



## OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE


Marc Elrich  
County Executive

Tiffany Ward  
Director and Chief Equity Officer

### MEMORANDUM

March 9, 2023

To: Jennifer Bryant, Director  
Office of Management and Budget

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

Re: Racial Equity Impact Assessment (REIA) Supplemental Appropriation (SA) #23-28  
Police Accountability and Community Transparency (PACT) Grant Award

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #23-28 Police Accountability and Community Transparency Grant could facilitate reductions in racially disparate police-public interactions, however an absence of detail about program enhancements involved in this supplemental appropriation and the status of ELE4A reforms make it difficult to conclude that this funding will affirmatively advance racial equity and social justice. Further, research is very clear that there are a number of critical intervening factors that enable or prevent Body Worn Cameras (BWCs) from helping to reduce public complaints or ensure racially equitable treatment in the community.
- II. **BACKGROUND:** The purpose of this Supplemental Appropriation #23-28 Police Accountability and Community Transparency Grant is to allocate funding from the Maryland Office of Crime Control & Prevention to the Montgomery County Police Department for the department's Police Department Body Worn Camera Program.

The purpose of the county's Body Worn Camera System (BWCS) is to document evidence and accurately record, through video and audio, interactions that occur between officers and members of the public<sup>1</sup>. Publicly available information about the implementation of

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<sup>1</sup>

[https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20430\\_Body%20Worn%20Camera%20System.pdf](https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20430_Body%20Worn%20Camera%20System.pdf)

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the BWCS is in Function Code: 430, signed on October 27, 2022<sup>2</sup>. Available information does not specify the type of program enhancements this supplemental appropriation funding will enable, so this racial equity impact assessment (REIA) will focus on the extent to which body worn cameras support the reduction of racially disparate outcomes in police-public interactions.

It is well documented in Montgomery County and across the country that there are racial disparities in police-public interactions—a consequence of multiple historical and current structural factors including policies, procedures, training, and organizational culture that perpetuate inequities and create disproportionate harm for residents in Black Indigenous and People of Color (BIPOC) communities. The Racial Equity and Social Justice Impact Statement (RESJI) conducted by the Montgomery County Office of Legislative Oversight (OLO) for Bill 18-21 Police – Internal Affairs Procedures and Reporting Requirements<sup>3</sup> explains in detail the role the War on Drugs and mass incarceration have played in exacerbating these inequities.

In Montgomery County, available data demonstrate wide disparities in police-public interactions by race and ethnicity. In OLO’s 2020 Local Policing Data and Best Practices Report, there is a stark contrast between the demographic makeup of County residents and the demographic makeup of residents involved in MCPD traffic stops, MCPD arrests, and MCPD use of force cases<sup>4</sup>. Further, Effective Law Enforcement for All (ELE4A)’s recent audit observes, “of the traffic stops reviewed in the random BWC sample; most interactions included people of color”<sup>5</sup>. These disparities require additional analysis and review, beyond the scope of this REIA, but suggest—in alignment with available research—that the presence of BWCs alone is unlikely to shift outcomes.

The RESJI of Bill 18-21 provides an extensive review of available research, as of June 2021, on the effects of BWCs. The review found mixed evidence in determining the overall impact of BWCs on police officer behavior and community member behavior and sentiment. The review also highlighted that many of the reported benefits associated with BWCs—reducing public complaints, use of force, encouraging greater accounting of pedestrian stops, and supporting investigations, prosecutions, and public defense cases—are highly dependent on the following:

- consistent BWC implementation
- the presence of effective accountability mechanisms that address officer misconduct

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[https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20430\\_Body%20Worn%20Camera%20System.pdf](https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20430_Body%20Worn%20Camera%20System.pdf)

<sup>3</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill18-21-RESJ.pdf>

<sup>4</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

<sup>5</sup> <https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/community-pol/ELEFA-MCPD-FullReport-v7.pdf> pg. 14

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- strengthened community trust and the development of policies in partnership with community members and other local government agencies regarding the use and storage of BWC footage

Since June 2021, A study published by the National Bureau of Economic Research found that BWCs had an effect on the outcomes of adjudicated misconduct cases; concluding that within the context of the study, “BWC technology is an effective tool in minimizing the racial disparity in citizen complaint investigation outcomes”<sup>6</sup>. What is less clear from the study (and available research) is whether BWCs have a preventative effect, meaning reducing the incidence of misconduct in the first place. As highlighted by the American Civil Liberties Union, a 2019 research article in *Criminology & Public Policy* concluded, “BWCs have not had statistically significant or consistent effects on most measures of officer and citizen behavior or citizens’ views of the police.”<sup>7</sup> This is reiterated by a 2020 *American Review of Public Administration* article, where the author found that “officers may become slightly more cautious in the use of arrests after wearing BWCs, but BWCs do not change their overall disparate treatment of Black versus White suspects.”<sup>8</sup> Further, according to CCJ Task Force on Policing, “There is no known research indicating that BWCs reduce racial disparities in policing practices or outcomes for members of the public.”

Overall, there are many intervening factors that enable or prevent BWCs from reducing racial disparities in police-public interactions. Without additional information about the specific program enhancements funded through this supplemental appropriation, the status of MCPD’s ongoing data collection and analysis efforts, and its implementation of ELE4A recommendations related to BWCs, it is difficult to conclude to what extent funding involved with this supplemental appropriation is likely to narrow racially disparate outcomes in police-public interactions.

cc: Marcus Jones, Chief, Montgomery County Police Department  
Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

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<sup>6</sup> [https://www.nber.org/system/files/working\\_papers/w29019/w29019.pdf](https://www.nber.org/system/files/working_papers/w29019/w29019.pdf) pg. 27

<sup>7</sup> <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9133.12412> Abstract

<sup>8</sup> <https://journals.sagepub.com/doi/abs/10.1177/0275074020982688?journalCode=arpb> Abstract