



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE


Marc Elrich
County Executive

Tiffany Ward
Director and Chief Equity Officer

MEMORANDUM

November 4, 2021

To: Jennifer Bryant, Director
Office of Management and Budget

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

Re: Special Appropriation: Effective Law Enforcement for All #22-28

- I. **FINDINGS:** The Office of Racial Equity and Social Justice (ORESJ) finds that Special Appropriation #22-28 is likely to advance racial equity and social justice in the County by funding Effective Law Enforcement for All, Inc. (ELE4A) to support the continuation of the County's efforts to reimagine public safety. Engaging ELE4A will strengthen the County's ability to operationalize recommendations identified by the Reimagining Public Safety Taskforce. This, in turn, will better position the County to make policy, practice, and systems changes that address racial and ethnic disparities and disproportionalities in local policing.
- II. **BACKGROUND:** The purpose of Special Appropriation #22-28 is to increase funding to ELE4A to support the continuation of its review of the County's Department of Police, and to provide additional work including community and stakeholder engagement, technical assistance, strategic planning, crisis response coordination, reporting, on-call advisory services, management guidance related to the recent officer involved shooting, and a formal independent *After Action Review* of the July 16, 2021 officer involved shooting/lethal force incident.

Racial and ethnic disparities and disproportionalities in policing in the US are well documented¹. These 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

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>.

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 Montgomery County Police Department (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.

In July 2021, The County’s Reimagining Public Safety Task Force with support from ELE4A released the Montgomery County Reimagining Public Safety Task Force Recommendations Report. In the report, the taskforce co-chairs explain how the taskforce “attempted to produce a strategy for public safety that prioritized social and economic development over punishment and that fosters public safety regardless of ethnicity or economic background”⁷. The report included insights from 45 community members and 31 Montgomery County department, agencies, and union representatives, and resulted in 87 recommendations, which fall under five categories and involve a mix of policy, practice, and structural changes. Overarching themes that emerged from the report include⁸:

- Shifting certain responsibilities from police to County agencies and community organizations
- Implementing and/or expanding alternative responses to crime

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/OLOReport2020-9.pdf>.

⁵ Ashley Nellis, Ph. D.

⁶ Frank Edwards, Hedwig Lee, and Michael Esposito.

⁷ Reimagining Public Safety Task Force. Montgomery County, Maryland. 2021 Reimagining Public Safety Task Force Recommendations Report. February 2021. Available at: <https://ele4a.org/wp-content/uploads/2021/08/rps-task-force-recommendations-report.pdf>.

⁸ Reimagining Public Safety Task Force.

- Revising law enforcement recruitment, training, and public encounters with civilians to enhance accountability and innovation
- Changing law enforcement culture so that it's collaborative; transparent; culturally competent; and embodies a "guardian" no "warrior" role

This report builds on existing work in the County to understand and address bias in policing. One year prior, in July 2020, the Office of Legislative Oversight (OLO) produced a report documenting existing MCPD data policies and practices and how they compare to national best practice, particularly as they relate to policing disparities by race and ethnicity. The emphasis on high-quality policing data is echoed by scholars and policymakers alike, as the absence of it prevents rigorous study, ultimately masking disparate outcomes and perpetuating ineffective and often biased policies and practices. Currently MCPD's detention, police-public interactions, and police complaints data and processes partially align with best practices; there are several documented gaps and areas of weakness. Addressing these gaps will involve a number of systemic, policy, and practice changes—constituting a structural transformation. Many of OLO's findings were highlighted and discussed in the Public Safety Task Force Report. For example, Recommendation #38 in the Task Force Report relates specifically to the data collection practices outlined in OLO's report.

Next steps identified in the report involve developing a plan for implementation, including discussing programmatic details and obtaining community input. Given the recommendations identified in the report and the ways in which implementation would require both structural and practice change, there will likely be need for additional technical expertise. During the next phase of this project, it will be important to consider the work produced by the Center for Policing Equity and the policy plans and toolkits it has produced to support national, state, and local governments in developing a just and safe policing systems. A 2019 Center for Policing Equity and Yale Law School Justice Collaboratory report titled *Re-imagining Public Safety: Prevent Harm and Lead with the Truth*⁹ recommends trust-building, dignity, parsimony, and equity as central tenets of any effort to reimagine public safety. Embedding these principles allows public safety systems to: increase cooperation and trust between individuals and the state; recognize and address inequalities in wealth and power that produce and exacerbate racial disparities; reduce criminal justice exposure; and identify racial inequities across the criminal justice system.

cc: Ken Hartman, Director, Strategic Partnerships, Office of the County Executive
Dr. Monifa McKnight, Interim Superintendent, Montgomery County Public Schools
Nicole Gyapong, Administrative Coordinator, Office of the County Executive

⁹ Phillip Atiba Goff, Elizabeth Hinton, Tracey L. Meares, Caroline Nobo Sarnoff, Tom R. Tyler. Yale Law School The Justice Collaboratory and Center for Policing Equity. Available at: https://policingequity.org/images/pdfs-doc/reports/re-imagining_public_safety_final_11.26.19.pdf.