



Committee: Directly to Council
Committee Review: N/A
Staff: Craig Howard, Deputy Director
Purpose: To receive testimony/final action - vote expected

AGENDA ITEM #11
January 18, 2022
Public Hearing/Action

SUBJECT

Special Appropriation to the FY22 Operating Budget, Montgomery County Government, Office of Emergency Management and Homeland Security, \$586,500 for the National Capital Area Law Enforcement Information Sharing Program (Source of Funds: Metropolitan Washington Council of Governments)

EXPECTED ATTENDEES

None

DESCRIPTION/ISSUE

The County Council will hold a public hearing and consider action on a special appropriation.

SUMMARY OF KEY DISCUSSION POINTS

- The County Executive recommended this special appropriation on December 13, 2021 to continue funding for the National Capital Area Law Enforcement Information Sharing Program (NCR LInX). The Council introduced this special appropriation on January 11, 2022.
- The proposed appropriation will fund contractors to run the program and maintain and support the server system.
- For several years, the Montgomery County Police Department has run the NCR LInX program and the Office of Emergency Management and Homeland Security has managed the finances through a grant provided by the federal Department of Homeland Security (DHS).
- DHS is no longer providing grant funding for this program, and the Metropolitan Washington Council of Governments will now provide the funding.
- The Office of Racial Equity and Social Justice finds that the special appropriation is unlikely to advance racial equity and social justice in the County.

This report contains:

County Executive Transmittal	©1
Draft Special Appropriation Resolution	©2-3
Racial Equity Impact Assessment from the Office of Racial Equity and Social Justice	©4-6

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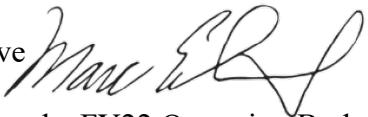
OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

December 13, 2021

TO: Gabe Albornoz, President
County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Special Appropriation 22-25 to the FY22 Operating Budget
Montgomery County Government
Office of Emergency Management and Homeland Security
NCR LInX Program –MWCOG funds, \$586,500

I am recommending a special appropriation to the FY22 Operating Budget of the Office of Emergency Management and Homeland Security (OEMHS) in the amount of \$586,500 for continued funding of the National Capital Area Law Enforcement Information Sharing Program. This appropriation will fund contractors to run the program, maintain and support the server system. A special appropriation is requested because the funds to support this program are no longer provided by Homeland Security Grant funds.

For 15 years, the Police Department has run the NCR LInX program to facilitate information exchange between law enforcement agencies in the NCR. OEMHS has managed the finances for nearly 10 years through a Homeland Security grant. The Metropolitan Washington Council of Governments (MWCOG) will now provide the needed funds. This increase is necessary because the current source of funding will end on December 31, 2021.

I recommend that the County Council approve this special appropriation in the amount of \$586,500 and specify the source of funds as MWCOG funds.

I appreciate your prompt consideration of this action.

ME:tm

Attachment: Special Appropriation 22-25

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Special Appropriation 22-25 to the FY22 Operating Budget
Montgomery County Government
Office of Emergency Management and Homeland Security
Metropolitan Washington Council of Government Funding, \$586,500

Background

1. Section 308 of the Montgomery County Charter provides that a special appropriation: (a) may be made at any time after public notice by news release; (b) must state that the special appropriation is necessary to meet an unforeseen disaster or other emergency or to act without delay in the public interest; (c) must specify the revenues necessary to finance it; and (d) must be approved by no fewer than six members of the Council.
2. The County Executive has requested the following FY22 Operating Budget appropriation increases for the Office of Emergency Management and Homeland Security

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$586,500	\$0	\$586,500	MWCOG Grant Funds

3. This increase is needed because the current source of funding will end on December 31, 2021. MWCOG will be the new funding source for this program. For 15 years, the Police Department has run the NCR LInX program to facilitate information exchange between law enforcement agencies in the NCR. OEMHS has managed the finances for nearly 10 years through a Homeland Security grant.
4. The County Executive has requested a special appropriation to the FY22 Operating Budget in the amount of \$586,500 for NCR LInX Program and specifies that the source of funds will be MWCOG grant funds.
5. The public was notified by a news release.

Action

The County Council for Montgomery County, Maryland, approves the following actions:

1. A special appropriation to the FY22 Operating Budget of the Office of Emergency Management and Homeland Security is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$586,500	\$0	\$586,500	MWCOG Grant Funds

2. Any fund appropriated in this resolution must not be spent for any purpose until two days after the Council has received from the County Executive a copy of the grant award letter from the Federal or state government which provides all funds to be spent.
3. The County Council declares that this action is necessary to act without delay in the public interest, and that this appropriation is needed to meet the emergency.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Tiffany Ward, Director
Office of Racial Equity and Social Justice

MEMORANDUM

November 8, 2021

To: Jennifer Bryant, Director
Office of Management and Budget

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice

Re: Supplemental Appropriation: #22-25 National Capital Area Law Enforcement
Information Exchange Program (NCR-LInX)

A handwritten signature of Tiffany Ward in black ink.

I. FINDING: The Office of Racial Equity and Social Justice (ORESJ) finds that Special Appropriation #22-25 (as written) is unlikely to advance racial equity and social justice in the County. Information available at the time of this analysis does not suggest that racial disparities in police-public interactions have been taken into consideration in the design, training, standards, or use of the National Capital Area Law Enforcement Information Sharing Program (NCR-LInX). Without adjustments and demonstrated alignment with recommendations outlined in the Reimagining Public Safety Task Force report and best practices in racially equitable data integration, this Special Appropriation is unlikely to advance racial equity and social justice in the County.

II. BACKGROUND: The purpose of Special Appropriation #22-25 is to continue funding for the NCR-LInX. The Metropolitan Washington Council of Governments (MCOG) is providing grant funding in the amount of \$586,500, which will fund contractors to run the program and maintenance and support of the server system. Available information indicates that Montgomery County Police Department (MCPD) runs NCR LInX, with the goal of facilitating information exchange between law enforcement agencies within the national capital area to help reduce crime and terrorism in the region.

To assess the racial equity impacts of funding NCR-LInX, we looked at two important dimensions of the system—the extent to which it takes into consideration well-

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Information Exchange Program (NCR-LInX)

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documented racial disparities across the criminal legal system and whether it incorporates racial equity principles into data sharing.

Available information about NCR-LInX does not describe to what extent (or how) it accounts for and mitigates against the ways in which this system may unintentionally accelerate well-documented¹ racial disparities in law enforcement activities. Disparities are evident in police-public interactions ranging from traffic stops to use of force, and ultimately are reflected in higher rates of incarceration among Black and Latino people compared to White people. The overrepresentation of Black and Latino people in prison compared to their representation in the population overall is stark. The Sentencing Project reports that Black Americans are incarcerated at 4.8 times the rate of White Americans, while Latino individuals are incarcerated at 1.3 times the rate of White Americans². Further, studies have concluded that people of color face a higher likelihood of being killed by police than do White men and women³. In the County, Black residents make up 18% of the population, but represent 32% of MCPD traffic stops in 2018; 44% of MCPD arrests in 2017; and 55% of MCPD use of force cases compared to 2018⁴. As with other racial inequities, the root cause of these disparities is complex and includes historical and current policies and practices that extend beyond the realm of the criminal legal system. The Sentencing Project describes how an enduring legacy of racial subordination and structural disadvantages perpetuate disparities⁵; other research expands upon this pointing to “austerity in social welfare and public health programs that has led to police and prisons becoming catch-all responses to social problems”⁶.

With this abbreviated snapshot of racial disparities in police-public interactions, it's important to recognize that NCR-LInX is a tool within the County's existing public safety infrastructure—the same infrastructure that has produced the above documented disparities. The system is designed to support law enforcement agencies in doing their work, which by extension affects communities, but not all communities are equally

¹ Lynne Peeples. nature. “What the data say about police brutality and racial bias—and which reforms might work”. June 19, 2020 (updated May 26, 2021). Available at: <https://www.nature.com/articles/d41586-020-01846-z>.

² Ashley Nellis, Ph. D. The Sentencing Project. *The Color of Justice: Racial and Ethnic Disparity in State Prisons*. October 13, 2021. Available at: <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

³ Frank Edwards, Hedwig Lee, and Michael Esposito. Proceedings of the National Academy of Sciences of the United State of America. “Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex.” August 20, 2019. Available at: <https://www.pnas.org/content/116/34/16793>.

⁴ Elaine Bonner-Tompkins Natalia Carrizosa. Office of Legislative Oversight. Montgomery County, Maryland. Local Policing Data and Best Practices. Report Number 2020-9. July 21, 2020. Available at: <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLReport2020-9.pdf>.

⁵ Ashley Nellis, Ph. D.

⁶ Frank Edwards, Hedwig Lee, and Michael Esposito.

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affected. The utilization of NCR-LInX, including officer training and the standards that govern its use are shaped by the policies, practices, and culture of Montgomery County Police Department and other County law enforcement agents. These policies, practices, and culture are examined in an Effective Law Enforcement for All, Inc. Reimagining Public Safety Task Force report. The Task Force describes a vision of a “reimagined public safety for Montgomery County as improving citizen security and eliminating the racial biases and inequities resulting from ineffective public safety practices.”⁷ which means that that long-standing law enforcement practices and tools may warrant further examination if they are known to produce or exacerbate racial bias or inequities. For example, how might a tool like NCR-LInX align with report recommendations to expand alternative responses to crime or enhance accountability about police-public interactions? As a tool within the County’s public safety system, providing additional data and transparent information about NCR-LInX’s results by race and ethnicity, could enhance the public’s understanding of its effectiveness or complementarity with the County’s ongoing Reimagining Public Safety efforts.

The second dimension of Supplemental Appropriation #22-25 that we examined is the extent to which available information about NCR-LInX shows alignment with racially equitable data integration practices. Actionable Intelligence for Social Policy (AISP)⁸ has produced a set of principles and a toolkit on how to center racial equity in data integration across communities. The recommended policies and practices are designed to minimize harm to communities of color and those disproportionately negatively impacted by certain aspects of the data lifecycle. At the time of this analysis, the nature of the data sharing involved with the LInX system was not entirely clear. However, AISP discourages use of linked data across institutions that have patterns of institutional racism and encourages caution when determining what and how data should be shared across agencies⁹. A public, widely available statement regarding use of NCR-LInX and increased transparency about the process and its results will strengthen the system’s alignment with both Reimagining Public Safety recommendations and practices outlined in the AISP report.

cc: Ken Hartman, Director Strategic Operations, Office of the County Executive
Maryanne Souders, Acting Director, Office of Emergency Management and Homeland Security
Earl Stoddard, ACAO, Office of the County Executive

⁷ This is the first section of the Task Force vision statement. To read the full vision statement, please see page 16 of the Montgomery County, Maryland Reimagining Public Safety Report. Available here: <https://ele4a.org/wp-content/uploads/2021/08/rps-task-force-recommendations-report.pdf>

⁸ Hawn Nelson, A., Jenkins, D., Zanti, S., Katz, M., Berkowitz, E., et al. (2020). A Toolkit for Centering Racial Equity Throughout Data Integration. Actionable Intelligence for Social Policy, University of Pennsylvania.

https://www.aisp.upenn.edu/wp-content/uploads/2020/08/AISP-Toolkit_5.27.20.pdf

⁹ Hawn Nelson, A., Jenkins, D., Zanti, S., Katz, M., Berkowitz, E., et al.