



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich  
County Executive

Tiffany Ward  
Director and Chief Equity Officer

**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)

- 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-

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-documented<sup>1</sup> 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 Americans<sup>2</sup>. Further, studies have concluded that people of color face a higher likelihood of being killed by police than do White men and women<sup>3</sup>. 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 2018<sup>4</sup>. 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 disparities<sup>5</sup>; 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”<sup>6</sup>.

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

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<sup>1</sup> 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>.

<sup>2</sup> 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/>.

<sup>3</sup> 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>.

<sup>4</sup> 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/OLOREport2020-9.pdf>.

<sup>5</sup> Ashley Nellis, Ph. D.

<sup>6</sup> Frank Edwards, Hedwig Lee, and Michael Esposito.

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

November 8, 2021

Page 3 of 3

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.”<sup>7</sup> 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)<sup>8</sup> 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 agencies<sup>9</sup>. 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 Sounders, Acting Director, Office of Emergency Management and Homeland  
Security Earl Stoddard, ACAO, Office of the County Executive

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<sup>7</sup> 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>

<sup>8</sup> 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](https://www.aisp.upenn.edu/wp-content/uploads/2020/08/AISP-Toolkit_5.27.20.pdf)

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