numbers of officers.

DOMESTIC VIOLENCE CALLS

Montgomery County provides excellent service to victims of domestic violence with the available County-wide services. Most of the Patrol officers handle calls professionally, within MCPD policy, and accepted national police practices. Supervisors should conduct regular audit reviews of BWCs when there is any type of arrest on domestic calls for service. Reports should always be completed prior to sending a complainant to a Commissioner.

STOPS AND SEARCHES

Most of the stops and searches observed were handled professionally. There were a few examples where the ELEFA believed that some searches, especially in traffic stops, were legally questionable when they opened locked or closed containers in the vehicle. Most of the searches on persons involved searches incident to arrest and were legal. However, of the BWCs that involved traffic stops leading to searches of the motorist, most involved a racial minority. This disproportionality is a notable element of the BWC review sample. In some of those cases, the officer announced he would do a pat-down and then completed a more thorough search including the motorist's pockets. Improper use of tactics was also noted in certain search incidents.

TRAFFIC STOPS

Overall, the Department does a professional job conducting traffic stops. Only a few incidents, within the review, were flagged as concerning or not meeting professional standards. In the majority of audited traffic stops, officers' communications with the violators were professional and courteous. MCPD does not use an 8-step traffic stop approach and, in many cases, does not allow for the violator to have "voice" – as in procedural justice. In past discussions with the Education and Training Division (ETD), they purposely do not do this, as they perceived it could lead to conflict. The ETD is changing their lesson plans and will incorporate voice. The majority of traffic violators were given a warning and not a citation. Due to late activation of BWC audio, not sure if the officers were broadcasting their location, violator license plate, and asking for a run of the vehicle for wants and warrants prior to approaching vehicle. Of the traffic stops reviewed in the random BWC sample, most interactions included people of color.

Recommendations - District Reviews

- **Develop more scenario-based training** that requires officers to apply ongoing, newly changed or implemented policies and directives. At the end of the scenarios, have officers prepare a report that addresses the new policies and directives.

- **Provide more scenario-based training on use of force and specifically on documentation and rein-forcing Department policy.** Command staff and supervisors should provide clear guidance on use of force and have open discussions with officers in roll calls and other District events to allay their fears of using potential force.

- **MCPD needs to develop stronger scenario-based training and testing on how to handle traffic stops.** They should adopt and train a traffic stop model such as the 8-step traffic stop model and include the procedural justice tenet of Voice.

- **MCPD needs to provide additional training on basic traffic stops tactics** including providing cover when two or more officers are at scene (including FTOs).

- **MCPD should review how their specialized units use consent searches for minor traffic and equipment violations** and if these tactics are worth the potential loss of public support.

- **Provide additional training to officers on the proper use of the disposition codes for calls for service.** Supervisors should ensure officers use the proper codes when logging recordings. Also, en-sure supervisors review the disposition codes for the officers assigned to their shifts.

- **Direct the BWC activation policy and management functions to guidance** a) officers shall press BWC activation button en route to calls for service and prior to broadcasting any information regarding traffic stops; b) require Sergeants to randomly review a monthly sample of BWC incidents of the officers assigned to their shift; and 3) ensure activation of all AXON devices (have AXON link devices).

- **MCPD should discuss and consider CBA permissions for supervisors' randomly monitoring a higher percentage of recordings.** Supervisors should address officers' poor performance observed on recordings through counseling, retraining, or discipline.

- **MCPD needs to develop stronger scenario-based training and testing on how to handle calls for service.** They should mimic handling realistic calls from the beginning and reinforce proper basic tenets like introducing yourself first and using communications skills that are not robotic where persons reporting feel you are just going through the motions. Basically, reinforce procedural justice on these calls.

- **MCPD needs to provide additional training on basic tactics in handling calls for service** – where to stand, how to hold equipment, who speaks to the person reporting, etc.

- **Assess the need to train additional officers in CIT and how the issuance of additional Tasers may assist** with resident/ officer use of force incidents. This is underway.

- **MCPD should develop a stronger deployment plan** that balances new officers and supervisors to more than a few districts.

- **MCPD should consider changing the uniform so the public can easily identify MCPD supervisors in the field.** This may require collective bargaining with the FOP.

Effective Law Enforcement for ALL

- **Compensate FTOs fully to overcome poor incentives to take the job.** Do not only pay them while actually training.

- Implement Community Engagement Division strategies in outreach and improving community trust. District needs to work with the newly established Community Resources Bureau to discuss how to conduct more robust community outreach in immigrant communities.

- **District should ensure to continue trust-building with the community** once face-to-face meetings are resumed.

- **Conduct a Department and District resident listening sessions** to determine the specific needs and concerns from the community, residents and officers due to personnel and organization changes since the pandemic.

- **MCPD should re-balance District deployment.** Officers refusing overtime can be an indicator of unbalanced deployment and/or morale issues.

- **Conduct a staffing analysis on the impact of special units being centralized,** the elimination of certain units (such as the District Action teams and traffic personnel) and how the shortage of officers/changes have impacted the Department. There is on-going analysis by the Department.

- **Supervisors should receive additional training in handling critical incidents** including their need to determine: Command of the incident; Communications for the incident and for other district business; Establishing the danger area; Creating the inner perimeter; Creating the outer perimeter; To set up the command post; Identify the staging area; and Determining and requesting additional resources.

- **Supervisors should receive additional training in handling critical incidents** including the three distinct parts when handling critical incidents: Managing the incident; Tactical, and Negotiations.

- **Officers should receive additional training in the completion of search warrants.**

- **Officer traffic stops should be documented and tracked for analysis of:** The number of stops con-ducted by each officer; The percentage of minority stops by each officer and compared to the percentage of stops by the officer's peer group; The number of stops leading to search-es/seizures; The percentage of stops leading to searches by each officer and compared to the percentage of stops by the officer's peer group; The number of searches that provided evidence; The percentage searches that provided evidence by each officer and compared to the percent-age of stops by the officer's peer group.

- **Officers should receive additional training in procedural justice.**

- **Officers and supervisors should receive training in "Emotional Survival"** (Gilmartin and Harris).

- **Supervisors should receive leadership training,** especially in the areas of: Problem performers and the roles of supervisors.

- **Supervisors should receive training related to Jim Collins book, "From Good to Great,"** or another source to understand the needs of improving their organization.

- **MCPD should balance the deployment of newer officers and supervisors throughout the Department.** Placing them in a few districts that tend to be more active can create a higher leadership and operational burden on command staff at these districts.

In addition to District reviews, we reviewed a sample of Calls for Service related to crisis, traffic, and domestic, and related clearance codes relevant to interactions with community members were reviewed for all six Districts. This review is discussed in the following sections.

District 1 Overview

District 1 (Rockville) is made up of 110 assigned officers. There are three Lieutenants and eight Sergeants assigned to the District. A large percentage of these officers are senior officers with more than fifteen years of experience, and with only about twenty younger and less-seasoned officers under command. The Montgomery County Police Rockville District is in the heart of Montgomery County, and it is the home of the County seat. The County Executive Office Building and the Montgomery County Judicial Center (District and Circuit Courts) are all located within the Rockville District. The Rockville District is located about ten miles north of Washington, DC and it encompasses 150 square miles. Many of the community residents are bilingual or trilingual and there is a sizable population originating from countries outside of the United States.

Rockville is also home to the Montgomery County Sheriff's Office (MCSO), which is headquartered in the Montgomery County Judicial Center. The MCSO has over 165 employees consisting of sworn and non-sworn positions. The City of Rockville has its own police department, with approximately 65 sworn officers, operating with concurrent police authority within the confines of the Rockville District. Sheriff Deputies and Rockville City police officers have their own unique responsibilities; however, they are often available to assist with back-up to Montgomery County officers, as necessary. Rockville City officers are assigned as the primary car when calls for service are within the city limits, which is surrounded by the MCPD Rockville District. Sheriff Deputies have other responsibilities, including courtroom security, prisoner transport, and civil service, etc., but they will assist the MCPD, as needed. These overlapping agencies provide significant visibility of marked cruisers in and around the Rockville District.

Rockville is also the home of the Family Justice Center (FJC) and the Montgomery County Crisis Center – both excellent and near-by resources for officers. The FJC provides a family-friendly environment for a multi-disciplinary team of professionals to work in a centralized location to provide a coordinated response to victims of family violence. The Montgomery County Crisis Center provides 24-hour free crisis services and houses the Mobile Crisis Team (MCT). The MCT provides emergency crisis evaluations for individuals who are experiencing a mental health crisis. The Crisis Center has four crisis beds as an alternative to hospitals and provides assessments and referrals. Officers assigned to Rockville District have these services available and close-by for drop-offs, but they also can receive 10-15 calls per week from the Crisis Center when police services are requested.

Rockville is described as one of the quieter districts in comparison to the other five police districts. It generally experiences fewer incidents of crimes of violence and shootings, in comparison to others. The District leadership describes their most common type of call for service is property crimes. Their major recurring problem is theft from auto, which can amount to about 40-50% of the crime in the District.

The Rockville District has officers traditionally deployed, as opposed to other districts that are geographically deployed. The senior officers know the District very well, and they are intimately familiar with the common and recurring problems and crimes within the District. Some of the officers assigned to the District have spent their entire career in Rockville. It was reported that some language barriers have emerged in the growing Asian community and the ability for active translation. Officers are available who speak other languages, including Chinese, Korean, and Russian. The Special Assignment Team (SAT) includes senior, experienced officers with extensive under-cover capability, and they work efficiently together on covert assignments and deterring crimes. This District has more than 70 personnel CIT trained.

Potential Needs

The Rockville District does not have a District Community Action Team (DCAT). This was eliminated due to budget cuts, a part of the County Executive's FY20 cost savings plan. Leadership has considered the benefits of a Central Business District (CBD) team or a bicycle team, and an experienced officer with skills from the recently decentralized Central Auto Theft Unit. The Police Academy graduating classes have been smaller in recent years and, because this is one of the slower districts relative to others, fewer additional officers are assigned to Rockville.

The Rockville District is host to many community meetings and residents of Rockville are generally very supportive of the police. The key areas of resident complaints tend to involve quality of life issues. Drag racing and speeding are common community complaints. There are six schools within the District and there has been positive feedback from officers, and about officers in the schools. Leadership considers that not having officers in the schools has prevented some consistent outreach to students.

Upon review of sixty-plus BWC incidents, the audit found no significant problems with the overall response by First District officers. Most of the work reviewed by Rockville District officers from their BWCs was professional and skilled, consistent with the expectations relayed by the District's leadership. A small number of minor concerns, mostly related to repetitive calls to a business, were relayed to MCPD leadership prior to this report.

District 2 Overview

District 2 is located in Bethesda, Maryland. In addition to Bethesda, the District covers Potomac and Chevy Chase in lower Montgomery County. The District station in downtown Bethesda is a unique public/ private police station designed to meet the Leadership in Energy and Environmental Design LEED silver certification requirements. The station includes community space, as well as a separate secure entrance for police officers.[17]

It was reported that District personnel have diverse law enforcement experience. Leadership noted District officers have problem-solving skills in the field, and there were no complaints from the community or Internal Affairs regarding disparities in traffic stops. This can be seen as a noteworthy sign of a well-run District and officers acting professionally. The leadership expressed embracing community engagement and having the support of the community. The District noted the additional support of community service officers is helpful in delivering service to the community. There are some language barriers noted in the District. Currently if an officer needs the assistance of language communication, they utilize the language bank; which assists an officer with any type of language needs.

Potential Needs

Community members and Department personnel primarily address quality of life issues and traffic complaints. Property crimes, such as thefts and auto thefts were reported as main District crime concerns. Calls for service related to mental health crisis response are primarily embedded within disorderly persons calls and clearance codes. It was reported that the community has a high demand on police services, and the elimination of the District Action Team have impacted quality-of-life issues. This was also eliminated due the County's FY20 costs savings plan. Additionally, the District lost some traffic enforcement personnel, which further limits some capacity to for quality -of -life enforcement initiatives for residents. Leadership reported the elimination of the District traffic officers relates to responses to traffic related concerns and District operations. Due to the elimination of traffic personnel, the District must rely on its assigned officers to address traffic issues and or rely on the centralized traffic unit. Currently, the central traffic unit responds to the District for any traffic-related concerns. There is at least one traffic officer dedicated to each District.

The District has had a decrease of patrol personnel; for example, during this review, there were twelve (12) vacancies. Further, the collective bargaining unit agreement prevents new supervisors going to the midnight shift. With new promotions, this limitation may impact District assignments. MCPD should discuss the deployment of supervisors to the midnight shift with the bargaining unit.

Leadership noted these vacancies may have a negative impact on the District's capacity to provide adequate staffing. The District is short-staffed with response to dispatch calls for service.

It was noted that the Department should provide stress management training for personnel due to the anti-police environment and concerns of officers using force. The stress management training would allow the officers to further develop coping methods to assist in their daily work.

Upon review of approximately seventy BWC incidents, ELEFA believes that overall District 2 police officers handle calls for service professionally. The BWC review confirmed that the persons reporting calls for service were racially diverse and treated with respect and professionalism. Most of the dispositions of these calls for service were for advice only and very few resulted in arrests or summons.

District 3 Overview

District 3 (Silver Spring) is staffed with 163 personnel, including four Lieutenants. Some Detectives were recently decentralized.
The District has a proactive DCAT, consisting of a Sergeant, a corporal and four officers, and two central business teams working the business District.

The leadership noted the District was comprised of many newer MCPD officers. Recently, fourteen (14) recruits graduated from the academy and six of those officers have joined the District. The District is considered a good assignment for newer officers perhaps due to the level of activity in the area, and there is a good rapport with the community. The community is very dense and expansive with a diverse population. Leadership noted a large Latinx population; approximately 13-15 officers speak Spanish, which is more than most districts. There is also an African American population that speaks a French dialect. In some instances, officers use the language line to interpret. A review of the BWC recordings indicated there were officers available for translation.

The District's officers reported having outreach to as many as sixty different homeowners' associations (HOA) and other community groups. Although there is limited staffing, efforts have been made to connect with the community including the "coffee with cops" program, popsicles with police, food drives at the station, and chair yoga.

Potential Needs

The District is dealing with maintaining capacity for the number of calls for service. There can be instances of calls for service holding recently, and there are a number of calls for mental health related issues. A concern is that some community members may complain to leadership that they do not see officers often; and this may be due to them going from call to call. Some District Captains expressed difficulty in justifying using Patrol officers for community engagement since often, due to the volume of calls for service. Further, leadership expressed a potential need for three more officers per shift.

Leadership noted there have been many policy changes recently and officers can struggle to keep up with most current implications as things evolve. The District may also consider strengthening relationships with community organizations, including the Silver Spring Justice Coalition (SSJC).

Community groups note concerns with crime particularly complaints of speeding and people smoking marijuana openly. The central business District is concerned with quality-of-life calls including disorderly conduct. The most common calls reportedly dealt with violent crime. In addition, the District has many domestic violence calls (which include aggravated assaults), theft (including retail theft), and drug calls.

While the District reported having two mental health teams that can handle the calls (MC44), none of the BWC recordings reviewed included CIT events. This likely indicates an ecosystem issue that could include MCPD either not being adequately aware of the resources, under-utilizing them, or that there are system failures within the MC44 that are contributing to the low utilization. In any case, this partnership should be strengthened in order to utilize mental health professionals or another alternative response option on calls deemed appropriate for mental health (co) response.

The District faces a relatively high incidence of interactions related to mental health, and the largest number of use of force incidents came from emergency mental health petitions. A response has been to now use 4-5 officers to handle the calls to promote a positive outcome if the situation degrades (there are more officers present to handle the incident).

A review of sixty BWC recordings provided evidence many officers made conscientious efforts to interact positively with some community members. In nearly every call, officers generally were polite, professional, and helpful. A few of the BWC recordings were of officers making visits to students on their way to school or were related to building relationships with community members. Some of the reviews indicated officers were not as helpful and in a few cases the officer used inappropriate language. The review of BWC recordings indicated there were errors apparent in categorizing incidents and calls for service. Most recordings started before and ended after the citizen encounter but several recordings were stopped at some point during the encounter.

Recommendation:

- **Officers should receive training to explain the importance of obtaining medical assistance to a person who seems unable to care for oneself.**

District 4 Overview

District 4 (Wheaton) and is one of the larger districts with eighty-two square miles to patrol. The District is diverse with both large immigrant and rural populations. The substantial number of calls for service makes the District one of the busiest in the MCPD. The officers assigned to the District tend to be younger which can be a benefit and weakness. The benefit is that the officers are eager and motivated.

It was noted that the District embraces community engagement and has initiated several programs like coffee with the cops and paw patrol that bring the community and police together for community discussions. Supervisors are required to attend community engagement events to observe officer interactions and then write comments in the officers' performance evaluation reports. COVID-19 did impact officers' abilities to meet face to face with community groups. Prior to COVID-19 officers reported they met regularly with community groups and efforts are underway to get back to the previous level. The rural community within the District is supportive of the MCPD while the immigrant community was reported to be somewhat less vocal in interactions with the police. The District was noted as having an ethnically diverse group of officers who are committed to providing professional service.

The District had two community service officers, one is a permanent position and the second - who speaks Spanish - is on a long-term temporary assignment. However, the temporary assignment leaves a shift vacancy that goes against patrol staffing. The District has a large Hispanic population, and the District has thirty-three officers that are proficient in other non-English languages. The MCPD also can utilize language lines (via call center) to support field officers.

The District leadership noted it has received no complaints from the community or Internal Affairs regarding disparities in traffic stops, however officers are being relatively less-proactive due to the current climate towards law enforcement. The District has decentralized Special Weapons and Tactics (SWAT) officers who also run training exercises to better prepare field supervisors and officers. The District also conducts divisional training on shift overlap days; there are generally three of these per month.

Potential Needs

The top crime calls for service in the District are alarms, larceny, and disorderly conduct, which includes mental health calls. Some officers are concerned regarding their response to persons in a mental health crisis and other calls for service that may require use of force. They are worried that these types of calls will result in personnel complaints against them and have led to documenting use of forces that may not be required. There has been crisis response assistance requested for incidents that resulted in successful outcomes. Leadership reported the District has many CIT trained officers who are equipped with Tasers, and at least two officers per shift typically meet the criteria.

The main community issues noted by the District are complaints about traffic and quality of life issues. Parking is also an area that receives many complaints, as there is limited space available for parking. Leadership noted very few complaints regarding violent crime.

Leadership noted that approximately 20% of staff is currently unavailable for deployment due to fourteen vacancies and six other officers on restricted duty. Many officers are filling these staffing shortages through overtime, but over time may decline to work them. Due to lower deployment numbers, supervision and the deployment of specialized units can be impacted in the District. In addition, officers face limitations to engaging more with the community due to demands on calls for service. The District had faced several Sergeant vacancies, which resulted in lack of stability in deployment and leadership. This District was also reported to be a common training and development station for Sergeants, with frequent transfers and re-training of new Sergeants. The shortage of Sergeants also impacted the ability to hold regular supervisor meetings. The station building was also reported to be in relatively deteriorating condition.

As observed in the BWC footage review, many District officers can speak Spanish and handled Limited English Proficiency (LEP) encounters with Spanish-speaking residents well. A review of approximately sixty BWC recordings demonstrated that overall the District police officers handle calls for service professionally. The District BWC review confirmed that the persons reporting (PR) the calls for service were racially diverse and treated with respect and professionalism. Most of the dispositions of these calls for service were for advice only and very few resulted in arrests or summons.

District 5 Overview

District 5 (Germantown) is the most populous place within the County. The District is located approximately 25–30 miles outside the U.S. capital of Washington, DC and is an important part of the Washington Metropolitan Area. Germantown is one of the most ethnically and culturally diverse in the United States. The District is staffed with 170 sworn and non-sworn professional staff members. There are 3 Lieutenants and 2 professional staff members within the District.

Many of the officers live in the up-County District. The District leadership proudly shared that the officers assigned to the District are senior officers with many years of experience. The leadership reported that community engagement activities are numerous, and that community relations are every officer's responsibility. The District has one officer that is solely designated for coordinating community activities, such as the 'Coffee with a Cop' program intended to provide an opportunity for the community to engage with officers under less stressful circumstances.

Potential Needs

On occasion, LEP is a concern when no translator is working. However, the District is fortunate to have a diverse ethnicity of officers who are bi-lingual in multiple languages. The key types of calls for service are domestic related along with assaults, shootings, robberies and carjackings. Leadership reported that the community wants the Department to lower crime but chooses not to be over policed. This is a balancing act, which the District is trying to overcome. The District is trying to get back to where the businesses know their beat officers. There is evidence that crimes are going unreported. Presently, the staffing needs are no worse than other districts. Leadership states the District is "making do," but needs more staffing.

Upon review of over sixty BWC incidents, overall the District police officers handled calls for service professionally and had a genuine concern with successful handling of the calls for service. The BWC review confirmed that the persons reporting (PR) the calls for service were racially diverse and treated with respect and professionalism. Most of the dispositions of these calls for service were for advice only and very few resulted in arrests or summons.

District 6 Overview

District 6 is not bordered by any other jurisdiction and is surrounded by MCPD districts. The District does contain the City of Gaithersburg and therefore officers work closely with Gaithersburg Police Department (GPD) officers. Leadership noted this District includes many senior officers with at least 7-8 years of experience. It was expressed that some senior officers may be concerned with tenure, and fear making many errors in light of the numerous changes in policy and, "no one wants to be the case study." Examples include clear guidance on the new use of force policy, use of force tactics, search warrants, or dealing with confrontational incidents in the community.

The District has an assigned community services Sergeant. District leadership reported they handle about 10 events a month with the community. Reported community outreach efforts included an ice cream social, a summer of peace street outreach, national night out, senior citizen facility visits, and HOA meetings, with support from the community. Leadership noted a large population of Spanish speaking citizens, and an adequate number of officers speaking Spanish. When they aren't available, some officers generally translate on the phone. Some languages aren't commonly encountered, and the language line has been utilized.

Theft from vehicles is noted as a key problem in Montgomery County. Other concerns have been traffic related, speed related, and parking related, and related to guns; further two shooting events drew attention. It was reported that the calls in the District are primarily miscellaneous calls for service, traffic, family, and suspicious persons. Some officers use that category of type of call if they can't attribute it to a common event such as robbery. A review of the BWC recordings indicated officers were too frequently using those codes rather than more appropriate codes.

Potential Needs

In prior years, it was reported that overtime staffing may be more common for something like court, however now District staffing is common relative to in the past. The District reported recently losing 4 or 5 personnel, but only received two recruits; and retention is a critical factor. The District has a DCAT unit in Montgomery Village, and it is down one position; vacancies for proactive positions are more challenging to fill or receive applications. The Special Assignment Team (SAT) does a lot of surveillance related to gangs or firearms. There is also a District investigations section, which is located in the District, but assigned to HQ.

The District does not have a motor unit; leadership suggested it could be useful for a motor unit to be assigned due to the large number of traffic complaints. There is a former motor officer assigned to handle traffic complaints and parking offenses. The station also was noted to have little security, broad access, and limited space for security purposes (i.e. evidence).

Of the sixty BWC recordings reviewed, few concerns were observed in interactions of District officers. The BWC recordings indicated there was a translator available when needed. Officers listed most calls as minor incidents including disorderly conduct, small amounts of marijuana, and calls listed as miscellaneous. The majority of officer/citizen interactions were professional and polite. There were a half-dozen cases where the officer was brusque, demeaning, vulgar, or failed to resolve the issue. Incidents such as these reduce citizen respect for officers. Most of those recordings showed the officers not properly introducing themselves. For all of the positive outreach events with the community and the goodwill those events can create, that goodwill can be destroyed by instances of brusque, demeaning or vulgar encounters. Additional supervisory oversight of BWC recordings and follow up would go far in building respect for officers and relationships between the officers and their community.

Recommendation

- **The Department should have a security assessment completed for District 6 station to determine if additional security measures are necessary.**

Domestic Violence Related Calls for Service

The Montgomery County Police Department Domestic Violence Investigation Policy states the Department "is committed to conducting trauma-informed and victim-centered domestic violence investigations." Officers are directed to employ these strategies when conducting investigations of this nature with an eye towards ensuring the safety and security of the victims.

Further, the directive states that MCPD is "committed to reducing the incidence and severity of domestic violence by recognizing it as a significant societal problem and dealing with it as a serious criminal offense."

In its' direction to employees, the Department specifies it strive to:

- Educate victims as to their legal rights;
- Advise victims of the help that is available to them;
- Encourage victims to seek assistance from social service agencies and legal resources;
- Hold abusers accountable for their actions;
- Ensure that officers are prepared to respond to and effectively deal with domestic violence calls for service; and
- Work closely with public/private partners to ensure the highest level of service and options to victims.

Patrol Officer Responsibilities

According to written policy, when a Patrol officer is on the scene of a domestic violence incident, the following steps should be taken:

- Secure the scene for officer safety, victim safety, and evidentiary purposes;
- Conduct a preliminary investigation (as described in Department policy);
- Notify the proper Investigative Unit per FC 611 policy;
- Complete a Domestic Violence Supplemental for all DV incidents where an incident report is written;
- Complete a Domestic Violence Lethality Screening for all domestic violence incidents when an intimate relationship is involved (and criteria is met);
- Contact the Abused Persons Program to relay high-danger lethality assessments;
- Provide Victim/Witness Assistance Information;
- Forward required reports for processing by the end of the tour of duty; and
- Appropriately tag Body Worn Camera (BWCs) for evidence retention

Special Victims Investigations Division (SVID)

The SVID includes the Domestic Violence/Elder Abuse and Sexual Assault Section. The Domestic Violence and Elder Abuse Unit investigates cases of domestic violence involving first degree assault, stalking, and strangulation. The SVID also investigates elder abuse, institutional abuse, and abuse of vulnerable adults.

The SVID investigators are well-trained to nationally accepted best practices for domestic violence investigations, and they respond to the scene of at least 95% of the reported Domestic Violence felony cases, based on their availability. The SVID has a wealth of resources within Montgomery County with the Family Justice Center, Allied Agencies, Forensic Nurse Examiners, and Special Client Assistance personnel assigned to the State's Attorney's Office.

In recent years, the strengthening of laws related to domestic violence and the increased awareness in the community has provided for a greater exposure of services for victims in Montgomery County. The Montgomery County Sheriff's Office is the lead agency in Montgomery County for the service of Domestic Violence Petitions, Emergency Evaluation Petitions, Peace Orders, and related processes. The deputies serving these court orders are assigned to the Family Division of the Family Justice Center. In Montgomery County, there is a wealth of service providers, coordinated and working together to address the needs of victims of domestic violence.

Accordingly, we reviewed the first responding police officer's response to calls for domestic violence and not the SVID follow-up investigations. We believe once the victims of domestic violence are in the Montgomery County system, they are being very well-served by the Montgomery County-wide systems in place.

BWC Review

This audit reviewed forty BWC domestic violence incidents from a randomly selected sample of incidents reported to MCPD over a three-year period. The review is intended to confirm that initially responding uniform Patrol officers are following their Department policy and are conducting trauma-informed and victim-centered domestic violence investigations at the victim's earliest contact after dispatch.

The Domestic Violence Patrol Response audit was conducted to verify departmental compliance with Operations Manual, FC No: 535 Domestic Violence investigations, and other related policies.

The audit of randomly selected BWC's examines and documents whether there was a proper initial response to Domestic Violence scenes by members of the Montgomery County Police Department, in compliance with MCPD Directives. This audit focuses primarily on the initial patrol response.

ELEFA used an assessment checklist to verify specific criteria, all elements if performed correctly, would indicate the overall uniform patrol response was proactive, victim-centered, trauma-informed, bias-free, professional, and in compliance with departmental policies and nationally accepted police practices.

Overwhelmingly, the audit results indicate MCPD officers are well-trained and informed on domestic violence laws in Maryland and on Department policies and procedures for handling these incidents and crimes. In almost every case, officers were empathetic and patient in dealing with all persons (witnesses and victims) involved in domestic violence incidents and crimes. In cases where physical assaults were in progress when the officers arrived on the scene, the officers took swift and appropriate actions within lawful and suitable boundaries.

In events where there was a need for de-escalation, officers used appropriate voice control and handled these situations competently, with patience and supportive guidance and instruction. In some instances, the officers provided courtesy transports when the situation dictated the response was needed for the involved person's safety and well-being.

All responses to violations of Protection Orders were handled exceptionally. ELEFA perceived no indication that domestic violence reports were handled differently among police Districts or any specific part of the County. Similarly, no indications of officer bias based on race, ethnicity, age, gender, or stature were observed during the review of domestic incidents.

Most of the related police reports were available for our review and were found to be sufficiently detailed, thorough, and accurate, based on our observations of the BWC recordings. There were a few reports unavailable due to prior legal expungements. Reports should always be completed prior to sending a complainant to a Commissioner. A report documents the initial investigation on the scene and captures the DV history. There was only one of these instances in this DV audit and the officer was later instructed (prior to this audit) to go back to the complainant and complete additional DV supplements.

Recommendations:

The following recommendations for an improved initial response to domestic violence incidents are based on our limited BWC reviews.

- **Supervisors should conduct regular, random audit reviews of BWC's** when there is any type of arrest or physical altercation on domestic calls for service. Supervisory reviews will aid in verifying officers are clearing calls properly.

- **BWCs should be turned back on in sufficient time to capture all discussions with the parties** (after officers have turned them off for private consultations).

- **The term "choking" should only be used in quotes in reports when discussing a reported incident related to strangulation attempts** and when quoting the victim. Strangulation is the proper term when not quoting the victim.

- **Officers can improve their professional response with a proper greeting and personal introduction,** rather than "What's going on?", "Did you call?" etc.

Traffic Related Encounters

Overview

Traffic Operations Division (TOD) is responsible countywide for the enforcement of traffic laws, investigating serious traffic collisions, and providing safety education for students and the public. The TOD has a similar makeup as PSTA. TOD has approximately fifty sworn personnel (CTU, AIU, CMV Inspectors, CRU & school safety), including executives. Currently, another Police Lieutenant or civilian PHD is desired to help manage and lead TOD. It was also stated by leadership that the Alcohol Initiative Unit (AIU) could use more personnel and the Crossing Guard Unit lost three officers that provided leadership and direction to dozens of school crossing guards across the County.

TOD officers embrace community engagement initiatives and routinely attend community events. Motor officers and traffic units used to also perform community engagement efforts in the community.

Recommendation:

- **MCPD should consider transferring a Lieutenant of Police to TOD to assist in management and leadership in the division.**

TOD has several special units deployed such as the Alcohol Initiative Unit (AIU) which focuses on driving while impaired by alcohol or drugs; the Collision Reconstruction Unit (CRU) that specializes in traffic collision reconstruction; the Automated Traffic Enforcement Unit (ATEU) that manages all of the photo cameras; the School Safety Section that includes the Crossing Guard Unit that manages crossing guard deployment County-wide; and the Centralized Traffic Units (CTU) that investigate non-fatal traffic collisions and are assigned traffic missions that correlate to High Visibility Enforcement (HVE) locations. CTU will assist with collision investigations in the District they are assigned to for that day, but they do not do this countywide each day.

The CTU is a newly formed unit within TOD that was created to increase the effectiveness of traffic units. Previously, traffic units such as motors were deployed from the District stations and focused on a wide variety of missions given by their District Commanders. This deployment strategy decreased traffic accountability as six different District Commanders determined how to deploy the traffic units. TOD centralized the traffic units and uses extensive traffic data and analysis to pinpoint where the traffic units will be deployed. Traffic units have specific missions based upon the data analysis and are held accountable for reducing traffic related problems such as speeding and reduction of serious injuries from traffic collisions.

Twenty-five percent of the MCPD traffic stops conducted between 2018 through July of 2021 are on violators who do not live in Montgomery County. Montgomery County is a thoroughfare for commuters to Washington DC and people crossing through to adjacent counties. Traffic violators who believe they have been subjected to biased behavior from MCPD officers are encouraged to report the actions to the Internal Affairs Division.

Recommendation:

- **MCPD should consider requiring Sergeant's to conduct bias investigations at the scene of traffic complaints.** Also, data analysis should be undertaken to prove or disprove if transitory traffic patterns impact racial disparities and to what extent. This would require collective bargaining. Also, regular data analysis could be undertaken to assess whether transitory traffic patterns impact racial disparities and to what extent.

Community members are reported to complain about traffic issues such as speeding, loud noise complaints from vehicles (mufflers, etc.) traffic around schools and children, etc. TOD analyzes the complaints and reviews traffic data to create missions for their traffic units. Eliminating minor traffic violation enforcement would have a tremendous impact on addressing these community concerns.

BWC Review

ELEFA reviewed 50 BWC traffic stop incidents over a three-year period. These incidents were randomly selected and included incidents from all six District stations and specialized TOD units.

ELEFA believes that overall MCPD police officers handle traffic stops professionally. There were very few traffic stops observed that were concerning or would fail to meet ELEFA's standards for professional behavior. The BWC review confirmed that most of the traffic violators detained were persons of color. This is a small sample and a larger data analysis is needed to determine if racial disparities in traffic stops is consistent throughout the Department and if any forms of bias can be determined through the analysis. ELEFA can state that no observed racial bias occurred in the fifty traffic stops BWC incidents reviewed. The BWC review confirmed that most of the traffic stops resulted in the officers only giving a warning and not a citation. It appears that factors such as previous violations for the same offense triggered an issuance of a citation. But if the violator had no points in the system, was courteous, and had an honest discussion about the violation – no citation was issued even when warranted for moving violations (running red lights, stop signs, etc.).

A recent change in policy requires officers to provide a written warning or citations on traffic stops – which provides better documentation and data- as opposed to providing a business card to the violator. It has been reported that some officers are reluctant to make stops due to the new policy and their concern that violators might feel they are harassing them with written citations – even though they are warnings. The adverse effect and unintended consequence to this new policy change is that officers may be choosing not to perform minor traffic violation stops. In addition, some leadership has reported that officers have noted interest in additional DUI training.

Supervision at Traffic Stops

There was a lack of supervisors observed on the BWC reviews for officer-initiated traffic stops. There could be legitimate reasons for this such as low supervisor deployment (budget cutbacks) and increased administrative duties. Although Sergeants are not monitored or held responsible for responding to traffic stops, ELEFA expected to observe a greater number of supervisors at these types of scenes. Lack of visible supervision in the field can lead to poor close and effective supervision. The Department has noted that generally Central has one Sergeant or corporal supervising eleven officers on each CTU squad, which may make additional traffic coverage impractical. Further, the Department may consider implementing a standard to guide the response of Sergeants in the field (i.e. K9 requested).

Also, MCPD Sergeants do not wear easily identified stripes on the arm sleeves of their uniforms, they wear small metal chevrons on the collar of their shirts making it harder to observe and determine if they were at the scenes. CTU Supervisors have generally agreed that it would be much easier for other officers (especially those they don't know) and the public to identify who the supervisor is on scene. In addition, this would provide supervisors the opportunity to explain police actions, alleviate concerns while on-scene, and potentially mitigate complaints.

There were some traffic stop BWC incidents that were initiated by Sergeants that lent support for Sergeants being visibly deployed in the field more regularly than observed during the random BWC review. These incidents generated many other officers responding to back-up the Sergeant, and caused the Sergeant's to explain to the violator that when they take enforcement action, they tend to get many officers response to their location (for safety purposes). Too many officers at the scene of traffic stops will be discussed later in this review.

Recommendations:

- **MCPD should discuss issuing stripped chevrons for Sergeants** to place on the arm sleeves of their shirts to improve the identification of field supervisors.
- **District Commanders should ensure reviews of field supervisors to ensure they are responding to a variety of calls for service and traffic stops and investigations in a more uniform manner.**

BWC Protocols

This finding was also covered previously in the District Station review. The audit discovered several BWC protocols could be improved. First, officers should receive additional training and be held accountable for pressing the BWC activation button before they act on initiating any traffic stops. Requiring officers to touch the BWC activation button prior to broadcasting would solve this problem as it starts the audio recording and allows for the assessment of information broadcasted prior to the traffic stop. Also, MCPD should require that all AXON devices (BWC, In-car video, and backseat video) be automatically initiated upon one of the devices being activated. This would provide three separate videos and angles to review should any type of investigation (personal complaint or use of force, etc.) occur from the stop. Finally, as previously stated, there was little evidence that Sergeants reviewed BWC footage of the officers assigned to them (were not on the AXON audit trail). It is acknowledged that these recommendations will require collective bargaining with the FOP to be adopted.

Recommendation:

- **Change the BWC activation policy to clearly direct** a) officers shall press BWC activation button prior to broadcasting any information regarding traffic stops; b) require Sergeants to randomly review a monthly sample of BWC incidents of the officers assigned to their shift; and 3) ensure activation of all AXON devices (have AXON link devices). Further, Montgomery County Bill 18-21 requires random review of body worn camera footage

Use of Disposition Codes

MCPD basically uses only two types of disposition codes to track traffic stops, Cleared Traffic Stop and DRIVINGUNDER (DUI). They should consider adding more codes that track the outcomes of the stops such as warned only, citation issued, report taken, etc. This would give MCPD more data points to analyze and assist in their planning and training to improve traffic stop encounters.

Recommendation:

- **Provide additional training to officers on the proper use of the disposition codes for traffic stops and investigations.** Also, ensure supervisors review the disposition codes for the officers assigned to their shifts.

Tactics and Training

No 8-step Traffic Stop Model: ELEFA observed that officers conducting traffic stops use the same format whether they are District Patrol officers or centralized traffic officers. However, the format that they use does not have the procedural justice tenet of Voice – which requires the officers to allow the violator to explain their version of what happened (agree or disagree) with officers' version of the violation. This is simply allowing the violator to have a say in the encounter and the ability to tell their side of the story. When mentioned with the Director of the Police Academy during the preliminary report stage of this audit, it was stated that they purposely do not allow for this as it could lead to conflict with the violator. After the ELEFA explained to the Academy Director why they should allow for Voice, he agreed and started the process to update the traffic stop training lesson plan to address all 8-steps in the model and specifically add the voice component.

Finally, a recent change in State law requires the officers to state their badge number during the introduction portion of traffic stops and this needs to be added to the lesson plan and trained in the Academy and In-service classes. ELEFA did not observe any officers state their badge number during the audit (law is new and training not developed yet).

TACTICS

Overall the tactics used by officers were good. However, there were several examples of police tactics that should be corrected. On traffic stops there is a lack of cover of the violator's vehicle by secondary officers. ELEFA observed several FTOs, while training probationary officers on how to conduct traffic stops, stayed in the vehicle and only the probationary officers interacted and gave the citation warning to the violator. All of these are easily correctable by providing training that reinforces the basics of police work in a safe manner.

DEPLOYMENT

ELEFA did observe some traffic stops that had several officers at the scene. As previously stated, supervisors should be visible in the field and attempt to respond to traffic stops and direct officers back to patrol functions if they believe there are too many officers at scene. Currently, the Department notes that there may not be enough supervisors for adequate coverage of traffic stops.

STOPS AND SEARCHES

Most of the stops and searches observed were handled professionally. There were a few examples where the ELEFA believed that some searches, especially in traffic stops, were legally questionable when they opened locked or closed containers in the vehicle. Most of the searches on persons involved searches incident to arrest and were legal.

Use of Force

We reviewed over 500 BWC recordings to consider Department and District culture, operations, leadership, and management, as well as officers' interactions within the Montgomery County community.

We evaluated MCPD's use of force policy, reporting, sixty use of force incidents, and a sample of use of force investigations. We found areas for improvement in the Department's policies, practices and some investigations. For example, the former policy lacked specificity and failed to address important aspects in uses of force; however, many of these concerns are addressed in MCPD's recently adopted, revised policy. In general, certain systems could be improved to reduce subjectivity.

A new Response to Resistance and Use of Force Policy, FC 131, became effective May 2021. The new Response to Resistance and Use of Force draft policy is more comprehensive than the previous Use of Force Policy. By comparison to the existing policy, the new draft goes into more details that align it with today's standards for response to resistance and use of force.[18]

However, the new Use of Force Policy, FC 131, will have to be modified to comply with the new Maryland Use of Force Statute. The Statute takes effect July 1, 2022, and provides that a police officer "may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to" (1) "prevent an imminent threat of physical injury to a person" or (2) "effectuate a legitimate law enforcement objective." [19] In addition, some leadership indicated an improvement in UOF reports, relative to past written documentation; the new written directive recently released is leading to officers writing more UOF reports. The policy is currently being revised by the Department.

Use of Force & Response to Resistance Policy

The previous MCPD Use of Force Policy (9-21-2016) statement was general, lacked specificity on de-escalation, failed to reference the Graham v. Connor framework[20], and did not address officers' mandatory duty to intervene— all of these topics have been addressed in the recently developed and implemented FC 131 use of force and response to resistance policy. Neither the previous policy nor the new policy addresses K-9 bites and/or deployments as a force event.

Use of Force Reporting

MCPD provided Annual Use of Force Reports for the years of 2014, 2015, 2016, 2017, 2018 and 2019, 2020 and 2021. We reviewed all MCPD reports on annual uses of force, from 2014 through 2021.[21] The following observations are relevant to potential concerns related to bias in MCPD's use of force reporting.

2021 ANNUAL USE OF FORCE REPORT

- MCPD had 593 use of force incidents in 2021. This represents a 25% increase over 2020 where 474 incidents were reported. (MCPD reported an average of 509 force incidents over the last 8 years.)
- In 92% of these force incidents, officers used only their hands to make an arrest.
- By far, MCPD used force more times during the service of Emergency Evaluation than during any other police action. Of the 593 incidents force was used 227 times or 38.2% of the total force incidents.
- Silver Spring (3D) and Wheaton (4D) continue to lead other Districts in force incidents totaling 331 of the 593 representing 38.2%.
- Electronic Control Weapons were used in 18 of the force incidents, a reduction of 52.6% compared to the previous year.
- Force incidents of people of color (Black and Latino) were 3.5:1 when compared to Whites countywide.

2020 ANNUAL USE OF FORCE REPORT

- Montgomery County Council passed legislation that impacted police regulations/operations, Bills 27-20 (effective August 10, 2020) sets minimum standards for use of force and 33-19 (Effective June 15, 2020) orders the Department to provide de-escalation training to officers. This is a positive step toward reducing use of force incidents.
- This Annual report does not share with the reader the total number of arrests made by MCPD but rather quotes that the 474 uses of force represent 3.3% of all arrests. (Calculated to be approx. 15,642 for 2020)
- Use of force events were down 14.3% compared to 2019, a reversal of an upward trend for the previous 5 years.
- Districts 3D (Silver Spring) and 4D (Wheaton) continue to show the largest number of uses of force for the year (50.6%), yet it too has shown an overall decrease from 2019 (57%).
- ECWs were used 38 times with 19 uses (50%) in 3D (Silver Spring) and 4D (Wheaton). This represents a 14% decrease in these two districts compared to 2019.
- Force incidents of people of color (Black and Latino) when compared to Whites is 3.4:1, a slight decrease from 2019.

2019 ANNUAL USE OF FORCE REPORT

- MCPD made 16,536 arrests with 553 incidents of force; this represents 3.3% of arrests
- Force incidents of people of color (Black and Latino) were 3.7:1 when compared to Whites
- Districts 3 and 4 by far had the most use of force incidents, 57% (or 316/553)
- ECWs were used 37 times. 24 occurred in Districts 3 and 4, and represent 64% of the total deployments

2018 ANNUAL USE OF FORCE REPORT

- It was reported that MCPD has issued approximately 1,000 Body Worn Camera (BWC) to officers

- MCPD made 18,592 arrests with 542 incidents of force; this represents 2.9% of arrests

- Force incidents of people of color (Black and Latino) were approximately 3:1 when compared to Whites countywide

- Districts 3 and 4 continue to record the highest number of use of force incidents

- Serving Emergency Evaluation Petitions ranks second, behind general arrests, for use of force incidents

- Electronic Control Devices (ECDs) were used 45 times in use of force incidents. 24 of these occurred in Districts 3 and 4, and represent 53% of total ECD deployments

2017 ANNUAL USE OF FORCE REPORT

- MCPD made 19,334 arrests and force was used in 523 incidents (same number as 2016); this represents 2.7% of arrests.

- Force incidents of people of color (Black and Latino) had a countywide ratio of 2.3:1

- Districts 3 and 4 had the highest rates of use of force

- The second highest incidents of use of force occurred while officers were serving Emergency Evaluation Petitions (EEP), 92 incidents representing 17% of all uses of force

2016 ANNUAL USE OF FORCE REPORT

- MCPD made 20,041 arrests and force was used in 523 incidents. This represents force being used in 2.6% of arrests.

- Arrests of people of color (Black and Latino) had a countywide ratio of 2.5:1 compared to Whites

- Force incidents of people of color (Black and Latino) had a countywide ratio of approx. 3:1 compared to Whites.[22]

- MCPD concluded, "In 2016, 85 percent of the defendants involved in use of force incidents were African American and Caucasian". While this may be true, the report needs to be more granular to depict a truer picture of potential racial disparity.

2015 ANNUAL USE OF FORCE REPORT

- MCPD made 17,682 arrests and force was used in 451 incidents. This represents force being used in 2.5% of arrests.

- Arrests of people of color (Black and Latino) had a ratio of 5:1 compared to Whites in District 3 (Silver Springs) and 2.7:1 in District 4 (Wheaton)[23]

- Countywide force incidents of people of color (Black and Latino) had a ratio of 2.5:1

- Force incidents of people of color (Black and Latino) had a ratio of 5:1, 1.4:1 in District 4 (Wheaton) and 2.5:1 in District 6 (Gaithersburg)

2014 ANNUAL USE OF FORCE REPORT

- MCPD made 17,834 arrests, and force was used in 418 incidents. This represents force being used in 2.3% of arrests.

- Arrests of people of color (Black and Latino) relative to Whites were at a ratio of 5:1 in District 3 (Silver Spring) and 2.6:1 in District 4 (Wheaton)

- Force incidents of people of color (Black and Latino) in District 3 was 4:1

- 118 Force incidents, or 28%, were on mental health conditions subjects

Use of Force & Internal Affairs Review

This part of our report discusses the review of MCPD use of force policies, annual reports, internal investigative processes, interviews and other data received from Montgomery County to assist ELEFA in our efforts to provide a comprehensive review of MCPD leadership and practices, policies and investigations related to use of force. The following section provides observations and recommendations related to these areas.

A review was conducted of randomly selected use of force incidents representing a cross section of all types of force used by MCPD during the years of 2017, 2018, 2019 and 2020. Two site visits were conducted in conjunction with this review. The first site visit was done during the week of April 12th, 2021. The second site visit occurred during the week of May 10th, 2021.

The Command Staff was very accommodating and helpful in assuring that ELEFA had all the information and documents required to conduct our review. MCPD provided ELEFA with a list of use of force incidents. From this list, a sample of cases was selected for the review. The random selection included force such as: OC (Oleoresin Capsicum) Spray, commonly known as 'pepper spray', K-9 bites, strikes, take-downs, weapons (handguns/rifles), ASP (Armament Systems and Procedures), commonly known as 'batons' and ECDs (Electronic Control Devices-Tasers, and also referenced as ECWs).

A total of 60 incidents were selected plus 8 completed formal internal affairs investigations. The review particularly targets MCPD internal process for assigning, investigating and reviewing all force incidents occurring by MCPD officers. Additionally, ELEFA considered bias in MCPD investigatory and complaint intake processes.

Use of Force Investigation Process

MCPD Force investigations are not all investigated or sent to the Internal Affairs Division (IAD). Cases are reviewed at the District level. However, MCPD reports that no use of force investigation is completed at the District. Districts review force incidents and make determinations whether to send to IAD. This could be problematic. In most instances, other than OIS (Officer-Involved Shooting)[24] MCPD relies on a District level review to determine if the force incident requires a Formal Investigation (FI) by the Internal Affairs unit. This method of review may allow for inconsistencies among varying Districts in achieving a comprehensive and thorough force investigation.

In many cases, MCPD conducts reviews of force incidents, not investigations. Investigations consist of, at a minimum, obtaining force statements for all involved officers and witness officers, non-police witnesses, reviewing all videos (body worn cameras and dash cameras) of all involved and witness officers, photos of both officer and subjects of force injuries, a review of the involved officer's equipment and a tactical assessment to determine whether the officers' action comports with policy and training. A finding should be rendered as to whether each use of force was justified and whether any organizational policies and directives were violated.

The Department reports MCPD reviews all use of force incidents. Only those that potentially rise to the level of a policy violation or criminal act are investigated administratively and/or criminally. MCPD has forwarded cases to the SAO for review for criminal prosecution. During the review, in some noted instances, there were multiple types of use of force. Sometimes, the lower levels of force did not appear to be addressed.

ELEFA reviewed the following use of force and policy violations in our review of BWCs:

- Pointing of firearms
- Takedowns
- Subjects of force complaints of injury/pain
- OC spray
- Strikes
- Tactical vehicle Stop
- Officer demeanor (excessive cursing)
- Officers' failure to give warning before ECD deployment
- Damage to property
- Improper use of the K9[25]
- Complaints from subjects of force of possible excessive force

Use of Force Levels

MCPD does not define levels of force or provide guidance to the investigating force officials on circumstances when to elevate less serious uses of force to Internal Affairs or a Force Team to initiate a formal investigation.[26] The MCPD does not have a Force Team. In absence of a standard, it may be possible for one District, after reviewing an involved officer's BWC, to sign off on a serious use of force while another District may opt to send it to IA for a Formal Investigation (even if all use of force reports are reviewed at the Bureau level after command).

Here are some examples of standardized levels of force reporting and review:

- Level 1: Pointing of a firearm, hand control/escort techniques, takedown not resulting in injuries, use of impact weapons for non-striking purposes
- Level 2: ECD deployments (3 cycles or less); OC deployment (1-2 second burst)
- Level 3: Any strikes, Destruction of an animal
- Level 4: Lethal Force, critical firearm discharges, any force resulting in serious injury or requiring hospitalization, K-9 bites[27], multiple simultaneous ECD deployments, ECD deployments exceeding 15 seconds or longer, any strike or blows to a handcuffed person and vehicle pursuits resulting in death or injuries

Levels 1 and 2 are considered less serious uses of force, and may be investigated by District level supervisors. Levels 3 and 4 could automatically require an Internal Affairs (or Force Investigation Team – FIT) response to the scene and assumption of the force investigation. In general, developing this form of standardized approach could eliminate any ambiguity in MCPD assigning responsibility for force investigations. The new Maryland Police Accountability Act establishes an independent unit within the state AG's office to investigate police-involved deaths of civilians.

MANAGEMENT

MCPD has access to a multifaceted data management system, (IAPro), that would be capable of managing all use of force investigations. Policy & Planning maintains a file for all low-level use of force incidents. There is an early intervention system, however, it is not a well developed, fully integrated system.

MCPD does not issue BWCs to SAT (Special Assignment Teams).[28] These officers work on the front line and often engage with the public. When force is used, no video is available to review when warranted. SAT will have to wear BWC at certain points – County law has changed regarding who has to wear a BWC. MCPD should consider including SAT on the list of positions required using BWC.

Off-duty BWC is a bargaining item. Officers working off-duty employment are not required to wear a BWC. In the event of a use of force involving officers working off duty, in uniform and engaging the public, there may be no video to aid in a use of force investigation.

During our on-site visits, the MCPD command staff were receptive to requiring off-duty officers to wear a BWC. The CBA is an important tool for both sides to work together. This would be a CBA recommendation that may need to be bargained with the FOP. Officers' narrative and a review of videos may suffice in some force incidents to determine policy and/or excessive force, but in absence of a video, MCPD has only the officers' and the subject of force statements (if a statement is given) of what transpired.

MCPD should consider initiating a process for conducting an internal random audit of videos so as to get ahead of and identify any possible training issues. The random auditing can also provide an internal mechanism that can potentially provide guidance to supervisors on how to conduct their video reviews and assessments.

Observations: Internal Affairs Formal Investigations

The MCPD Internal Affairs Division is responsible for investigating complaints of misconduct. Complaints deemed minor in nature are dealt with by first line District supervisors, whereas formal signed complaints are handled by the IAD. The IAD tracks all complaints via IA Pro. The IAD acts only as the fact-finding element of the disciplinary process. Emphasis is placed on thorough investigations that are performed by a full-time dedicated function consisting of a Captain, Lieutenant, six Sergeants, and a county attorney. Effective July 1, 2022 the Maryland Police Accountability Act requires agencies to establish a Police Accountability Board. Guidance on member selection, qualifications, roles and responsibilities will be forthcoming from the state.

This review also includes an assessment of the internal and external complaint process, including allegations or complaints of racial bias related to the Department, with attention to the response and investigation of such concerns. ELEFA requested a list of Internal Affairs investigations for the years of 2018, 2019, and 2020.[29] MCPD provided a spreadsheet with all cases for the years requested. In 2018, there were 19 internal investigations, 2019 there were 19 internal investigations and 2020 there were 15 investigations, for a total of 53 investigations over the three-year period.

ELEFA selected a sample of two internal investigations for each of the three years, totaling 6 investigations. MCPD informed us that our selection included open investigation in 2020. Once it was determined which investigations were closed for 2020, a random selection of two was made. During our on-site visits, we discovered that some of the random selections of District investigations two were elevated to Internal Affairs for a more in-depth investigation. This increased the number of Internal investigations reviewed by ELEFA to eight.

MCPD has logged 18 formal bias complaints for years 2018, 2019 and 2020. There is no distinguishable difference in the intake process for citizen bias complaints as compared to the intake of other complaints resulting in formal investigations by IA. However, the 18 formal investigations represent ONLY those complaints of bias allegations that were successfully validated through the investigatory process. If during the investigation, Internal Affairs does not find an allegation of bias, but rather determines some other misconduct, the allegation of bias is changed to reflect this particular finding. This is problematic in that the data is possibly distorted, inaccurate for reporting purposes and tracking. Rule 26 requires an inquiry and for all the information to be documented and forwarded to the Internal Affairs Division.

Further, the MCPD should fully pursue thorough investigations on anonymous complaints. For example, a complaint of poor service was administratively closed by Internal Affairs due to the investigator not able to contact the complainant. Several attempts were made without any success. The unintended message this sends to the community is that you may not file an anonymous complaint or if you do, it may not get a priority. The case was closed because the complainant could not be reached or just chose not to respond to the investigator. This case should be investigated to its natural end, and include attempts to review other potentially available evidence.

Generally, the Internal Affairs administrative investigations were complete and contained all the information within the investigative case file to support a finding. (i.e., BWC video, Mobil in-car camera videos, interviews of witnesses, interviews of involved and witness officers, physical evidence, scientific evidence, response letters to complainants are timely. The investigative files were indexed, which made it easy to refer to specific events within the investigation. As a best practice, Internal Affairs is recognized as a standardizing unit within a Department that eliminates potential disparity between districts.

MCPD criminal and internal investigations should be conducted as parallel investigations.[30] For example, in one of the shooting investigations, the involved officer was administratively interviewed close to one year after the incident. In addition, The IIRP (Internal Investigative Review Panel) should broaden their role when convening on force matters. The IIRP should determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes. For example, IIRP minutes show that a discussion occurred whereas the IIRP members discussed the "slow activation of BWC by officers", yet nothing was entered into the record that address how the Department should go about correcting this problem. Based on the ACC, there will no longer be an IIRP, however, there still may be a role for the IIRP.

Recommendations:

- **Determine a single repository for use of force and IA incidents .**

- **All use of force incidents should be investigated, and not simply reviewed.** IAD currently may not have the staff to investigate all use of force incidents.

- **Expand the role of IA to include investigating criminal misconduct of officers instead of assigning this to investigators in ISB (Investigative Services Bureau).** IAD needs additional staffing to con-duct parallel criminal and administrative case investigations.

- **Develop a Force Investigation Team (FIT) within Internal Affairs to conduct serious uses of force investigations and review.** This may be considered along with OAG responsibilities related to handling criminal cases.

- **Develop a system to conduct criminal and internal investigations as parallel investigations.**

- **Revise MCPD use of deadly force investigation policies and protocols** to require a prompt, separate, parallel administrative investigation of each officer-involved shooting, and require the preparation of a report documenting investigative findings.[31] This would be an improvement on the cur-rent IAD administrative report.

- **Identify and define what a serious use of force is and categorize.**

- **Allow the Districts to review only those less serious uses of force.**

- **Although there is ACC, there may still be a role for the Internal Investigative Review Panel** when convening on force matters, and determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes.

- **Define a Departmental standard on what is expected to be included** when conducting District level force investigations.

- **Administrative intake should be required to be recorded by audio or video.**

- **Provide training to District supervisors in force investigations and hold them accountable for evaluating their officers' videos with a critical eye.**

- **Initiate an internal auditing protocol for BWC and other force related videos.**

- **Consider if officers working off duty employment should be required to wear BWC for certain assignments.**

- **Implement an Early Warning & Intervention System for MCPD employees.** Further, Maryland Sen-ate Bill 71 Section 3-516 requires all law enforcement agencies to create an Early Warning and Intervention System beginning July 1st, 2022.

MCPD should fully pursue thorough investigations on anonymous complaints and criminal and internal investigations should be conducted in parallel.

Mental Health Response

This section provides observations and recommendations regarding the Montgomery County Police Department's (MCPD) services related to police calls involving a mental health component.

Overview of Service Delivery

Safe and effective responses to mental and behavioral health crisis calls require a coordinated, inter-agency response. Focusing exclusively on MCPD's policies and practices will not achieve necessary improvements. Consequently, throughout this report, ecosystem needs will be addressed, including recommendations. Nevertheless, MCPD specific needs are also addressed. For example, the MCPD's policy, training and operational practices regarding effectively responding to calls involving mental and behavioral health components are outdated and insufficient to address the need. The mental health crisis policy, Directive: FC921 – Emergency Evaluation of Mentally Disordered Individuals, issued on June 10, 2005, requires updating. Language used is not best practice, and processes described within no longer exist (for example, the direction to complete a CIT report). It devotes only one page to crisis intervention/alternative response. The remaining pages are dedicated to involuntary commitment petitions, which is notable, since nearly all of the BWC reviews of mental health calls for service ended in a petition for emergency evaluation (EEP). This is a sign of a broken ecosystem.

Mental health response training is also inadequate. While the Department has moved to training all officers in the forty hour Crisis Intervention Team (CIT) post field training, which has distinct benefits with equipping officers with important knowledge, tools and resources, there has been no real refresher or advanced training in place, and no "bumped up'' specialized response, resulting largely in a "one and done" training model. It is commendable that since this preliminary report was written, the MCPD did produce an e-learning designed to provide a mental health refresher for officers. ELEFA reviewed the Mental Health related training from 2012, 2015, 2018, and 2021. While it is good that there is some training, much of it focuses on EEP protocols, with limited information on common signs and symptoms of mental health conditions, nor robust communication and de-escalation strategies. The term "de-escalation" is used, but this becomes just a word when strategies aren't reinforced and practiced. Additionally, the 2018 training did cover mental health conditions, but ELEFA recommends a much stronger focus on the conditions officers are most likely to encounter (persons living with bi-polar condition, schizophrenia, autism spectrum etc.) and less on conditions like eating disorders, dissociative personality conditions etc.). Reducing the number of conditions covered will free up time to focus on strategies for intervention. Each of these trainings were e-learning based, which prevents opportunities for scenario-based exercises to practice skills.

Because the MCPD is largely made up of officers who received CIT training many years ago with little to no refresher, and only new officers are receiving the training as they enter the Department, a non-specialized training model has evolved, distinctly different from the intended purpose of a specialized response model. It is not surprising then, that there was not a single instance where a CIT officer was requested during the review of forty BWC of mental health calls for service (CFS). On only three occasions were the County's Mobile Crisis Outreach Team (MCOT), staffed by the Department of Health and Human Services (DHHS), utilized in some capacity.

Policies and procedures on Emergency evaluation (EE) petitions, including transportation to hospitals all put heavy emphasis on law enforcement involvement. While recent efforts to improve alternative responses are encouraging, for example non police response (CAHOOTS) and the growth in the number of Mobile Crisis Outreach Teams (MCOT), BWC review shows very little use of the MCOT's, and no "real time" use of other resources. While important countywide steps are being taken, it is disjointed, and often in isolation from MCPD. Taken together, a call for action for reimagining a broader response to the mental health crisis is needed.

Because the police department should not be assessed independent of the community ecosystem with mental health crisis response, this section will include observations and recommendations inclusive of the community crisis system as well. To conduct the review, the following sources were considered: MCPD policy, mental health related training, call for service data, operational practices of the Crisis Intervention Team (CIT) program, the MCPD Crisis Response (CRSS) CIT team, review of forty mental health BWC incidents, review of the: OLO Public Safety Responses to Mental Health Situations Report and Reimagining Public Safety Task Force Report, and interviews with the following county crisis response system stakeholders, including:

- All MCPD District Commanders
- Social Worker embedded in MCPD
- MCPD officers assigned to CRSS CIT Team
- Department of Health and Human Services Director
- Members of the Mobile Crisis Outreach Team
- Members of the Mental Health Advisory Committee, including two parents of children living with serious mental health conditions who have had law enforcement involvement

- DHHS Director of Forensics; Pre-Post Booking, Mental Health Court, Jail Diversion
- Judge, Mental Health Court
- Montgomery County Sheriff's Office, Unit Commander for serving emergency petitions
- Director, Emergency Communications
- Mobile Integrated Health Team (FIRE/EMS)
- Review of 2012, 2015, 2018 & 2021 In-service Training on Mental Health

Taken together, this has informed a better understanding of the current roles, functions, and gaps as part of a holistic ecosystem supporting 21st century response to individuals in crisis.

Behavioral Health Crisis Response

The section highlights some of the important reasons to strengthen strategies to address improving interactions between the MCPD and people living with severe mental/behavioral health conditions.[32] Approximately one in four fatal law enforcement encounters involve an individual with severe mental illness [health conditions], according to the 2015 report, *Overlooked in the Undercounted*. This means that people with mental health conditions are 16 times more likely to be shot and killed by police, compared to people without mental health conditions. In addition, "reducing the disproportionate volume of contacts between law enforcement and people with severe mental illness [health conditions] is the single most immediate, practical strategy to reduce fatal police encounters for these individuals. Furthermore, there is currently no national government database collecting information regarding arrest-related deaths, let alone the role of mental illness [health conditions] or race disparities in these encounters".

The role of law enforcement in mental and behavioral health crisis response is an enormous portion of Department resources and budgets. Responding to and transporting individuals in crisis can occupy more than one-fifth of law enforcement officers' time, according to a 2019 report, *Road Runners*. Why? Because police services are available 24/7/365 and most mental health services are not.

- This ties up police resources that could be spent on more traditional police functions.
- It reinforces the criminalization of mental health conditions, that a police response is more appropriate than a medical response.
- It often causes undue trauma to persons in crisis having armed uniformed officers respond, and when transportation is necessary.

While many want to lay blame solely on police departments for these failures, communities must look at the broader system response, which all too often requires law enforcement to be the default responders.

Bias also needs to extend beyond traditional understanding to include response to people in mental/behavioral health crisis. Bias in police departments has gained national attention, rightfully. For example, a correlation can be drawn between African Americans, who are often viewed with their lives more "expendable" (typically compared to white people). African American men are often viewed as "more dangerous/violent", which -taken together- too often ends with black men being killed by law enforcement at a far higher rate than white and other minorities, by comparison. Likewise, people living with serious mental health conditions are often viewed as "less than", "crazy", more dangerous/violent and with their lives more "expendable", which -taken together- too often results in people with mental health conditions being killed by law enforcement at a much higher rate than others. The Intersectionality of these identities can magnify the failures of inadequate crisis response, especially for a community as diverse as Montgomery County.

CIT OPERATIONS

Notably, until recently, the CIT program is not listed under any of the MCPD Bureau descriptions and structure on the Department website. It now falls under the Community Engagement Division. This is indicative of a weak program that is not seen as a specialized response, or even important enough to be formally designated under a departmental Bureau. The Montgomery County Police Department policy comes from Directive: FC921- "Emergency Evaluation of Mentally Disordered Individual", which was reviewed. This directive was published on 6/10/2005, with just over one page dedicated to CIT/alternative response; the remaining 6-pages are dedicated to involuntary commitment petitions. The directive uses outdated language, and includes processes that no longer exist. For example, the directive requires the completion of a CIT report, which according to MCPD, zero have been completed in the last two years. In addition, the directive requires prioritizing a CIT officer to respond to calls for service (CFS) involving a mental or behavioral health condition. The Emergency Communication Center (911) does not have a roster of CIT officers to prioritize dispatch.

 CIT training in Montgomery County started in 2000 after a fatal shooting of a person with a mental health (MH) condition. Training began as the Memphis Model (voluntary/specialized only). Under this voluntary model, voluntary officers received the forty hour CIT training and served as a specialized response. Non-CIT officers received the 8-hour Mental Health First Aid (MHFA) in academy. This model is endorsed by the One Mind Campaign, under the International Association of Chiefs of Police.

However, MCPD has moved away from the voluntary Memphis model, instead making it mandatory for all new recruits to attend the 40 hour training post field training. There are still some officers from the Department that attend voluntarily, but this makes up a small number. Most training participants are new officers. While this mandated CIT training model has some good benefits, it also has deficiencies that will be addressed in more detail later in this report.

There are presently four CIT trainings offered per year, with the Chief of Police opening the training. This is commendable as it signifies support from the Department's leadership. Nevertheless, the Department and the community would benefit from increasing the number of trainings and strongly integrating key stakeholders. While there is some participation of community stakeholders now, there is room for improvement. Better integrating EMS, telecommunications, crisis center, jail diversion, sheriff's office, specialty court staff along with observation opportunities for example by the mental health advisory committee members, families and people with lived experience would streamline the CIT program. It is important to note that CIT training requires many trainers to cover the required topic areas. Trainer capacity would need to be expanded, and the expansion of the current CRSS CIT team would help support this.

CIT CERTIFICATION

Presently, reportedly 66% of Patrol officers are CIT certified, however, the MCPD was unable to determine if this reflects current ratios, or ratios since CIT started in 2000, as they report using a relatively antiquated training system (Telestaff) that requires officers to self-report training completion. The MCPD CIT training completion data identified: 73% SGT; 70%LT; 50% CPT; 64% FTOs; and 66% Patrol as CIT trained, although it is unknown how long ago this training occurred without any refresher training since. Also, it is unclear if this reflects the current Department numbers. It would be useful to know the percentage of the current CIT force, trained by year. These numbers would tell us how "outdated" the Department is, without any real refresher, advanced, or specialized training/response. While robust non-police based crisis response should certainly be a county priority, a specialized response inside the MCPD is an important component of a responsive approach to people in mental health crisis. Until other 24/7/365 resources are immediately available to provide real time response, families and community members will continue to call law enforcement for help. Additionally, there will always be calls that require police response. Because of that, significant work needs to be done to equip officers with the skills and abilities to provide this kind of specialized response, while also building trust with community members that when CIT officers are requested, not just any officer who happens to have received CIT training at some point is responding. Increasingly, multi-disciplinary community response teams are showing successful outcomes. Pairing combinations of medics, PEER support, clinicians and specialized CIT officers for varying levels of response is a model that should be given strong consideration. With the onset of 988, these models can be triaged from the 911 call center, 988, 311 and/or be dedicated to high frequency utilizers of first responder services, post hospital release, post jail release, real time crisis response etc.

Presently, the 8-hour MHFA is delivered in academy and the 40-hour CIT post field training. This is a good model, bringing new officers onto the Department with solid training, but it neglects robust training for seasoned officers. Any officer who has not received the CIT training in the last five years should be prioritized to attend. In addition, a best practice model would require an annual refresher for all officers, along with a "bumped up" voluntary specialized cadre of officers who have a demonstrated interest and skill set to respond to higher level mental health calls and would be prioritized for advanced level training. This would bring MCPD into line with best practices.   A robust behavioral health unit is often created in departments the size of MCPD. While movement toward programs that divert police response altogether are typically supported by all entities, it is still essential to have a robust specialized police multidisciplinary response.

The CIT Team at MCPD does help to teach MHFA and CIT, but not annual in-service on relevant topics like de-escalation, mental health etc. Including CIT coordinators/team members as instructors in ongoing annual in-service training is a good way to integrate the CIT program into all levels of training, and move away from a common experience of seeing CIT as an isolated training program. Additionally, all Sergeants and Field Training Officers should be CIT certified, and MCPD should put in its policy that all newly promoted officers (at all levels, including command staff) be certified as part of the pre-service requirement for promotion. It is also recommended that the Chief of Police and any existing command leadership who have not been CIT certified in the last five years participate in the full 40 hour training. This builds buy-in for the program, an understanding of the tactics taught, and goes a long way toward changing the culture of the Department. Cross training with police and non-police based programs as one "community program" is useful not only for system collaboration, but also so that barriers to program access and success can be openly and transparently discussed and addressed.

"SPECIALIZED" PROGRAM

The current MCPD specialized program under the Crisis Response and Support (CRSS) umbrella is a CIT team made up of two full-time officers and one clinician (LCSW). The team had been operating without a Sergeant, however one was recently assigned. There has been turnover in the chain of command leadership over this unit. Additional turnover is expected in the next few months.

The primary role of the CRSS CIT team is 50% dedicated to training (MHFA, CIT) and 50% dedicated to follow up on referrals from Patrol officers. Presently, there is no specialized "real-time" response to Calls for Service (CFS) involving persons in behavioral health crises. Because there will always be CFS that require law enforcement response, it is recommended to build out a specialized behavioral health unit within the MCPD and consider a multidisciplinary/community response model as a part of that Unit. Soft uniforms, unmarked vehicles and expansion to include combinations of pairing a CIT officer, paramedic, clinician and where appropriate a PEER (person with lived experience) should also be considered as a tiered response model. In models which include a CIT officer, the CIT officer has a primary role of securing the scene, being available for emergency petitions and any victim services which may be necessary (people with severe mental health conditions are more likely to be victimized than be perpetrators of violence). The Medic has responsibility for medical clearance, and transportation when needed, and can also assist with chronic care referrals. The clinician is responsible for primary clinical interactions, connecting to services, writing emergency petitions when necessary, providing warm hand-offs to services etc. The PEER is for lived experience support. These teams are often dispatched through 911 and ride together in one patrol unit. But options for dispatch via 988, 311, Crisis Center etc. are also encouraged. The crisis centers Mobile Crisis Outreach Team (MCOT) which is in the process of increasing from one to five teams, can play a crucial role in this ecosystem, but presently, they are typically requested by families calling their crisis line, and after on scene, wait for law enforcement to respond before engaging with the caller. This is an inefficient model that should be re-evaluated as part of a broader crisis response system.
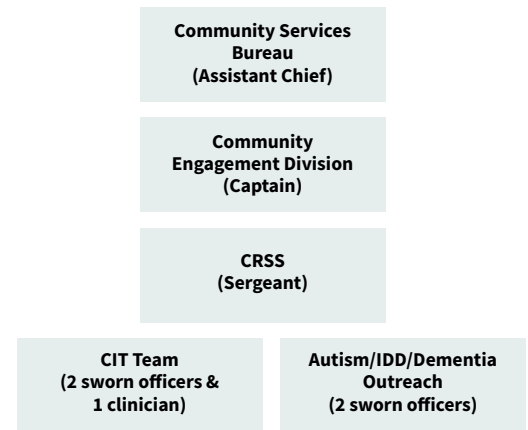
ELEFA reviewed body worn cameras (BWC) on forty randomly selected mental health calls for service. Of those forty, only three calls involved the use of the MCOT. In one case, MCOT was already on scene. Strengthened partnerships and improved protocols may be required for this model to be more successful. Excessive response times, protocol for requiring law enforcement to be on scene prior to engaging with a family, improved trust between on-scene officers and clinicians, better protocols on logistics regarding transport, signature on emergency petitions and hospital admission facilitation should be addressed to improve success with this model.

The County's current discussion and progress with funding/launching a non-law enforcement response (presently looking at the CAHOOTS model) is a good consideration, but must work in collaboration with the other police and non-police crisis response systems. Local implementation strategies for the newly developing CAHOOTS model should be gleaned from communities who have implemented the model (or variations of it). It is commendable that the county has done a community forum with the stakeholders from Eugene, OR where CAHOOTS originated. While CAHOOTS is a long-standing successful program, there are newer multi-disciplinary/community response programs that have launched with early success (see Dallas, TX; Chicago). Chicago's Crisis Assistance and Response and Engagement (CARE) recently launched Pilot program covers three components, a general framework for consideration. This program is very new, so data on success is in very early stages. It is recommended by ELEFA that a CIT officer be considered as part of alternate response models:

Pre-response, which staffs mental health professionals in the City's 911 Call Center to provide support to callers, call takers, dispatchers, and response teams.

Alternate response, wherein mental health professionals will be dispatched from the 911 Call Center to respond to persons in crisis.

Post-response, which links residents with appropriate community-based services and uses alternate drop-off sites for persons in behavioral health crisis.

Many of the recommendations and considerations in this section of the report are also appropriate recommendations for launching non-law enforcement models. It is important to remember that a strong CIT or other specialized law enforcement program should not be reduced or eliminated due to growing non-law enforcement programs, rather all programs should be strong and working in collaboration with one another.

Alternative uniforms and vehicles should be considered for any specialized unit. Stigma is exacerbated when marked police vehicles and regular police uniforms with guns show up on scenes where someone is calling for help due to a mental health crisis. Not only are people embarrassed to have a police cruiser in front of their homes, but uniformed police can also escalate a situation with someone in a behavioral health crisis. A "softer" approach through non-traditional uniforms and vehicles is a good approach to consider. Safe transport, when necessary, of individuals in mental health crisis is important, and the least restrictive, trauma informed options should be considered. EMS, secure transport, unmarked vehicles, family transport (with police following if necessary), utilizing persons with lived experience or case managers/clinicians to ride with individuals are all options to consider.

Community Services Bureau (Assistant Chief)

Community Engagement Division (Captain)

CRSS (Sergeant)

CIT Team (2 sworn officers & 1 clinician)

Autism/IDD/Dementia Outreach (2 sworn officers)

Crisis Related Calls for Service

During the review of BWC, crisis related calls were observed. These clearance codes included 29422 & 29426 Mental Transport, 29421 Mental Transport (but call did not include a transport), 27371 & 27374 Trespassing, and Suicide 2611 for (42) calls for service. These incidents were randomly selected and contained BWC from all six District stations reported to MCPD over a three-year period.

Interviews were also conducted with MCPD District commanders. The following themes were identified specific to mental health calls for service. Commanders have in essence not been CIT trained, or were trained many years ago. Only one commander was CIT certified in the last five years. One additional commander went through the training somewhere between 1997-2013 but has had no refresher since. The remaining commanders have not been through CIT.

It is somewhat unknown how many officers are CIT certified. The training tracking system has deficiencies. In addition, too few officers are Taser certified. No Requests for CIT officers are heard over the air, and rarely for CRSS. This was observed in the BWC review as well. This is a sign of a diluted, non-specialized model with limited to no support internally. MC44 often takes too long to respond, sometimes an hour to an hour and a half. Mental Health Calls for Service typically take longer to resolve, and officers are often tied up for 3, 4, 5 hours particularly on EEP's. In addition, Call Code/Clear Code Deficiencies result in Mental Health Calls being embedded in "disorderly" calls and other primary clear codes that may take precedence over the mental health code (2942). This causes difficulty with adequately tracking mental health CFS.

There is a correlation between Use of Force and Mental Health Calls (see MCPD data under the Use of Force section). It is often unclear when MC44 or the PD should respond. Additionally, the MCPD is reportedly more often called to the crisis center to assist than officers taking persons to be evaluated there. Neither the MCPD nor the Crisis Center captures reliable data on this.

Several calls ended in an EEP (petition for emergency evaluation). The majority of transports are to the hospital, not to the crisis center. A greater number of officers are dispatched to Mental Health Calls for Service compared to other CFS, typically 4-5 officers, and 2 are required to be at the hospital on EEP's. Further, there may need to be a targeted strategy on locations/individuals receiving high CFS (i.e. Progress Place, Police have reportedly responded here 200x (high frequency utilizers).

Recommendations:

- **Prioritize CIT training for all commanders**, make it a requirement for pre-service promotion, and mandate mental health refresher training annually, or at minimum every three years.

- **Require all Patrol officers to become Taser certified and to carry a Taser** (and consider less lethal alternatives). Having less lethal force options are imperative in a 21st century policing environment.

- **Create a "bumped up" specialized cadre of officers with additional training** who are prioritized for response to higher level calls for service. This specialized model would provide a "real time" response, for example, a co-responder clinician and CIT officer on patrol and prioritized to calls for service that involve a mental health component; a follow up response for high frequency utilizers of mental health calls for service, as well as patrol and community request for follow up.

- **An internal specialized response is needed to assist with calls where MC44 would be otherwise utilized.** Additionally, co-locating MC44 teams within the police substations would be another good option to consider, not only to improve clinician/police relationships, but also to improve knowledge of the program, facilitate improved response time, and to have the clinician teams own the EEP and hospital liaison process.

- **Evaluate data to develop efforts to reduce force in crisis or mental health related calls for service.**

- **Evaluate the number of officers on calls for compliant individuals.**

- **Data assessment may be required to develop targeted efforts to reduce call times for crisis related calls for service.** Specialized response services should be considered.

- **Determine any barriers to accessing the crisis center.** Facilitation of access to medications, community-based resources etc. are greater at a community crisis center than a hospital, while reducing trauma that can be associated with hospital environments.

- **Evaluate updating the training tracking system at MCPD.** Additionally, automate the date the (40) CIT was provided, and develop a cadence for required refresher training at minimum every three years, preferably annually.

- **Develop use of an alpha character, or other character to designate mental health calls even when clearing it with a primary call code.** Additionally, differentiate and train on 2942 and 2950, using 2950 for all emergency petition transports.

Overall, there are some general observations related to the review of BWC:

LIMITED SUPERVISOR REVIEW OF BWC

Supervisor review of BWC appeared to occur in only two instances, both of which involved use of force. This would not be best practice, and supervisors should be required to review a select number of BWC at the end of each shift or each week. There should be a required format for review, and provides an opportunity to identify exceptional police response, areas for coaching, and areas of significant concern. This also improves community trust.

BWC ACTIVATION

BWC audio and visual were overall good. Officers generally did a good job leaving BWC on through the entire call, including throughout the hospital admission (which should be mandatory protocol).

OVERREPRESENTATION OF ON-SCENE OFFICERS

There were often more officers on scene than the call warranted, particularly when individuals were calm and compliant. In several circumstances, 6-9 officers were on scene for significant periods of time when the call did not warrant such.

PROFESSIONALISM

Cussing and other unprofessional behavior in front of community members was also observed in some instances. Regular review of BWC would help to address this.

LIMITED-ENGLISH-SPEAKING CALLS

Spanish speaking officers were on scene or called to the scene in two instances. There were other instances where they should have been called. This would not only be culturally important, but also serve to reduce bias, improve trust and ensure legal understanding of charges and expectations. Understanding trespassing orders, for instance, was one such situation.

POLICE TRANSPORT AND HANDCUFFING OF INDIVIDUALS

While understanding it is MCPD policy, the handcuffing of individuals in mental health crisis may add trauma and further stigmatize mental health conditions as requiring criminal justice rather than medical response. There were only two transports of EEP's (emergency petitions) observed that required police restraint. Most individuals were compliant where EMS or other non-police transport would be more appropriate, while also freeing up patrol for more traditional police functions.

MD state law presently requires police transport be prioritized over EMS. There were several incidents observed where EMS was called but determined there was no "medical condition" justifying ambulance transport, so they left the scene. Consideration should be given, even if it entails a change to MD law, that EMS personnel be given the same authority to be the primary transport of individuals not requiring police restraint and transport. It is important to remember that EMS has medication to assist in managing crisis behavior that PD's do not have. Some communities have also developed alternative transport options outside of EMS and PD (secure transport service) to complete involuntary transports. Alternatively, consideration should be given to encouraging family transport for voluntary and involuntary but compliant individuals requiring hospitalization with police escort when appropriate (if there is concern with family follow through, or there is potential for escalation etc.).

AUTHORIZED PERSONS TO SIGN EMERGENCY PETITIONS

It appears that Policy and/or Protocol and/or MD Law requires law enforcement to sign emergency petitions, even when a licensed clinician observes, evaluates and determines the need for involuntary hospitalization and transporting. There were several instances where a clinician was already on scene determining the need for emergency hospitalization, but still required police to sign the petition and transport to the hospital. For example, in one incident, police were called to an elementary school by an on-site clinician who evaluated a compliant second grader and determined hospitalization was necessary. Police were called to do the transport and sign the petition even when the officer didn't observe any of the behaviors leading up to the hospitalization. The clinician reported to the officer that she is no longer permitted to follow them to the hospital, leaving a police officer who did not observe the incident having to sign the EEP and go to the hospital to facilitate the EEP. In this case, the school and the officer (not the clinician) heavily advocated for medical transport so that handcuffing could be avoided. There was another instance with a compliant 15-year-old girl who was handcuffed to be brought to the hospital.

Recommendation:

- **This is an ecosystem problem that requires a change in policy/protocol/or state law.** For compliant individuals that do not require police restraint and transport, a non-police transport with authorization to facilitate an EEP should be considered. Alternatively, if police are required to be involved in an EEP, a bumped up specialized response within the MCPD should be strongly considered, permitting more trauma informed approaches while also engaging the police as partners.

PROCEDURAL JUSTICE AND TRAUMA INFORMED RESPONSE

- You are not being arrested and you aren't in any trouble;
- We are here to help and we want to get you the help you need;
- Department policy requires us to handcuff you in order to transport you to the hospital;
- Department policy requires us to do a search of your person to make sure there is nothing on you that may be able to hurt anyone;
- Whenever it is safe to do so, officers should explain the handcuffing process before doing it. For example, "I am going to ask you to turn around, to put your hands behind your back and then I will handcuff you. Again, you are not in any trouble. I'm going to make this as comfortable as possible".

This is both a trauma informed approach to a medical crisis, but also improves police/community trust.

INACCURACY WITH CALL CODES

2942 "Mental Transport" is the call code used almost exclusively for all mental health related calls, regardless of whether or not there is a transport involved. There is a call code specifically designated for "Emergency Petition Service/Transport" (2950), which was never used for emergency petitions with transport to the hospital in the BWC samples. There is also a code (2951)-"Family Trouble" that was not used in cases that would have been appropriate.

Recommendation:

- **The term "Mental Transport" is not best practice languag**e and should be replaced with something like "Mental Health Transport".

LIMITED USE OF THE MCOT (MOBILE CRISIS OUTREACH TEAM)

Of the incidences reviewed, MCOT was called or already on scene in only three instances. The Department noted that MCOT's were understaffed and routinely unavailable, and the County is augmenting staffing to reduce this issue. Strengthened partnerships and improved protocols are required for this model to be more successful. Excessive response times, protocol for requiring law enforcement to be on scene prior to engaging with a family, improved trust between on-scene officers and clinicians, and better protocols on logistics regarding transport, signature on EEP's and hospital liaison upon admission must be addressed to improve success with this model. It is unclear why clinicians are not the primary evaluator, petition signer and hospital liaison upon admission on instances where clinicians are involved.

FREQUENCY OF EEPS

EEP's are used more frequently than what would be deemed necessary, and in some cases as a default response. This is a sign of an ecosystem problem. If officers are the primary responders on crisis calls, they have limited options for resolving the call besides an EEP. Reducing law enforcement response to crisis calls is a necessary part of the resolution. Alternative response at the point of dispatch is imperative.

USE OF SPECIALIZED CIT OFFICERS

The term CIT was heard on only one call. There was not a single request for a CIT officer, nor any CIT designation observed on uniforms. This is a sign of a diluted, non-specialized model. Because MCPD has moved to a "train all" model, it is not surprising that this was observed. There are many benefits to training all officers in the forty-hour course. However, it is important for MCPD to create a specialized response for the higher-level calls for service. This specialized team would have designation on their uniforms,

be prioritized for any higher-level call for service (perhaps all EEPS, particularly if transport remains required by law enforcement), they would have advanced level training, and would be the officers embedded with any co/multi-disciplinary responder models. They would also be the officers promoted to the community to call for mental health crises. Having a "real time" response is essential. Having this team do proactive outreach to high frequency utilizers (both individuals and organizations who call for police response) would also be a useful function of a specialized response.

UNDER USE OF CRSS

There was not any observed request for the "CIT team" to follow up on calls with a mental health component or to respond to a call. This is a sign of an internal breakdown of the need for specialized response and the resources to support it.

CALL TIMES FOR MENTAL HEALTH CALLS

As is consistent across the country, crisis calls tend to take longer than other calls for service. This was the case at MCPD as well. This would be a good source of data to capture.

Exceptional officer response

- There were instances where officers did an exceptional job with de-escalation, demonstrating empathy, professionalism, and engagement. They often did a good job of staying quiet when an individual was agitated or saying things that could likely escalate the situation if officers engaged. These officers would be ideal targets to recruit for specialized mental health response units.

Improving Crisis Intervention (CIT)

It is commendable that MCPD recognizes the value of the training and skills necessary for response to people in crisis. Mental Health First Aid (MHFA) for all officers is a solid foundational component endorsed not only by the IACP One Mind Campaign but it is also a good overall educational tool to orient officers to signs and symptoms of mental health conditions, and responses that are often different from traditional police training. In addition, the forty hour CIT training matrix is consistent with CIT training in other areas of the country. CIT International recommends a general training matrix of topics to be covered, including scenario-based training and a family and peer panel to share their experience living with or affected by mental health conditions, and this is included in MCPD's.

 The new mandatory requirement of offering CIT post field training to all officers is a good addition. MCPD presently ties the option of carrying a Taser to a requirement to attend CIT. First, all officers should be required to carry a Taser as a tiered force option (another tool in the toolbelt), but this requirement also creates a backlog of persons waiting to get into CIT before they can carry a Taser. The requirement of all officers attending the forty hour CIT post field training helps officers with skills when they are the first to arrive on scene, yet there are more senior officers who started on the force before CIT was mandated, and it has often been years since they received MHFA with no real refresher training to equip them when they are first to arrive on scene. This can result in significant inconsistencies in response.

The community crisis center provides 24/7/365 services, which includes law enforcement drop off. This type of drop off crisis center is essential for law enforcement to divert from the criminal justice system, providing the community with somewhere to take individuals rather than jail and hospital emergency rooms. However, the crisis center presently has only two crisis beds (was 4 pre-COVID-19). This is vastly insufficient, and law enforcement utilization is very limited due to behavioral requirements for admission. In addition, neither MCPD nor the crisis center is tracking in any meaningful way actual utilization, so no one can reliably report how frequently officers drop people off. MCPD officers state that they often drop people off at the jail on low-level charges just to get them screened by the post booking clinicians. This is a serious eco-system deficiency, and community based services must work to help address this.

Recommendation:

- **Strengthen the CIT program to develop a true specialized response and the community ecosystem required for success.**

CIT POLICIES

The CIT policy developed in 2005 should be rewritten to reflect current and proposed practices and strengthened to reflect 21st century policing practices. It is recommended that key community partners, advisory committee members and people with lived experience be included in the policy review and revision process to ensure consistency across organizations and that identified best practices, such as including person-first language, is being utilized. After consideration of comments and suggestions, final decision-making and enactment will be given to MCPD, reflective of the needs of the Department. The Crisis response related policies should be reviewed annually, with stakeholder and public input. The review does not mean policy changes need to be made annually, but it does help ensure they are still aligned with training, operations, and ongoing development of alternative response programs. With rapidly changing position additions in Montgomery County (social worker embedded in EMS under the MIH team, Social worker embedded in telecommunications, MCOT teams, CAHOOTS) MCPD should consider deferring revisions to the policy until CIT priorities are established and there is a better understanding on program role integration.

Recommendations:

- **Ensure revised crisis intervention related policies integrate well with other Department policies,** as well as telecommunicator policies, Fire/EMS policies, and community partner policies.
- **Ensure crisis intervention related policies are reviewed annually, with stakeholder and public input.**
- **Suspend revisions to the existing MCPD CIT policy** until a better understanding is developed on role integration and required protocols and the CIT program strategy.
- **Remove the MCPD requirement which ties the option of carrying a Taser to a requirement to attend CIT.**

CIT TRAINING

The MCPD now mandates CIT training post academy. This gives new officers time to gain street experience, which is useful to apply to the training. Departments around the country are moving to a mandated rather than voluntary model, as MCPD has done. This elevates the floor of training for all officers. However under this model, a specialized voluntary cadre of officers are needed who have the skill set and interest in responding to these crisis calls. Presently, the CIT coordinator does not have any role in the curriculum development, or training of mental health and de-escalation topics in recruit orientation or annual in-service. This should be reconsidered for full integration and consistency across the Department.

The embedded social worker in MCPD has revamped outdated online refresher training, with all MCPD officers completing it in 2021. This is a significant step in the right direction. While in person training, including scenario-based exercises is far better, it could be mandated every three years. This would then allow all officers to receive 40-hour CIT post field training, an annual online refresher and an in-person refresher with scenario-based training every three years. This, in combination with a voluntary behavioral health unit and voluntary specialized CIT officers, who are receiving advanced level training, would be a dramatic improvement, bringing the Department in line with 21st century policing. This specialized response would, for instance: (a) be called to respond to higher level calls for service; (b) play a more active and perhaps primary role in MCPD involved involuntary petitions; (c) be designated for proactive outreach to high frequency utilizers of police services (both individuals and organizations); (d) assist in teaching opportunities; (e) would be the primary source for MCPD supported alternative response models, both in and outside of the Department (e.g., co-responder models; mobile crisis support, etc.); (f) would provide follow-up response to referrals from patrol and community organizations; and (g) assist with community education and outreach. These volunteer specialized officers would receive advanced level training over and above the Basic CIT, Refresher training, etc. This latter model is becoming more common as 21st century policing evolves and increasingly understands that elevating the threshold of training for all officers is crucial to affecting change. The diluted system the MCPD currently has points to internal misunderstandings of the purpose/scope of the program. It is important to reiterate that multi-disciplinary community response models should be considered as part of a tiered response model.

Many communities have CIT training for emergency communications. This is a critical component of a robust program, since they are the individuals identifying the calls in the first place and gathering the critical information necessary for officer (or alternative) response. Call-takers could either begin to attend the consistently offered CIT training, or develop a telecommunication specific CIT training, as many cities have done. In the latter model, the county CIT coordinator and CIT team should be involved to improve system integration. As a result of CIT program deficiencies, presently, dispatchers don't have any way to know who is CIT certified, let alone to prioritize response. They are only requesting a CIT officer respond over the air if a caller specifically asks.

A robust CIT program involves chain of command leadership and recognizes CIT certified officers who are doing outstanding work in the field. Having a chain of command leadership (Captain and above) speak at the beginning of CIT classes helps to demonstrate support and commitment to the program, set expectations, and ensure officers will give utmost attention to presenters (not be on phones/computers/leave the room etc.). This is less of an issue when provided in academy or immediately post field training, but critically important for more seasoned officers.

It is generally recommended that 20-25% of patrol is certified as a specialist officer (not mandated), or better, that the percent of CIT officers in each district/shift roughly match the demand for mental health service calls in that district/shift. With that said, a community must have a reliable system for tracking mental health service calls, and presently Montgomery County does not. This will be addressed under the data section. Officers who have "voluntary" interest in becoming specialized CIT certified officers typically complete an application, and have their disciplinary history reviewed. The CIT coordinator would consult with the applicant's supervisor on whether their skill set would be conducive to responding to people in crisis etc. Voluntary CIT officers wear CIT pins on their lapels and would be prioritized to respond to higher level calls for service involving a person in crisis. PEER identification of fellow officers who are really good with de-escalation is a good way to nominate officers to take a leadership role in de-escalation training and where appropriate, specialized response.

Recommendations:

- **Mandate refresher training for all officers annually, or at a minimum of every 2-3 years.** Annual on-line refresher training, with in person refresher training every 2-3 years (including and VR based training) would be recommended. This may require additional instructors and resources.

- **Upgrade the antiquated training software** to reliably track training.

- **All sworn officers who have not been through the 40 hour CIT training in the last five years should be prioritized to attend,** with the regular cadence of refresher training annually post that. All sworn members who have been through the 40 hour CIT in the last five years should begin the regular cadence of refresher.

- **Consider mandating CIT training for all Sergeants, FTOs and any newly promoted Commanders,** which with attrition and promotion, will build capacity and a culture of understanding the importance of the CIT program. Additionally, all current commanders should be CIT trained. In interviews with commanders, only one commander was CIT certified. It should be a pre-service requirement, along with annual refresher.

- **Require telecommunications to either begin to attend the consistently offered CIT training, or develop a telecommunication specific CIT training with active participation of the county CIT team.** Additionally, review call taker policies and protocols to support best practices thus improving the appropriate identification of calls involving a mental health component and the appropriate dis-patch. The current "Mental Disorder" key questions should be reviewed and revised, building off of the state mandated questions/protocols.

- **Consideration should be given to expansion of the number of CIT training course offerings** to accommodate training officers who have not received the 40 hour training in the last five years, Sgt.'s, FTOs, Commanders, along with multi-disciplinary cross training involvement (Sheriff's office, EMS, Communications, Clinicians etc.). Additional training capacity would be needed.

- **Develop a robust behavioral health unit,** inclusive of a multidisciplinary response team that would assist with training and receive advanced training. This would be a dramatic improvement to the CIT program and the overall community crisis response. The Existing CRSS CIT team is vastly understaffed, and should be minimally tripled, and ideally quadrupled to expand strategic efforts.

- **Consider utilizing community response teams for specific calls,** including checking the welfare, community complaints etc. This can assist with "down time", while freeing up patrol for more pressing calls. Civilian Community Support Officers funded by the City have also been utilized in this capacity. Doing an assessment of the highest number of calls for service event types will assist with dedicating the appropriate resources.

CIT DATA COLLECTION

It is imperative that data collection and analysis be coordinated at all levels, including partnering organizations to inform program assessment and strategic planning/alignment, while also reducing silos. Data reporting should be shared with the mental health advisory committee regularly and used to inform system gaps and needs. One of the biggest areas of concern in Montgomery County is data collection insufficiency. Our recommended data collection includes the following suggestions which, when established, will then inform more advanced data collection.

Effective Law Enforcement for ALL

A primary data collection need is to establish a call code system that accounts for primary and secondary call codes that best capture overall calls for service (CFS) that involve a mental health component. Presently, while there are categories to include "Mental Illness, "Mental Transport", "Successful Suicide" and "Attempted Suicide", there has not been a strategy for identifying a way to uniformly track both incoming and cleared calls that involve a mental health component. While this will not always be perfect, since many calls have overlapping characteristics, there should be a designation that triggers an automated set of triage questions at call intake. For example, a series of triage questions could pop up on the screen to identify important information for responding officers and would indicate to dispatch that a CIT officer should be prioritized whenever possible. This will also be useful in determining when MCOT, CAHOOTS, Multidisciplinary Response or another response is warranted and can be coded as such. While the emergency call center does have "Mental Disorder" key questions, best practice language should be re-considered and questions should be reviewed and expanded on to better align with county resources, and to improve call identification. While many states have state mandated call center questions/protocol, these should be considered a floor.

MCPD was unaware that a secondary call code at disposition (when a call is cleared) could even be used. Consequently, mental health CFS are vastly underrepresented. This involves multiple entities, not just MCPD. Some communities have a designation (ex: alpha character z) that is added to any call with a mental health component, regardless of how it was dispatched. For instance, if an officer is dispatched to a domestic call, but once on scene, it clearly involves a mental health component, the call can be closed out adding the alpha character z to the formal call code. Presently, given this example, the call would only be tracked by the primary call code (Domestic).

Calls that are cleared as calls involving a mental health component should require a CIT report be completed. A CIT report should include, at minimum, such information as name, address, mental health condition (if given by the person themselves or a family member on scene); characteristics indicating a mental health condition (hearing or seeing things that you do not hear or see, rapid speech, depressive characteristics, odd behavior etc.); whether or not a weapon was involved, and if so, what type (knife, firearm, other object etc.); use of force and type; disposition of the call, including: resolved in community, referred to community based services; transport to services (voluntary or involuntary); arrest (county ordinance, misdemeanor, felony person/non-person) and information related to any referral to the alternative response team(s).

These CIT data and reports should be routed through the CIT coordinator and his/her team to track trends including high frequency utilizers that can be referred for additional follow-up services, including pro-active outreach by multidisciplinary response teams. Additionally, other useful data collection for MCPD, for example, could include overall calls for service, of those, number of calls for service involving a mental health component (ex: alpha character z), of those, how many were responded to by a CIT certified officer (primary or assist), of those, disposition of the call. Further, percent of calls for service that involve a mental health component overall and broken down by district/shifts. This gives a basic analysis of where to dedicate more or less resources (CIT officers, multidisciplinary response teams etc.). Also consider tracking time from arrival on scene to close out of call (this is good to monitor distinctions -if any- for CIT calls vs. non-CIT calls), and percent use of force and types for specialized CIT and non-CIT officers. Additionally, as alternative response teams/programs become established, it will be crucial to have a data tracking system, even if it is basic, to measure utilization and outcomes. In addition, MCPD should be getting officers' out-of-service data from CAD related to CIT.

Recordkeeping can also be improved. Currently, Electronic Health Records (EHR's) are different for the county and the state (EPIC/ NextGen). This presents barriers for county versus state employees to access critically important clinical treatment records before and after arrival on scene. In Montgomery County, the social worker embedded in EMS is a state employee, and the social worker embedded in the MCPD is a county employee. They do not have access to the same EHR, which would be useful on these calls involving a person in crisis. This could be solved by developing an MOU with EMS (county), or moving the position out of DHHS and under the umbrella of EMS. Additionally, when MCOT is going from call to call, in vehicle access to patient records is challenging. This too creates unnecessary barriers to having as much information as possible before entering the home.

Recommendations:

- **Establish a call code system that accounts for primary and secondary call codes** that best capture overall calls for service (CFS) that involve a mental health component. Call codes should also be developed for alternative response calls.

- **Require a CIT report be reliably completed** for calls that are closed out as calls involving a mental health component.

- **Because MCPD reports they often drop people off at the jail in order to get individuals screened by jail mental health staff (CATS), ensure utilization data is tracked to support eco-system program changes.**

CIT OPERATIONS

Currently, there is no standardized roster of CIT certified officers on patrol, which district/shift they are on, ensuring it is accurately coded and updated daily for telecommunications so that the nearest available CIT officer can be dispatched. Presently telecommunications have to ask "over the air" if a CIT officer is available, and they only do that if a family member specifically requests one. Consequently, there really is no specialized CIT officer to even prioritize for dispatch. This is unfortunate and not best practice.

The community should be educated on CIT and on how to request a certified CIT officer (or other specialized response). They should be able to identify the officer by the CIT pin (or other designation) they wear on their uniform. Only voluntary specialized CIT officers should wear designations, not all officers under a mandated CIT model. There are many opportunities to educate the community, however a more cohesive CIT program, with specialized CIT officers, needs to be developed before extensive community education. Presently, when community members request CIT officer response, they rightfully believe they are getting an officer who wants to do this work, has received specialized advanced training, and has been vetted for the right skill set. That is operationally not happening under the current system.

There is no requirement for Sergeants to audit BWC after each shift, including those that were identified as having a mental health component. This is important not only for overall accountability, coaching and commendation, but also to assess CIT skills utilized, and resources accessed. It is also one of the reasons Sergeants should be trained in CIT. Sergeants should be required to audit BWC after each shift, or minimally weekly with some that involve a mental health component. Presently, it is limited to Use of Force calls only. Audit protocol should include an assessment of tangible de-escalation strategies.

The required response to resistance, use of force documentation and BWC review does not include a tangible assessment of "de-escalation" strategies implemented. As indicated previously in this report, measuring whether time, distance, cover, tone, stance, asking open ended questions versus commands, using a single officer voice, calling for specialized units etc. are important to evaluate. These are tangible ways to assess use of de-escalation strategies, which reinforces to officers what the Department means when they are prioritizing "de-escalation". Otherwise, the word becomes diluted, and the response is often seen as a "check box".

As is consistent across the country, crisis calls tend to take longer than other calls for service. It is important to note that Montgomery County has a plan in place to build a "restoration center" modeled after San Antonio's which will include 20 detox/sobering beds and 20 crisis stabilization beds. While it is estimated to be (3) years out from operational, this will be a critically important addition to the county's crisis response. The county should be commended for this investment.

Recommendations:

- **Educate the community on CIT and on how to request a certified CIT officer** (and other community response), but only after community members can feel confident MCPD can actually dispatch a specialized response. Additionally, educate the community on alternative response options, minimizing the number of calls requiring police dispatch. As 988 rolls out nationwide, a system should be defined to support the best response model.

- **Conduct an operational assessment of the County's 24/7/365 crisis center,** which presently does not promote expansive law enforcement use.

- **Require Sergeants to audit BWC after each shift,** or minimally weekly with some calls that involve a mental health component. Audit protocol for all reviews should include an assessment of tangible de-escalation strategies (time, distance, cover, tone, stance, asking open ended questions versus commands, calling for specialized units etc.)

Alternative Response

Montgomery County has motivation and resources to develop a more robust, integrated crisis response system.

For instance, a multidisciplinary community response model(s), behavioral health unit, mobile crisis outreach, community facing social worker embedded in telecommunications to divert non-emergency calls, additional EMS based mobile integrated health teams etc.) could be integrated. A clear line of supervisory chain of command and role functions in these cross-discipline programs is essential, as is system coordination for identification, dispatch and resolution of calls. A data analyst should be considered, either internal, or externally contracted- typically with a local University. The following recommendations should also be considered.

Recommendation:

- **The County should establish clear criteria for emergency communications to identify and dispatch these calls,** and ensure there are robust, ongoing cross-discipline training (including call code designation, triage questions, and CIT training). While the goal of many of these programs is to divert calls from 911 altogether (e.g.: 988), the reality is many calls will still come to 911. A coordinated effort between a CIT coordinator, emergency communications and other multi-disciplinary community response programs should be prioritized. There should be thorough awareness of the programs, and a streamlined approach for response.

The county can also utilize current employees of the crisis center for expansion of multidisciplinary-response models. It is a steep learning curve just to learn the services, agency protocols, and accessibility guidelines within the organization you work for, let alone attempt to do it as a part of a new pilot program that needs to be successful early on. If officers see that clinicians do not know where to take someone, what paperwork will need to be completed to access those services, or who to call in the organization to resolve an issue, officers may often give up on the use of it. This is difficult to rebound from. Typically, seasoned clinicians are hired internally, who already have strong familiarity with the organization operations.

The County has adopted the Crisis Now Model, which includes 24/7 Crisis Call hubs, mobile crisis outreach teams and 24/7 receiving centers. This is a strong model, with recommendations in this report fully supporting this. The Mobile Integrated Health (MIH) Team Model should be better integrated and strong consideration should be given to expanding the model. The county should consider piloting at least one additional team that includes a CIT officer who would assist with real time dispatch and transport when police presence is necessary. Additionally, increasing capacity for utilization of telehealth while this team is on site would also be a useful consideration. Doing a televisit with the patients case manager, treating psychiatrist etc. would help resolve issues on site rather than relying on a successful bridge to services, which all too often don't occur resulting in cyclical/repeat calls. Additionally, expanding to include an

If it is often unclear when MC44 (MCOT) or the MCPD should respond, this is an ecosystem problem, and significant effort needs to be prioritized to address this. Identifying a key point of contact at each stakeholder organization with a conciliatory personality that is high enough up the chain of command to affect change, has capacity to put ego aside, with a desire to really understand the ecosystem problems and be creative in developing solutions (without pointing fingers) is of critical importance. This team should include a point of contact at key ecosystem entry points, but should at minimum include: MCPD, Crisis Center, Hospitals, Jails.

The Montgomery County Sheriff's Office (MCSO) Domestic Violence Unit operates 24/7 and is made up of 1 CPT, 2 LT's, and 17 Deputies. They are charged with serving emergency petitions (typically those issued by the court), in addition to restraining orders and child custody orders. This unit has no pre-assessment process to identify fit for this role, and emergency petitions can sometimes get "bumped down" in urgency due to priority of restraining orders. It is estimated this unit serves and transports 400-500 emergency petitions annually, with MCPD estimated to serve even more. Due to MCPD data limitations, this is difficult to track.

The County has adopted the Crisis Now Model, which includes 24/7 Crisis Call hubs, mobile crisis outreach teams and 24/7 receiving centers.

LAW ENFORCEMENT TRANSPORT & HANDCUFFING OF INDIVIDUALS

Regular BWC review on hospital transports can assist in accountability and coaching on this best practice.

Recommendations:

- **Expand the CRSS CIT Team.** This current team of two sworn officers and a civilian social worker is drastically understaffed. This should be expanded to a behavioral health unit, and likely tripled or quadrupled in size to do justice to the needs of the community. A multidisciplinary team could be piloted under this unit.

- **Consider embedding a clinician(s) inside telecommunications to divert from law enforcement response at all,** while also utilizing a warm hand off as necessary to a resource line, multidisciplinary team that includes a CIT officer, or other non-police based programs (CAHOOTS, MCOT etc.). As Maryland gears up for the implementation of 988, this is a good place to dedicate alternative response resources.

- **Establish much needed paramedic, clinician, soft uniform CIT officer and (where appropriate, PEER) dedicated multidisciplinary-response team models, with unmarked vehicles, and soft uni-forms.** Whenever possible, prioritize alternative transport options that do not include handcuffs. Clear roles of team members are important. Consider what umbrella is best to host the team(s). If moving away from police transport, housing the team under the FIRE/EMS umbrella may be a better option if the community is open, with politics/ego's aside, to move toward a EMS based transport (special SUV, ambulance etc.).

- **Consider a specialized behavioral health unit** taking lead in police involved emergency petitions.

- **Include a laminated card kept in all patrol vehicles** (or pocket books if MCPD carries those) that includes important information for officers to easily reference to include things like: Correct Mental Health Clear Codes; Crisis Center locations, hours of operation, phone number; MCOT hours of operation, contact person and phone number; Hospital Phone Numbers, locations and type of individuals accepted (youth, adult etc.); CATS contact info and hours of operation; CIT Unit phone and email; Specific paperwork or procedure information etc. along with a "resource list" for patrol to give out to families on these calls.

- **Develop justice involved case management teams** at the community mental health center who have the role of serving high frequency utilizers of law enforcement calls and jail bookings. These teams can also assist with a warm handoff out of the hospital for emergency petitions.

Officer Wellness

Montgomery County has motivation and resources to develop a more robust, integrated crisis response system.

For instance, a multidisciplinary community response model(s), behavioral health unit, mobile crisis outreach, community facing social worker embedded in telecommunications to divert non-emergency calls, additional EMS based mobile integrated health teams etc.) could be integrated. A clear line of supervisory chain of command and role functions in these cross-discipline programs is essential, as is system coordination for identification, dispatch and resolution of calls. A data analyst should be considered, either internal, or externally contracted- typically with a local University. The following recommendations should also be considered.

Officer Wellness

Officer Wellness was not a formal part of this review, however, one cannot discuss community crisis services and holistic wellness without including a focus on officers who are often responding to these crises. The health of our first responders is a key part of community health and the positive outcomes on calls for service involving a mental health component. All too often, community resources are being funded, but not law enforcement resources designated for wellness. This should be considered an equal priority.

Efforts should begin with a comprehensive department-wide needs assessment. A strategic plan should be developed out of the needs assessment, and should include robust efforts focused on physical, mental, spiritual and financial health. While executive leadership often has greater access to and flexibility for wellness opportunities, Patrol officers often don't. They are also the ones typically tied to patrol vehicles resulting in less exercise opportunity, poor nutrition, exposure to difficult calls for service, and may be more apt to have increased trauma. Efforts conducive to patrol should be strongly considered.

MCPD has had 3 officer suicides in the past 10 years. The national culture with law enforcement right now puts added stress on officers, as does the Pandemic. PEER support and EAP are good resources, but they should be a part of a much more integrated, holistic wellness program. Many departments have gotten creative with embedding a wide array of programs and wellness opportunities into the Department. For many years, efforts have been under way to formulate a wellness program specific to MCPD officers. However, a comprehensive wellness program is not in place. The FOP would like to see a nationally recognized wellness program as an important goal. There are a wealth of healthcare resources around the County to engage with the police force; these services, resources and potential partnerships may be underutilized.

MCPD should consider things like: bringing nutritionists on site to District stations for nutrition assessments and planning; bring into District stations experts in drafting wills and doing so at no cost to officers; reviewing financial planning/investments at no cost; providing free flu shots; vascular screening; yoga and meditation exercises etc. Utilizing podcasts, apps, and PDT as resources for wellness programming should also be considered. The more opportunities that can be built into the work schedule with easy access (at District stations etc.), the greater participation will be. Additionally, creating on site behavioral health support (hiring clinicians, psychologists, substance use specialists etc.) that are housed in off site (non PD) locations and have special training in first responder needs should be considered. These teams provide free, confidential services to worn and civilian Department members and family members.

While it is not formally under the scope of this review, it is crucial for a comprehensive needs assessment to be completed, and adequate attention given to expansion of wellness resources. Assigning a team (which should include Patrol officers) to conduct the needs assessment and develop a strategic plan that does not sit on a shelf somewhere should be a priority.

Recommendation:

- **Complete a comprehensive officer wellness needs assessment** (which includes Patrol officers as part of the task force), and develop a strategic implementation plan.

Recruitment & Hiring Practices

A police organization's success begins with its recruitment strategies. The Department serves a diverse population of approximately 1,000,000 residents.

A Department's recruitment efforts impact every other function of the agency. Model departments ensure that recruitment efforts are designed and operated to identify and hire candidates that reflect the communities they serve, especially including historically underrepresented populations. The Department requires an associate degree, or equivalent, at the time of application, or three years of active-duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by MCPD.

Challenges for recruitment have become more complex in recent years due to several factors, including social, political, and economic forces. Recent well-publicized police use of force incidents have negatively impacted the public image of the police profession and have had a direct negative impact on hiring police candidates nationwide. Scrutiny of police interactions with the public, nationally and locally, have led many young people to view a policing career in a different and more unfavorable light than in preceding decades. Generational differences have also been a factor, with many millennials wanting careers with more flexible hours, relatively less stress, and with less structure. It is also more common for younger people to move from job to job, not seeking a lengthy career in one profession.

Nationally, many police agencies report problems with applicant quality and the inability to get applicants successfully through the background hiring process. Reductions in police budgets, normal attrition rates, and lengthy hiring processes with fewer qualified applicants often make it challenging for many Departments to maintain 100% of staffing levels.

Montgomery County salaries used to be some of the highest in the area but have now fallen in comparison to other local agencies in the region. It was reported that being ranked 13th in the area in starting salaries negatively impacts attracting quality candidates.

Even though the starting salary is below some well-respected police departments in the area, the County relies on an excellent benefits package, first-rate training, a nationally accredited status, and a wide range of patrol and specialized duties to attract well-qualified candidates from in and outside the area. Officers proficient in language skills receive a language pay incentive if they pass the qualification requirements. This includes passing a language examination, such as Spanish, German, etc. to get the pay. As of FY23, the Fraternal Order of Police Lodge 35 has negotiated a wage increase that, if approved in the budget, will increase officer's pay to one of the highest in the State of Maryland.

The MCPD is committed to adopting and preserving innovative recruitment methods, and maintaining high standards for recruiting diverse, qualified, and committed future officers. The Department has built partnerships with educational institutions to enhance relationships with youth in Montgomery County, although these partnerships relied on the previously called School Resource Officer (SRO) program, which is highly controversial in the County and has recently been developed into a new Community Engagement Officer (CEO) 2.0 Program, effective in April 2022. The Department also provides a hiring preference for military veterans. Qualified applicants can substitute three years of active-duty military service, with an honorable discharge for the required 60 college credits.

Overview

RECRUITMENT, DIVERSITY & INCLUSION

Montgomery County has faced similar challenges in attracting candidates in the highly competitive Washington Metropolitan area. However, to meet these increasing challenges, the Department is moving forward with adopting innovative recruitment methods and maintaining high standards for hiring police officer candidates, without any significant lowering of MCPD hiring qualifications and standards.

HIRING SYSTEM

The authorized strength of the Department, as of January 2022, is 1281 authorized sworn positions with 1237 filled. Professional staff is authorized 730 with 615 filled.

The Recruitment Section considers new and improved ways for recruiting, as witnessed on their website, described by their supervisors in recent ELEFA interviews, and as reviewed repeatedly in recruitment section progress reports. For example, it was reported that recruiting for diversity resulted in the July 2020 Academy class, Session 71, having the most diverse representation in the Department's history. Racial and ethnic minorities made up over 50% of that recruit class. However, the following class, starting in January 2021, included only a 30% minority representation.

Diversity is a robust focus of the police Department's recruitment efforts, as MCPD seeks to reach out and connect with qualified applicants from all backgrounds, religions, races, and ethnic groups. More broadly, the Montgomery County Government publicly promotes, in public documents, that it values diversity and strives to achieve a diverse workforce through its recruitment practices. As the County population becomes increasingly diverse, all County Department leaders are expected to recognize the importance of hiring individuals who can serve a diverse community effectively and who reflect the diversity of the available labor pool and local residents.

A diverse workforce brings a wide variety of human capital, different experiences, skills, and viewpoints together to solve problems. Equity, diversity, and inclusion are essential to law enforcement operations and effectiveness. Diversity increases innovation, creativity, and strategic thinking because teams of people who come from different backgrounds can draw upon their unique experiences and wider range of knowledge to spark new, innovative ideas. Employees often feel more comfortable and happier in unbiased and inclusive environments and tend to remain longer in their professions. Diversity refers to the traits and characteristics that make people unique while inclusion refers to the behaviors and social norms that ensure people feel welcome. Inclusion is what connects people to the organization and makes them want to stay. The Department's leadership must continually promote "inclusion" as an integral part of its culture and value.

Recently, the Department improved its diversity breakdown in 2021 with Session 73 having a 40% minority representation (13 White, 3 Hispanic, 5 African American, 1 Asian). In Session 73 the Department hired 22 sworn recruits with 24 positions authorized. The Department surpassed prior recruiting efforts with successful diversity recruitment in Session 74, having a 58% minority representation (7 White, 5 African American, 2 Hispanic, 3 Asian). Unfortunately, they were able to fill only 17 of the 34 authorized positions for this Academy Session.

According to the US Census Data from 2018, a demographic overview for Montgomery County is estimated to be: 43% white, 20 % African American, 20% Hispanic and 16% Asian. As of January 2020, MCPD's current demographics reflect: 74% white, 13% African American, 8% Hispanic, and 4% other.

Recruitment falls under the Personnel Division's Management Services Bureau, and is staffed with three full-time female recruiters - two sworn officers and one Sergeant.

RECRUITERS

In 2019, the recruitment team added 41 police officers as decentralized recruiters. As of 2022, the Department has 93 decentralized recruiters. The decentralized recruiters are well trained in current recruitment information, they assist with career fairs and community events, and serve as mentors to police cadets. The team focuses efforts where they have been most successful and where MCPD previously found high quality applicants. However, one of their main and most important goals is to recruit police officers who are representative of the Montgomery County community.

Recruiters utilize a wide variety of outreach social media, including: Internet Advertising, Career and Job Fairs, Community Events, Recruitment Vehicles with vehicle display wraps, Billboard Advertisements, Targeted Recruitment Flyers, Surveys, Videos on Website,

Lateral Entry advertisement, the Cadet Program, Special School-based Programs, and Conferences. The Recruitment Section has a longstanding practice to attend career fairs at Historically Black Colleges and Universities (HBCUs) to include Bowie State University, University of Maryland Eastern Shore, Lincoln University, and Coppin State University. MCPD regularly does presentations about law enforcement career as a guest at Radio La Jefa, a Latino radio station.

COMMUNITY PARTNERSHIPS & HIRING INITIATIVES

The Department has built partnerships with educational institutions to enhance relationships with the youth in their community. They have an established relationship with many of the schools. Recruiters have been able to foster a relationship with the professor for the criminal justice program at Thomas Edison High School. This has allowed them to make connections to those students who have an expressed interest in joining law enforcement. Many colleges and universities transitioned to virtual career fairs during COVID-19 and job fairs are beginning to open back up to face to face interactions with open job fairs.

As of 2022, the Department continues to enhance its outreach to educational institutions. More recent outreach includes engaging with Montgomery College to partner on several new initiatives:

The first Initiative involves the expansion of the Cadet Program. MCPD now has a cooperative partnership with Montgomery College to expand the number of cadet positions and explore ways to improve the program with the participation of the college. Montgomery College has agreed, in principle, to offer scholarships for those students who are enrolled at the college and are Cadets with MCPD.

The plan is to have a specialized program of instruction in criminal justice for Cadets enrolled in the program from Montgomery College. The program will also allow flexibility for those students enrolled in other majors to participate. The program of instruction is still in development, but the framework has been agreed upon as a foundation for the program. Montgomery College has volunteered to assist with tasks related to the management of the cadet program. Details and plans for this enhanced program are ongoing.[33]

The second initiative involves the Montgomery County Bill 17-21- Community Informed Police Training. The MCPD continues to engage with the college on the recommendations in this bill. MCPD has fully supported the initiative, however, have made recommendations regarding the impact of the bill. Several public safety workgroup sessions have also been held to further discuss matters of importance related to this bill.

The Department has a Veteran hiring preference, and applicants can substitute three years of active-duty military service, with an honorable discharge, for the required 60 college credits. In addition to other generally accepted military benefits, an officer can purchase up to four years military service toward MCP retirement, and the starting salary is increased based on years of military service, including military police experience.

There is a similar Lateral Officer entry program and recruitment opportunities for those retired from other police agencies (i.e. MD state police); the MCPD has a reduced 7-week Academy when there are enough applicants interested in joining to make the program feasible. Lateral Program entries may exchange three years of full-time law enforcement experience in exchange for the educational requirement.

All these broadly acceptable programs will assist the Department in adding additional candidates to the applicant pool. All of them must successfully complete a full background investigation before they are hired.

Challenges

In recent years the Recruitment Section reports indicate a strong focus on recruiting from the Greater Washington Metropolitan area- a highly competitive region for police recruiting. In 2021, the starting salary for a MCPD police officer candidate, fell short of many starting salaries in the area. As of FY 23 in January 2023, the proposed starting salary is $60,200 - up from $54,620. The new starting salary, if approved in the FY23 budget, will put the Department, at least temporarily, in the top five of starting salaries in the Washington Metropolitan area.

The problem of filling police officer positions is a nationwide problem that offers each police agency unique challenges. MCPD is similarly affected by this problem. The Department's authorized strength equates to 1.2 officers per 1000 residents. The FBI data on the Middle Atlantic region shows average officer rates from 2.0 to 5.6 officers per 1000 residents with 5.6 as the average for populations of 250,000 and over. The MCPD has been reviewing the accelerated attrition rate experienced by the Department since the Fall of 2021, along with its reduced capacity to fill authorized positions in Academy classes. There is no indication that this is a short term trend. The MCPD projects that near the peak of this attrition crisis in December of 2024, the Department will be down between 200 to 230 officers. This could potentially bring its per capita staffing to 1.0 officers per 1000 residents.

Several years ago, the Montgomery County recruitment unit was averaging slightly more than 1,000 applications following announcements for new Academy sessions. To maintain applicant interest without interruption, the Department accepts applications year-round and processes them efficiently, generally within three-four months, for each upcoming class. Recently, the starting point for applications received was slightly less than 500 submissions. Once the entire background investigations are complete, the Department is frequently left with fewer than twenty-five eligible well-qualified candidates to hire.

Uncharacteristically for Montgomery County, all authorized and budgeted entry-level positions have not been filled in recent Academy sessions. The reduction in applicants can be linked to several possible influences, including: a lower entry salary for the region, the recent impact of COVID-19, heavy competition in the Metro area, competition for candidates from the business community, negative national media about law enforcement careers, a reduction in individuals leaving the military, and possibly, the negative local political climate.

As of 2022, the ability to fill all authorized positions in the Academy remains a problem. Fiscal constraints have impacted recruitment and class sizes remain relatively small. Session 72 was limited to 14 approved positions within the budget as a result of a mid-year mandated fiscal savings plan of 6% for the police department approved by the County Executive and County Council.

The Department is making a variety of adjustments in 2022 that may positively impact these deficits. Finding a solution to increasing attrition, officers leaving for other jobs, and filling open and authorized Academy positions is a priority for the Department.

Session	POCs Budgeted	Authorized # to Fill	Graduated/Hired
68	26	Not reported	22
69	22	37	29
70	24	39	30
71	22	30	21
72	14	14	14
73	24	24	22
74	34	34	17

In early leadership interviews in 2020, some in MCPD leadership positions sense they are not as "pinched" for applicants as in many other local Departments. They trust that the positive reputation of the Department, the availability of numerous specialized positions, career growth opportunities, professional core values, excellent training, and an overall good compensation package gives MCPD a competitive edge over other local Departments. Even though the Department has a robust media presence for recruitment, it reports "word of mouth" tends to be one of the greatest assets for recruiting qualified applicants to Montgomery County. This may still be true for MCPD in comparison to other local departments: however, if these trends continue, the Department will increasingly fall short of their authorized strength.

How a police Department is viewed in a community, especially minority communities, can be a barrier for potential applicants who lack support from family and friends. Therefore, improving recruitment should continue to be a broad, department-wide, effort involving steps to improve community relations and community engagement, increase transparency, and continue persistent efforts targeted at reaching under-represented populations.

RETENTION

The Department is in a downward trend in hiring and attrition. The Department may struggle to maintain the high level of services Montgomery County residents have become accustomed to as staffing deficits continue to impact capacity for proactive policing. Such staffing deficits may also impact the implementation of this report's recommendations.

Today more than ever, police administrators must focus on learning why officers leave the Department, or their law enforcement careers. The cost of hiring and training a new police officer can exceed well over $100,000 and take years before the officer functions fully and independently. Personnel turnover costs can include recruitment costs, selection costs, training and uniform costs and separation costs. In any Department, voluntary turnover can have a negative impact on employee morale and productivity. The Department understands the importance of monitoring these numbers in today's social climate. As indicated in the below chart, Montgomery County has previously fared well in its retention rate of sworn officers over the past six years.

During the year 2021 there were 1290 positions filled as of January 2021. During the year there were 89 separations with a retention rate of 93.10%.

Sworn	Jan 1 Count	Employed for Full Period	Retention Rate
2020	1299	1251	96.30%
2019	1292	1249	96.67%
2018	1278	1237	96.79%
2017	1246	1216	97.59%
2016	1254	1220	97.29%
2015	1266	1224	96.68%

District leadership also noted that many younger officers are leaving the Department for reasons other than retirement. In addition, MCPD has a major challenge recruiting and keeping Field Training Officers (FTO) as there is a perception that the FTOs will get into trouble when their probationary officers do something wrong related to deployment activities and field work. Further, FTO incentives may not be as competitive, relative to the region and national best practices to support the retention of the key role and need for Field Training Officers. Master training officers' pay could be improved; MCPD should provide additional incentives or time.

BACKGROUND INVESTIGATIONS

The MCPD continues to make a concerted effort to increase communication with the community and with potential applicants through a more personalized recruitment and background investigation process. Recruiters and investigators are encouraged to be welcoming and supportive with applicants, and to provide a direct line of information throughout the hiring process. The Department understands that in this highly competitive environment, communication and regular contact can be critical to recruiting and hiring the best and the brightest candidates.

The background investigation is one of the most critical elements in the hiring process of new officers. Background investigators play an important role, not just in screening and evaluating candidates, but also in shaping the "culture" of an agency. Departments can receive hundreds of applicants per year, often with less than one-third of the applicants reaching the background investigation stage. The entire employment process for potential MCPD police officers, from application to hiring, ranges from four to nine months. The background investigation is a labor-intensive process, usually taking months and traditionally resulting in large quantities of paperwork. Currently, Department background investigators are using a paper system; however, they have actively explored some cloud-based systems.

2022 & Beyond: Opportunities for Innovation

Based on an impact study completed last year, the Department has chosen to reduce the qualifying written test scores to mitigate any potential adverse impact. Additional Cadet positions have been requested through the budget process. The Recruitment Section has been working with the Montgomery County Innovation Accelerator Team to review and improve any areas of recruitment processes. They have mapped the processes and are looking for ways to streamline processes.

TECHNOLOGY

The Recruitment Section is moving to a cloud-based technology, making it easier to securely connect applicants, references, and investigators. A cloud-based system also provides easy access for supervisory reviews and those making decisions on the final hiring decision. Today, law enforcement and public safety agencies are making the change to the digital age, and away from archaic systems with paper files, find it can dramatically cut the average time for conducting and completing background investigations.

These software packages also provide background investigators with additional tools to efficiently perform their jobs. One evident value is the capability to log in anywhere and review information in the background file from a desktop or mobile device. Clearly this is an improved process, rather than printing and sharing large paper files, or assessing cases one reviewer at a time.

Software systems make it easier to respond to applicants and to request additional information from applicants or references when needed. Applicants can quickly and easily submit information, and agencies can review and respond to that information rapidly, versus the existing system that relies on a need to wait for the applicant to email the information or deliver the information in person.

The background investigation team is working on acquiring the E-SOPH cloud-based system. They have met with other local departments who are currently using this system. They are developing forms and questionnaires to be used with this system as they anticipate its approval through the procurement system. They have revised the confidential questionnaire to be more user-friendly and to prepare for the arrival of the E-SOPH system.

A cloud-based system with a single access point allows supervisors to easily access files for progress, and assists background investigators in compiling and presenting a comprehensive file for each applicant, as well as having all the information in one place. The system can also track all activity on each background file and provide useful reporting and alerts for missing hiring elements or approaching deadlines.

Today's job market moves at a fast pace, with positions often being filled in a matter of weeks, especially in the private sector. In response, the Department is looking to streamline recruitment and background investigation processes to get individuals hired faster, before they are offered other job opportunities.

One major recent change in the hiring process is the suspension of the currently used Physical Fitness and Agility Testing (PFAT) Program to evaluate its effectiveness and negative impact on recruitment. They are evaluating several key decision points:

- Impact on successful completions: The Department realizes that every applicant is important - particularly when the total numbers of applicants has been reduced so dramatically in recent years. A recent review of Session 74 found that over 50 applicants either withdrew or failed the PFAT process. The majority of these were withdrawals but they are applicants the Department did not get to further assess as potential hires.

- Efficiency of the total hiring process: By eliminating the PFAT, the Department expects to decrease the total hiring process by three-five weeks. Background Investigations would start earlier than in previous processes and it should help reduce bottlenecks at the end of the journey through the process. The Department expects this would speed the ability to make a conditional offer to a greater number of applicants.

REDUCTION OF REDUNDANCY

All applicants are already required to undergo medical testing at the Occupational Medical Section (OMS) as a condition of employment prior to a final offer being made. The OMS testing includes pushups, sit-ups, and a cardiac stress test on the treadmill. The Department is assessing whether this redundancy can be eliminated. This decision was made in conjunction with the Pre-Hire Program discussed below.

PRE-HIRE PROGRAM

The Personnel Division has been working in conjunction with the Public Safety Training Academy (PSTA) on the expansion of the Pre-Hire Program. The program will expand from 16-20 weeks and a renewed emphasis will be placed on applicants in the hiring process to join the Pre-Hire Program. This Program is administered by police academy staff and involves voluntary workouts, zoom calls, meetings, health and wellness education, and a mental wellness lecture to applicants participating in the hiring process. The program is designed to strengthen an applicant in their journey to successfully become a police officer candidate.

EXPANSION OF THE DECENTRALIZED RECRUITER AND MENTOR PROGRAM

The Recruitment Section provided a training class in January and has another one scheduled for July for new decentralized recruiters and mentors. Among the goals of the program is 1-1 mentorship and phone contact with applicants to keep them engaged.

The Recruitment Section is developing a method to track field contacts with applicants by both central and decentralized recruiters to help avoid applicants falling through the cracks.

A new monthly Teams Meeting has been instituted for decentralized recruiters and other stakeholders in the hiring process to attend and to help maintain their interest, to share ideas, and to provide a consistent communication platform for those involved in the program.

Expedited Hiring Process – As PFAT has been suspended; the Recruitment Section is now accepting confidential questionnaire documents directly at headquarters. This allows a Background Specialist to meet directly with applicants, make a face-to-face introduction, and screen the questionnaire booklet on the spot. This helps to address the problem of missing information that can delay the background investigation process.

RETURN OF IN-PERSON TESTING

The Department is resuming in-person testing in conjunction with virtual testing. This will allow applicants the most convenient option. For those who choose in person testing, this potentially allows the applicant to move from applicant status to entering the background stage in the same day, with all testing components being completed on one Saturday per month.

POLICE ACADEMY TOURS, PHYSICAL ASSESSMENT, INTRODUCTION TO PRE-HIRE PROGRAM

In conjunction with the return of in person testing that will occur one Saturday per month, the day after the test, all applicants who have completed testing (virtual and in person) will be invited to the PSTA. At this time, they will be given a tour, meet with staff, and be invited to participate in a physical assessment test so the applicant can be more aware of their acceptable level of fitness. This test will not be graded and will not remove an applicant from the process. The Pre-Hire program will also be introduced to applicants at this time. This will be another opportunity for the Department to establish a personal connection with applicants.

EXPANSION OF THE EARLY HIRE PROGRAM

The Department will aggressively make use of the Early Hire Program to ensure that as soon as applicants clear the hiring process, they can choose to be hired. This is a retention tool for applicants in the process. Early hire allows applicants to begin to experience the culture of the Department by being assigned to an actual Department unit prior to the Academy start. For the session 74 hiring period, the Department was able to bring on three (3) early hire police officer candidates.

VIDEO AND SOCIAL MEDIA

The Recruitment Section continues to work with the Department's PIO to collaboratively produce material for recruitment. One of the decentralized recruiters in the PIO Office worked with My MCMedia and officers in the Silver Spring District to produce a recruitment video in Spanish that had a target audience of the Latino community. Recruiters have also participated in Latino Liaison Group meetings as well.

Recruiters continue attending job fairs and engaging with local HBCUs. Furthermore, the Department continues to produce Women in Law Enforcement Wednesdays material to highlight women in the Department and encourage other women to follow in their footsteps. All of these revisions since our last preliminary report are commendable and progressive changes that should hopefully positively impact the Department's recruitment efforts.

Model departments ensure that recruitment efforts are designed and operated to identify and hire candidates that reflect the communities they serve, especially including historically underrepresented populations.

Promising Practices

The Department has had success in recent years in reinstituting the police cadet program. The Department is requesting additional Cadet positions in the FY 23 budget. The cadet program was a successful program many years ago. Police Cadet programs are designed to prepare young people, typically in their late teens and early twenties, to become future police officers. Cadets work in a paid capacity for the Department, undergo training, and are mentored by police officers. The Department has increased minority representation through this program, and the program has potential to continually bring greater numbers of local residents into MCPD's organization, promote diversity and to increase community knowledge within the officer ranks. In the past two years the Department has had eight cadets become police officers. During the life of the cadet program, seventeen cadets have become police officers and, of those hired, approximately 76% are from diverse populations and 24% are women.

Many Departments, including Montgomery County, have moved away from the traditional approach to police hiring – which was heavily oriented toward the "warrior" aspects of the profession. Today the Department is focused on recruiting and hiring for the "guardian" role that police officers must be prepared to assume. The Department has identified an appropriate core set of personality traits, characteristics, and capabilities they are looking for in officer candidates, discussed in other sections of this report.

Applicants are encouraged to participate in ride-alongs with police officers. This helps the Department evaluate the skills of the candidate in relating to and communicating with community members, and it gives the candidate a realistic view of what police work entails. Within the hiring and screening process itself, evaluating and measuring the desired qualities and traits of officer candidates are not simple tasks. There are behaviors uncovered in the background investigation process that have been almost automatic disqualifiers for many Departments. The Department works with County Personnel to review and update testing so that the process measures key personality traits needed for the job of police officer. The Department has updated scenario-based questions that address a "fair and impartial policing" approach and touch on a variety of human experiences, as opposed to more outdated roles of a police officer.

It is essential that the Department continue to successfully use this process to identify and screen out those candidates who do not possess the needed values and character traits for a policing career in Montgomery County, as well as those who are unethical, explicitly biased, or otherwise unfit to serve.

COMMUNITY VALUES & SCREENING CONSIDERATIONS

It is important that the Department hire candidates who share the values of the community and the Department. For example, for some departments today, an emerging challenge is how to screen out candidates whose performance would be impacted by past drug use or poor credit reports, without pushing out otherwise strong candidates who may have used marijuana recreationally in the past but whose performance would not be affected.

Another example of the importance of realizing community values is related to screening out other concerns, including bias. For example, explicit bias – attitudes and beliefs that exist on a conscious level and that control one's judgment and behavior toward certain people – must be an automatic disqualifier. Implicit bias refers to bias in judgment or behavior that results from subtle attitudes and stereotypes that usually exist below the level of conscious awareness and which the individual does not intentionally control. Background Investigators are taught to look to other sources of information that may uncover bias. For example, a candidate's biases often emerge through their social media posts. The key to effective hiring is to weed out candidates who display explicit bias and work to acknowledge and provide training for implicit bias.

Montgomery County uses a polygraph exam as part of the hiring process. The polygraph is in conjunction with a pre-polygraph personal information booklet. The polygraph is an investigative tool to establish a baseline against which the truthfulness of a candidate's answers can be measured.[34] Appropriately, the polygraph is not used as a sole disqualifier in the process. Psychological exams are standardized, validated, and normed for the position of police officer. The Department uses psychologists who are trained and qualified in the specialty area of public safety psychology to conduct examinations of applicants.

ADVERSE IMPACT

Police Departments are encouraged to regularly review their hiring processes to determine whether there is adverse impact at any stage in the hiring process. Adverse impact refers to employment practices that appear neutral but have a discriminatory effect on a protected group. Adverse impact may occur in hiring, promotion, training and development, transfers, or even performance appraisals. Adverse impact analyses provide a statistical review of employment decisions to determine whether discrimination is indicated in the decisions.

The Department recently completed an adverse impact analysis, conducted for Police Officer Candidate Sessions 64-72, for the period April 2016 – January 2021. The report, dated May 2021, indicates the following:

- In aggregate data, there is disparate impact in the overall selection of several minorities: primarily black candidates, and to a lesser degree "Other" (two or more races).

- In a review of "overall data", it appears that the most notable areas of disparate impact fall within the background phase, then within the area of the written testing.

- In aggregate, there is not disparate impact in the written section, however some analyses show disparate impact for Asian, Black, Hispanic, Other, respectively.

- In addition, black applicants and candidates represent the second largest group, at 28% of total applications over the last five years; however, aggregate data reported they were scheduled but withdrew, no show, or no response -across all stages- was the lowest of all groups.

The Department's preliminary response to this data includes:

- Outreach: MCPD will continue to prioritize outreach to diverse applicants and look to develop new ways to engage diverse candidates.

- Written Testing: MCPD is responding by examining thresholds for the passing grade for the upcoming hiring process. The goal is to allow more candidates to enter the process and expose them to further review opportunities than may have been possible before. In 2021, the Department reduced its' qualifying score for written tests.
    - Additionally, MCPD is continuing to evaluate the benefits /impacts from the change from in person to online testing that occurred within the two most recent police officer candidate hiring sessions as a potential contributing factor. COVID-19 necessitated a shift to remote testing. The test vendor also conducts adverse analysis on their test products.

- Follow Up: MCPD is following up with applicants that do not show up for testing to determine why they did not report and encourage applicants to continue with the process. The goal of this outreach is reaching the maximum number of applicants possible, and making follow up with black applicants a priority, as the data has directed.

- Evaluation: MCPD will continue to evaluate its hiring process to ensure that it continues to develop a diverse police Department that is reflective of the community, while maintaining high standards to hire qualified and professional individuals for the position of police officer candidate.

The Department has become more flexible in how it schedules candidates for the different component parts that make up the hiring process. For example, rather than waiting for a full class of recruits to form before making offers to individual candidates, the Department makes offers and even hires highly qualified candidates in a civilian capacity.

Recruitment & Hiring Recommendations

The Department understands it must continually assess its hiring practices and outcomes to be competitive and successful in recruiting, hiring, and retaining the level of well-qualified candidates the Montgomery County community expects and demands. Recruiting, hiring, and retaining the right people are the critical first steps to achieving the larger goals of reducing crime and building relationships of trust with the community. MCPD has considered many the following recommendations, including:

Recommendations:

- **Add a cloud-based technology** as a streamlining measure and to increase effectiveness and efficiency for background investigators. This is currently in progress since the preliminary report.

- **Reduce the amount of time it takes to process candidates** using technology and combining processes when practical and the MCPD is implementing these practices. This is currently in progress.

- **Review and analyze adverse impact analysis reports regularly** for negative trends and adjust practices as warranted to reduce adverse impact at any stage, if indicated. And make adjustments to the written test. The MCPD has completed this review, made adjustments to the written test, and eliminated the PFAT testing.

- **Consider increasing the starting salary for entry-level MCPD police officers to become more competitive** in the Washington Metropolitan area. There is a significant increase proposed in FY 23 budget.

- **MCPD should consider conducting a comparison study** on all Maryland law enforcement agencies salaries and present the data to the County Council for consideration.

- **Assess MCPD employee turnover continually,** and review reasons officers leave the Department. The MCPD is working with County HR to continually assess attrition.

- **Provide additional training and leadership guidance so that workplace "inclusion" becomes part of the everyday MCPD work-life culture.**

- **Provide more training and monetary incentives to FTOs.** Training should focus on the importance of providing the best possible training to probationary officers by following all Department policies and procedures. Consider paying the FTOs the full amount of the hourly rate even when they are not training probationary officers.

- **The Department's leadership must continually promote "inclusion" as an integral part of its culture and value.**

- **Improving recruitment should continue to be a broad, department-wide effort** involving steps to improve community relations and community engagement, increase transparency, and continue persistent efforts targeted at reaching under-represented populations.

Conclusion

The MCPD is a high-performing organization. Yet, like all high-performing organizations, there is not only opportunity for improvement but continuous improvement is essential to maintaining pace with constantly changing environmental circumstances and public expectations.

Accordingly, our Final Report on the review of the MCPD focuses on those areas in greatest need of improvement. Our recommendations are extensive, although they vary in magnitude and importance.

We are confident they provide a path for the County to reimagine its policing philosophy, policies, training and practices to emphasize public safety, effectiveness, and transparency. ELEFA's recommendations are intended to promote more effective, accountable, and safer policing, as appropriate for the Department. Further, notable deficiencies and our prescribed reforms are generally recognized by the DOJ and reform subject matter experts as effective in achieving legitimate ends in constitutional policing that is both lawful and provides appropriate safeguards for the protection of life and property. Our standards are generally reflected in DOJ Consent Decrees, model policies issued by respected organizations and agencies, such as IACP and the DOJ COPS program, and the President's Commission on 21 Century Policing.

Citations

1   Effective Law Enforcement For All, Review of the Montgomery County, Maryland Police Department (MCPD) (June 2021), page 6.

2   https://data.montgomerycountymd.gov/Public-Safety/Daily-Arrests/xhwt-7h2h

3   Montgomery County, Reimagining Public Safety, page 13.

4   Montgomery County, Reimagining Public Safety, page 14.

5   MCPD's Media Section and Peer Support Section were not within the scope of this study.

6   See New Orleans Police Department's Annual Crisis Intervention Report for an example.

7   Montgomery County, Reimagining Public Safety, page 59.

8   ELEFA, Review of MCPD, page 18.

9   ELEFA, Review of MCPD, page 6.

10   Montgomery County, Reimagining Public Safety, page 58.

11   ELEFA, Review of MCPD, page 25.

12   Montgomery County, Reimagining Public Safety, page 37.

13   https://data.montgomerycountymd.gov/

14   https://data.montgomerycountymd.gov/Public-Safety/Daily-Arrests/xhwt-7h2h

15   Montgomery County, Reimagining Public Safety, page 26.

16   CBA is important tool for both sides to work together. MCPD notes the CBA Policy is related to this area of BWC review. Bill 1821 is another related guidance on random review of BWC, BWCS recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance without cause (but can be "randomly" reviewed). An employee's supervisor may use BWCS recordings to address performance when cause exists. Any recording used must be reviewed with the subject employee prior to any documentation of performance. Any documented review will be included in the employee's supervisory file. The employee shall have the opportunity to respond in writing to the document. The response shall be attached to the supervisor's document. The employee and the employee's representative shall be provided access to the referenced recording if requested. Performance evaluation shall not be the sole reason for the employer retaining a recording beyond the agreed upon term.

17   https://www.urbanscape-architecture.com/projects/2nd-district-police-station-bethesda-maryland/

18   The new draft policy is reviewed and commented on by senior executives, legal and the FOP. After each review, the draft is returned to the Policy and Development section. Once completed, it is to be entered into Power DMS for dissemination.

19   2021 Md. Laws, Ch. 60 (to be codified at Md. Code Ann., Pub. Safety ("PS") § 3-524(d)(1)).

20   We note that while the Graham standard was initially viewed as limiting officers' discretion to use force, subsequent decisions have led to widespread criticism that the standard has not achieved its expected results and is unduly deferential to officer's discretion to use force. Regardless of these criticisms, neither Graham nor any legal standard can provide the guidance, training and accountability necessary to achieve safe, effective, and restrained uses of force. Thus, the Graham factors must be considered in the context of broader use of force philosophies, policies and training.

21   Our initial observations on the MCPD's reporting on annual use of force are based on available, self-reported MCPD information. While powerful, some of these observations may be of limited utility without further assessment of additional data, such as residency in Montgomery County, MD, as well as other factors relevant to the Department's reporting on use of force incidents. The annual report for 2020 was published and released by the Media on May 10, 2021.

22   MCPD made a slight change in reporting ethnicity by District this year. The graph requires the reader to estimate the exact number of force incidents by ethnicity per District.

23   According to recent estimates, Silver Spring is approximately 40% White, 28% Black or African American, 20% Other race, and 7% Asian; Wheaton is approximately 34% White, 31% Other race, 16% Black or African American, and 13% Asian

24   There is a Use of Force Committee that reviews all of these incidents.

25   K-9 bites are not investigated by Internal Affairs but rather are handled like other uses of force. The K-9-unit Commander is responsible for ensuring a thorough investigation is conducted: MCPD reports that all K-9 bites are investigated by K9 Sergeants, and further review may be conducted by SOD Command staff. MCPD also reports that every bite gets an immediate on-scene response by a Sergeant, and an investigation begins immediately. If the investigation and subsequent review by Command reveals "improper use of K9", two things can happen: 1) It would go to IAD if it was the officer violation of policy or; 2) It is dealt with as a training issue for the dog and/or handler.

     As a best practice, however, Level 3 and Level 4 uses of force investigations are normally investigated by a separate entity within the Department (IA, FIT, or some other named dedicated unit). Although not prohibited, but if an agency elects to cull out certain serious uses of force to SME's within the unit in which the force occurred, the community may question transparency and the integrity of the investigation and its independence or objectivity.

26   MCPD reports all use of force reports are reviewed at the Bureau level after review by the commands.

27   K-9 bites are not deadly force (K9 bites fall into MCPD's use of force as protective instruments) . As a best practice, they are considered as a serious use of force however, thus placing these events into the highest force level category. Further, at this force level, an independent internal unit responds to the scene and conducts the investigation.

28   MCPD should consider including SAT on the list of positions required using BWC.

29   Sustained cases are kept on file for 5 years after separation from the Department. There is no "finding" of "not sustained" in MCPD directives.

30   New Maryland State Law will change processes for investigating officer-involved shootings effective October 1, 2021.

31   New Maryland State Law will change processes for investigating officer-involved shootings effective October 1, 2021.

32   https://www.treatmentadvocacycenter.org/fixing-the-system/features-and-news/4275-research-weekly-law-enforcement-smi-crisis

33   MCPD may also consider these topics be built into the Academy curriculum instead of being a prerequisite to the Academy.   Having it a prerequisite can impact recruitment, and these types of programs require funding that could disappear in the future with external impacts over time.

34   "OTO concluded that, while there is some evidence for the validity of polygraph testing…there is very little research or scientific evidence to establish polygraph test validity in large scale screening…[including]…pre-employment, [and] pre-clearance…" Scientific Validity of Polygraph Testing: A Research Review and Evaluation. A Technical Memorandum. Office of Technology Assessment (OTA). TM-H-15, 1983.

Appendices

SSJC Response to ELE4A's MCPD Final Report

Members of the Silver Spring Justice Coalition (SSJC) have reviewed the ELE4A draft of the MCPD Final Report, dated July 2022. We have also taken into consideration our discussions with members of ELE4A. SSJC was founded in response to the June 2018 killing by an MCPD officer of Mr. Robert White, an unarmed Black man taking a stroll in his own neighborhood. In the ensuing years, our community has continued to witness people of color and those having mental health crises suffer killing or excessive force at the hands of police. We feel ELE4A must take the following points into consideration if it wants to bring about the changes necessary to rid MCPD of the overuse of force and the over-policing of people of color and people with behavioral health issues.

Mental Health Crisis Response

The mental health section of this report raises considerable concern. The report's recommendations to increase police involvement in mental health response are in direct contradiction to the County's plans for an increasingly larger role for the mobile crisis teams (MCOTs) and a decreasing role for MCPD.

The report recommends outdated and debunked approaches to mental health crisis response and is out of step with national trends and political will. Multiple reports from cities, big and small and diverse like Montgomery County, confirm the proven effectiveness of crisis response without police by teams staffed by peer support specialists and mental health providers. One example is in Washington, DC, where a mental health crisis team will call a CIT officer only if they assess that one is needed.

ELA4A's recommendation to rely heavily on law enforcement for crisis response runs counter to what community members are pleading for and does not reflect research findings that law enforcement is unnecessary or counterproductive in most crisis responses.[1,2] In fact, the current MCPD chief, Marcus Jones, has acknowledged that "[t]here's clear evidence that there are calls we respond to that aren't police-related matters--there's no harm to public safety.

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[1] A study released last month by the University of Maryland School of Public Policy found that "a large bipartisan majority of three in four voters favors the federal government funding local programs that give 911 operators the ability to first send mental health professionals…rather than police officers". https://www.prnewswire.com/news-releases/strong-bipartisan-majority-favors-funding-for-mental-health-professionals-to-respond-to-mental-health-related-911-calls-rather-than-police-new-umd-survey-finds-301588722.html

[2] A June 2022 study by Stanford's Institute for Economic Policy Research found that the Denver STAR program removed police from certain 911 calls leading to a significant reduction in costs to the community and a drop in crime in the neighborhoods served. https://news.stanford.edu/2022/06/08/stanford-study-shows-benefits-reinventing-911-responses/

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Though we are called to handle individuals who are going through a mental health crisis, there are others better equipped to do that".[3]

SSJC has proposed and supports the implementation of a County version of the CAHOOTS model using peer support specialists in tandem with mental health providers with minimal use of police. As evidenced through special appropriations in 2020 and budgets since 2020, the County mandate from the County Executive and County Council affirms a greatly decreased involvement of law enforcement in responding to the needs of vulnerable individuals experiencing a mental health crisis. We urge you to revise the report to reflect the County moving toward an MCOT response to mental health calls. In addition, the report should clearly state what you said explicitly in our meeting of Aug 25, 2022, namely, that every incident of a mental health crisis does not have to involve police.

We expect MCPD to collaborate with DHHS to staff 911 with people who have experience recognizing and responding to mental health crises and to establish a triage and dispatch protocol that diverts mental health calls to the Crisis Center or to 988.

We expect MCPD to treat everyone with dignity, respect, and compassion. When they encounter an individual experiencing a mental health crisis, they should be required to call the skilled professionals and peer specialists at DHHS, and to stand aside until an MCOT arrives.

The additional funding that would be needed to implement the training, community outreach and operational costs outlined in the report could be best used to fully fund the MCOT program with enough MCOTs to promptly respond 24/7 anywhere in the County.

We expect MCPD to establish policies and procedures, and an accountability process for appropriate conduct when interacting with a person experiencing a mental health crisis. They should include requiring the officer to:

- Use the least intrusive form of interaction

- Call for an MCOT when a person experiencing a mental health crisis is encountered

- Avoid the use force of any kind, including the use of Tasers. *(Tasers are not a de-escalation tool.)*

- Self-regulate to prevent lethal or violent snap reactions

- Provide de-escalation tailored to a person in a mental health crisis including, but not limited to, the following: speak clearly in a calm and quiet tone, ask open-ended questions, use an open and relaxed body stance, give the person space, assign one officer to interact with the individual

- Provide the least restrictive and trauma-informed transport. Offer the option of family transport, and utilize people with lived experience or clinicians to accompany individuals who may need to go to the Crisis Center or a hospital

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[3] *Bethesda interview: Police Chief Jones.* Bethesda Magazine. August 31, 2020. https://bethesdamagazine.com/2020/08/31/bethesda-interview-police-chief-jones/

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- Not criminalize mental health behavior. No person in crisis should be arrested for "disturbing the peace", "failure to obey a lawful order", "resisting arrest", or for resisting or refusing to be handcuffed or go into a police car or to the hospital. Likewise, no one should go to jail if a hospital turns them away when they are still in crisis

- Recognize a potentially vulnerable individual and prioritize providing mental health care

We specifically oppose the recommendations in the report that heighten and expand the use of CIT for the following reasons:

Research does not support that CIT lessens harm by police, which is the SSJC goal. A 2019 study in *The Journal of the American Academy of Psychiatry and the Law* found that

> *Studies generally support that CIT has beneficial officer-level outcomes, such as officer satisfaction and self-perception of a reduction in use of force. CIT also likely leads to pre-booking diversion from jails to psychiatric facilities. There is little evidence in the peer-reviewed literature, however, that shows CIT's benefits on objective measures of arrests, officer injury, citizen injury, or use of force.*[4]

Because CIT seems to show favorable results in the police force rather than actually on the street in police-community interactions, we oppose the CRSS CIT program.

Furthermore, it is our view that CIT-trained officers are not an effective "alternative response model." Softening the look of CIT officers who are nevertheless armed police officers trained to use force is disingenuous. The lived experiences of members of SSJC as well as vulnerable people and their family members who we have recently interviewed in focus groups attest to the fact that CIT-trained officers have used force, intimidation, and coercion against many members of the community.

Thus,
- We strongly oppose the creation of an MCPD "special unit" to do community outreach or encourage community members to call for a CIT officer rather than call 988 or the Crisis Center. The use of 988, which prioritizes a mental health response, should be emphasized and widely publicized by MCPD and the County. We believe (based on evidence from other communities and the MCPD Use of Force Report) that the use of 911, rather than 988, will perpetuate racially disparate policing in our County. Without a major refocusing on use of MCOTs, Black and brown members of our community will be disproportionately harmed by police.

- We oppose police targeting of "high frequency users." Addressing the mental health needs of individuals should not be a police responsibility.

- We oppose the CARE model. The County is already implementing a crisis response model with proven effectiveness.

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[4] Effectiveness of Police Crisis Intervention Training Programs at
http://jaapl.org/content/early/2019/09/24/JAAPL.003863-19

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Use of Force, De-escalation, and Racial Disparities in Policing
We appreciated Mr. Douglass' acknowledgment that central to ELE4A's mission is the elimination of racial disparities in all aspects of policing and his view, in particular, that the killing of Ryan LeRoux should never have happened. Nonetheless, we know that, with two exceptions, in Montgomery County, since the 2018 killing of Robert White, all the police killings have been of Black or brown men.

We observed in the MCPD 2021 Use of Force Report that officer use of force, particularly against people of color, has increased – rather than decreased. By way of just two examples of the intolerable trends in policing reflected in that report, the report indicates that use of force against African Americans increased from 262 in 2020 to 325 in 2021 (24% increase); and use of force against Hispanics increased from 97 in 2020 to 114 in 2021 (18% increase). Similarly, use of force against persons suffering behavioral health crises rose from 109 in 2021, to 196 in 2021 (80% increase) even after the County's Use of Force law was in place.[5] This is absolutely unacceptable; we cannot allow this to continue.

SSJC has long been calling for major changes that will eliminate racial disparities in policing by reducing police presence in our communities. The report should prioritize recommendations that will (1) immediately require officers to use de-escalation tactics and techniques, as alternatives to use of force and (2) reduce racial disparities in all aspects of MCPD policing.

- Given the length of ELE4A's report and the overlapping recommendations, we recommend that ELE4A give special focus and emphasis to the need for de-escalation and elimination of racial disparities by creating a new section in the report that reiterates, in one place, all the recommendations that deal directly with reducing use of force, prioritizing de-escalation techniques and tactics and alternatives to use of force, and eliminating racial disparities in MCPD enforcement. Since these are some of the most important issues for elected leaders and the community, and especially communities of color, no one should have to read the entire 137-page report to learn what is most important to them.

- The report should acknowledge and comment on the recently updated FC 131, effective 7/1/22,[6] rather than the outdated use of force (UOF) policy. Analysis of the outdated UOF policy should be removed and replaced with analysis of the new UOF policy.

- The report should recommend that MCPD obtain community input, including input from organizations such as SSJC, to prioritize the development of a de-escalation policy as required by state law.[7] A draft of that policy should be publicly circulated for comments before it is finalized.

- We need solutions that will yield faster results; the changes recommended by ELE4A will take years to implement. Our community cannot wait that long.

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[5] See https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/UseOfForce/2021%20MCPD%20Use%20of%20Force%20Report.pd
[6] https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/100/FC131.pdf.
[7] See Section 3-524(g)(1) - Maryland Use of Force Statute: https://casetext.com/statute/code-of-maryland/article-public-safety/title-3-law-enforcement/subtitle-5-miscellaneous-provisions/section-3-524-maryland-use-of-force-statute

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Community Outreach and the CEO program

SSJC opposes MCPD's community outreach program through the Community Engagement Division (CED) because there is no evidence that the resources used for this program increases safety in our community and certainly does not increase the safety of Black and brown communities who have been over-policed and under-served by police. Our views are as follows:

- The goals of MCPD's community engagement and outreach programs have never been clearly explained nor their need justified or scrutinized. We ask that ELE4A recommend that the County suspend any efforts to fix, improve, modify, or expand MCPD's community engagement and outreach programs. The report states "[t]he Division focuses on building trust and relationships with partners and communities." Lacking is a discussion of why the distrust exists in the first place. The CED does not address nor resolve the longstanding disproportionate police enforcement against Black and brown people, which is the real reason for distrust of the police by Black and brown communities.

- The SSJC position is that fixing and expanding MCPD's community outreach and engagement is a waste of time, money, and effort. MCPD could solve its staffing problems if less time were spent on community engagement.

- We oppose the CEO program in schools and thus find the staff in the Community Resources Bureau designated to oversee this program as unnecessary. We appreciate Mr. Douglass' acknowledgement that the current CEO 2.0 program is "disappointing." SSJC and its coalition partners remain adamant that counselors are the appropriate professionals to address conflict and interpersonal issues in schools and not police. There is abundant research, including from the DOJ, to support this.[8,9] Research also

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[8] US DoJ NIJ: Investigator-Initiated Research: The Comprehensive School Safety Initiative Study of Police in Schools
"This study found no evidence to suggest that increasing the dosage of SROs via CHP grants to local law enforcement agencies reduces school crime. Instead, consistent with prior research, it found that the intervention increased measures of school crime – particularly for weapon and drug-related offenses. It also found clear evidence that increasing SRO staffing levels results in increased exclusion from school in response to disciplinary infractions. Increases in offenses and exclusionary reactions to offenses were most evident for students without special needs as opposed to students with special needs, schools in urban/suburban as opposed to town/rural locations, and for black and Hispanic as opposed to white students. Our study provides more and stronger evidence to support the idea that placing SROs in schools results in excluding students from school, and that this punishment falls disproportionately on minority students." https://www.ojp.gov/pdffiles1/nij/grants/305094.pdf

[9] US DoJ NIJ: School Climate, Student Discipline, and the Implementation of School Resource Officers
"For the most part, the sorts of problem behaviors that SROs were concerned about were those that might be committed by students including fighting, drugs, rule violations, and a variety of other potential problem behaviors. However, the SROs did not understand the threats to the school in the same way across schools. In schools with larger percentages of White students, SROs were mostly concerned about rule violations and viewed misbehavior as part of a normative part of adolescent development. In contrast, SROs in schools with the smallest percentages of White students were most concerned about violent and criminal behaviors and attributed these potential threats to the students' poor upbringings, families, and communities, using some language that reflected racial tropes about Black people."
https://www.ojp.gov/pdffiles1/nij/grants/305085.pdf

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Effective Law Enforcement for ALL

shows that police in schools do not reduce shootings, but rather contribute to the criminalization of young people of color and feed the "school-to-prison" pipeline.[10]

Research has found that the key to school safety is the creation of a positive school climate in which all students feel supported, valued, trusted, and respected. We pushed for increased hiring of mental health professionals to support students and address their social emotional needs and the implementation of restorative practices. We emphasized that school officials should respond to student misconduct with disciplinary measures that promote positive behavior when students make mistakes, consistent with Maryland law and guidelines.[11] We argued for police-free schools because of the compelling evidence that the presence of police in MCPS schools has had a harmful impact on children, particularly Black children. In the past when SROs were deployed in MCPS schools, students were arrested for minor offenses that were unnecessarily criminalized and there were unacceptable racial disparities. Black children were more than ten times as likely to be arrested as White children in MCPS in two of the past five years and three times as likely in the other three year. We pointed out that a single arrest, which was typically accompanied by exclusionary discipline and a referral to the Department of Juvenile Services (DJS), can have life-long negative consequences for a child.[12]

- We need clarification as to whether CIT will be housed in this department, and if so, then what exactly will be the scope and purpose of the Community Engagement Department?

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[10] See https://publicintegrity.org/education/criminalizing-kids/police-in-schools-disparities/; https://www.nea.org/advocating-for-change/new-from-nea/making-schools-safe-and-just; See pp. 67-75. Report of the Washington DC Police Reform Commission, Apr 01, 2021: https://dccouncil.us/police-reform-commission-full-report/; https://docs.google.com/document/d/1DT6e_vtYSm7nw8uY7qXo5ciMDnCSCmX7C3Ueu6U_dGo/edit?usp=sharing; https://rethinkingschools.org/articles/cops-dont-keep-kids-safe-at-school-the-case-against-school-police/;https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-reconsidering-police-in-schools/; Oct. 27, 2020: https://education.uconn.edu/2020/10/27/the-prevalence-and-the-price-of-police-in-schools/;
Citations in ACLU Pennsylvania Research on the Impact of School Policing July 2020: https://fisafoundation.org/wp-content/uploads/2020/08/Research-on-School-Policing-by-Aaron-Kupchik-July-2020.pdf

[11] See the" Framework for Effective School Discipline," National Association of School Psychologists (2020), file:///C:/Users/Dell/Downloads/Discipline-Framework-Document%20(1)%20(2).pdf; Code of Maryland Regulations13A.08.01.11, http://www.dsd.state.md.us/comar/comarhtml/13a/13a.08.01.11.htm ; Code of Maryland, 7-306(d)(2)(iii), https://law.justia.com/codes/maryland/2019/education/division-ii/title-7/subtitle-3/sect-7-306/3. The risk of arrest rates for Black/White students were as follows: 10.7 for 2019-2020, 2.9 for 2018-2019, 11.3 for 2017-2018, 3.3 for 2016-2017, and 2.8 for 2015-2016. The calculations were made using publicly reported data made available by the Maryland State Department of Education (MSDE), http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/StudentArrest/index.aspx

[12] For a discussion of the impact of police in schools, see pages 42-43 of "Reconsidering Police in Schools" by Ryan King and Marc Schindler, Chapter 4 of A Better Path Forward for Criminal Justice, A Report by the Brookings-AEI Working Group on Criminal Justice Reform (April 2021) https://www.brookings.edu/wp-content/uploads/2021/04/Better-Path-Forward_Brookings-AEI-report.pdf; Denise C. Gottfredson, Scott Crosse, Zhiqun Tang, et al, "Effects of school resource officers on school crime and responses to school crime," CRIMINOLOGY & Public Policy (2020); pp. 1-36, https://neighborsvt.org/wp-content/uploads/2020/09/Gottfredson-et-al_2020.pdf.

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Training

We note that a very significant portion of the report deals with deficiencies in MCPD training and ELE4A's recommendations for improving and expanding training. We are convinced, based on research and numerous incidents involving use of force by CIT-trained officers in Montgomery County, that training has not and will not effectively reduce police-caused harm and eliminate racial disparities in policing without first instituting substantial changes in MCPD policies.[13] Changes in MCPD policies – including increased accountability, discipline for violating those policies, and correcting officer irregularities – must precede training for there to be any significant improvement in safety for our communities.

We also reject the report's premise that CIT training will eliminate problems of police officers responding to incidents involving vulnerable people. The report is replete with examples of the failures of CIT training, while the number of incidents of use of force against Black and brown persons and against vulnerable persons continues to increase. The report fails to accept the political decision made by the County Executive and the County Council that MCOTs should be the alternative to a police response to vulnerable persons incurring crises. Even if police officers are the first to arrive at a scene in which a vulnerable person may be in crisis, MCPD training should be to de-escalate the situation and await the MCOT's arrival to resolve the situation.

We also note that the recommendations for training improvements are so vast and lengthy that, by acknowledgement in the report, it will take years before all of the training recommendations will be completed. We cannot wait that long to reduce incidents of police-caused harm and racial disparities.

Therefore, ELE4A should:
- prioritize in the report, and in MCPD implementation, the specific parts of training that will:
    1. do the most to promote de-escalation techniques and tactics
    2. provide alternatives to uses of force
    3. reduce racial disparities

Traffic Stops

As noted on page 71 of the report, traffic stops, and follow-on police actions, continue to demonstrate significant racial disparities. We call upon ELE4A to recommend that MCPD cease to make traffic stops when serious imminent safety is not at issue, in order to reduce racial disparities in the most frequent police contact with members of our community.

Training officers in the "8-step process" is not sufficient to resolve the above issues because it does not address the racial disparities in traffic stops nor does it reduce the use of force. Needless to say, the laws and policies of the County must first be changed to address disparities, after which officers can be trained to comply with those laws and policies. ELE4A can certainly be a force in pushing for policy change in this direction.

Data Issues

The report fails to reflect the current data collecting requirements applicable to MCPD. To that end, we recommend that ELE4A:

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[13] http://jaapl.org/content/early/2019/11/01/JAAPL.003894-19; https://www.voanews.com/a/usa_us-government-funds-mental-health-crisis-teams-stand-police/6205003.html

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- update the report to reflect the reporting requirements of County Bill 45-20,[14] specify dates and processes that will accelerate the transmission of the required data to elected officials and the public (via DataMontgomery data portal), and make further recommendations for the disclosure of further data and data analytic specifics that enable the public to monitor racial disparities in MCPD policing.

- provide additional recommendations that would require MCPD leadership to solicit from community organizations, including but not limited to SSJC, input on changes to all MCPD policies, guidelines, training, and practices that impact our communities.

- increase MCPD transparency in efforts to increase the use of de-escalation techniques and tactics, and other alternatives to the use of force, hold officers accountable and re-train them as necessary, for their misconduct.

Finally, we were heartened to hear Mr. Douglass agree with us that MCPD data collection needs guardrails to ensure that data is not misused, for example, passengers in cars who are not guilty of any crime should not be tracked in any MCPD database.

Outsource Software Evaluation and Integration
MCPD has been plagued with data collection and reporting problems that date back to at least when the NAACP and the County entered into a settlement agreement in the late 1990's to redress racial disparities. Moreover, it is clear from your report that MCPD does not have the expertise to correct the many data problems identified in the report.

- We urge ELE4A to recommend that the solicitation and selection of any new systems for data collation, reporting, and storage be handled by County staff or by a qualified consultant approved by the County Executive's office. Considering MCPD's history of ineffective use of software as attested by this report, it would be a waste of time and money to expect a process managed by MCPD to yield different results.

Body-worn Cameras
Despite the report's discussion of MCPD's Body Worn Camera policy (FC 430, 1/6/21), the report does not take into account the County's BWC Bill (18-21), effective 2/18/22, which expands the use of body-worn cameras (BWCs) and random reviews of BWC recordings to monitor police conduct.

- We recommend that the report be updated to reflect the requirements of County Bill 18-21, and that the report recommend expansion of BWCs to non-uniformed officers and officers performing secondary employment to ensure that the supervisors can monitor officer conduct whenever they are working under color of law, and recommend expanded monitoring of police conduct by reviews of BWC recordings.

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[14] Police–Community Policing–Data Revised: 11/2/2021 Effective: Feb 14, 2022. See Appendix I.
https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=2683

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September 19, 2022

Audit Team
Effective Law Enforcement for All

Dear ELE4A Audit Team:

Presbyterians for Police Transformation sponsored by Takoma Park Presbyterian Church and in response to our understanding of the gospel, are active in anti-racism work including efforts to redefine public safety and transform policing on the state, county and local levels. We support the eight concerns raised by the Silver Spring Justice Coalition (SSJC) in their response to your Draft Final Report of the Montgomery County Police Department (MCPD) Audit.

We especially recommend that ELE4A list as priorities these items that will have an immediate impact in reducing racial disparities:
1. Require officers to immediately start using de-escalation tactics and techniques as alternatives to use of force and to comply with Bill 27-20
2. Have MCPD cease to make traffic stops unless there is a serious imminent safety issue, shifting all other enforcement to Department of Transportation
3. Have Crisis Response Teams be the first responders to mental health crisis calls
4. Terminate the CEO program which criminalizes young people of color and feeds the "school to prison pipeline."

We also support timely, public access to data on police activities as required by Bill 45-20; and annual hands-on de-escalation and anti-implicit bias training, realizing the effects of this will take more time. In addition, we recommend the complete ban of chokeholds and strangleholds.

 Thank you for considering our views.

Sincerely,

Ruth Noel on behalf of
Presbyterians for Police Transformation

Cc: Marc Elrich, County Executive
    Montgomery County Maryland County Council

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October 3, 2022

David L. Douglass
Ashley Brown Burns
Effective Law Enforcement for All

Re: ELEFA's audit of Montgomery County Police Department (MCPD)

Dear Mr. Douglass and Dr. Burns,

On behalf of the youth and young adult members throughout Montgomery County who make up Young People for Progress, I write to share our observations on ELEFA's draft final report evaluating MCPD. Young People for Progress fully endorses the improvements proposed by the Silver Spring Justice Coalition in its recent letter and we trust you will consider them carefully; adopting these recommendations will strengthen the report so that it can be a more useful tool for advancing public safety in the county.

In the present letter, I wish to highlight two issues that are of particular importance to young people in the county: removing police from schools and from traffic enforcement. After considering the points below, we hope you will revise the draft to recommend that police not be involved in either of these matters.

Police should not be in schools
If the county aspires to be a place where everyone feels safe, then armed police officers cannot be a fixture in our schools. Police officers' effect on many students is to make them feel *less* safe, not more so, and this is true whether they are called School Resource Officers, Community Engagement Officers, or any other title. These students' anxiety is grounded in the reality of racially disparate treatment by police, and this reality is not negated by the friendly demeanor of an individual CEO. Schools should be protective environments where all students feel at ease and can focus on learning; hosting police works against that goal.

Not only is the CEO program detrimental to many students' emotional well-being, but there is also no security rationale for it. CEOs serve no beneficial law enforcement function that cannot be performed equally well (or better) by having police respond when needed. The current memorandum of understanding between MCPS and MCPD recognizes that officers should take the lead only in a narrow, enumerated set of critical incidents; fortunately, these situations are very rare in MCPS, so there is no need for police to maintain offices in schools. In practice, regardless of any policy, officers' regular presence in schools leads to police being involved in issues best handled by educators, thus unnecessarily criminalizing Black and brown kids (and high schoolers are indeed kids) with lifelong repercussions.

While it is encouraging, as noted in SSJC's letter, that Mr. Douglass recognizes the current CEO 2.0 program as a disappointment, that assessment should be stated in ELEFA's report. Furthermore, given the harms that this program causes, we hope you will advise MCPD to discontinue the CEO program and reallocate those resources towards implementation of the other reforms recommended in your report.