

MONTGOMERY COUNTY, MARYLAND



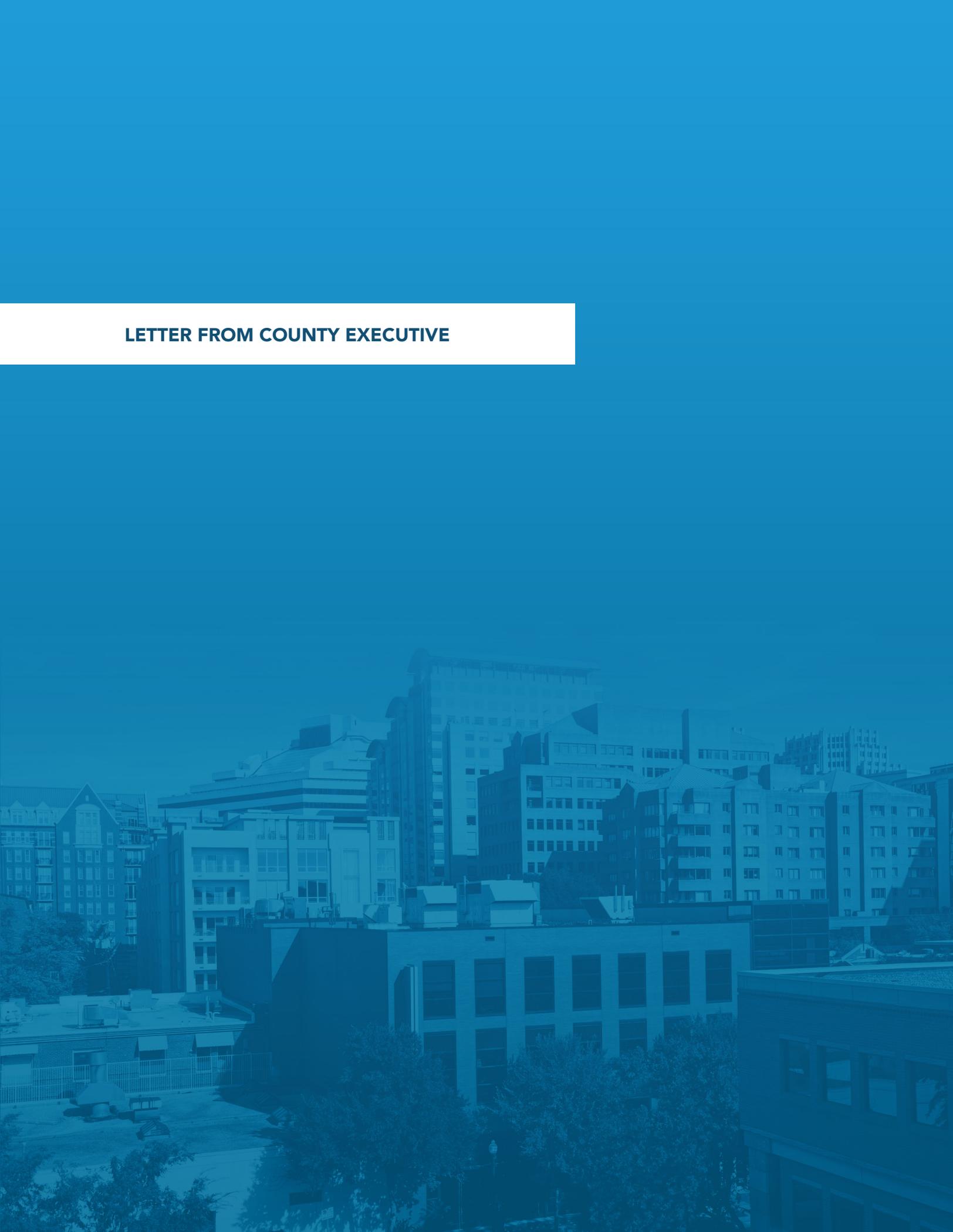
2021 REIMAGINING  
PUBLIC SAFETY TASK FORCE  
**RECOMMENDATIONS REPORT**



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**LETTER FROM COUNTY EXECUTIVE**



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

**Reimagining Public Safety Task Force Recommendations Report**  
**Letter from the County Executive**

February 4, 2021

Dear Montgomery County,

Both nationwide and here in Montgomery County, incidents involving police use of force have focused attention on racial injustices, as well as the structure and funding of police. In order to have a thoughtful discussion and review of our public safety efforts, I created the Reimagining Public Safety Task Force in August 2020. The Reimagining Public Safety Task Force consists of community members who represent the diversity of Montgomery County; they worked with County staff, organization representatives, and others tasked with developing recommendations that address policing practices and programs that lead to racial injustices. This work is vital as we collectively aim toward creating a safer community that is responsive to all County residents.

I want to thank all the members of the Reimagining Public Safety Task Force, especially Co-Chairs Bernice Mireku-North and Marc Mauer for their hard work over the past five months. They volunteered their time, attended regular meetings, and participated in tough and detailed discussions about reimagining public safety. The breadth of their recommendations included in this report is evident to their dedication to this work and our community. I also want to thank Effective Law Enforcement for All, Inc. for partnering with the County to help the Task Force produce this meaningful report.

I asked the Task Force to be bold in its reimagining ideas, including what kind of Police Department we envision and what investments we want to make in our community. I find the report generally to be thoughtful, thorough, and balanced. Some of the recommendations are simple and we can quickly act on them; others are aspirational requiring more time to work through how they can be implemented. The report has opened a range of programming and policy initiatives for us to consider as we advance our public safety and racial justice strategies. They provide a basis for making progress and I am committed to exploring those findings.

I am proud of this comprehensive and forward-thinking report. The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County can deliver services in a more equitable manner. I am inspired by the effort of the Task Force and my administration is committed to continuing the transformative work of public safety in Montgomery County by advancing the goals of this report.

Sincerely,



Marc Elrich  
County Executive

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**LETTER FROM REIMAGINING PUBLIC SAFETY TASK FORCE CO-CHAIRS**

# Silver Spring



We have been honored to serve as the Co-Chairs of the Montgomery County Task Force on Reimagining Public Safety. We and our many colleagues have strived in recent months to produce an analysis and vision for change in our county in how we achieve our public safety goals, and this report represents the product of that process. The community members of this task force have provided these recommendations; county staff participated as helpful resources, but did not take part in the final recommendation presented within our report.

The tragic killing of George Floyd in Minneapolis in 2020 triggered a national outpouring of emotion and advocacy centered on the centuries-long tensions existing between law enforcement agencies and Black communities in particular. Notably, this movement was broadly based, encompassing multi-racial protests at the community level, soul-searching within corporate America, and sustained media focus on the origins and challenges posed by racial injustice.

The history of law enforcement in this country is unfortunately a story that all too often has demonstrated a lack of concern, or outright racism, towards communities of color. For many years, a key failing of law enforcement was its under-enforcement of the law in Black communities. Problems of crime and disorder in those communities went largely unaddressed unless they spilled over into white and propertied neighborhoods. Flowing out of the modern-day civil rights movement, pressure was put on police agencies to recognize their obligations to address problems in all communities. But in recent decades that attention has often developed into massive over-policing of Black communities, as exemplified by the racially disparate implementation of stop-and-frisk policies, the war on drugs, and racial profiling.

In Montgomery County, tensions have surfaced between law enforcement and County residents even before the death of George Floyd. Black residents including Peter Ayompeuh Njang, Emmanuel Okutuga, Robert White, Mikyas Tegegne, Finnan Berhe, and most recently Kwamena Ocran, have been killed by police in Montgomery County, creating a sense of urgency to transform the way we think of public safety from a “warrior” to a “guardian” mindset.

Montgomery County has its own uncomfortable truth regarding the lack of concern towards members of Black communities. Our history includes using local militia to fight off escaped slaves in 1845, the lynching of George Peck in 1880, the lynching of Sidney Randolph in 1896, racial profiling in traffic stops resulting in a 2000 Memorandum of Agreement between the Department of Justice and the Police Department. Further, the County’s Office of Legislative Oversight findings reveal further disproportionate treatment of Black residents from law enforcement.

In response to the nationwide and local furor over racial justice, County Executive Marc Elrich established this task force in mid-year 2020. He appointed the two of us to co-chair a 41-member group of community residents designed to develop a strategy for improving public safety outcomes in the County along with a mandate to challenge and eliminate the racial bias that has plagued our criminal justice system, as it has throughout the country.

Montgomery County has much to be proud of. As a relatively wealthy county it has invested resources in a range of initiatives to enhance education, to provide opportunity, and to bring social services resources to communities in need. At the same time, the County is also experiencing the broad implications of the dramatically growing social and economic inequality that has been a hallmark of the nation for the past half century. Despite efforts to address these issues, the County experiences a large achievement gap in its school population, a growing housing crisis for lower-income residents, and glaring racial disparities at every level of the criminal justice system.

The goal of reimagining public safety is critical for a number of reasons. First, as a matter of justice we need to ensure that all residents who come before the law are treated fairly and equitably. Second, we know that law enforcement agencies can only be effective if they establish a sense of trust and confidence in the communities they serve. When individuals lose faith in these institutions they become less likely to cooperate with policing agencies and to perceive the law as just. A lack of faith may fuel negative behavior that can trigger mental health issues or engagement of criminal activity; in a worst-case scenario, this can result in a civilian death at the hands of police.

The criminal justice system in the United States is now coming under great scrutiny after decades of “tough on crime” policies have produced a world-record prison population with glaring racial disparities. And while proponents of these policies have premised their development as a crime control strategy, in fact a broad range of research has documented the relatively limited impact of expanded punishment on enhancing public safety.

Given these developments, our task force has 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. Within the justice system we have attempted to lay out a series of steps that County policymakers can adopt to both address the racial disparities that plague our system and produce better public safety outcomes.

We are not unaware of the challenges facing the County at this moment. As is true in every community, the Covid-19 crisis and its disastrous effect on the economy has altered local government and all our lives in previously unimagined ways. But as we hope to work our way out of this environment in the coming year it behooves us to reimagine how we structure our daily life in all its aspects, including promoting public safety. Some of the recommendations that we propose in this report are long-term goals and strategies, which in many cases will involve a substantial shift in allocating resources. That process will take some time, but can only be successful if we begin now. Other measures can be implemented more quickly and clearly can put us on the road to better policy outcomes.

We are grateful to have had the opportunity to engage in this effort, and we are appreciative of both the hard work of our task force members as well as the many County staff who informed our work and served as strong collaborators. We look forward to ongoing conversations with the broader community in this ongoing process of reimagining public safety.

Thank you,

Bernice Mireku-North & Marc Mauer

## MONTGOMERY COUNTY, MD REIMAGINING PUBLIC SAFETY INITIATIVE

On July 1, 2020, County Executive Marc Elrich announced his vision to Reimagine Public Safety in Montgomery County with the goal to create a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. Reimagining public safety will focus on building a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. The task force was established to complement other initiatives set up during this period, including developing an Office of Racial Equity, a Policing Advisory Commission, and legislation to adopt community policing guidelines, etc. A timeline is provided in the Appendix with an overview of key dates related to the Reimagining Public Safety Initiative.

While many of these efforts are underway, this report provides an overview of the findings of the Reimagining Public Safety Task Force and its recommendations. The Task Force was formed to:

- Develop recommendations that reimagine the Montgomery County Police Department and all public safety programs by January 22, 2021;
- Discuss institutional racism in public safety and explore opportunities for reforms in policies and programs that disproportionately impact communities they serve;
- Review police operations that may not be mission focused;
- Reimagine the County response to community needs for health and social services where Police are filling the void; and
- Provide input on the independent and comprehensive, including racial bias, audit of the Police Department.

The Reimagining Public Safety Task Force was divided into 5 focus area groups as follows:

- Focus Area 1: 911 and 311 call responses — to determine community needs and provide guidance for areas of focus for the independent audit of MCPD.
- Focus Area 2: Montgomery County Police Department (MCPD) budget — review data and structure.
- Focus Area 3: MCPD programs - review local information as well as programs that have been implemented elsewhere, starting with training and de-escalation.
- Focus Area 4: Alternative programs to police and jail interactions — identify other County departments, non-profit organizations, and agencies to propose alternative procedures, programs, and policies to be considered.
- Focus Area 5: Best practices for crisis response and social services — research and propose best practices for the intersection of the health, social services, and crisis response system.

## REIMAGINING PUBLIC SAFETY TASK FORCE MEMBERS

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### *Montgomery County Community Members*

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Barton Aronson, Esq.	Maria-Lynn Okanlawo
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Marc Mauer	Simone Walton, DSW
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Linda Moore	Basil Whitaker
Edmund Morris	Allen Wolf, Esq.
Gareth Murray, M.Div., Ph.D.	

## REIMAGINING PUBLIC SAFETY TASK FORCE MEMBERS

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### *Montgomery County Departments, Agencies, and Unions Representatives*

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Jennifer Bryant	B.B. Otero
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Luis Cardona	Dinesh Patil
Edward Clarke	Darren Popkin
Torrie Cooke	Gino Renne
Antonio Devaul	Ronald Smith
Thomas Didone	Debbie Spielberg
Susan Farag	Ben Stevenson
Dave Gottesman	Caroline Sturgis
Amanda Harris	Vlatka Tomazic
Dorne Hill	Diane Vu
Dorcus Howard-Richards	Tiffany Ward
Trevor Lobaugh	

## EXECUTIVE SUMMARY: TASK FORCE RECOMMENDATIONS

The Reimagining Public Safety Task Force, a workgroup of County and community representatives, has been working to address institutional racism and towards creating a safer community, one that is better for all County residents. The Reimagining Public Safety Task Force has developed recommendations for the County Executive and County Council on how the County can reimagine public safety. We must find a way to address an unjust system by rebalancing County investments in promoting safe communities to those more appropriate in serving that need, including additional resources for education, housing, employment, health care, social-emotional supports, and other public benefits.

The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County may deliver services in a more equitable manner. This report is a reflection of the voices of the community members who participated in multiple meetings, oral and written conversations. Other members of the Task Force aided the community members in providing information and resources to aid their recommendations. The Task Force developed eighty-seven (87) recommendations that are detailed in this report.

Here, we have highlighted a summary of key recommendations.

SUMMARY OF KEY RECOMMENDATIONS
Provide Comprehensive Ecosystem
Adopt at least one model that addresses public safety and crisis intervention situations by leading with mental health, mediation, and trauma-informed practices. One model to implement should be the Crisis Assistance Helping Out on the Streets (CAHOOTS), a Community Response Model involving mental health professionals, social workers, and/or community members trained in crisis response and resolution to respond to mental health crises, involving law enforcement only as needed. Another model to implement is the Crisis Now crisis intervention model as proposed by SAMHSA as the national standard for behavioral health and crisis care.
Promote Decriminalization of Minor Offenses
Direct the State's Attorney Office to evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Part of the evaluation can include a review of misdemeanor crimes and other legal/civil infractions for which one can be charged based on a) necessity; and b) equity impact. Evaluate issues of enforcement bias or legislative bias to better ensure equitable public safety outcomes for all citizens.
Specialize Training & Calls for Service
Train Emergency Call Center/311 operators to identify community needs that may be handled by non-law enforcement personnel to reduce law enforcement footprint. This improved triage will ensure that calls for service are directed to the most appropriate responder or service provider, including the availability of highly specialized training and/or exceptional intake decision tree tools that allow dispatchers to more precisely identify a caller's needs, and connect them to the appropriate service(s).
Require all police recruits, sworn police officers and other emergency personnel to receive enhanced Crisis Intervention Training to provide more effective outcomes. Direct MCPD to seek out or develop a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies

## SUMMARY OF KEY RECOMMENDATIONS

### Eliminate School Resource Officers

Eliminate SRO programs and corresponding budget lines, including equivalent FTEs. This funding should be shifted directly to youth programs or a funds allocation transfer outside of the normal MCPS budget process that would specifically target funds for youth counseling and development programs.

Support Montgomery County Council Bill 46-20 to eliminate the School Resource Officer Program

### Assess Racial Equity Data

Standardize tools for members of the judiciary to help combat bias, such as the Implicit Bias Bench Card utilized by the Minnesota Judicial Branch; develop local policies that are consistent with Attorney General Holder's Smart on Crime Initiative.

The County Executive should work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity to allow further changes to be made to MCPD protocols to eliminate racial disparities.

Enhance the collection, utilization and availability of data disaggregated by race, ethnicity and gender, and public availability of data to support informed decision-making across the continuum and to ensure transparency, accountability, community confidence and informed decision-making.

### Change Law Enforcement Culture

Ensure that policing by consent and the "guardian" culture are institutionalized with the Department. Enhance accountability and establish goals for hiring, promotion, and advancement that support change in culture along with a long-term goal of reaching 100% county residency.

Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes.

### Conduct Community Surveying & Evaluation

Create randomized survey to send to 911/311 callers from the top five (5) non-English languages (spoken/received) to ensure the accuracy of third party's translations/call experience.

Conduct a risk assessment of police activities to determine the need for and effectiveness of having all officers carry firearms at all times.

### Support Alternative Court Processes & Sentencing

Work with the judiciary, State's Attorney Office and Office of the Public Defender to evaluate the use (and criteria for) equity impacts, and possible expansions of probation-before-judgment.

Utilize scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.

## SUMMARY OF KEY RECOMMENDATIONS

### Change Traffic Enforcement

The county should move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion to the amount of officer time currently spent on in-person traffic enforcement by sworn officers. While this may have upfront costs to establish the cost of automated traffic enforcement is generally offset by personnel savings. Further, this will remove the potential or appearance of racial bias resulting from traffic enforcement encounters. Use of automated traffic enforcement has the ability to reduce the person-to-person element in traffic enforcement that can result in racial bias in policing.

Because vehicle and pedestrian stops have long been assessed as disproportionately burdening communities of color, MCPD should establish a pilot program to test the efficacy of eliminating pretextual stops for minor offenses. When drivers are stopped and police wish to make a search of the vehicle drivers should be informed of their right to refuse a search, and that refusal will not be held against them. In general, patterns of police stops should be accompanied by data collection and analysis to address any racially disproportionate impacts of this decision-making.

These key recommendations can and should get done this budget cycle or as soon as possible. In general, the task force recommendations commonly speak to improvements including:

#### **Shift certain responsibilities from police to County agencies and community organizations**

- Fully implement an ecosystem of County agencies and other organizations working together in various ways (e.g. CAHOOTS program)
- Change the triage of calls of service (i.e. confirm language to use to communicate, then determine social services needs, etc.)

#### **Implement and/or expand alternative responses to crime**

- Decriminalize certain crimes
- Eliminate funding for the SRO program
- Improve alternative court processes and sentencing
- Change methods of traffic enforcement in the County

#### **Revise law enforcement recruitment, training and public encounters with civilians**

- Inclusion in public safety measures across County police, staff and residents that reflects and understands the diverse makeup of the County
- Lessen police presence on streets as a direct measure to help diminish impacts of racial bias in interactions with MCPD officers
- Reimagine training (i.e. cultural competency, CIT, implicit bias, etc.)

#### **Change law enforcement culture**

- Collect and analyze data to address both racial and social disparity
- Better and more targeted data collection attentive to social disparity
- Ongoing assessment

Several key recommendations are provided by each focus group, which more comprehensively seek to build or repair the public safety ecosystem so that it's truly interconnected. Some areas reflect broad support or can be considered critical for reform, including changes in traffic enforcement, ending SROs, establishing a CAHOOTS-style program, Crisis Intervention Training and expansion, and better data and recordkeeping related to issues of racial bias, specifically.

Some key recommendations can feasibly be realized in this budget cycle or can be proposed for immediate implementation, such as increasing funding for current public and community services that are working well (i.e., School Wellness Centers, Street Outreach, community-policing, pre-release programs, Mobile Response Teams, etc.), or could be considered in the next budget cycle. Others can move forward swiftly because they do not have direct fiscal impacts (i.e., targeting MCPD recruitment at HBCUs, developing goals for MCPD hiring and promoting a diverse, local force). Police should reflect the makeup of the County-based on our values, our cultures, and our education backgrounds.

Some focus group discussions also dovetailed with changes proposed by the Council or that the County Executive is already considering, for example, changes to the SRO program and in automatic traffic enforcement. The state law reads that a law enforcement department can assign an SRO to a school or provide adequate law enforcement coverage to the school. Therefore, the Safe to Learn Act does not require SROs in schools. It only calls for high schools to have "adequate law enforcement coverage" which is up to the districts to define by law. While the Task Force recommends eliminating the SRO program in its current form, we also need deeper consideration to define what adequate law enforcement coverage is for our students and that consideration must include students' voices. We recommend that the County Executive explore means by which the County can eliminate the SRO program while establishing a law enforcement engagement with MCPS that is in compliance with state legislative policy. Just as parents are making decisions on the learning environment at home, they also need a stronger voice on the ways in which police can protect schools. Reflecting on the recent School Board report on the SRO program, the County should consider how to address the "adequate law enforcement coverage" permitted under the state's Safe to Learn Act of 2018 that does allow counties the choice between the two, without solely relying on an SRO program.

As well, some of the recommendations call for review or evaluation of an MCPD policy or practice, or for regular assessments targeted at collecting community input, as well as decriminalization to reduce disproportionate impact. Others call for a review of a current practice or policy or a pilot program to test the efficacy of a recommended change (e.g., pilot a program for having two officers per car instead of one, Active Bystander training, enhanced CIT training, and eligibility criteria for diversion programs).

Finally, some recommendations of the task force seek longer-term consideration. There are overarching structural changes that should be considerations for long-term transformation (e.g., a scorecard for evaluating County investments in community programs, transforming the Criminal Justice Coordinating Council around a collective impact model, etc.). This report presents the findings of the focus groups and the task force's recommendations, organized by each focus group.

The task force members established the following vision statements for reimagining public safety for Montgomery County:

### TASK FORCE VISION STATEMENT

- I. We envision reimagined public safety for Montgomery County as improving citizen security and eliminating the racial biases and inequities resulting from ineffective public safety practices.
- II. Having a shared understanding of institutional racism is critical as the forces that have allowed racial inequity to occur are often insidious and widespread, thus making identification of inequitable forces a challenge. For those reasons, a data-driven approach to identifying causes of racial inequity in the MCPD budget and structure is critical for creating appropriate recommendations that reimagine public safety.
- III. We envision public safety as the ability of every family in every neighborhood to have equitable access to housing stability, food security, family supporting jobs, quality healthcare, educational choice, and a healthy environment. The safety of the citizenry is greater than that which law enforcement can provide and it is incumbent upon Montgomery County to look holistically at issues of security, equity, quality of life, and life chances for all citizens.
- IV. A reimagined Montgomery County Police Department requires a long-term strategy that will maximize public safety and improved accountability by all law enforcement professionals. This means explicitly acknowledging that the Montgomery County Police Department exists because the community of the county established it, and that legitimacy of the police to do their job derives not from the law, but rather from the community that hires and grants officers the authority to safeguard the welfare of the county's population.
- V. Reimagined public safety can and should build on the progress already achieved but will also require the full embrace of community policing, transparency, and accountability.
- VI. The reimagined public safety paradigm shifts from policing, prosecution, and incarceration as a default path from which potential violators of laws must qualify for diversion, towards a support-and-serve model as a default premise, with an aim to minimize aggregate harm.
- VII. Reimagined public safety cannot be the responsibility of the Montgomery County Police Department alone; it will require a comprehensive whole-of-county-government approach, a commitment of resources and time across public safety agencies, and the wholehearted commitment and participation of the community.
- VIII. Public safety reimagined must involve and engage law enforcement, public safety agencies, mental health and social services organizations, faith and community-based organizations, private sector organizations, private non-profits and educational institutions in a collaborative effort designed to provide wraparound services that meet the needs of the community for crisis prevention, intervention and post-crisis support.

## FOCUS GROUP 1: COMMUNITY NEEDS - 911 AND 311 DATA

Group 1 of the Montgomery County Reimagining Public Safety Task Force was charged to examine and reimagine approaches and responses to 911 and 311 calls for service.

### Members:

Ermiyas Mengesha, Esq. <i>Co-Chair</i>	Marko Rivera-Owen <i>Co-Chair</i>
Katie Stauss	Linda Moore

### Montgomery County and MCPD staff and administrators

Susan Farag	David Gottesman	Willie Parker-Loan
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### I. Vision Statement

Group 1 envisioned Reimagined Public Safety for Montgomery County as improving citizen security and eliminating the racial biases and inequities resulting from ineffective public safety practices. A reimagined Montgomery County Police Department requires a long-term strategy that will maximize public safety and improved accountability by all law enforcement professionals.

### II. Issues

*What are some of the key County issues you are seeking to address with your group’s recommendations?*

- 311 & 911 Operation: Language barriers & accessibility
- 311 Call quality: hold time, translation
- Community Information: Cultural awareness and public information
- Misinformation regarding non-police response to calls for service
- [Effective] Alternative resources/responses for Mental health episodes & homelessness

### III. Approach

*When developing your group’s recommendations, what approach(es) did you consider and utilize to develop these recommendations?*

The group’s approach included continual gauging of community opinion through surveys, independent audits and personal anecdotes as to what was working in 911, 311 call data. The group also was provided the community survey results from November 2020, which noted strong opinions on 911/311. They also sought data on non-English calls to Emergency Call Center and national articles on issues addressing 911 calls.

#### **IV. Key Recommendations**

*What are your group's top recommendations? What are the potential benefits to the County if implementing them?*

- 1) Expand the number and range of calls to 911 /311 that are directed to non- law enforcement agencies in the county, including those that address societal issues of homelessness, mental health, and domestic violence
- 2) Train Emergency Call Center /311 operators to be capable of determining the most appropriate use of county resources in responding to calls for service
- 3) Create a cultural competency training for all emergency call center/311 call takers and require periodic refresher training to ensure efficient language access for non-English callers
- 4) Ensure language access to non- English callers
- 5) Create randomized survey to send to callers from the top 5 non- English languages (spoken/received) to ensure the accuracy of third party's translations/call experience
- 6) Explore how other jurisdictions handle frivolous and racially biased 911 calls that the county may emulate. Further, we recommend county to alert state delegates to push for legislative changes in this area at the state level
- 7) Conduct an independent racial bias audit to 911 calls annually or bi- annually and a community survey requesting residents opinion regarding the effectiveness of Emergency Call Center/311 calls

#### **V. Challenges**

*What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?*

- Language access & competency (i.e. diverse languages & translation)
- Tracking and reporting (i.e. non-native English Speakers' call outcomes/satisfaction)
- Biased (i.e. false or racially motivated) reporting
- Better categorizing/directing/redirecting calls from MCPD to other party/partner
- Better public relations and information dissemination (i.e. fears and confusion on who to call and what will happen)

The survey implementation also poses a challenge in that the caller might not want to fill it out after the crisis is over. Or a memory issue can arise depending on how long after the survey is sent. If the statements are in the hands of the MCPD via the 911 call center, that could be considered evidence for trial if warranted. Placing such surveys in the hands of another department was discussed as an option, but no suggestions of who else would have custody of such survey results.

## FOCUS GROUP 2: BUDGET AND STRUCTURE

Group 2 of the Montgomery County Reimagining Public Safety Task Force was charged to review the budget and structure.

### Members:

Brenda Olakintan-Akinnagbe Co-Chair	Max Socol Co-Chair	
Patricia Fenn	Albert Reed	Peter Myo-Khin

### Montgomery County and MCPD Staff and Administrators

Trevor Lobaugh	Jennifer Bryant	Debbie Spielberg
		Dinesh Patil

### I. Vision Statement

The Budget and Structure subgroup’s charge was not only to review the Montgomery County Police Department (MCPD) activities for areas of inequitable outcomes by race, but also to imagine how police and the communities they serve could increase trust and reduce tension and violence through investment in new approaches to public safety. What would Montgomery County be like if the hundreds of millions of dollars spent on public safety were applied holistically to community needs like alleviating poverty, providing economic opportunity, improving infrastructure, and supporting young people?

The Budget and Structure subgroup was tasked to provide recommendations to improve public safety outcomes for the community with a focus on improving racial equity.<sup>1</sup> Because it came up in the course of our discussions, we also clarified that this subgroup, like the larger task force, is not charged with identifying any cost savings for the county or holding any priority other than improving public safety. The recommendations in this report are a mixture of more and less expensive approaches, and the common thread is the prioritization of public safety and racial equity.

The MCPD fiscal year 2021 budget is \$281,446,640.<sup>2</sup> To achieve the task of improving racial equity through the MCPD budget and structure, the group needed to establish definitions.

#### Definitions<sup>3</sup>

- Racial Equity: When race can no longer be used to predict life outcomes and outcomes for all groups are improved.
- Implicit Bias: unconscious beliefs about race replicated through collective decisions and actions within institutions.<sup>4</sup>
- Institutional racism: Biases within and across institutions that advantage white people over people of color

<sup>1</sup> <https://www.montgomerycountymd.gov/rps/about/vision.html>; Draft Facilitation Guide

<sup>2</sup> <https://apps.montgomerycountymd.gov/basisoperating/Common/Department.aspx?ID=47D>

<sup>3</sup> <https://apps.montgomerycountymd.gov/basisoperating/Common/Department.aspx?ID=47D>

<sup>4</sup> For implicit bias: this is an operational definition, not a general one. Implicit bias is not *limited* to race, though can be discussed in a racial context; nor is it necessarily an institutional issue - it is very much a product of people being primed through exposure, and a function of normal cognition.

Having a shared understanding of institutional racism is critical as the forces that have allowed racial inequity to occur are often insidious and widespread, thus making identification of inequitable forces a challenge. For those reasons, a data-driven approach to identifying causes of racial inequity in the MCPD budget and structure is critical for creating appropriate recommendations that reimagine public safety.

## II. Issues

*What are some of the key County issues you are seeking to address with your group's recommendations?*

After reviewing our scope of work and key definitions, the subgroup had a clear understanding of the task at hand and commenced to review data from a preliminary report by the Montgomery County Reimagining Public Safety workgroup, audits by the Office of Legislative Oversight (OLO), and MCPD public reports. Additionally, data on the School Resource Officer

(SRO) program provided in a report in Bill 46-20 was used to make a recommendation to eliminate the program.<sup>5</sup>

This data review revealed four areas of MCPD activity with clear and consistent disparities in outcomes by race: traffic enforcement, use of force, arrests, and juvenile enforcement via SROs. After analyzing and discussing each activity area to better understand the causes of inequity, our group then matched these activities back to the police budget in order to make specific recommendations for improvement. In addition, we include several more recommendations that fall outside of these focus areas that may also improve policing outcomes.<sup>6</sup>

## III. Approach

*When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?*

Given the enormity of the task of reviewing the MCPD budget and structure for racial equity, the group made use of a framework utilized in other jurisdictions that prioritize racial equity in public safety.<sup>7</sup>

Racial Equity Impact Assessments (REIA) have shown promising results for promoting racial equity in government decision-making. The August 2018 Office of Legislative Oversight report, *Racial Equity in Government Decision-Making: Lessons from the Field*, cites the work of jurisdictions across the country using REIAs to improve outcomes. A definition of REIA is, "formal documents designed to evaluate the current or predicted policies, programs, and budget decisions on racial disparities."<sup>8</sup>

The REIA created by the Budget and Structure subgroup is not polished, and we do think the county could benefit from continuing to work on a standard tool of analysis like what is modeled here. That said, this version is based on Race Forward's approach, a widely respected research organization that conducts cutting edge, original and broadly accessible research on pressing racial justice issues focused on the significance of race to social and economic outcomes. Additionally, the standardized questions in this tool are drawn from the Reimagining Public Safety Task Force facilitation guide provided as potential guidance for each group. The questions in the REIA used to guide analysis of the Budget and Structure subgroup include the following:

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<sup>5</sup> OLO's Racial Equity Impact Statement for the bill to eliminate the school resource officer program: <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2020/RESJ-Bill46-20.pdf>.

<sup>6</sup> [https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf?utm\\_content=&utm\\_source=ocn\\_story&utm\\_medium=social&utm\\_campaign=Netflix&utm\\_campaign\\_id=b97aeb70-3f5e-4314-bcf2-6be4261de4c0](https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf?utm_content=&utm_source=ocn_story&utm_medium=social&utm_campaign=Netflix&utm_campaign_id=b97aeb70-3f5e-4314-bcf2-6be4261de4c0); Preliminary Report by the Montgomery County Government Work Group, Reimagining Public Safety; [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

<sup>7</sup> [https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018\\_8.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf)

<sup>8</sup> [https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018\\_8.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf)

Budget item: Traffic enforcement				
Racial Equity Impact Assessment (REIA)				
Standardized Questions	Explanation for Score	Score		
		Yes (5)	Neutral (0)	No (-5)
Does the item have the potential to provide public safety for all residents?	Traffic enforcement can promote driver and pedestrian safety	X		
Is policing the only way this public safety need can be accomplished?	Traffic enforcement can be shifted to other county departments			X
Does the item have the potential to provide policing equity	OLO reports indicate that traffic enforcement is a source of inequity rather than solution to inequitable policing			X
Does the item provide funding for a department, purchase or activity that improves inequitable policing?	Year over year trends show consistent ability to predict traffic enforcement outcomes based on race			X
Is disaggregated data currently available and publicly shared?	Data is clear and up to date and broken out by demographics	X		
<b>SCORE:</b>		<b>-5</b>		

The example above is the REIA as applied to traffic enforcement. A similar process was completed for all major focus areas, with the exception of the SRO program that was the focus of a different focus group whose findings we have made use of to make our recommendations. To arrive at scores the standardized questions were asked for the focus areas. An explanation of subgroup’s score is included in the table above. From there a positive result would result in a 5, items with a perceived neutral impact on racial equity were 0, and those that negatively impact racial equity were -5. A negative score was indicative of opportunities to improve racial equity in the focus area.

#### IV. Key Recommendations

*What are your group’s top recommendations? What are the potential benefits to the County if implementing them?*

##### Traffic Enforcement

In preparation for the work of this task force, the Office of Legislative Oversight conducted a review of MCPD’s traffic enforcement activities over the past several years. The Office of Legislative Oversight found that MCPD traffic enforcement is inequitable by race along several measures, including stops, searches, and citations. Notably, while non-white drivers are less likely than white drivers to be cited for moving violations that impact public safety on the roads, they are more likely than white drivers to be cited for “paper” violations like expired licenses or tags.

**Table 5.3: Traffic Stops by Race, Ethnicity, and Gender, CY 2019**

Driver Characteristics	Adult Population (18-64)	Number of Traffic Stops	% Adult Stopped
<b>Black</b>	<b>116,432</b>	<b>31,866</b>	<b>27.4%</b>
Female	62,045	11,285	18.2%
Male	54,275	20,575	37.9%
<b>White</b>	<b>282,509</b>	<b>38,151</b>	<b>13.5%</b>
Female	145,243	15,419	10.6%
Male	137,235	22,730	16.6%
<b>Latino</b>	<b>122,879</b>	<b>21,091</b>	<b>17.2%</b>
Female	60,722	5,908	9.7%
Male	62,031	15,178	24.5%
<b>Other</b>	<b>24,628</b>	<b>8,162</b>	<b>33.1%</b>
Female	12,579	2,689	21.4%
Male	12,070	5,117	42.4%
<b>Asian</b>	<b>93,360</b>	<b>6,706</b>	<b>7.2%</b>
Female	49,375	2,784	5.6%
Male	44,005	3,920	8.9%
<b>Native American</b>	<b>856</b>	<b>99</b>	<b>11.6%</b>
Female	427	36	8.4%
Male	429	63	14.7%

Data on traffic stops by race, ethnicity, and gender show that Black male drivers have the highest rate of traffic stops at 38%. Black drivers overall account for 27% of traffic stops, despite black residents accounting for approximately 20% of the population in Montgomery County. Native American drivers overall account for 11.6% of traffic stops despite American Indians and Alaska Natives accounting for just 0.7% of the population in Montgomery County. Conversely, White and Asian drivers overall account for just 14% and 7% of traffic stops despite these groups accounting for 60% and 15% of the population in the county.<sup>9</sup>

These inequitable outcomes continue through the spectrum of traffic enforcement with violations, searches, and rate of stops throughout various county places.

Black drivers received the highest rate of violations compared to other racial and ethnic groups in Montgomery County. Additionally, when stopped, Latinx and Black drivers are most likely to be penalized with four or more violations during a single stop, as noted in Table 5.5 of the September 2019 Office of Legislative Oversight report *Local Policing Data and Best Practices*.

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

<sup>10</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

**Table 5.4: Traffic Violations by Race, Ethnicity, and Gender, CY2019**

Driver Characteristics	Violations				Violations Per 1,000 Population			
	All	Citations	Warnings	SEROs	All	Citations	Warnings	SEROs
<b>Black</b>	<b>60,970</b>	<b>23,222</b>	<b>35,563</b>	<b>2,185</b>	<b>321</b>	<b>122</b>	<b>187</b>	<b>12</b>
Female	20,142	6,681	12,708	753	199	66	126	7
Male	40,817	16,537	22,848	1,432	461	187	258	16
<b>White</b>	<b>60,834</b>	<b>19,664</b>	<b>38,994</b>	<b>2,176</b>	<b>132</b>	<b>43</b>	<b>84</b>	<b>5</b>
Female	23,220	6,633	15,813	774	98	28	66	3
Male	37,611	13,028	23,181	1,402	168	58	103	6
<b>Latino</b>	<b>43,098</b>	<b>19,098</b>	<b>21,915</b>	<b>2,085</b>	<b>215</b>	<b>95</b>	<b>109</b>	<b>10</b>
Female	10,401	3,647	6,306	448	105	37	64	5
Male	32,685	15,440	15,608	1,637	323	152	154	16
<b>Other</b>	<b>12,816</b>	<b>3,546</b>	<b>8,798</b>	<b>472</b>	<b>319</b>	<b>88</b>	<b>219</b>	<b>12</b>
Female	4,104	1,044	2,909	151	200	51	142	7
Male	8,270	2,460	5,489	321	420	125	279	16
<b>Asian</b>	<b>10,661</b>	<b>3,007</b>	<b>7,262</b>	<b>392</b>	<b>70</b>	<b>20</b>	<b>48</b>	<b>3</b>
Female	4,269	1,054	3,074	141	53	13	38	2
Male	6,389	1,953	4,185	251	89	27	58	3
<b>Native American</b>	<b>176</b>	<b>36</b>	<b>127</b>	<b>13</b>	<b>126</b>	<b>26</b>	<b>91</b>	<b>9</b>
Female	55	6	46	3	79	9	66	4
Male	121	30	81	10	173	43	116	14

Source: OLO analysis of Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

**Table 5.5: Number of Violations Per Traffic Stop by Race and Ethnicity**

Race and Ethnicity	1	2 to 3	4 to 5	6 or more
Asian	41%	40%	12%	7%
Black	30%	37%	16%	17%
Latino	27%	35%	15%	22%
Native American	35%	36%	20%	9%
Other	42%	40%	11%	6%
White	43%	36%	12%	10%

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The county’s public safety interest with regard to traffic enforcement lies in the racially equitable application of laws meant to control the speed, flow of traffic, and pedestrian traffic crossings. With that in mind, the Budget and Structure subgroup makes the following *recommendations for changes to MCPD traffic enforcement*:

- 8) Move to fully ( or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion to the amount of officer time currently spent on in-person traffic enforcement by sworn officers. While this may have upfront

<sup>11</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>

costs to establish, it is the subgroup's understanding that the cost of automated traffic enforcement is generally offset by personnel savings. Further, this will remove the potential or appearance of racial bias resulting from traffic enforcement encounters. Use of automated traffic enforcement has the ability to reduce the person-to-person element in traffic enforcement that can result in racial bias in policing.

- 9) Necessary funds from these sworn officer FTE reductions should be transferred to HHS and MCDOT (or could be applied to other social services). Funds to HHS should be used for annual reviews of individual officer performance on traffic enforcement matters where human contact is still required with a special focus on racial equity. Funds to MCDOT should also be applied to new traffic calming construction focused on areas with high pedestrian casualties.
- 10) Work with state legislators and the County Council to support state bill MC 4 - 21, which would allow the transfer of oversight for automated traffic enforcement from MCPD to MCDOT. Upon passage, the County Executive should work with the Council to pass legislation completing the transfer.

## Use of Force

MCPD releases an annual review of police uses of force broken down by demographics and police district.<sup>12</sup> In 2018 and 2019, police Districts 3 (Silver Spring) and 4 (Wheaton) had double or triple the number of use of force incidents as other districts, with cases rising rather than falling.<sup>13</sup> Data shows that use-of-force is applied disparately based on race (55% involve Black residents, who make up 20% of the population); and in a majority of cases in Black areas of the county, particularly in District 3 and 4. This inequity stands in stark contrast to the county's stated commitment to racial equity.

At the same time, many reforms are not evidence-based. Diversity or sensitivity training has not been shown to reduce use of force incidents, and in any case is already administered to all MCPD officers every three years, a process that has not reduced the number or racial bias of cases. Nationwide, police are sometimes trained by agencies that also train military personnel, which can lead to training becoming part of the problem rather than a solution. While it is not clear whether MCPD contracts with such agencies, during this task force inquiry, at least one MCPD Captain expressed support for the idea that there is a "time and a place" for a "warrior mindset."<sup>14</sup>

Another frequently suggested reform is the discouragement of "militarized" policing through the reduction of military equipment allocated to police. However, a review of MCPD records indicates that 79% of use of force incidents in 2019 involved police use of hands, not special equipment. By contrast, police use of Taser devices, the next highest specific type of use of force, accounted for only 6% of incidents.<sup>15</sup> In other words, while use of force may be connected to the type of training police are undergoing, there is no way to reduce or redirect equipment budgets in a way that would meaningfully address use of force.

Advocates have also explored the diversification of sworn officers as an approach to reducing use of force, but again there is no evidence for the effectiveness of this approach, whatever its other merits.<sup>16</sup> And a review of MCPD data indicates that use of force cases track with demographic breakdowns of sworn officers — in other words, non-white officers do not appear to be less likely to engage in use of force.<sup>17</sup>

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<sup>12</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

<sup>13</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

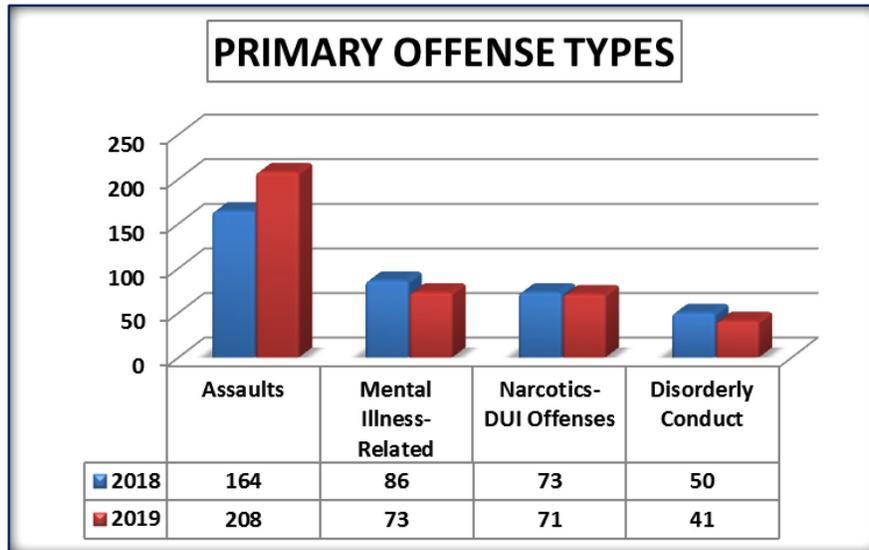
<sup>14</sup> MCPD PTSA Questions 11/24/20

<sup>15</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

<sup>16</sup> <https://www.ncjrs.gov/App/publications/Abstract.aspx?id=239939>

<sup>17</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

Having explored all of these approaches, the Budget and Structure subgroup makes the following *recommendations to address racially biased use of force*:



- 11) Review MCPD’s current training programs for any connection to outside agencies that also train military personnel. These contracts should be eliminated altogether or shifted to third parties that do not engage in any military training or promote “warrior” behavior.
- 12) Reduce sworn officer FTEs in police Districts 3 and 4 by 50 % to reduce patrol officer contact with residents in these districts. The more than \$12,000,000 saved from these reductions should be shifted by the County Executive 50% to other agencies and departments for quality of life improvements in these districts, including Community Partnerships, Health and Human Services, Housing and Community Affairs, and Recreation; and 50% to a new Community Safety Grants Program that would award grants to residents and local organizations in districts 3 and 4 to complete projects that improve public safety, improve economic conditions and alleviate poverty, and increase community pride.
- 13) Develop a regular practice of independent audits of use of force in police districts, with expected force reductions for districts where use of force cases are increasing despite training or other interventions.
- 14) Improve and increase once every three years anti- bias training to an annual training
- 15) Shift mental illness- related response fully ( or more generally) out of MCPD jurisdiction to a separate department within Health and Human Services, which accounted for 19% of police use of force in response to resistance incidents in 2019.<sup>18</sup> Funds saved from this reduction in MCPD activity should be redirected to HHS earmarked to improve training and staffing to enable mental health crisis response. In order to complete this shift, the County Executive would need to task HHS to perform an analysis of resources needed to respond to a mental illness related crisis.

<sup>18</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report\\_FINAL.PDF](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/UseOfForce/2019%20MCPD%20Use%20of%20Force%20Report_FINAL.PDF)

## Arrests

Racial equity audits by the county Office of Legislative Oversight have consistently found wide disparities in arrests by racial group. The arrest data made public annually by MCPD in its “Crime and Safety” report offers no insight into the racial composition of arrests overall or by offense category, however a bill currently before the County Council seeks to address this lack of transparency.<sup>19</sup>

Because of the lack of insight into what types of offenses might be driving racially inequitable arrest outcomes, this subgroup cannot offer as many specific recommendations as we would like. However, there are some areas of the budget that can be shifted even without this data. *We make the following recommendations:*

- 16) Work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity. This would allow further changes to be made to MCPD protocols to eliminate significant racial disparities.
- 17) Direct MCPD to treat all offenses in the “Crimes Against Society” segment, except for weapons violations, as the lowest department priority. When enforcement of these offenses does take place, MCPD should be directed to issue citations instead of making arrests. These offense designations are:
  - Drug/narcotic violations
  - Gambling offenses
  - Pornography/obscene material
  - Prostitution offenses<sup>20</sup>
- 18) Eliminate SID Drug Enforcement and SID Vice Intelligence, with a proportionate reduction in sworn officer FTEs. The \$2.76 million+ saved by this elimination should be re-allocated to diversion programs, counseling, or other appropriate interventions, managed by MC HHS or possibly through the community grants program named in the previous section.

## Student Resource Officers

- 19) Eliminate SRO programs and corresponding budget lines, including equivalent FTEs. This funding, totaling roughly \$2.9 million, should be shifted directly to youth programs or a funds allocation transfer outside of the normal MCPS budget process that would specifically direct these funds to youth counseling and development programs.

## V. Challenges

*What are some challenges (if any) to be considered by the County if implementing your group’s top recommendations?*

*Challenge to reducing patrol officers in districts 3 and 4:* One community member disagreed with this recommendation. As representative of the MC-NAACP Branch, Unit 7022, on the task force noted, “it would be more pragmatic to support a ratio of uniform police staffing in relation to population density in Districts 3 & 4, rather than reduce staffing to these communities. It would also be useful to see the conviction rate in relation to the over-policing of these areas, as many believe.”

<sup>19</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>; [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety\\_FINAL%20\(1\).pdf](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20(1).pdf); [https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=28138&Dept=1](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=28138&Dept=1)

<sup>20</sup> [https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety\\_FINAL%20\(1\).pdf](https://montgomerycountymd.gov/pol/Resources/Files/annual-reports/CrimeandSafety/2019%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety_FINAL%20(1).pdf)

*Challenges to deprioritizing drug offenses and eliminating SID drug enforcement:* According to its 2019 crime and safety report, MCPD logs 75% of drug offenses as related to marijuana, and 91% of total drug offenses as related to possession. The report does not make clear what proportion of these offenses led to arrests--some may have been citations or confiscations. In calling for the de-prioritization of these types of offenses and the elimination of SID Drug Enforcement, this Reimagining Public Safety Task Force working group sought to reduce the number of residents criminalized for offenses like marijuana possession which show little or no negative impact on public safety. However, it should be noted that the 2021 MCPD budget has several distinct units and divisions tasked with some kind of drug enforcement, and it is not clear which of these units is most responsible for the type of enforcement we are seeking to reduce. The County Executive will need to work with MCPD to understand which MCPD units are responsible for possession arrests in order to make appropriate changes.

*Lack of alignment between residents, county leaders, and MCPD officials around the meaning and importance of racial equity and its role in MCPD:* The Reimagining Public Safety Task Force was created by the County Executive's office to advance community reforms to local policing that would improve racial equity outcomes. This effort is part of a broader effort across the county to close significant differences in public policy outcomes by race. Regarding MCPD activities, these different outcomes by race have been thoroughly documented by the county's own oversight bodies over many years. Report after report demonstrates significantly higher rates of stops, arrests, and use of force for Black residents of the county than other residents, and significantly lower rates of stops, arrests, and use of force for white residents.

Despite clear documentation of these patterns over several years, community members of this focus group perceived MCPD stakeholders to have a staunch belief that the department is a model agency that does not need to make improvements on racial equity outcomes. That belief has been expressed frequently to members of this working group, to the whole task force, and in public comments. Community members' attempts to address clearly reported data indicating racial disparities were met with MCPD stakeholders justifying actions that lead to disparities and ignoring the existence of disparities.

It is appropriate for county residents and MCPD officials to disagree in good faith about how to fix these documented problems in policing activities. But the tendency to defend or ignore the evidence, rather than acknowledge the need to prioritize racial equity *and make changes to achieve it*, indicates a deeper political challenge that county officials must face head on. Racially equitable policing will not be possible in the county until residents, county officials, and MCPD leadership all agree that it is essential and are willing to accept the plain data showing where the problems lie.

## **VI. Other Potential Recommendations**

*What other potential recommendations did you consider?*

The Budget and Structure subgroup discussed various other recommendations that did not fit clearly into one of the broad focus areas named above.

- *Civil asset forfeitures and seizures:* All funds allocated in the MCPD budget from real value of forfeitures and asset seizures should be transferred to the County's general fund and reallocated to County agencies, earmarking these funds to be used for assistance for homelessness, food needs, mental health assistance, and other community needs in those Districts of the county with the highest needs for these types of assistance.
- *Overtime:* In FY 21, MCPD is budgeted for just under \$12,000,000 in overtime costs. Given research that shows that even one hour of overtime increases an officer's risk of use of force or an ethics violation,(17) we recommend that the county institute a clear policy limiting total sworn officer work hours to 14 hours or less per day, which is in line with research showing that working hours beyond this amount lead to predictable increases in use-of- force and ethics violations.

- *Judicial Adjudication Monetary Penalties:* At present, all monetary penalties paid out to victims of police misconduct are paid from the County’s General Funds. Therefore, we recommend that beginning in FY22 that policing misconduct monetary penalties are paid from the MCPD budget, with the MCPD Chief determining where these funds will come from within the MCPD budget. There should not be a new line item included in the MCPD budget for this, which gets funded by the County. We recommend the MCPD creates a dedicated adjudication reserve fund within which MCPD make annual deposits to build-up the fund and subsequent payouts then made from this dedicated reserve fund. Insufficiency of funds in this reserve account then should result in MCPD pulling funds from their other budget line items to cover the penalty payouts. At no time shall funds be pulled from the County’s General and Discretionary Funds for this action.
- *Annual performance appraisals and racial equity:* On the annual performance appraisal forms used for MCPD sworn officers, a new evaluative factor should be added to assess performance on racial equity outcomes.
- *Data clarity for race/ethnicities listed as “other”:* There are significant portions of racially disaggregated data where subjects race is categorized as “other”. It is important to clarify when “other” is used and why.

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<sup>21</sup> <https://bethesdamagazine.com/bethesda-magazine/flashback-a-fight-for-freedom/>

## FOCUS GROUP 3: POLICE DEPARTMENT PROGRAMS

Group 3 of the Montgomery County Reimagining Public Safety Task Force was charged to examine Montgomery County Police Department (MCPD) programs, with a specific focus on training, use of force, de-escalation and practices to advance constitutional policing.

### Members:

Christopher Bolton <i>Co-Chair</i>	Maria-Lynn Okanlawon <i>Co-Chair</i>	
Karyne Akhtar	Barton Aronson, Esq.	Michael Chase
Francisco Javier González	Richard Johns, MPH, J.D.	Jesse Thomas-Lim
Mikaylah Sayles	Scott Schneider	Joanna Silver, Esq.
Clint Sobratti	Millie West-Wiggins	Basil Whitaker

### Montgomery County and MCPD Staff and Administrators:

Jewru Bandeh	Torrie Cooke	Ronald Smith
Elaine Bonner-Tompkins	Darryl McSwain	Vlatka Tomazic
	Gino Renne	

## I. Vision Statement

Group 3 envisions Reimagined Public Safety for Montgomery County as improving citizen security and eliminating the racial inequities resulting from current public safety practices. A Reimagined Montgomery County Police Department requires a long-term strategy that embraces policing by consent as a foundational philosophy for law enforcement. This means explicitly acknowledging that the Montgomery County Police Department exists because the community of the county established it,<sup>21</sup> and that legitimacy of the police to do their job derives not from the law, but rather from the community that hires and grants officers the authority to safeguard the welfare of the county's population. Reimagined public safety can and should build on the progress already achieved but will also require the full embrace of community policing, transparency, and accountability. Reimagined

Public Safety cannot be the responsibility of the Montgomery County Police Department alone; it will require a comprehensive whole-of-county-government approach, a commitment of resources and time across public safety agencies, and the wholehearted commitment and participation of the community.

## II. Issues

*What are some of the key County issues you are seeking to address with your group's recommendations?*

Group 3 initiated their discussions with the development of a definition of institutional racism as a platform for reimagining public safety in Montgomery County.

### Definition

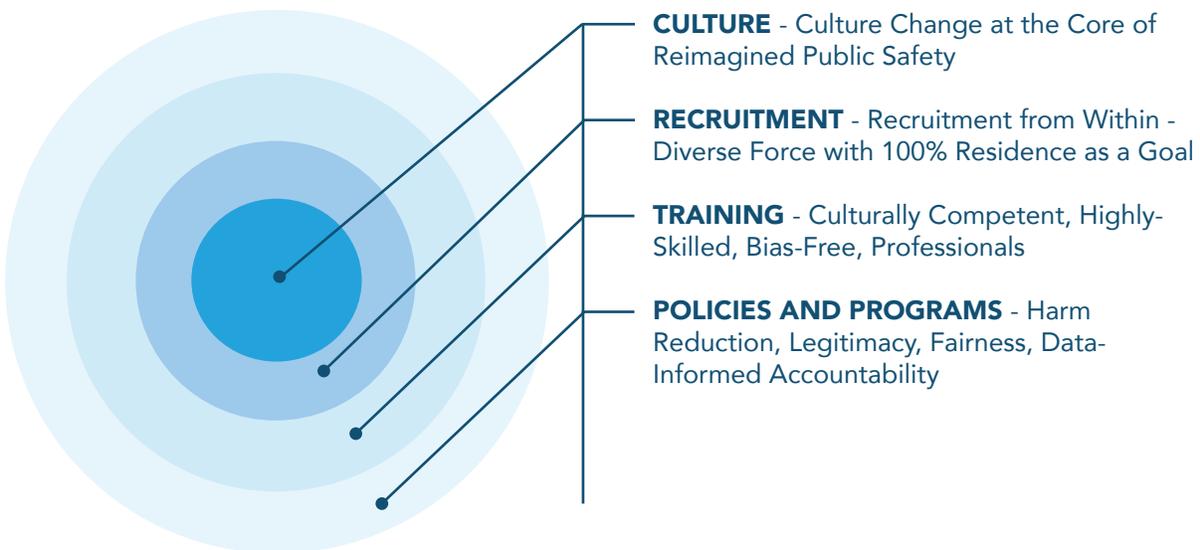
- **Institutional Racism:** Institutional racism occurs within and between institutions. Institutional racism is discriminatory treatment, unfair policies and inequitable opportunities and impacts, based on race, produced and perpetuated by institutions (schools, mass media, etc.). Individuals within institutions take on the power of the institution when they act in ways that advantage and disadvantage people, based on race.

Building on this platform as a lens for evaluation of bias, inequity and the confluence of human rights and security in Montgomery County, high-level themes of recruitment, training, culture and policies and programs emerged as key issues for reimagining public safety.

### III. Approach

*When developing your group’s recommendations, what approach(es) did you consider and utilize to develop these recommendations?*

Group 3 utilized a functional approach that breaks the functions of MCPD into discrete structures and examines each as a smaller specialized system.



In deconstructing the MCPD Group 3 targeted culture as the core of public safety reimagined and explored issues of recruitment, training and policies and programs that radiate from the MCPD’s cultural underpinnings. As such, while the approach examined each area as a separate system, the linkage to culture at the core provides a cohesive set of recommendations.

### IV. Key Recommendations

*What are your group’s top recommendations? What are the potential benefits to the County if implementing them?*

#### Changing Law Enforcement Culture

Group 3 discussed issues of policing culture as underpinned by principles of policing by consent, procedural justice and community policing. Recommendations to support culture change address issues of accountability and expectations of legitimacy as detailed below.

- 20) Conduct anonymous surveys, develop a third- party reporting system for misconduct and ensure strong whistleblower protections. Enhance accountability with MCPD through anonymous surveys, third-party system for misconduct reports and strong whistleblower protections for officers that witness and report misconduct.

- 21) Ensure that policing by consent, community policing, the “guardian” culture, and accountability are institutionalized as defining characteristics of the department. Institutionalize “guardian culture” in MCPD through the incorporation of explicit language in the organization’s mission, vision and values.

Culture change is key and is woven strategically throughout the recommendations. As such, at the heart of recommendations around culture are the notions of institutionalizing policing by consent, (i.e., the paramount purpose of the police is to serve the community), implementing community policing practices, changing from a “warrior culture” to a “guardian culture” and enhancing accountability (both within MCPD and with the community) as the defining characteristics of a reimagined MCPD.

- 22) Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes. Prioritize a culture of greater accountability within MCPD and with the community through improved transparency and engagement with community. Recommendations include an annual public hearing (distinguished from a public meeting) with the Chiefs and Assistant Chiefs of the MCPD to review the Annual Report on Crime and Safety with a focus on prevention rather than activities to combat crime as a key performance metric of the department. As well, utilization of a modified community survey is recommended to get input on the community’s perception of the MCPD and feedback that informs the evaluation of the District Commanders. It is also noted in the key recommendations that a reimagined MCPD should collect and compile clear, accurate and reliable data and make information available to the community on: officer involved incidents; officer involved disciplinary action; formal investigations conducted by the Internal Affairs Division; and use of force reports.

## Recruitment

Recommendations around recruitment emerged as Group 3 considered that who polices Montgomery County is as important as how Montgomery County is policed. Recommendations around recruitment focus on ensuring that new recruits meet MCPD standards for professionalism, and also offer options to support the recruitment of diverse professionals from within the local community.

- 23) Expand and enhance requirements for mental health screenings and employment background checks. Employ policy requirements for mental health screenings for all new recruits. The recommendation also calls for expanded background checks of officers hired from other jurisdictions, and prohibitions against hiring officers who were fired by another law enforcement agency, or officers with serious disciplinary action or reprimand in their employment history.
- 24) Increase recruitment efforts at local and regional Historically Black Colleges and Universities (HBCUs). Recommendations for targeted recruitment at the Historically Black Colleges and Universities in the region is a priority as a mechanism for increasing diversity within the MCPD.
- 25) Establish specific goals for hiring, promotion, and advancement in support of a guardian culture and community policing toward a long-term goal of reaching 100 % county residency within the force, prioritizing sworn officers in districts 3,4,5, and 6. Establish specific diversity, local hiring and geographic proximity goals for recruitment, hiring and promotion, calling for MCPD to establish a long-term goal of 100 percent residency and prioritizing Districts 3, 4, 5 and 6. The recommendation calls for an annual report of attainment of goals for recruitment, hiring and advancement of local and culturally diverse officers for MCPD. MCPD Leadership and the Fraternal Order of Police should work collaboratively to develop compensation packages to attract county residents to positions as sworn officers, including housing allowances and tuition support for higher education. This recommendation also includes a collaborative effort between MCPD and the Montgomery County Community College, to identify opportunities to assist county residents who are currently MCPD sworn officers to obtain an Associates of Science Degree in Criminal Justice or other relevant area of study.

## Training

Recommendations around training for MCPD balance specific policing activities (e.g., use of non-lethal weapons and crisis intervention) with broader issues of how officers are trained in the field and who trains them.

- 26) Revise policies and review training personnel service records to ensure no officer with a record of multiple complaints, infractions, or other problems serve in a training position. There was considerable discussion around the impact of Field Training Officers (FTOs) in promoting and reinforcing the shift to a guardian culture within MCPD. MCPD should require an extensive and comprehensive review of the service records for all officers currently serving as FTOs. Moreover, it is recommended that MCPD establish a policy requiring an exemplary service record for FTOs and prohibit the utilization of field training personnel that have a record of multiple complaints and infractions around bias, excessive use of force, or other problems that indicate an unreadiness to enforce constitutional policing.
- 27) Require Crisis Intervention Training (CIT) for all new recruits and all officers on the force. CIT training should be expected for all sworn officers prior to graduation from the Academy. Additionally, the recommendation calls for the Training and Education Division to revise training scenarios, including shoot don't shoot exercises, to include a CIT option in the training. As well, the Training and Education Division should work with the Policy, Planning, and Quality Assurance Division and the Assistant Chiefs for Patrol and Field Services, to ensure that all first line officers are CIT qualified, prioritizing officers in the police districts that generate the most CIT calls. The recommendation notes that even where there are sufficient community-based services, police officers will encounter people in crisis at some point in their work and must be trained to respond properly. Crisis Intervention Training (CIT) teaches recruits to recognize behavioral cues associated with mental illness and traumatic brain injury and helps recruits develop strategies to de-escalate conflict and to deal with individuals in crisis or living with mental disabilities.
- 28) Encourage and incentivize higher education for law enforcement officers throughout their careers. MCPD should provide assistance to new recruits to pursue higher education, including assistance with federal grants. Reimagined, the sworn officers of MCPD should be highly skilled, well-educated, culturally competent professionals. MCPD should acknowledge the potential impact of higher education in promoting professionalism and effective decision-making among sworn officers who operate in an environment where they must have and use a great deal of independent discretion in their daily activities. Among officers in leadership and executive positions, postgraduate studies would help enhance their managerial executive skills. The recommendation calls for MCPD to offer recruits without a college degree assistance toward obtaining higher education throughout their career and recommends collaboration with the Montgomery County Community College to provide tuition assistance for officers who want to pursue an Associate of Applied Science degree in Criminal Justice. It also calls for considering a formal policy requiring higher education degrees as an eligibility requirement for promotion.
- 29) Ensure that all new recruits receive less lethal Electronic Control Weapons (ECW) and ensure that all are qualified and equipped for ECW use. Training should include requiring training and certification in Electronic Control Weapons (ECWs) prior to graduation from the Academy and that all sworn officers are ECW certified and equipped. The recommendation prioritizes ECW training and deployment of Tasers in Districts that generate the highest incidence of use of force. Include ECW options in training scenarios around use of force.

## Policies and Programs

Recommendations for MCPD policies and programs emerged around notions of accountability, discretion and equity in policing practices. Policy and program recommendations generated by Group 3 include internal police policies for reporting use of force and data collection practices. As well, the recommendations address policies and programs that impact police/citizen engagement such as use of canines, lethal weapons and less lethal weapons, advising citizens of their rights to refuse a search and officer discretion in the issuance of citations. There was also considerable discussion around the issue of School Resource Officers program and policies for policing private property that inform the recommendations detailed below.

- 30) Evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Evaluate the current policy regarding how officers exercise their discretion to issue a citation vs. make an arrest for citable offenses and determine what directives or guidelines can be issued to require citation rather than arrest for offenses punishable by incarceration lasting 6 months or less.
- 31) Add a requirement in MCPD policy and practice that officers advise citizens of their right to refuse a search. Require officers that do not have a legal warrant or legal probable cause to advise citizens of their right to refuse a search. Pre-textual stops are sometimes used in lieu of a legal warrant or legally defensible probable cause to find incriminating information. Officers who want to do a search should be required to inform citizens of their right to refuse a search and that refusal will not be held against them.
- 32) Require incident reports every time officers draw their weapons, whether or not they fire. The recommendation calls for a policy change that requires a mandatory incident report whenever a weapon is drawn (not just when a weapon is discharged). Recognizing the need for data to inform the risk assessment, the disaggregation of the data by race is recommended to identify if MCPD officers are more likely to draw their weapon in an encounter with a person of color
- 33) Eliminate pre- textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. MCPD can conduct a pilot program to test the efficacy of eliminating pre-textual stops for most minor offenses, not just repair orders, as a means to reduce the disparate negative impacts of law enforcement in communities of color. Although many agencies use traffic stops as a crime-fighting tactic, the evidence that they effectively reduce crime is mixed, especially when balanced against how much officer time is spent making routine stops or the degree to which the stops pose dangers both to those stopped and to law enforcement officers. Moreover, a wealth of research indicates that vehicle stops and pedestrian stops disproportionately burden communities of color, low-income individuals, and rural residents. According to the 2020 Office of Legislative Oversight (OLO) report, in Montgomery County Black residents are 18 percent of the population but were 32 percent of 2018 county police traffic stops. Additional analysis reveals that 27 percent of Black adults experienced a traffic stop compared to 17 percent of White and Latinx adults, and 7 percent of Asian adults. As well, Black men were three times as likely as White men to receive any traffic violation (46 percent v. 17 percent), Latino men were nearly twice as likely (32 percent v. 17 percent) and men classified as other were more than twice as likely (42 percent v. 17 percent).<sup>22</sup> Based on these data, pretextual traffic stops afford a broad level of officer discretion that requires data-informed oversight to prevent and identify abuse. The Selective Traffic Enforcement policy of the MCPD Traffic Management System which advises that “[S]elective enforcement techniques will be utilized for the purpose of reducing traffic collisions, traffic violations and community complaints”, and gives District Commanders the responsibility for and authority to develop and implement a traffic management plan and the specific duties for traffic enforcement.<sup>23</sup> Building on this policy guidance, the recommended pilot program would not only eliminate stops for certain minor traffic violations but would also include the data collection and

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<sup>22</sup> Bonner-Tompkins, Elaine and Carrizosa (2020) Local Policing Data and Best Practices. Office of Legislative Oversight Montgomery County, Maryland. Report No. 2020-9.

<sup>23</sup> Microsoft Word - FC1000.Traffic manage ewc.doc (montgomerycountymd.gov)

analysis to support identification of patterns of racial disparity in traffic enforcement duties and actions at the district level.

- 34) Consider whether the MCPD should continue to act as the agent for public and private properties in enforcing trespass law. Evaluate policies, agreements, memoranda of understanding, and practices of MCPD acting as agents for private properties to enforce the property rights of the owners, make on-site trespass arrests, and issue stay away orders. Evaluate the duration of stay-away orders from public and private property to something more reasonable (i.e., three or six months as opposed to 1 year). This may also include renegotiating the collective bargaining agreement between the Fraternal Order of Police and the County that describes the circumstances under which a police officer may engage in second employment providing private security for private property owners.
- 35) Support Montgomery County Council Bill 46- 20 to eliminate the School Resource Officer Program. Bill 46- 20 reports, as the basis for elimination of the SRO program, that Black students are nearly 20 times more likely to be held by the Department of Juvenile Services for pretrial detention for misdemeanor offenses than their white peers. Black students are 85% less likely to be referred for Screening and Assessment Services for Children and Adolescents (SASCA) Diversion Programs for substance abuse and mental health. Black students are 320% more likely to be incarcerated at the conclusion of adjudication than white students.<sup>24</sup>
- 36) Amend FC 131 Use of Force Policy to strictly limit the use of police canines and require mandatory reports on canine use as lethal force. Amend the FC 131 Use of Force Policy to strictly limit the use of police canines to stop or subdue a suspect only in those situations that would warrant the use of deadly or lethal force. The recommendation also calls for mandatory reports on the use of canines against suspects similar to the mandatory reports on the use of lethal force. Additionally, a review of policies on use of canines for other purposes to comply with current professional literature and research, and taking into consideration the cultural sensitivities of the county's diverse population is called for in the recommendation. While trained police canines can be a highly effective tool in investigations and to track down a suspect who is hiding, they can also kill or maim and cannot be controlled in the same manner as a weapon in the hands of a trained officer. Also, canines often trigger psychological responses that make them ineffective in subduing a suspect (i.e., flight or fight response). Moreover, there is a long history in the country of dogs being used to enforce slavery and to suppress the Civil Rights movement in past decades.
- 37) Conduct a risk assessment of police activities to determine when it is necessary for officers to carry a gun. Conduct a risk assessment audit of policing activities to determine the need for and effectiveness of having all officers carry firearms at all times. The recommended risk assessment emerged as a part of broader discussion around use of force and acknowledges that MCPD officers should be equipped with all of the tools and training available that encourage and support non- deadly outcomes. There was considerable discussion among the members of Group 3 regarding use of force policies and practices, with a bifurcated shoot/don't shoot option deemed insufficient in preparing officers for decisions around use of force. The discussion noted that MCPD officers are issued a firearm before they are issued a Taser, and the discussion was informed by a presentation from Chief Ronald Smith on the availability of non-lethal tools and weapons utilized by MCPD.

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<sup>24</sup>Statistic is derived from Table 5.24 of the 2016-6 Office of Legislative Oversight School to Prison Pipeline Report, page 72; from Table on page ii of 2016-6 Office of Legislative Oversight School to Prison Pipeline Report; and from Table 5.27 of the 2016-6 Office of Legislative Oversight School to Prison Pipeline Report, page 73. School to Prison Pipeline with CAO Response 20166.pdf (montgomerycountymd.gov)

- 38) Utilize Data Collection Best Practices as recommended in the OLO report including all data on police/civilian interaction. Montgomery County can study the implementation the data collection best practices summarized in the Office of Legislative Affairs Report.<sup>25</sup> The recommendation include collection of data on the issuance of stay-away orders from private and public properties; and the issuance of citations/arrests for trespass based on pre-authorized trespass authority granted by private businesses to the MCPD.

## V. Challenges

*What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?*

Among the challenges to implementation of recommendations for reimagining MCPD is the notion of culture change within a long-established organization operating with 1300 sworn officers and supervisory and command personnel. Group 3 included in their recommendations peer-reviewed information extracted from *Warriors to Guardians: Recommitting American Police Culture* (Rahr and Rice, 2015). The article discusses the challenges of implementing procedural justice, noting that the seeds of the warrior culture in many police departments are planted during initial training, which focuses primarily on physical control and use of weapons and is conducted in a top-down leadership environment. While the authors note the need for top-down leadership to enhance accountability, and state unequivocally that officer safety is, and should be, a key outcome of new recruit training, it is noted that the warrior culture is rooted in new officers by the time they hit the streets. Balancing the physical aspects of officer and community safety, with the human behavioral and social skills needed to enforce the law with the least amount of force is a challenge for police departments across the nation and a challenge to reimagining MCPD.<sup>26</sup>

Further, there is little if any data supporting the success of attempts to change policing culture or reduce harms via training despite how attractive those approaches are; as has been reported multiple times since George Floyd's killing, the Minneapolis Police Dept. had some of the best training in the country. Members of the focus group understand that there is a key challenge in seeking to address the issue of culture directly, and also training, because there was no data supporting the benefits of spending time and resources on culture and training in reducing harms caused by policing.

The recommendation to support County Council Bill 46-20 to eliminate the School Resource Officer Program was prioritized by a majority of the group members. While many members agreed that eliminating the SRO program was needed, some members noted mixed feelings, some offered strong opinions in favor of retaining the program and others recommended that the program could be improved, acknowledging that the current model does not work. Members in opposition to the SRO program advised that eliminating SROs in schools is key to reimagining public safety and mitigating the school to prison pipeline. As well, the organized efforts of Montgomery County Public School students against the presence of SROs in schools was noted, and members were asked to consider the students' voice in the decision-making process. Conversely, members in favor of retaining SROs in schools advised that school principals are in unanimous support of the SRO program and noted effective partnerships between SROs and Parent Teacher Associations (PTAs) in some schools.

Similarly, the group drew on the findings of the Office of Legislative Oversight Report that discusses the notion of police/community relations and the underlying chasm that impedes stronger relations between the two.<sup>27</sup> The report states that the current police approach to crime reduction through community involves police attempting to change the behavior of the community through youth engagement and public relations with community. Conversely, the community's expectations around community policing is that there must be a change in policing behavior, an expectation that is exacerbated by

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<sup>25</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>. This includes collecting data on all police/civilian encounters, not just traffic stops. Collecting data on "incidents" which are short of "use of force" (such as gun draws) but could have led to use of force would help. They are more common and might help target potential lethal incidents. Refer to [https://apps.montgomerycountymd.gov/cclims/DownloadFilePage?FileName=2683\\_1\\_12062\\_Bill\\_45-2020\\_Introduction\\_20201117.pdf](https://apps.montgomerycountymd.gov/cclims/DownloadFilePage?FileName=2683_1_12062_Bill_45-2020_Introduction_20201117.pdf) for a copy of the bill.

<sup>26</sup> *New Perspectives in Policing: From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals* (ncjrs.gov)

<sup>27</sup> <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf>.

bias policing practices.<sup>28</sup> The report advises that community policing must be systemically inculcated in policing as more than a program; it must be institutionalized as an organizational philosophy. As such, a reimagined MCPD cannot train its way into effective community policing. Officers must know, understand and believe that their 'development, career advancement, compensation and respect in the department and in the eyes of departmental leadership are inextricably linked to their ability to create legitimacy and cooperation in the communities they serve'.<sup>29</sup>

## VI. Other Potential Recommendations

*What other potential recommendations did you consider?*

In addition to key recommendations prioritized above, additional recommendations in the area of culture, recruitment, training, and policies and programs are detailed below.

### Culture

- *Adjust all job descriptions, hiring, and testing to support community policing, the guardian culture, and problem-solving responsibilities.* Similar to incorporation of explicit language in the MCPD mission, vision and values, all policies and procedures involved in the recruitment and hiring of officers should include expectations for guardian culture and problem solving as a key responsibility of policing in Montgomery County.
- *MCPD should align all performance evaluation processes with the guardian culture and problem solving responsibilities.* Similar to recommendations around recruitment and hiring, MCPD should revise its performance standards, evaluation rubrics, evaluation forms, and reward policies with community policing principles and the promotion of a guardian culture. Supervisors must tie performance evaluations to community policing principles and activities that are incorporated into job descriptions. As well, performance, reward, and promotional procedures should support sound problem-solving activities, proactive policing, community collaboration, and citizen satisfaction with police services. MCPD should phase in a requirement for all rating officers to conduct two formal counseling sessions and observe first hand the rated officer during at least one shift equivalent per rating period.

### Recruitment

- *Revise the hiring process to repeal prior marijuana use as a disqualifying factor in the hiring process for prospective officers.* Revise the MCPD hiring policies relative to prior use of marijuana as a disqualifying factor.
- *Encourage and incentivize higher education for law enforcement officers.* Provide assistance to new recruits to pursue higher education, including assistance with federal grants. The recommendation calls for MCPD to offer recruits without a college degree assistance toward obtaining higher education throughout their career and recommends collaboration with the Montgomery County Community College to provide tuition assistance for officers who want to pursue an Associate of Applied Science degree in Criminal Justice.

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<sup>28</sup> Bonner-Tompkins, Elaine and Carrizosa (2020).

<sup>29</sup> Schulhofer, Stephen J., Tyler, Tom R. and Huw, Azziz Z. (2011) American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative. *The Journal of Criminal Law and Criminology*. 101(2): 335-374

## Training

- *Expand training to include Active Bystander Law Enforcement (ABLE) and justice-based policing.* Provide additional resources for the Training and Education Division of the MCPD to support the addition of Active Bystander for Law Enforcement (ABLE) training and the Listen and Explain with Equity and Dignity (LEED) model of Justice-based Policing.
- *Develop detailed curriculum description that provides greater transparency on training priorities and conduct annual assessment of training and publish annual report.* Conduct an annual review and assessment of MCPD training to ensure high quality and relevant content that reflects changes in policy and practices that impact law enforcement. The recommendation also calls for an annual published report. The recommendation builds on information from MCPD regarding the significant differences between the number of hours MCPD assigns to a specific subject and the national average. Group 3 was advised that MCPD training topics fall below the national average in areas of professionalism, ethics and integrity, stress prevention, community partnership building, problem solving approaches, domestic violence and cultural awareness. While it is noted that the rubric for evaluation of MCPD training and may be different from those used in national standards evaluation, the lack of specificity in the curriculum description results in a lack of transparency regarding MCPD's training priorities.
- *Implement supervisory training in communications and leadership that supports positive and appropriate behaviors by subordinate officers.* Conduct training for supervisors on how to encourage appropriate behavior, as well as how to incentivize exemplary behavior and disincentivize inappropriate behavior.
- *Update and expand cultural awareness and diversity training for officers and supervisors.* Better ensure cultural competency by expanding cultural awareness training to the 12-hour national average (above the current 10 hours provided by MCPD). The recommendation also calls for complimenting classroom training with e- training and computer-based training programs, including an annual cultural diversity awareness e-quiz.
- *Review annual training on nepotism and review familial relationships with senior officers. Include private sector subject matter expert's contractor in hiring and training.* MCPD should conduct annual training on nepotism that emphasizes the whistle blower policy and responsibilities regarding nepotism. As well, the recommendation includes private sector subject matter experts in the training. The recommendation also calls for training on true transparency (No Fear for Truth Program) on strict compliance reporting.
- *Train officers in policing by consent.* Include integration of principles and practices of Policing by Consent, the prioritization of prevention over use of force and the inculcation of guardian culture, community policing, a culture of accountability, and elimination of references to warrior culture in all aspects of training. This recommendation, it was noted, is applicable to classroom and field training for recruits, annual in-service training for officers, training for supervisors, and expanded e-learning and computer-based offerings for law enforcement.

## Policies and Programs

- *Move all electronic traffic monitoring enforcement programs to the Department of Transportation.* Move all electronic traffic monitoring enforcement programs to the Department of Transportation, assuming State Bill MC-4-21 passes in the General Assembly. The bill has been approved by the County Executive and received unanimous approval by the County Council.
- *Implement a CAHOOTS crisis intervention program.* Implement the Crisis Assistance Helping Out on the Streets (CAHOOTS) program. CAHOOTS is a community-response model of crisis intervention that utilizes non-law enforcement, unarmed mental and behavioral health professionals to respond to mental health and substance abuse crisis.<sup>30</sup>
- *Implement the Law Enforcement Trust and Transparency Act (LETT) in full.* Implement the Law Enforcement Trust and Transparency Act (LETT) in full by contracting with an outside law enforcement agency to investigate officer-involved killings.<sup>31</sup> The recommendation calls for MCPD to consider contracting with a private forensic expert to assist in these investigations and for support of statewide legislation to assign the review of all officer-involved killings to an independent, statewide law enforcement agency.
- *Reassess policies regarding officers riding solo.* Reassess MCPD policies regarding officers riding solo, and implement a pilot project of two-officer patrols. Noting that a solo officer is much more likely to feel threatened until back-up arrives and overreact, the recommendation suggests two-officer patrols provide greater potential for de-escalation and improved outcomes relative to use of force.
- *Review geographic deployment plans to provide for the long-term assignment and to better serve communities with the greatest needs.* MCPD should review geographic deployment plans, and utilize long-term assignments of officers to specific neighborhoods as a strategy for enhancing police/community relationships, trust and accountability. The recommendation also calls for MCPD to modify district boundaries to focus on communities with the greatest need and align beat boundaries with neighborhood boundaries
- *Revise FC 131 to ensure consistency with Expedited Bill 27-20, Police – Regulations, establishing a hierarchy of force.* Supports revisions to FC 131 as required by Expedited Bill 27-20 and the development of a hierarchy of force, escalating from none to show of force, and various grades of less lethal force with deadly or lethal force as the last and least desirable option. The recommendation notes the need for clarification (with examples) of the “objectively reasonable standard” applied to uses of deadly force. As well, a listing of less than lethal weapons that have a high lethal potential (i.e., blows with a baton or flashlight to the head, prolonged application of ECWs, etc.) and prohibition of the use of these weapons in situations that don’t warrant a potentially lethal option is noted in the recommendation.

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<sup>30</sup> <https://whitebirdclinic.org/what-is-cahoots/>. Cahoots has been considered by the County Executive already, with suggested approval, but has not been implemented. CAHOOTS is also a key recommendation proposed by Group 5.

<sup>31</sup> [https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=23082&Dept=1](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=23082&Dept=1).

## FOCUS GROUP 4: ALTERNATIVE PROGRAMS TO POLICE & JAIL

Group 4 of the Montgomery County Reimagining Public Safety Task Force was charged to examine and develop recommendations for alternative to arrest, prosecution and incarceration.

### Members:

Edmund Morris <i>Co-Chair</i>	Bishop Paul Walker, Sr. <i>Co-Chair</i>	
Mumin Barre	Karen Maricheau	Josh Dhyani, Esq.
Marlene Beckman, Esq.	Ana Martinez	Danielle Blocker
Marvin Dickerson	Allen Wolf, Esq.	

### Montgomery County and MCPD Staff and Administrators:

Althena Morrow	Luis Cardona	Ben Stevenson
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### I. Vision Statement

Group 4 envisions a reimagined public safety paradigm that shifts from policing, prosecution, and incarceration as a default path from which potential violators of laws must qualify for diversion, towards a support-and-serve model as a default premise, with an aim to minimize aggregate harm.



## II. Issues

*What are some of the key County issues you are seeking to address with your group's recommendations?*

Building on the vision of a support-and-serve model, key issues examined by Group 4 include:

- *Reviewing laws calling for punitive action* as some laws are not about personal or public safety and serve no public interest to enforce or prosecute commensurate with the costs of doing so.
- *Performing a solicitous needs assessment* by locality, (possibly planning area, school cluster, or other extant division that makes sense) deliberately targeted to reach lower-income and minority residents.
- *Maintaining the broadest possible eligibility* for all current "diversionary" programs, ensuring adequate funding, and sufficient public education that their availability, requirements, and potential benefits are reasonably well known - including that they do not jeopardize public safety.
- *Producing or expanding lower-severity interventions* like hotlines, social services, county-sponsored one-stop-shop facilities with self-referral and 24/7 availability.
- *Performing, by default, individual global assessments* of need, by appropriate professionals, of need at every intercept in order to determine appropriate paths and programs. Critically important when one of the paths is a penal intervention. These assessments extend beyond mental health pathology (which includes substance use disorders), to encompass quality of life and well-being factors. e.g.: physical safety in home environment; access to food/shelter/healthcare; adverse childhood experiences (ACEs) and past traumas; current situational coping struggles; etc.
- *Creating and coordinating information systems* so that citizens at any point in a continuum of care or along the intercept model are handled in response to their context.
- *Requiring justification, with clear (read: publicly available) criteria*, for anything but the least restrictive/invasive interventions.
- *Pursuing equitable representation in staffing and decision-making positions at all points along the continuum* (e.g.: service providers; attorneys; etc.)

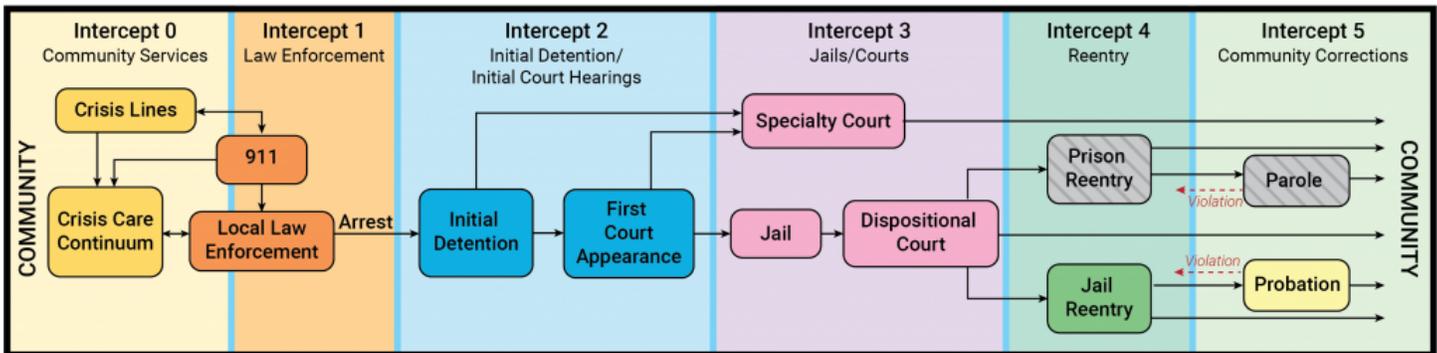
## III. Approach

*When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?*

Group 4 framed their discussions and recommendations broadly around three overarching notions:

- Restorative Justice paradigm and issues of minimum necessary intervention, constructive healing and integration;
- Review of laws and issues of proportionality, equity and compelling public interest; and
- Programming that includes wraparound services, clear parameters, and robust data.

As well, specific recommendations are organized around the Strategic Intercept Model (SIM) as an evidence-based practice of the Substance Abuse and Mental Health Administration’s (SAMHSA’s) Gains Center.<sup>32</sup>



SIM was developed as a conceptual model to help communities develop comprehensive response systems for mental and behavioral health disorders as they intersect with the criminal justice system. The model maps the touch points where persons with mental health and/or substance use disorders interface with the justice system at a series of intercepts, starting with community services at Intercept 0 and advancing through arrests, detention and hearings, courts and incarceration, reentry and community support through probation and parole.

Group 4 sees the model as appropriate for adaptation to be responsive to complex life circumstances, not just diagnosed pathologies. Moreover, in examining the individual programs and services currently provided by Montgomery County at each Intercept of the SIM model, Group 4 identified promising practices and opportunities for improvement that can be generalizable to the broader ecosystem of alternative programs. These practices center on the following themes:

- Access: ease of program entry, eligibility, language accessibility and public awareness
- Agency: capacity for self- and community-referral, and the level of independence and volition participants’ can exercise
- Robustness of program design: efficacy of practices and services that address response to human behavior and human motivation, and that offer follow-up support
- Transparency: community input, community oversight, and data collection and accessibility
- Integration: ability to access support along the continuum, communications across programs and agencies, and connection to comprehensive support and wraparound services

As such, as each area of the SIM model was discussed and as programs in each area of the model were examined, a rubric emerged that informed a scorecard for evaluation of the programmatic alternatives to policing, prosecution and incarceration. The scorecard is noted here as both an approach and an outcome for Group 4 and is woven strategically throughout the recommendations listed below.

<sup>32</sup> GAINS Center for Behavioral Health and Justice Transformation | SAMHSA

## IV. Key Recommendations

*What are your group's top recommendations? What are the potential benefits to the County if implementing them?*

Recommendations to inform the broader ecosystem, as well as specific recommendations at each touch point of the SIM model are detailed below.

### Overarching Recommendations

Group 4 offers the following broad recommendations to assist Montgomery County to transition to an ecosystem approach.

39) *Establish a county organization with meaningful review and oversight responsibilities.* The entity should be endowed with formal responsibility for ecosystem integrity, as a full-time County function. This would include, but not be limited to:

- Coordinating the integration of public health, public safety, public education, social services programs, as well as prosecutorial and correctional practices.<sup>33</sup>
- Monitoring the design and equity improvements of individual programs, as well as the overall function of the system (e.g.: appropriate use of referrals, diversions, and tools other than police/prosecution/incarceration; equity and clarity in criminal proceedings). This includes the decision logic and parameters that govern pathway assignment.
- Reviewing existing and proposed legislation with criminal penalties, as well as policies and practices that penalize those with convictions, through a tripartite public safety impact lens: necessity, proportionality, and equity.
- Making recommendations on programs and practices to approve, expand, modify, or discontinue.

40) Implement a systematic process for universal screening and an imperative to do the least harm. The County should require and develop uniform, universal screening at every intercept. This is not just for mental disorders, but also areas of insecurity (e.g.: food, shelter); adverse childhood experiences (ACE) and traumatic history; other forms of deprivation or criminogenic factors.

Such screening, essentially triage, would be used for determinations of “best path” options (e.g.: service provision; treatment; charges) and should be coupled with an obligation to use the least restrictive/punitive intervention unless escalation is justified according to externally accessible criteria (i.e.: not individual discretion indicating necessary escalation. The “best path” determination decision trees should be informed by social science insights and reviewed by professionals in such fields (e.g.: psychology; sociology; social work; etc.), rather than being the sole purview of criminal justice professionals.

The aim is to de-center police, prosecution, and imprisonment from our approach to public safety in light of the multiple and often disproportionate harms - individual and collateral - caused by system involvement, and the inequitable application of existing tools.<sup>34</sup>

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<sup>33</sup> Insights can be gained on this from the Federal Interagency Reentry Council (<https://nationalreentryresourcecenter.org/projects/firc>)

<sup>34</sup> As an example, DOCR's pre-release center has a wide-ranging self-report survey that could be modified for a non-convicted population, as most of its questions are of individual circumstance - past and present. The PRRS survey is an example of a tool already owned by the County that could be modified for this purpose. MCPS could use a version of this tool as a universal (e.g.: every student, every year) needs assessment. A restoration center and/or appropriate professionals at stations and processing, etc., could use it as part of their data collection when someone is brought to them.

- 41) Ensure that evidence-based evaluations are robust, multifaceted, and regular. Evidence-based practices are only as good as the data they collect and can be evaluated only as well as that data is accessible. To which end, all County programs (and those receiving County support) should be providing robust and granular data in easily digestible formats. This data should not be held primarily by, nor privileged towards, the police or the courts. It should also be stipulated that use of such data for anything other than the individual's benefit be limited to issues of compelling public interest. The scorecard outlined below supports this overarching recommendation as a mechanism for institutionalizing the collection and evaluation of individual and aggregate data around the key indices of access, agency, robustness, integration, and transparency.

Ideally, this individual-level data would be available in a centralized, *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*-compliant, computerized system that is accessible to relevant parties. Additional database qualities including individual ability to authorize third party access; protections against misuse of data; ability to assess depersonalized, disaggregated information along geographic, demographic, and economic characteristics are proposed. More general data, including disaggregated data for tracking triage results, referrals, assessments, and outcomes, should be available in a similar capacity for programs and the continuum as a whole.

- 42) The Scorecard: The scorecard, detailed here, is a part of Group 4's overarching recommendations for public safety reimagined. It is woven strategically throughout recommendations and the scorecard dimensions, detailed below, are derived from the review of existing programs and practices at each Intercept level in the SIM model.

## Access

*How easy it is to use the service, including, but not limited to the following elements:*

- *Eligibility* - this covers inclusion criteria, as well as compelling justifications for exclusion (e.g.: age appropriateness of services). This dimension should explicitly be agnostic to a person's history with the penal system and, where possible, also to their immigration status.
- *Accommodations for disability, psychological and neurological diversity* - e.g.: are there diverse communication media, and the ability of assisting individuals to participate.
- *Geographic accessibility* - placement throughout the County, as well as transit accessibility and service hours.
- *Languages* - as a multi-ethnic society, Montgomery County already strives to serve several language groups; it should ensure that all possible services have as many of the necessary additional languages available by default. This will likely mean that Spanish, Amharic, and Chinese readily on site, with materials available in these languages. Other languages should be available by regional need.
- *Public awareness* - the County has an unfortunate tendency to build excellent programs or have brilliant initiatives that nobody knows about. There needs to be a serious match between intended target demographics and outreach/education efforts. Measurements may include use of diverse communication channels (e.g.: other language radio; ethnic community pages; local shops) and representative outreach (e.g.: ambassadors).

## Agency

*The level of independence, influence, and volition program participants can exercise including:*

- *Self-referral* - can the individual seek services without referral, prior diagnosis, or presenting crisis symptoms?
- *Community referral* - is it possible for household members (or co-congregants, etc.) to recommend someone to a program, or bring them in as a mediation process?
- *Self-direction* - does the program work with (i.e.: support) the individual(s), or on (i.e.: “treat”) them? Does it take meaningful steps to afford the individual agency, even when little choice is present?
- *Solicitation and responsiveness to service user feedback and input* - programs need baselines and outcome measures, but they also need to know how the people relying on a service are benefiting from and experiencing it. In a support-and-serve paradigm, it’s imperative to ensure the population’s needs are being met. Programs should develop and utilize feedback tools and processes to gather information from program participants and then utilize that information to adjust programs to fit user recommendations and needs.

## Robustness in Design

*The degree to which programs (and practices) consider multiple dimensions beyond their “core” service as detailed below:*

- *Triage and referral* - programs should know their scope, and be able to refer out when someone’s needs are in excess of their ability and capacity, or when that individual would be better served by a peer organization.
- *Intercept training* - officials should be trained and knowledgeable regarding existing programs. When an official is working with an individual who is eligible for a program, they should have sufficient training to recognize that eligibility and make the individual aware of that availability. For example, an official responding to a call that could result in an arrest, should be aware of, and have the option (or requirement) to divert an individual to a non-penal service. Judges and prosecutors should, as a default, seek to place individuals in a non-penal program when possible.
- *Focus on deep motivations* - programs that only address target behaviors are not only less effective, but they are often demeaning and patronizing. Programs should address motivating conditions whenever possible (this includes aforementioned referrals and wraparound services)
- *Humanity* - minimizes “system burn-out”, and avoids problematizing the person. Focuses on support, engagement, and improvement. Even in cases of necessary confinement or punishment, the goal should be genuinely to return the citizen more prosocial and better equipped than when they entered.
- *Durability of support* - programs should, whenever possible, be able and willing to provide follow-up support. This may take different forms, but the goal is to build relationships and community, not to have a series of one-off transactions.
- *Proportionality to need* - programs should be evaluated according not only to their quality of service, but their uptake and success rates. Programs that do well and are oversubscribed should be obvious candidates for increased funding and expansion. Programs, even well designed and effective ones, that are undersubscribed need to be evaluated for why they are insufficiently utilized. There are ranges of possible steps to be taken as a result that are outside the scope of this recommendation to address.

## Transparency

*The ability and willingness to gather, share, and explain relevant information - between and among programs, departments, and with the public as detailed below:*

- *Robust data collection* - granular depersonalized data on who uses which services, how well they fare, their sentiments about the process, etc. Anticipate a mix of quantitative and qualitative data. This includes the ability to disaggregate by ethnicity, race, sex, gender identity, sexual orientation, age, religious affiliation and zip code or other geographic marker (e.g. planning area), and economic stratum.
- *Community input* - this is different from service user input in that it is about the larger community taking a stake. For example, the community needs assessments earlier alluded to; consideration of target population preferences for service delivery (e.g.: virtual vs. in- person; in-home vs. on-site). Opportunities for community engagement/participation may be considered here, as well (e.g.: mentorship; collaboration).
- *Community oversight* – accountability measures may require publicly available - but properly detailed - annual reports including the quantitative and qualitative measures deemed appropriate to assess program efficacy and humanity. Opportunities to review programs (e.g.: open-house days; service-user and family feedback forums) or publicly available reviews of the program may be different examples of this public accounting separate from the actual bookkeeping annual reports that are common practice.

## Integration

*It is not enough to have programs that cover all areas; they must also be able to interact. Otherwise, it is no system - and individuals will often be overwhelmed, overworked, or overlooked. The suggestions here are more about the relationship between programs, but each program needs to be evaluated on its capacity to perform in each area.*

- *Ease of movement along continuum* - this calls for the existence of, ease of movement to, and coordination of, upstream (higher intensity) and downstream (lower intensity) options at every intercept. Each program, therefore, needs to know where it sits in relation to others and be able to interface with partner agencies/entities.
- *“Left-hand, right-hand”* - this is essentially “transparency between programs”; the ability of each program to compile and communicate data. This would, for example, help identify frequent utilizers, provide an understanding of the population and its specific needs, and identify gaps in the system. This will require the County to dismantle information and responsibility silos and review its rules governing sensitive personal data.
- *Environmental intervention/wraparound services* - (“plays well with others”) this is, at the program level, a question of how well programs conceive of themselves as part of a solution, rather than the solution. How well - within legal allowance - they connect service users with peers, laterally useful services, and non-service resources that may be of use.
- *Integration into existing processes* - Intake forms and other documents used to process individuals should contemplate diversionary programs as a default and help guide individuals to those resources. In general, available non-carceral programs should be integrated into the system as a primary option at each step.

## Intercept Recommendations

In addition to the overarching recommendations, Group 4 developed recommendations for each Intercept in the SIM model. The recommendations listed below are not prioritized but are offered by the Group as guidelines for future decisions.

## **Intercept 0 - Community Services, Pre-Crisis Intervention**

Intercept 0 is designed to connect persons with access to needed services before they come into contact with the criminal justice system. Effectively implemented, services at Intercept 1 support pre-arrest diversion and reduce the pressure on law enforcement and emergency rooms.

At Intercept 0, *build on the success of effective youth and young adult programs*. Generally, Group 4 noted the limitations in the current constellation of programs designed to prevent criminal system involvement, recognizing that the programs are either too few, poorly advertised or utilized, and disjointed. It is also noted that Montgomery County Public Schools (MCPS) play an oversized role at Intercept 0, and as such, the scorecard must be applied to MCPS programs and interventions. As such, the following recommendations are proposed:

- 43) Expand the high school wellness centers and Youth Opportunity Centers
- 44) Expand Street Outreach Network/Safe Space programs to be at least in line with the District of Columbia's (DC) program (~40 staff)
- 45) Explore other youth- and- young- adult engagement opportunities (e.g.: revive Police Athletic League)
- 46) Conduct universal beginning/end of year surveys by MCPS that aim to assess wellness/risk factors for all students as a mechanism for reducing stigma, and better scoping the need for services.
- 47) Establish clear criteria and accountability for MCPS administrators regarding the use of disciplinary actions (e.g.: initiating SRO-facilitated arrests or opting for expulsion) when other interventions are available and/or more appropriate (e.g.: use of extant restorative justice or PYD programs). Ensure that all MCPS faculty understand the array of options available when dealing with students. This recommendation builds on the critical role of MCPS in addressing inequities in disciplinary records and the prejudicial impact of these records on arrests, charging and penalty decisions regarding youthful offenders.

Group 4 also noted the lack of coherent, wraparound services for those over 25 and recommends looking to the more robust programming for youth and young adult populations for models upon which to expand. (e.g.: replication of wellness/youth opportunity centers for older population; or possibly opening them up to adult populations as clinics)

- 48) Support the development of a pilot Restoration Center as described in the preliminary RPS workgroup report
- 49) Provide medication- assisted treatment ( MAT) options

## **Intercept 1 - Emergency Intervention**

Intercept 1 initiates with a law enforcement response to a call for service and ends with arrest or diversion to treatment. Intercept 1 is supported by policies, programs and training that bridge law enforcement emergency response and mental and behavioral health services.

- 50) *Improve triage* to ensure that calls for service are directed to the most appropriate responder or service provider. This recommendation calls for the availability of highly specialized training and/or exceptional intake decision tree tools that allow dispatchers to more precisely identify a caller's needs, and connect them to the appropriate service(s). Advanced triage training and tools should also be made available to support emergency department diversion. Emergency departments, with the appropriate staff and information sharing permissions, can provide triage with behavioral health providers, embedded mobile crisis staff, and/or peer specialist staff to provide support to people in crisis.

- 51) *Adopt* at least one model that leads with mental health, mediation, and trauma- informed practices (e.g.: CAHOOTS)
- 52) *Require* all officers and other emergency personnel to receive CIT training. As well, the recommendation calls for MCPD to *seek out or develop* a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies, rather than as supplemental to violence interruption and compliance.
- 53) *Provide* post- crisis follow- up as an intervention, especially for persons who frequently require mental or behavioral health intervention. It was noted that police officers, crisis response service providers, and hospitals could reduce frequent utilization of 911 and emergency room services through specialized post-crisis follow-up.

## **Intercept 2 - Custodial Triage**

Intercept 2 involves post-arrest activities; intake, booking, initial hearing with a judge or magistrate and post-booking diversions or detention

Group 4 posits that when *custody is necessary it should be viewed as an opportunity to assess and assist, rather than simply to monitor*. Where possible, monitoring should be light-touch unless more intense scrutiny is warranted. With regard to pre-trial detention, a review of pretrial supervision and existing programs such as the Alternative Community Services (ACS) program, the Intervention Program for Substance Abusers (IPSA), and the Clinical Assessment and Transition Services (“CATS”) program is recommended using the scorecard evaluation rubric offered in other recommendations. As well, the evaluation should include a comparison of the design, efficacy and efficiency of current Montgomery County pretrial practices to those of DC and Prince Georges County. Findings of the evaluation should inform planning and implementation of improvements to the programs based on the findings.

- 54) Implement process to systematize much of the currently ad- hoc process of determining what options are offered and calls for the collection and availability of data on who was diverted, who was not diverted, who was charged and why.
- 55) Global assessment of all persons brought into custody (e.g.: triage instead of booking) with an eye to referral to appropriate services. In cases of domestic violence, or multiparty aggression, all capable parties may benefit from screening for potential service needs. Brief screens can be administered universally by non-clinical staff at jail booking, police holding cells, court lock ups, and prior to the first court appearance. Moreover, for “frequent fliers” in the system, global assessment that documents, prioritizes, and thoroughly evaluates and identifies the appropriate program or process to which they should be referred is recommended. *Should assessment indicate an adequately severe need*, the obligations to refer a person for services maybe be paired with an authorization to compel a person for services.
- 56) Adapt *peer- support advocate programs* and protocols to implement, similar to those deployed in Philadelphia. Formal peer specialists can be trained and hired to coach and support in mental health, legal system support, and benefits advocacy. They can also serve at intercepts 4 - reentry and 5 - returned to community. Peer support is a SAMHSA evidenced-based practice for the utilization of persons that have been successful in mental and behavioral health recovery in delivery of crisis intervention services.<sup>35</sup> The peer support model utilized by the Philadelphia Department of Behavioral Health and Intellectual Disability Services to support services provided at Intercept 2.

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<sup>35</sup> (<https://www.samhsa.gov/brss-tacs/recovery-support-tools/peers>)

- 57) Review police and prosecutorial handling of misdemeanor and minor traffic offenses by a) weighing the costs and harm of arrest and prosecution against the public safety benefits and b) determining how penalties are applied equitably. Evaluate issues of enforcement bias or legislative bias to better ensure equitable public safety outcomes for all citizens, in all communities regardless of racial, ethnic, gender, socio-economic and mental/behavioral health circumstance. The evaluation should be based on performance in areas of recidivism, clarity and soundness of charging decisions, proportionality and collateral impact, and equity in disposition outcomes, rather than on conviction rates. There should be public transparency from the court system on decision criteria for diversion vs. prosecution vs. dropping of charges.
- 58) Reduce, with the aim of eventually eliminating, the use of monetary bond without increasing pretrial detention, possibly through expanding community supervision- including electronic monitoring, in cases where appropriate. Similarly, *the elimination of fees for individuals participating in ACS/IPSA or other court-related programs* is recommended.
- 59) Ensure access to benefits to support treatment success, including Medicaid and Social Security for persons in detention or pre- trial supervision. People in the justice system routinely lack access to health care coverage and practices such as jail Medicaid suspension (vs. termination) and access to benefits specialists can reduce treatment gaps. People with disabilities may qualify for limited income support from Social Security.

### Intercept 3 - Court and Incarceration

At Intercept 3 persons are held in jail, or under supervision in the community before and during trial. Intercept 3 includes court-based diversion programs that allow the resolution of the

criminal charge potentially coupled with community-based services for caring for the persons needs and preventing the worsening of symptoms. Generally, the group recommends a shift from prioritizing conviction to rewarding successful diversion, reductions in recidivism, equity in outcomes, and the use of mediating processes. Many of the recommendations that follow are examples of this in practice.

- 60) Establish concrete criteria, a roadmap, and accountability measures in keeping with general recommendations for universal consideration and do the least harm and evidence and data transparency, for the prosecutor's office to demonstrate a commitment to utilizing the least invasive and most effective options available, This may include (but is not limited to):
- Evaluations of prosecutors based on performance in these areas. Sample criteria may include clarity and soundness of charging decisions (see: proportionality and collateral impact); records of equity in disposition and diversion<sup>36</sup>
  - Independent review of prosecutorial practices to identify ways they can be made more equitable and effective
  - Independent reviews of prosecutorial decisions in areas of inequitable outcomes are noted
- 61) Evaluate the use ( and criteria for), equity impacts, and possible expansions of probation- before- judgment. Understanding who gets offered probation before judgment, or not, and why; who *could* be extended the opportunity; and what support/treatment/intervention programs could be reasonably made as conditions of the disposition is noted by the group an integral to ensuring equitable access and effective outcomes of the program.

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<sup>36</sup> It is challenging to use recidivism as a measuring tool. This is largely because there are so many factors that contribute to recidivism, that it may hard to isolate the impact of a single one.

- 62) Implement a scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving (in the) Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.
- 63) Publicize diversionary/alternative programs to the necessary *parties* (e.g.: attorneys, existing persons involved in the system, those with prior involvement or at significant risk) to improve chances of diversion and voluntary uptake. This may include having alternative service providers give in-service training to new attorneys within the state attorney’s office on an ongoing basis. As well, collaboration with Veterans Justice Outreach specialists from the Veterans Health Administration is recommended to better ensure veterans have information about and access to diversionary and alternative programs.
- 64) Expand access to mediation and restorative justice dispositions. Restorative justice is a mediation process for addressing and resolving the conflict between a victim and an offender or other community members that are affected by a criminal act. As a best practice restorative justice uses mediation in lieu of adjudication. Restorative justice is used globally as an approach which focuses on persons who have done harm to another person, family or community, to accept responsibility and right the wrong done. The strategy is currently available in schools to resolve youthful offenses and to lessen the potential of escalation of conflict, but has farther-reaching potential.
- 65) Collect and access disaggregated data on judges’ rulings and judgment records to ensure accountability for equitable outcomes by the Montgomery County judiciary.<sup>37</sup>
- 66) Eliminate information asymmetry (e.g., prosecutor’s file should be available to the defense; rationale for failure to use a less harmful (or restrictive) intervention than prosecution and imprisonment) is recommended. The recommendation calls for:
- “open discovery” – i.e.: whatever information the state collects should be available to the defense;
  - equal opportunity to pursue answers/information – prosecution and the state have many more resources available and control of the timeline; defendants should not be penalized for not being wealthy and well-connected; and
  - explicit rationale for the decision to charge, charges pursued, and penalties sought, and be able to justify why/how the path taken by the prosecution better serves the public interest than less invasive responses.
- 67) Standardize existing tools for members of the judiciary to help combat bias. The Implicit Bias Bench Card utilized by the Minnesota Judicial Branch of offered as an example and a best practice supported by the Vera Institute for Justice. Develop local policies that are consistent with Attorney General Eric Holder’s Smart on Crime Initiative (<https://www.justice.gov/archives/ag/attorney-generals-smart-crime-initiative>).

#### **Intercept 4 - Reentry/Prerelease**

At Intercept 4, transition planning and support should be available to returning citizens with mental and substance use disorders after incarceration. For Intercept 4, Group 4 recommends seeking and creating opportunities to strengthen ties, enhance warm hand-offs, and ensure that returning citizens are connected with the services they need.

- 68) Expand workforce development programs, with a special/initial focus on the 18 - 25 - year- old population, to include apprenticeships, to help returning citizens attain post-release certification and self-supporting

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<sup>37</sup>Group 4 expects the disaggregation of data by socioeconomic status and all available dimensions of protected class (e.g.: ethnicity, race, sex, orientation, etc.) and if possible geographic residence (e.g.: zip code; planning area) to identify possible biases or service gaps.

employment or entrepreneurship. This may be accomplished through partnerships with nearby institutions (e.g.: Montgomery College; the Universities at Shady Grove) and local HBCUs to expand the variety of trainings and pipelines available. The recommendation is underpinned by consideration of *first-source hiring requirements for government contracts*, and procurement preference (or similar incentives) for Montgomery County contractors who hire returning citizens and former offenders.

- 69) Support automatic referral to pro bono expungement organizations (e.g.: MVLS), noting that while “banning the box” is an option, expungement is the preferred remedy. Until/unless automatic sunset clauses on records can be passed through the General Assembly, individuals should be aided in exercising their right to a clean slate under current Maryland law.
- 70) Evaluate the Department of Corrections and Rehabilitation (DOCR) pre-release programming, particularly to assess issues of access, agency, robustness and integration of pre-release programs. The recommendation calls for evaluation of service availability for soon-to-return citizens including evaluation of the eligibility requirements for PRRS; evaluation of the PRRS and Welcome Home programs; and identification of what can be done for persons who don't meet eligibility requirements, in order to provide all returning citizens with community ties.

#### **Intercept 5 - Post-Release and “Community Corrections”**

Intercept 5 is post-release community supervision (probation or parole) for returning citizens. At Intercept 5, effective services require partnerships between criminal justice agencies and community-based behavioral health, mental health, or social service programs.

- 71) Explore what is within the county's authority to avoid penalizing or discriminating against individuals with past convictions (e.g.: restricting their access to services, employment and entrepreneurship, or housing opportunities. Additionally, policy review recommendations include a review of policies that prevent ability to hire former offenders within county government (including MCPS, HHS, and DOCR); review and consider county-level provisions similar to the proposed returning citizens job opportunity bill.
- 72) Continue cognitive/social/emotional support for those who have survived the trauma of being involved/processed, including specialized mental health case management and medically assisted treatment for those struggling with substance use.
- 73) Further explore organizations and models:
  - Cornerstone Montgomery (wraparound behavioral health services)
  - Primary Care Coalition (networked somatic health services)
  - Delancey Street Foundation (residential life-and-job skills facility - also an Intercept 3 alternative)

#### **V. Challenges**

*What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?*

Group 4 noted the truncated timeframe for reimagining public safety for Montgomery County. As a challenge, the group advises that the process of coordinating, monitoring, managing and seeking public input into the ecosystem of programs designed to manage public safety should be the official responsibility of a County entity. Given the depth and breadth of this task, this task force, or any such ad-hoc approach, is insufficiently resourced to perform the necessary work and has barely begun to scope the work that remains to be done.

In light of research broadly indicating that Crisis Intervention Training/Teams (CIT) are inadequate by nature; that the training lacks integration into the way policing is framed; that there are concerns with risk evaluation; and that without department-wide commitment to a trauma-informed approach that takes into account officers' own traumas, it is noted that CIT alone and in its current iteration is unlikely to result in qualitatively better policing practices. Group 4 acknowledges the opportunity for improvement as noted in the recommendations for Intercept 1. However, as CIT is the cornerstone of MCPDs crisis response strategy, the model's deficiencies and limitations must be addressed if Montgomery County residents will realize equitable benefits and equitable outcomes of CIT intervention, specifically around reduced arrests, use of force and lethal outcomes in MCPDs response.

Group 4 also recognizes that due to the complex relationship between State law and agencies (including public defense; parole and probation), Montgomery County may be limited in its ability to outright change certain protocols or practices, but encourages the County to seek opportunities to pilot or lobby the State legislature for changes based on the above recommendations.

## FOCUS GROUP 5: HEALTH, SOCIAL SERVICES & CRISIS RESPONSE SYSTEM

Group 5 of the Montgomery County Reimagining Public Safety Task Force was charged to identify best and promising practices around mental health, social services and crisis response systems for reimagined public safety in Montgomery County.

### Members:

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### I. Vision Statement

Group 5 envisions public safety as the ability of every family in every neighborhood to have equitable access to housing stability, food security, family supporting jobs, quality healthcare, educational choice, and a healthy environment. As such, poverty and inequity are recognized at the core of the community’s need for mental health, social services and crisis response systems the group was charged to address.

Group 5 recognizes that the safety of the citizenry is greater than that which law enforcement can provide and that it is incumbent upon Montgomery County to look holistically at issues of security, equity, quality of life, and life chances for all citizens.

Toward this end, it is the express belief that public safety reimagined must involve and engage law enforcement, public safety agencies, mental health and social services organizations, faith- and community-based organizations, private sector organizations, private non-profits and educational institutions in a collaborative effort designed to provide wraparound services that meet the needs of the community for crisis prevention, intervention and post-crisis support.

### II. Key Issues

*What are some of the key County issues you are seeking to address with your group’s recommendations?*

Charged with the task of research and identification of best and promising practices for the intersection of health, social services and the crisis response system, Group 5 brainstormed key issues, calling out both near-term and long-term (small and big ideas) for examination and analysis.

Key issues that emerged in the brainstorming process included:

- Data collection, utilization and accessibility to support transparency and data-informed decision-making
- School Resource Officers and the school to prison pipeline

- The breadth of the ecosystem of mental and behavioral health and social service providers in Montgomery County
- Crisis Intervention models including law-enforcement, co-response and community response models
- Wraparound services and an integrated service model to balance law enforcement and non-law enforcement efforts
- Navigating multiple systems of care
- Culture change from warrior to guardian culture focused on community safety and well-being
- Community Policing and the impact of police/community relations in crisis prevention
- Cultural and professional competency and serving diverse communities
- The impact of criminalization of substance abuse
- Issues of poverty and homelessness and the underlying factors that intersect with and exacerbate substance use and mental health crises

### **III. Approach**

*When developing your group's recommendations, what approach(es) did you consider and utilize to develop these recommendations?*

Group 5 utilized a continuum of care model of prevention, intervention and post-crisis support to frame the group's discussion and analysis of opportunities for reimagining public safety. As a model, a continuum of care is used to describe how healthcare providers follow a patient from preventive care, through medical incidents, rehabilitation, and maintenance. Continuum of care is also used as an evidence-based practice for serving special needs populations including homeless persons, pregnant women, persons diagnosed with HIV, and persons with opioid addiction.

Building on a continuum of care model as an evidence-based practice, Focus Group 5 organized their review, analysis and development of recommendations around prevention, intervention and post-crisis support in a continuum, acknowledging the need for the continuum to have a backbone to ensure coordination, integration and evaluation as depicted below.

Additionally, acknowledging the charge of identifying best practices, recommendations for the continuum of care approach developed by Group 5 are informed by best- and promising practices around crisis intervention, systems integration and navigation and data-informed decision making.

### **IV. Key Recommendations**

*What are your group's top recommendations? What are the potential benefits to the County if implementing them?*

Building on the evidenced-based and best-practices, Group 5 prioritized key recommendations for the continuum, including prevention, intervention and post-crisis support, as well as non-negotiable requirements for a system backbone as detailed below.



### Backbone: Continuum of Care Infrastructure

Group 5 examined issues of systems navigation that support near-term outcomes, as well as a mechanism to address long-term, systemic change. Collective Impact as an evidenced-based practice involves several elements including a common agenda; shared measurement; mutually reinforcing activities; and continuous communications. Moreover, collective impact as a model is achieved through the efforts of a backbone entity to facilitate the dialogue across and between system partners, to manage data collection and publish data, to advance policy and to cultivate community engagement.<sup>38</sup>

Recognizing that the depth and breadth of mental health, social services and behavioral support that Montgomery County invests in is significant, but in the main operating in silos, and noting the need for integration and coordination, Group 5 developed and prioritized recommendations for a system backbone (infrastructure) that aligns with the collective impact model as detailed below:

- 74) *Enhance and expand the Criminal Justice Coordinating Council to provide greater coordination and integration.* Prioritize the recommendation of enhancing and expanding the Montgomery County Criminal Justice Coordinating Council (CJCC). Specifically, the recommendation calls for the inclusion of all relevant organizations and agencies that play a role in the intersection of prevention, intervention and post-crisis support and the criminal justice system, including youth services, homeless services providers, faith-based and community leaders and representatives of the business community. Building on the best-practices for backbone organizations in the collective impact model, the CJCC can act as the central infrastructure or backbone and enhancements can include such measures as developing a common agenda around the system of mental and behavioral health as it intersects with the criminal justice system, ensuring appropriate staff to support coordination and integration, researching and developing policy, and developing the resources needed to support pilot programs and implementation of promising practices.

<sup>38</sup> Backbone Starter Guide.pdf (collectiveimpactforum.org)

CJCCs have been in existence in local jurisdictions since the late 1960s and are an evidence-based practice recognized by the Vera Institute for Justice as a formal structure for collaboration and coordination.<sup>39</sup> Moreover, as a mechanism for making information available to the public, the CJCC can act as a clearinghouse of information, providing public access to data and information on mental and behavioral health and social services programs in the continuum that intersect with and support the criminal justice system.

- 75) Ensure that all agencies and organizations in the continuum, including all members of the CJCC, have implicit bias training that builds their cultural competence and ability to effectively serve Montgomery County's diverse citizenry. The recommendation builds on the recognition of the limitations of cultural diversity training (as opposed to implicit bias training) and pushback against the notion that understanding difference is all that is required to prepare law enforcement, criminal justice and even social work professionals to serve a diverse community. The approach to implicit bias training should be rigorous and intentional and designed to have training participants examine, acknowledge and understand their own biases. Implicit bias training can include training on unconscious bias theory (not just data on outcomes of implicit bias) and training on bias-reduction and bias mitigation strategies.<sup>40</sup>
- 76) Enhance the collection, utilization and availability of data disaggregated by race. Data collection, disaggregation by race, ethnicity and gender, and public availability of data to support informed decision-making across the continuum and to ensure accountability through public accessibility is a key recommendation. Building on the Montgomery County Office of Legislative Oversight (OLO) report, "improved collection and monitoring of MCPD policing data is warranted to evaluate and monitor for constitutional and community policing."<sup>41</sup> The report calls for MCPD's data collection policies and practices to better align with best practices for policing data and offers recommendations several key areas. Building on the recommendations of the Office of Legislative Oversight report, Group 5 prioritized collection and public accessibility of disaggregated data, to better ensure transparency, accountability, community confidence and informed decision-making.
- 77) Conduct an annual independent audit of the Reimagining Public Safety Task Force recommendations. Acknowledging that the outcomes of the Reimagining Public Safety process must be monitored and evaluated over time; conduct an annual independent audit to test the efficacy of recommendations emerging in the process and to support continuous improvement of public safety resulting from public safety reimagined.

## Prevention

- 78) Eliminate the School Resource Officer (SRO) program and replace SROs in schools with counselors. The presence of police in schools has increased considerably over time, emerging from zero-tolerance policies in the 1980s. Eliminate the SRO program, building on the significant body of research around the presence of police officers in schools as a component of the school-to-prison pipeline.<sup>42</sup> The recommendation specifically addresses the need for counseling as a strategy for mental and behavioral health crisis prevention and acknowledges limited utility of police officers in this area among school-age youth.<sup>43</sup> The efficacy of the School Resource Officer program in Montgomery County schools is the subject of significant attention by MCPD and Montgomery County Public Schools (MCPS) with the Montgomery County Council proposing legislation to prohibit MCPD from deploying sworn officers in SRO positions. At the same time, the MCPS is engaged in an

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<sup>39</sup> Wayne County Jail – Report and Recommendations | Vera Institute

<sup>40</sup> research-report-113-unconscious-bias-training-an-assessment-of-the-evidence-for-effectiveness-pdf.pdf (equalityhumanrights.com)

<sup>41</sup> Local Policing Data and Best Practices (montgomerycountymd.gov)

<sup>42</sup> Prince, P. (2009). When is a Police Officer and Officer of the Law? The Status of Police Officers in Schools. *The Journal of Criminal Law and Criminology* (1973-), 99(2), 541-570. Retrieved January 4, 2021, from <http://www.jstor.org/stable/2068504>

<sup>43</sup> The recommendation regarding eliminating the SRO program specifically addresses the issue of prevention and is not intended to address school safety as an issue. Best-practice that address security in schools can be considered.

evaluation of the program released in January of 2021.<sup>44</sup> Compellingly, the information offered by the Council in support of Bill 46-20 notes the disproportionately negative impact of the SRO program on students of color, relative to arrests in schools, pretrial detainment for misdemeanor offenses and post-trial incarceration.

- 79) Provide better Community Policing. Prefaced by the understanding that Group 5 is not calling for more policing or more police contact in the community, better community policing practices are key, with the charge to MCPD that their role is to ensure the wellbeing of the community. Specifically, the recommendation calls for MCPD to utilize Procedural Justice practices and problem-oriented policing strategies that build legitimacy when engaging the community, as opposed to stop and search tactics and other policing practices that have a disproportionately negative impact on communities of color. The recommendation builds on the procedural justice notion of earned legitimacy.<sup>45</sup>

## Intervention

- 80) Implement the Crisis Now crisis intervention model . Put in place the Crisis NOW model as proposed by SAMHSA as the national standard for behavioral health and crisis, based on the County's issues of service integration, navigation and wraparound services. SAMHSA's Best Practice Toolkit defines the essential elements of national best practices around crisis care in a no wrong door approach. The system requires a 24/7 call center hub that can provide crisis care services via telephone, text and email. Timely availability of Mobile Crisis Response Units to reach the person in crisis where the crisis occurs (i.e., home, work, community, etc.) is required, with an emphasis on timely availability. Finally, short-term crisis stabilization facilities are required that provide observation, stabilization and coordination of in-home and/or institutional care as warranted.<sup>46</sup>

The Crisis NOW model is designed to meet the SAMHSA criteria, and is advocated for and endorsed by the National Alliance on Mental Health (NAMI), the National Association of State Mental Health Program Directors (NASMHPD) the American Psychiatric Association and the American Foundation for Suicide Prevention, as well as the International Association of Chiefs of Police (IACP) and the Police Treatment and Community Collaborative (PTACC), to name a few.<sup>47</sup>

- 81) Expand the number of Mobile Response Teams to support the implementation of Crisis Now. Mobile Response Teams that involve teams of mental health professionals that are trained to respond to community mental health crises alongside traditional first responders as an evidenced-based intervention model. Best-practice research revealed a higher level of efficacy for co-response teams in reducing the number of arrests and expanding access to mental health services for persons in crisis. Moreover, as a co-response model, Mobile Response Teams are considered a key component of the Crisis Now model. Co-response teams are endorsed and advocated by the Police Executive Research Forum, although the efficacy of street triage and the availability of mental health and law enforcement staff to respond to calls for services were noted in the research as key factors for consideration.<sup>48</sup> MCPD currently has two (2) Mobile Crisis Teams and will be adding 4 additional teams to serve the county.

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<sup>44</sup> 20201117\_6B.pdf (montgomerycountymd.gov)

<sup>45</sup> Bradford, Ben, Jonathan Jackson, and Elizabeth A. Stanko, "Contact and Confidence: Revisiting the Impact of Public Encounters With the Police," *Policing and Society: An International Journal of Research and Policy* 19(1) (2009): 20-46.

<sup>46</sup> National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit Executive Summary (samhsa.gov)

<sup>47</sup> Crisis Now | Transforming Crisis Services, IIMHL-DC-Crisis-Declaration-FINAL-1-4.pdf (crisisnow.com)

<sup>48</sup> <https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.53.10.1266> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6094921/>

- 82) Develop and implement a stabilization center ( Restoration Center) to support the implementation of Crisis Now. It was noted in the best-practice research and by the MCPD officials supporting the group that CIT requires the availability of psychiatric and behavioral health emergency services that have a no- refusal policy for persons brought to them by the police. Put in place the Restoration Center model as an evidence-based practice that aligns with the SAMHSA national guidelines for behavioral health crisis care, as a component of the no wrong door integrated ecosystem.<sup>49</sup>
- 83) Ensure that stabilization centers and crisis intervention facilities are staffed with peer workers . Peer support is noted among SAMHSA’s requirements as an integral requirement of the Crisis Now model. Peer support is an evidence-based practice in mental health, behavioral health and substance use recovery, and peer workers are considered a critical component of treatment teams. Evidence indicates that the presence of peer workers on treatment teams has the effect of reducing psychotic episodes, reducing hospitalization and re-hospitalization, enhancing the efficacy of outpatient services, and decreasing substance abuse and depression.<sup>50</sup> As such, to better ensure the efficacy of Crisis NOW in crisis intervention, implementation of a peer support service model is key
- 84) Implement the CAHOOTS Community Response Model as a non- law enforcement response option for a mental health crisis . Implement the Crisis Assistance Helping Out on the Streets (CAHOOTS) Community Response model for crisis intervention situations that do not require armed law enforcement response. The community response team model involves mental health professionals, social workers, and/or community members trained in crisis response and resolution to respond to mental health crises, involving law enforcement only as needed. The CAHOOTS program was noted as among the most widely implemented community response models. CAHOOTS originated in Eugene, Oregon (and has been implemented in San Francisco, Houston, and Manchester, New Hampshire) and utilizes response teams that do not include law enforcement officers and do not carry weapons. The research indicates that CAHOOTS teams deal with a wide range of mental health-related crises, including conflict resolution, welfare checks, substance abuse, and suicide threats, relying on trauma-informed de-escalation and harm reduction techniques.<sup>51</sup> Notably, while Crisis NOW calls for co-response, CAHOOTS is prioritized for utilization by the Crisis Now Call Center (in addition to co-response) in situations where an armed law enforcement response is not warranted. Acknowledging that the intervention mechanism must have the most qualified professional to handle mental health crisis, the notion of moving the response to certain calls for service to non-law-enforcement, community-based professionals was prioritized.
- 85) Provide Crisis Intervention Training to all recruits before graduation from the academy. Provide CIT training for all recruits before graduating from the academy as a part of a comprehensive transformation of the crisis response system that utilizes Crisis Now to coordinate law enforcement and community response to a crisis as warranted. Members examined peer-reviewed research on crisis intervention models including Crisis Intervention Training (“CIT”) for officers as an officer-only response strategy. The CIT model, which is currently utilized by MCPD involves sworn police officers with special mental health training providing crisis intervention services and acting as liaisons with the mental health system. CIT certified officers receive 40 hours of specialized training to become certified and currently approximately 60% of the MCPD are CIT certified. While CIT is endorsed by the National Alliance on Mental Illness (NAMI), research indicates a lack of evidence supporting reduced lethality as a result of CIT and notes the inadequacy of CIT alone to prepare officers to handle mental health crises. The peer-reviewed literature indicated little efficacy of CIT’s benefits

<sup>49</sup> Restoration Centers are known by a number of different names as a no wrong door facility for short-term stabilization. National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit Executive Summary (samhsa.gov)

<sup>50</sup> Value of Peers, 2017 (samhsa.gov)

<sup>51</sup> <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis>;  
<https://www.eugene-or.gov/4508/CAHOOTS> <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>;  
<https://www.registerguard.com/news/20191020/in-cahoots-how-unlikely-pairing-of-cops-and-hippies-became-national-model>;  
<https://whitebirdclinic.org/what-is-cahoots/>;

in objective measures of officer injury, citizen injury, or use of force and multiple studies have indicated issues with the efficacy of CIT, particularly when mental health services are limited. Key to the research findings are the limitations of CIT in absence of effective community services, additional CIT training can complement the addition of community-response options (CAHOOTS), community-based stabilization centers, and increased co-response through Mobil Response Teams as components of the coordinated response through the Crisis Now model.<sup>52</sup>

## Post- Crisis

86) Develop and implement a coordinated and integrated wraparound service. Maximize coordination, utilization and integration of existing resources to better ensure wraparound services in the continuum for a more holistic, wholesome, integrated model.

## Standards of Care

Group 5 developed standards of care as a set of overarching principles to ensure quality and equity in the continuum.

87) Adopt the Crisis Now standard of “Crisis care for EVERYONE, EVERYWHERE, EVERYTIME”<sup>53</sup>. The standards of care for the continuum include:

- Cultural and professional competency for all partners in the continuum
- Integrated, compassionate, person-centered and trauma-informed care
- Power of lived experience through peer staffing
- Respect for the human condition and human agency – choice and dignity afforded by all partners including law enforcement even in involuntary circumstances
- A global approach that addresses mental, social, emotional and somatic health
- No wrong door – all referrals including self-referral accepted without question
- Equitable access for non-English speaking citizens
- MCPD training that reflects community expectations

## V. Challenges

*What are some challenges (if any) to be considered by the County if implementing your group’s top recommendations?*

Group 5 noted the tendency for law enforcement, criminal justice, public health, mental health, social service and educational systems tend to operate in silos. Notably, while the Criminal Justice Coordinating Council Commission (CJCC) provides an effective tool for coordination and communications, the depth and breadth of services in Montgomery County that intersect with the Criminal Justice system may make the CJCC unwieldy. Recognizing the importance of having all systems partners actively participate in the CJCC emerged as both a key priority and a challenge for implementation.

<sup>52</sup><https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.53.10.1266>;  
<http://jaapl.org/content/early/2019/09/24/JAAPL.003863-19#xref-ref-22-1>  
<https://www.sciencedirect.com/science/article/abs/pii/S0160252716300929>;  
<https://journals.sagepub.com/doi/abs/10.1177/0887403414556289>  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/>  
<https://www.apa.org/about/offices/ogc/amicus/gray.pdf>

<sup>53</sup><https://crisisnow.com/>

As well, Group 5 acknowledged that a return on investment in publicly funded programs requires data collection and evaluation of outcomes. Montgomery County has a lot of mental and behavioral health and social service programs, but it was noted that the availability of evaluative data on outcomes, particularly data disaggregated by race, is limited. Building on Group 5's priority calling for collection and availability of disaggregated data, development and accessibility of performance evaluation data for county investments in mental and behavioral health, social service and crisis intervention programs was noted as both a critical need and a challenge for implementation.

As a challenge to reimagined public safety, eliminating racial bias will require more than racial- bias training and must be a priority for law enforcement, criminal justice administrators and mental health and social work professionals in the continuum. The group discussed the efficacy of bias training, noting that it is not enough to address bias 'like a bad habit that can be broken'.<sup>54</sup> This challenge is undergirded by research that suggests that officers assign higher risks in environments based on the percentage of people of color.<sup>55</sup>

## VI. Other Potential Recommendations

*What other potential recommendations did you consider?*

Group 5 developed a listing of small (near-term) and big (long-term) recommendations. Detailed below are the small and big recommendations considered by Group 5 that were not prioritized as key recommendations.

### Small (Near- term) Ideas

- *Stop Arrests for Possession of Marijuana.* The group considered as a prevention mechanism the Montgomery County law to not criminally prosecute marijuana charges for simple possession. It was noted that for many young boys and men and men of color, while they are not prosecuted, they are still being arrested, and the arrest rate for marijuana charges remains unchanged.
- *Use CAD System to Provide Situational Awareness.* Group 5 was advised of a pilot program that uses the MCPD's Computer Aided Dispatch (CAD) situational awareness note system to mitigate the potential for escalation in response to a mental health crisis. The program allows families to register for services and to proactively advise MCPD of the potential for a mental health crisis and to inform MCPD of potential triggers (similar to a proactive program for families of adult children with autism). Group 5 considered the system as a mechanism to provide law enforcement and other first responders with the situational awareness and information needed to respond appropriately to a mental health crisis.
- *Expand Pre-Release Services.* Group 5 discussed the Montgomery County pre-release program for persons returning from incarceration. The program provides services and support for persons within one year of release, to connect returning citizens prepare to access housing, healthcare, support groups including Alcoholic Anonymous and Narcotics Anonymous, mental health therapy, etc. upon release. The program serves 30 percent of Montgomery County's population of returning citizens. Acknowledging that more support leads to less recidivism, Group 5 considered a recommendation to expand services to all citizens returning from incarceration. As well, the group considered enhanced mental health services for incarcerated individuals and pro-active follow-up support for these individuals after release.

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<sup>54</sup> Effectiveness of Implicit Bias Trainings | Federal Judicial Center ([fjc.gov](http://fjc.gov))

<sup>55</sup> Effectiveness of Police Crisis Intervention Training Programs | Journal of the American Academy of Psychiatry and the Law ([jaapl.org](http://jaapl.org))

- *Provide Alternatives to 911/Improved Triage and Call Handling.* Develop an alternative to 911 and 311 for persons needing support in the event of mental health or behavioral health crisis. As well, this recommendation dovetailed with recommendations for improved triage at the Emergency Call Center through training and partnership with mental health and social work professionals. The Crisis Now high-tech call center emerged as the prioritized recommendation for handling calls for service for mental and behavioral health emergencies.
- *Expand Homeless Drop-in Center.* Expand the capacity of homeless drop-in centers and expanding street outreach to the County's homeless persons. However, it was noted that since the start of the Coronavirus crisis the Drop-in centers which are generally only open in the winter months are open year-round – a policy change that the Group was advised is expected to be maintained permanently.
- *Provide Access to Montgomery County Services.* A comprehensive outreach and education campaign can ensure citizen awareness of available programs and services. There are a significant number of programs in the continuum supported by Montgomery County and recommended Program eligibility was also noted as a barrier for some residents. Expand access to funded programs, and include an evaluation of eligibility criteria. This recommendation was deemed particularly appropriate to serving the County's large immigrant population. As such, an evaluation of what type of information is asked for (or not asked for) by intervention service providers was considered. Moreover, it was noted that the County should be proactive in educating first responders in assisting immigrant (or vulnerable populations) seeking mental health services or assistance. First responders should be equipped with cultural knowledge and should work in lockstep with Critical Intervention Teams when warranted.

### **Big (Long- term) Ideas**

Group 5 recognized that the long-term solution to public safety is much greater than mental health and social services programs and acknowledged the underlying issues of poverty and racial disparity that impact public safety and drive disproportionate outcomes in communities of color. As such, big ideas proposed by the Group include”

- *End poverty*
- *Decriminalize of drug use, particularly given the mental and emotional impact of Covid-19*
- *Provide better pay for social workers, and mental health professionals, based on the educational, certification, licenses and requirements*
- *End homelessness and addressing the systems and conditions that lead to homelessness including justice system involvement, education, and the child welfare system*
- *Include a mental health professional and a clinical social worker in lethal use-of- force investigations to support the officer involved and the community; and*
- *Re-engineer and smart design roadways to enhance safety for persons panhandling*

## REIMAGINING PUBLIC SAFETY TASK FORCE MEETINGS\*

### Summary Overview

8/31/20	Reimagining Public Safety Task Force Meeting
<p>Acting Chief Administrative Officer Richard Madaleno welcomed the community members of the Task Force and provided a brief overview and purpose of the Task Force, which is to develop recommendations that reimagine MCPD and public safety programs by January 18<sup>th</sup> in an effort to build a more equitable &amp; inclusive Montgomery County by promoting safe neighborhoods &amp; communities for all County residents. He charged the community members of the Task Force to: discuss institutional racism; opportunities to reform public safety programs; reimagine public safety response to community needs; provide input on independent audit, including racial bias; employ a community approach in reviewing information for the purpose of providing recommendations in January 2021. The Task Force was advised it is a public body, which is subject to the Maryland Open Meetings Act, and that any information shared, including communications shared in the chat, are available to the public. Before introducing the County Executive, he advised the community members that current meeting is being live streamed on Facebook and County Cable, and requested for users to utilize the chat feature if anyone has a comment and/or question. Marc Elrich, the County Executive, expressed gratitude for the large group of community members who possess a wide range of expertise, and stated intentions to be transparent with the expectations of the Task Force, and welcomed the Co-Chairs. An overview of the County Executive’s vision of building a more equitable and safer community for Montgomery County was shared. The internal workgroup of County personnel was comprised of five (5) subgroups, and conducted a lot of research to gather the information provided to the Task Force members:</p> <ol style="list-style-type: none"> <li>1) 911 and 311 data</li> <li>2) Budget</li> <li>3) Trainings/programs</li> <li>4) Other programs to help</li> <li>5) Best practices for Health and Social services and crisis response</li> </ol> <p>It was advised that the Task Force would have full autonomy to organize groups. Key next steps included emailing meeting material to meeting attendees, coordinating the next meeting with the co-chairs and notifying Task Force members. Task Force members were asked to think about “what you envision and what you want to do with this taskforce.”</p>	
9/24/20	Reimagining Public Safety Task Force Meeting
<p>The County Executive described a vision for the Reimagining project. Key goals include: Build a more equitable and inclusive Montgomery County by promoting safe neighborhoods and communities that are better for all County residents. Identify and address implicit bias and institutional racism in all aspects of the public safety system. Assemble a community task force to reimagine public safety in Montgomery County. Collect, research and analyze data and information. Review policies and procedures. Reimagine County response to community needs for health and social services where Police is filling the void. Initiate Police Department reorganization. And, rebalance County investments in keeping our communities safe.</p>	

\*Meeting agenda, video links, and minutes are publicly available online: <https://www.montgomerycountymd.gov/rps/taskforce/>

The Task Force members, co-chairs, and the County executive were introduced. The workgroup of representatives from the Community, Organizations, County Departments & Agencies, and Local Municipalities also were introduced. The group was convened with a key goal to develop a set of recommendations that reimagines the Montgomery County Police Department and all public safety programs by January 18, 2021. The County Workgroup developed a preliminary informational report for the Task Force after analyzing 911 calls, dispatch data and the police records management system to determine the types of calls Police responds to; 311 calls to determine community needs; and the Police Department budget and structure to determine how resources are allocated. It was noted this is baseline data-- an overview of operations, budgeting, policies, social services, NOT recommendations for change and reform.

Key next steps included: Organize next meeting for Reimagining Public Safety Task Force. Deliver report of information and data gathered by County staff to Task Force, and think about focus areas for Task Force. This group was organized into smaller focus areas, after a survey of the task force members identified areas they wanted to work on:

- 6% want to work on 911 and 311 calls
- 46% want to work on police programs
- 22% want to work on best practices for health, SS, and Crisis response
- 13% alternative programs
- 13% budget and structure

**10/28/20**

**Reimagining Public Safety Task Force Meeting**

After a welcome from the Co-Chair, the consultant was introduced to the focus group members. There was discussion of the available facilitation support from ELE4A. This included potential work to:

- 1) Develop annotated agendas for each meeting.
- 2) Document meeting decisions and develop meeting summaries.
- 3) Support co-chairs in meeting evaluations and modifying agendas.
- 4) Support drafting the final report.

The larger group went into breakout group in order to brainstorm and organize. Guided brainstorming issues to focus on included: Reviewing draft facilitation agenda, consideration of where Subject Matter Experts may be needed at task force meetings, and developing agenda and schedules for future meetings. Group members were advised not meet with an "us vs. them" mentality, to control combativeness, keep emotions in line, and aim to show how we can come together to propose solutions. Members were also instructed to use the Public Safety Taskforce email so that all conversations can be tracked. ELE4A reminded the task force:

- It is important to use the group email to track all conversations
- Must have clear objectives for groups, when plan to meet, questions you hope to answer
- This needs to be a community driven process, so everyone's voice needs to be captured
- Here to help each group to develop schedule, agenda, questions, but groups can also do their own thing, but want to know what the group's objectives are, who needs to be invited to meetings, information you plan to gather
- Want the focus groups to have agenda such that other groups can understand their goals
- A draft facilitation agenda which may or may not be followed has been made available to each group

In breakout groups, each group began to develop an approach to it's work and meetings schedule.

**11/9/20**

**Reimagining Public Safety Racial Equity & Justice Forum**

Due to the interest expressed by the Reimagining Public Safety Task Force (RPSTF) in recent days, the Task Force and County Executive scheduled a Racial Equity presentation and discussion for Monday, November 9, 2020 from 5:30 pm – 6:30 pm. This presentation was led by the County’s Chief Equity Officer, Tiffany Ward. Ms. Ward provided updates on the County efforts to advance racial equity since the enactment of Bill 27-19 establishing a County racial equity and social justice program. The special meeting was voluntary for Task Force members, and was recorded and available for those unable to attend.

**11/19/20**

**Reimagining Public Safety Task Force Meeting**

After a welcome update, each focus group reported on its work to date, and an update was provided related to the status of the community survey.

Group 1 reported on its first meeting, focused on sharing experiences with 311 or 911 to gather focus points as to what to strategize and turn focus to. Key issues raised included: the language barrier within 311 such as fluency or translation quality and quantity; domestic violence, mental health, training of call center staff, and how to reimagine. It was noted that

Focus Group 2 reported on the MCPD Budget & Structure’s first two meetings, spent reviewing the charge from the committee, the facilitation guide. The second meeting reviewed the findings of the county’s office of legislative oversight reporting on police activity in the County. The police budget is a complex document; it’s more than 3000 budget lines so, a line-by-line review is sort of impractical. The chairs thought it made more sense to also develop tools like the ones we’re creating and recommendations for how in the future the police budget can be presented or structured in such a way that it’s easier for community folks to understand.

Focus Group 4 spoke on alternative programs to police & jail, noting there are a lot of programs in the County that are intended as diversionary or alternatives or preventive.

The group decided to take a high level view of them, to see if there are any characteristics of some of the existing programs that the other programs might benefit from, and to try and identify ways to help weave disparate programs that are very specifically targeted into a more cohesive ecosystem. The group had met three times and would be trying to go over each of the programs or some of the major programs available to each of the intercepts.

Focus group 5: Health, Social Services, & Crisis Response System discussed its charge in researching and proposing best practices for the intersection of health, social services, and crisis response. The group had been meeting since October. The group would be mapping the kinds of existing services, then identify where there are gaps so there may be opportunities for improvement on what already exists, and opportunities for new models. Then the group would review best practices and promising practices. Then, make recommendations, categorized as big ideas and small ideas.

Dr. Walton: One of our recommendations will possibly be for... you know there’s a plethora of programs that exist that we say we have in our County, but...where’s the data and how is it working and then how is it working when it comes to black and Brown people? So, that maybe one of our recommendations that we have. There’s a whole host of services, but an area that we need to look at is gathering more data on these services and how they’re really functioning. So, that may be an enhancement that we recommend in six outcome areas.

**12/3/20**

**Reimagining Public Safety Community Forum**

This meeting was a special community forum, intended to focus on the community survey. It was noted that in addition to the monthly full Task Force meetings, the 5 focus groups have been meeting weekly, and plan to finalize their developed recommendations that reimagine public safety in the County by January 2021.

In addition to its efforts to convene the Task Force and its 5 focus groups, the County also conducted a survey made available electronically and in multiple languages in order to provide more residents with an opportunity to provide individual input to the work of the Task Force as we move forward with our Reimagining Initiative. The survey collected information from 6,500 respondents; the purpose of this Community Forum was to deliver some immediate preliminary summary information to the general public specifically connected to respondents' feedback and to inform the ongoing efforts of the 5 focus groups and the Task Force.

This Community Forum was another opportunity for Montgomery County residents to provide additional feedback to the CE and the Task Force. The primary agenda for the Community Forum tonight was dedicated to collecting the public's feedback and recommendations related to the ongoing work of the focus groups. The County Executive also provided brief welcoming and closing remarks.

The primary agenda included a brief presentation of preliminary summary information from respondents, followed by a Q & A open to the general public as an opportunity to collect additional information from the public related to the stated goals of the reimagining public safety initiative. The digital survey was also a targeted outreach given present public health concerns. The COVID pandemic has restricted normalcy and given time to reflect and recognize the reckoning that must happen against racism and inequalities seen in criminal justice, healthcare access, education systems, housing, economics, and public safety.

**12/17/20**

**Reimagining Public Safety Task Force Meeting**

The co-chair provided a quick overview of the meeting goal, which was to hear reports from each of the five groups on the development of their key recommendations proposed for the task force. He reminded the group that even though a given recommendation may come from one focus group, ultimately this is a full report from the full task force. He also explain the meeting was a platform to try to work through any concerns on emerging recommendations.

Group 1 aims to come up with solutions for language barriers and accessibility, 311 call quality, hold time and translation. Montgomery County is increasingly becoming more and more diverse. So, translation is one of the things to accommodate the growing languages in the county. The third key issue was community information, which includes cultural awareness and public information. Fourth was misinformation regarding non-police response to calls for service. For the fifth one, the group would come up with an alternative or effective alternative response for mental health and other social problems. The co-chair discussed potential recommendations for call quality improvements.

Group 2 noted the Montgomery County Police Department budget for fiscal year 2021 is greater than \$281,000,000, with more than 3,000 line items. Looking at a budget this massive is difficult even within a year. The group decided to evaluate the Montgomery County Police Department budget and structure using a racial equity lens, to create a standardized evidence-based approach to go through the budget. In order to do that, the group started by looking at the preliminary report that was put together by the County for this task force, policing data that's been produced by the Office of Legislative Oversight as well as the Montgomery County Police Department. In this review, the chairs found that traffic enforcement, use of force, and arrests showed disparate outcomes for people in Montgomery County based on race and ethnicity. Additionally, the subgroup found interest in looking at the school resource officer program.

In Montgomery County, 18% of residents are African American however, these reports found that although only 18% of residents are African American, they accounted for 32% of traffic stops, 44% of arrests, and astoundingly 55% of use of force cases. Those figures are really disturbing and definitely indicate that there are outcomes for this particular racial group that do not demonstrate racial equity. Other breakdowns for Latin residents, Asian residents, white residents, also see that this does not just hold true for African American residents. Even certain breakdowns show where white residents have much better outcomes than other groups or categories where Asian residents have much better outcomes than certain groups, but fairly consistently, African American and Latin X residents are not getting favorable outcomes in terms of racial equity in policing.

So, to create a standardized approach the group applied a tool called the Racial Equity Impact Assessment and tool kit from Race Forward.

Group 3's key themes included: stronger sense of accountability, community policing, transparency, and eliminating racial inequities. Recruitment goals were to focus on being more community based, more diverse, fair, and equitable. Another goal was being transparent in recruitment with respect to making sure that there isn't anything questionable with how patrol members or police officers are being recruited. The next area, training, had focus on keeping culturally competent. The group met with the director of training for an in-depth overview training and what goals, aligning with a stance that more racially equitable trainings should be incorporated and an embrace of more sense of continued accountability with respect to the efficacy of trainings. Trainings should align with procedural justice tenants: being fair in processes, transparent in actions, providing opportunity for voice, and impartial in decision-making. Preliminary recommendations included the concept of Guardian versus warrior, eliminating the school resource officer program, and better reporting to enhance accountability.

Group 4, Alternatives to Policing, Prosecution and Incarcerate, decided to add prosecution as another critical piece of this puzzle. The group set out to look at a support and serve model instead that addresses the person in the environment instead of just punishing behaviors and containing perceived problems, trying to avoid the prison part of that system. The group had a range of recommendations, but they generally focus on a few key things like, shifting the paradigm to a minimum necessary intervention. Policing shouldn't be the default; it should be one of the options and it should be an option that requires justification. The group wants to instead focus on integrative responses to people in crisis, which also requires reviewing laws. With the programming across all of the intercepts, a lot of the programs are great, but they're not consistently evaluated, don't all have wraparounds, don't connect to each other and they don't all have very clear robust data. So, in very broad strokes the group would look to see what was doing well, what exists, what's missing, and what the County could possibly do away with, as well as a program evaluation scorecard.

Group 5, Health, Social Services & Crisis Systems, used an approach described as a continuum of care, looking at prevention, intervention, and post crisis services. The continuum is undergirded by what the group referred to as an ecosystem. Key recommendations in the intervention bucket: the Crisis Now model and CAHOOTS coming together on the intervention piece; peer support, and the restoration center for stabilization. For Prevention, a recommendation is replacing school resource officers with counselors, focusing more on community policing, and better crisis intervention training. Then group will then move to intervention and then Post Crisis.

1/7/21

Reimagining Public Safety Task Force Meeting

This meeting specifically focused on hearing more on the topic of School Resource Officers (SROs) and automated traffic enforcement.

## SRO Program

One concern has been the specific evidence around officers in schools and the school to prison pipeline. Group 5 recommends counselors instead of officers; school is really an MCPS issue and it's not one for the MCPD. Out of 460 students arrested over the past three years, about half of them have been black children and about 33% have been Hispanic. It's also important to note that the biggest reason why police have been called to schools has been for disruptive behavior. Disruptive behavior a lot of times has something that's going on below it. Group 4 talked about the SRO program extensively because it kept coming up in different intercepts. Echoing the statistics: 97% or 98% of the time, if there is an arrest, it's an administrator-initiated action.

What is often not discussed about the SRO's is that these are officers that not only volunteered to serve in the schools but go through extensive additional training to do so. They are embedded into the schools. They do a lot of the training that the other faculty that are dealing with the students would do and they do not answer directly to the administrators. So, a lot of the feedback gotten from students that are most likely to be in those places, the ones that are at risk from gang involvement, violence in their home or neighborhood environments, those that often have difficult troubles that are outside the scope of what school counselors can deal with, they may turn to these officers for help instead. The officers themselves have been engaged, as Group 4 is looking at some of our alternative programs: The Youth Opportunity Centers, the Safe Spaces Program, the Street Outreach Network, the High School Wellness Centers; very often it is the school resource officer that serves as one of the primary recommenders to students for these programs. They are often doing the referrals or the nudge as it were to seek out those types of help to deal with some of those other problems. So, the group ran into this awkward tension because it seems as though the officers are present and their presence can be weaponized, but at the same time they're filling a role that is otherwise left to chance and circumstance.

Group 3 also discussed whether eliminating the SRO program would be a priority area. Basically the recommendation should be to eliminate the current program, which means terminate the memorandum of the understanding between MCPS and the MCPD and pull all current SROs out of MCP schools and the MCPD should be prohibited from deploying sworn law enforcement officers to work in MPCS school buildings or on MCPS property beyond any presence required to provide adequate coverage under the 2018 Safe to Learn Act. This prohibition would not prohibit and MCPD from responding to calls for service on MCPS property. At the same time, the group believes the County should increase financial support in the budget for non-law enforcement approaches to MCPS students' health, wellbeing, and discipline including but not limited to restorative justice programs, social workers, nurses, mental health providers, and after school programs.

Restorative justice as a model of discipline is an evidence-based model that's been implemented throughout the country and throughout the world and is actually being piloted for studies and has been already implemented in a number of schools. So, that's certainly one alternate program. There's just copious amount of evidence just about how you treat trauma in youth and provide mental health support to youth that doesn't involve police officers. There is nothing inherent in being a police officer that allows a person to form a certain relationship with students. The harms of having the officer there outweighs the benefits and we know for sure that students benefit from mental health treatment and restorative justice and counselors and more teachers. In addition, the reality of Montgomery County schools is that quite a lot of our middle and high schools and elementary schools don't have even a full counselor allocation at this time in their budgets. Many of our elementary, middle, and high schools have a .5 allocation, half of a counselor for the entire school and the Montgomery County schools estimates that it would take 4.5 million dollars to fund just one full counselor for all elementary, middle, and high schools.

### Traffic Enforcement

In looking at the OLO Reports, for instance, in Montgomery County black males actually are the most likely group to be stopped because of traffic stops at a percentage of 38%. Generally, in Montgomery County black people make up 20% of the population; but they account for 27% of the traffic stops. So, that is disproportionate. If we look at Native Americans, they account for less than 1% of the population in Montgomery County, yet they account for 11.6 percent of traffic stops. Looking at the white population of Montgomery County, which is 60%, they account for 14% of traffic stops. The Asian population in Montgomery County that accounts for 15% of the population, is also 7% of traffic stops.

When looking at the number of violations per traffic stop by race and ethnicity, the groups found inequitable outcomes that are driven by race and ethnicity. Recommendations at this time are to move to fully automated traffic enforcement through the expansion of speed and intersection camera programs and reduce sworn officer full time equivalents across the County in proportion to the current time spent by those full-time officers in traffic enforcement. This also depends if they are non-incarcerable traffic tickets, which is the vast majority.

## REIMAGINING PUBLIC SAFETY EMERGING THEMES

From the Reimagining Public Safety Task Force focus group meetings and its public meetings, some key themes began to emerge across focus areas that provide additional frameworks when considering the efforts of the task force and its recommendations on reimagining public safety, such as:

- **CULTURE CHANGE:** "Warrior" to "Guardian"
- **CULTURAL COMPETENCY:** both Law Enforcement and non-Law Enforcement partners
- **NON- EMERGENCY OPTIONS:** non-911 options /# for counseling support and intervention/alternative to (not replacement for) public safety response; Community-based response to crisis as an alternative (i.e., CAHOOTS)
- **ACCOUNTABILITY/INNOVATION:** Effective triage training for Emergency Call Center personnel
- **COMMUNITY OUTREACH:** Community education and information on availability of support and alternative to 911 calls
- **TRANSPARENCY:** Data informed decision-making; availability of and access to data disaggregated by race
- **COLLABORATION:** Ecosystem building for effective, efficient wraparound services (i.e. non-linear needs)

## REIMAGINING PUBLIC SAFETY COMMUNITY SURVEY

A preliminary summary of some of the information related to the Task Force focus areas collected from the community survey respondents was shared during a community forum on December 3, 2020. The Community Survey was launched in conjunction with the Reimagining Public Safety Task Force initiative; the electronic survey was made available to the public, and was translated into several languages. Within the survey, respondents were also able to provide feedback related to the Task Force's goals. The community forum presentation focused on collecting more information related to these focus group areas, and feedback that may be considered by the Task Force while presenting summary survey findings. For most of the services and issues identified in the survey prompts, respondents noted some role for the MCPD. However, a significant finding was that 72% of respondents favor shifting responses to certain crimes and behavior from MCPD to other agencies and or in partnership with other agencies, rather than MCPD being solely responsible.

The Task Force focus areas align with many of these topics and its focus groups are considering the range of ways to work on these services and issues while considering what role the police department and other providers in Montgomery County should play.

- *Over 6500 respondents participated and shared feedback.*

A summary of the demographic data provided by respondents shows a broad range of survey participation, including in stated gender, age, and race; approximately 17% did not report race and ethnicity.

- *The survey prompted respondents to consider a range of county services and issues, such as addiction, DUIs, and overdoses, as well as other public safety and law enforcement related topics.*

Respondents were able to rank these topics according to whether they believed the MCPD should have a lead, partnering, back up or no role in each of the noted County services or issues.

- *Overall, respondents felt the MCPD should only have a lead role in specific areas, primarily in responding to violent or other serious crimes.*

These include homicide, violent crime, and weapons violations, among other topics.

- *For a number of crime types, respondents felt that MCPD should have either no role or only a supporting role.*

To respond to mental health crises, only 15% of respondents thought that MCPD should have a lead role, while 84% supported either a partnering role (39%), a backup role (24%), or no role at all (21%). Similar proportions were seen in responding to homelessness and addiction, with only 9% of respondents supporting a lead role for MCPD. The 91% of respondents who supported a lesser role for MCPD broke down as supporting a partnering role (28%), a backup role (32%), or no role at all (31%). For certain other areas of community problems a majority of respondents also supported either no role or a backup role for police.

In regard to partnerships with agencies, respondents identified a range of potential collaborators, including Community Outreach programs and National Night Out

- *In a number of crime areas, respondents felt that MCPD should have no role or only a supporting role.*

When considering topics where the MCPD should work in partnership with other service providers, Community Outreach and National Night received a high rate of selection from respondents. Other topics, including mental health response had more mixed responses. For example, 15% of respondents felt the MCPD should have a lead role in mental health response, while another 39% noted a partnering role, 24% said MCPD as a back up, and 21% felt the MCPD should not be included in mental health response.

Considering the role of the MCPD in areas also was varied, such as homelessness and addiction, for example. When looking at the role of the MCPD, for homelessness, 9% of respondents noted the Department should have a lead role in homelessness; 28% said a partnering role, while 32% as back up and 31% felt the MCPD should have no role in homelessness. Further, in several areas, a majority of respondents said that police should either have no role or only a back up role.

The survey asked respondents whether they would choose to move the police department's funding to other services, and which community services/County programs should get more funding, if moving any police funds. When ranking alternative services or programs to fund, priorities noted by respondents were divided across health and human services, education, housing, fire & rescue, transportation, and corrections/courts and rehabilitation. More than 7 in 10 (72%) respondents supported reallocating funding from the police department to other services within the County.

## NEXT STEPS

The work of the Reimagining Public Safety Task Force is a critical step in a series of coordinated efforts between government and communities to rethink and reshape how the County can deliver services in a more equitable manner. County Executive Elrich and his administration are appreciative of the work of this Task Force and their dedication to providing recommendations for reimagining policing and public safety in the County. Although the working period of the Task Force has ended, County Executive Elrich and his administration will continue to seek guidance and input from the Task Force members and the greater community.

With receipt of this report, it is now time for the Elrich administration to translate this roadmap into actionable steps. The administration will: thoroughly evaluate and prioritize each recommendation, discuss programmatic details, establish an implementation plan, and obtain community input. The Elrich administration will also collaborate with partners at the local, state, and federal levels to address the overdue changes required to address systemic issues in policing and public safety.

We look forward to continuing our work and keeping the community informed of actions taken to ensure that Montgomery County addresses racial injustices while creating a safer community and one that is healthier for everyone who lives, plays and does business in the County.

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IMPACT Silver Spring

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Montgomery County State's Attorney Office

Montgomery County Volunteer Fire-Rescue Association

National Association of the Advancement of Color People, Montgomery County Chapter

Sheppard, Mullin, Richter & Hampton, LLP

Silver Spring Justice Coalition

United Food and Commercial Workers International Local 1994 MCGEO

## APPENDIX A: TASK FORCE PROCESS

### Roles of the Task Force Members

- Meet as needed to discuss and assess the institutional racism that is being manifested in public safety and the opportunities for reforming systems that serve communities.
- Advise the County Executive on public safety needs and challenges.
  - Community representatives will lead and finalize the recommendations.
  - County departments and agencies' representatives will share information on public safety strategies and serve in an advisory capacity to this Reimagining Public Safety Task Force.

### Roles of the Consultant

The County has contracted with Effective Law Enforcement for All, Inc. (ELE4A) to support the Reimagining Public Safety initiative, including the work of the Task Force. The Consultant will support the Task Force in the areas of:

- Organization and engagement
- Review, assessment, and analysis
- Reporting support
- Delivery of public report of recommendations

### Roles of County Staff

- Maintain membership list
- Maintain meeting attendance records and minutes
- Reserve meeting space/forum
- Transmit meeting materials to members
- Provide orientation
- Update initiative's webpage

### Meeting Timeline and Frequency

This group will meet throughout the short-term and the anticipated duration is 4 months. Towards the end of that timeframe, an assessment will be made by the County Executive, in consultation with the County Council, on whether this group should remain active for an extended period.

### Reimagining Public Safety Task Force Time Commitment

It is anticipated that members of the Reimagine Public Safety Task Force will commit about 1-3 hours per week to this group. This time will consist of meeting time, any contributions made to a group deliverable, and any special engagements that may arise.

### Focus Group Meeting Time

Each group meeting should be no longer than an hour and a half. These meetings will be conducted virtually through conference call software (ex. Teams or Zoom).

## **Reimagining Public Safety Task Force Deliverable**

It is anticipated that the Reimagining Public Safety Task Force will deliver a final report with actionable recommendations for the County Executive and County Council by January 22, 2021.

### **Focus Groups Meeting Facilitation**

The co-chairs of the focus groups and members selected a schedule of meetings (See Appendix) and applied the draft facilitation guides to their approaches as they saw fit. Groups met weekly throughout the project for durations of 1-2 hours per meeting.

For the facilitation of meetings, each group employed a tailored approach to developing its agenda, sharing meeting minutes, guiding discussions and developing next steps in the process. The Reimagining Public Safety Co-Chairs encouraged the chairs and members to lead conversations to develop recommendations that are small and large in scale, including efforts to think of solutions that can be done next year and over the course of multiple years- to the extent that is appropriate for the goals of the focus group.

### **Focus Group Draft Recommendations**

In addition to the facilitation guides and meeting schedules, a final review calendar was also circulated in anticipation of the need to review focus group recommendations and the draft report within the timeline outlined at the project's onset.

The Reimagining Public Safety Co-Chairs informed the members of the recommendation drafting and review process, and provided a template to guide the composition of the focus groups' recommendations and process to share in the final report. The template included a standard reporting approach to provide greater consistency in the focus groups' presentation of their findings.

The "6-Point Template" for drafting recommendations included:

- Opening — Vision Statement
- Issues — What are some of the key County issues you are seeking to address with your group's recommendations?
- Approach — When developing your group's recommendations, what approach (es) did you consider and utilize to develop these recommendations?
- Key Recommendations — What are your group's top recommendations? What are the potential benefits to the County if implementing them?
- Challenges — What are some challenges (if any) to be considered by the County if implementing your group's top recommendations?
- Other Potential Recommendations — What other potential recommendations did you consider?

The scheduling and the process for finalizing the report to the County Executive was provided along with a final review calendar to highlight the timeline for completing the work of the task force. The delivery of the final report with recommendations was extended to January 22, 2021. All members were encouraged to meet deadlines on the calendar relevant for their focus groups.

The final focus group meetings were identified as the best utilization of the time allotted for finalizing the Reimagining Public Safety recommendations from each focus group. All members were provided a draft copy of the final report for review.

## APPENDIX B: FACILITATION GUIDES

### Group 1 Community Needs - 911 and 311 Data

<u>Charge</u>	Review call data to determine community needs and to provide guidance for the audit Reference: Workgroup Report, pages 3 - 13
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> <li>I. Develop listing of expected outcomes of the independent audit. (Define what the task force should know at the end of the audit process.)</li> <li>II. Identify areas of community need (based on call data) that can be managed through non-law enforcement response or a joint law enforcement/civilian service response.</li> <li>III. Prioritize opportunities for non-law enforcement and/or joint responses based on call data.</li> <li>IV. Define the alternative to the law enforcement response (i.e., utilize mental health, social work, parking or code enforcement, etc.)</li> <li>V. Identify opportunities for improvement for areas where the law enforcement response is required.</li> </ol>
<u>Outcomes</u>	Recommendations for maximizing public safety through non-law enforcement strategies and improved accountability by law enforcement professionals.
<u>Draft Discussion Schedule</u>	<ol style="list-style-type: none"> <li>1. Review 911 and 311 call data. Identify any additional data needs if warranted.</li> <li>2. Develop listing of audit outcomes.</li> <li>3. Based on call data, develop preliminary recommendations for calls that can be handled by non-law enforcement personnel. Engage Subject Matter Experts (SMEs) from ELE4A regarding the efficacy of recommendations developed in meeting 3. Refine recommendations if warranted and prioritize.</li> <li>4. Develop recommendations for alternative to non-law enforcement action (i.e., who should handle, what training may be needed, etc.) For areas where law-enforcement actions needed, develop recommendations for equitable policing. ELE4A SMEs to be available to assist.</li> <li>5. Finalize and approve group recommendations.</li> </ol>

## Group 2 Budget & Structure

### Charge

Review MCPD budget and structure.  
Reference: Workgroup Report, pages 14 - 26

### Expected Activities and Outputs

- I. Develop a community-based budgeting for policing equity analysis process -- review each budget line item and analyze the proposed funding around the following key questions:
  - a. To what extent does the line item fund an activity that has the potential to protect all citizens?
  - b. Does the line item provide funding for a department, purchase or activity that exacerbates inequitable policing? If yes, what if should be done to better ensure an equitable outcome?
  - c. To what extent does the line item have the potential to provide policing equity?
  - d. Does the budget have funding for intentional investments in racial equitable policing? Are there departments, activities or acquisitions proposed for funding that should be reduced or eliminated? If so, where should the resources be redirected?
- II. Develop recommendations for budget structuring that uses data to hold MCPD accountable for equitable policing outcomes.
  - a. How should the budget be organized to support accountability?
  - b. What data and information is needed to ensure that funded departments, districts, activities, etc. do not exacerbate racial inequity?

### Outcomes

A piloted community-based budgeting for equitable policing evaluation framework that can be replicated in successive budgeting cycles.

### Discussion Schedule

1. Review MCPD budget and budget details. Overview of Budgeting For Equity Best Practice Case studies presented. Review budgeting for policing equity questions (detailed above) and amend as warranted based on input from the group.
2. Discuss each budget line item and analyze based on budgeting for equity questions.
3. Review budget for intentionality around racial equity and develop recommendations regarding areas where resources should be added or redirected if warranted.
4. Review the budget structure and develop recommendations for data and information that should be presented with the budget that better ensures accountability (i.e., what is the difference in funding for majority/minority neighborhoods, etc.)
5. Finalize and approve group recommendations.

### Group 3 Police Department Programs

<u>Charge</u>	Review local programs as well as programs implemented elsewhere, starting with training and de-escalation. Reference: Workgroup Report, pages 27 - 41
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> <li>I. Review best practices including 21<sup>st</sup> Century Policing, PERF and other national best practices and develop a set of overarching standards for MCPD programs (i.e., procedural justice, cultural competence, etc.) and practices (annual training on racial profiling, accountability measures, mandatory hours of community engagement, etc.) that guide the work of the task force.</li> <li>II. Review each MCPD program and evaluate compliance with the task force standards.</li> <li>III. Develop recommendations to enhance the efficacy of each of current MCPD programs (from a standpoint of policing equity) so that each aligns with the standards. Recommendations should address incorporation of policing equity, as well as areas where training can be deployed to non-law enforcement personnel.</li> <li>IV. Identify gaps in training and develop recommendations of programs to close the gaps.</li> </ol>
<u>Outcomes</u>	A set of standards for policing equity for MCPD training and investigation policies and practices.
<u>Discussion Schedule</u>	<ol style="list-style-type: none"> <li>1. High-level overview of 21<sup>st</sup> Century Policing, PERF and other National models. Review finding of OFFICE OF LEGISLATIVE OVERSIGHT and other reports findings relative to MCPD.</li> <li>2. Based on best practice research, develop a set of standards and practices to guide MCPD Programs. (These practices may involve transferring some responsibilities to non-law enforcement agencies or personnel.)</li> <li>3. Review current training programs and assess the adherence of each to the standards developed in meeting 3 and recommend additional training if warranted. SME from ELE4A available to assist.</li> <li>4. Review investigative procedures and practices and assess the adherence of each to the standards developed in meeting 3 and recommend changes or additions if warranted. SME from ELE4A available to assist.</li> <li>5. Review training and accountability procedures and practices of other programs including SRO and CIT and assess the adherence of each to the standards developed in meeting 3 and recommend changes or additions if warranted. SME from ELE4A available to assist.</li> <li>6. Finalize and approve group recommendations.</li> </ol>

## Group 4 Alternative Programs to Police & Jail

<u>Charge</u>	Identify county departments, nonprofits and other agencies to propose alternative procedures, programs and policies to be considered Reference: Workgroup Report, pages 42 - 58
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> <li>I. Review data on diversion outcomes (disaggregated by race) for citations and arrests. Based on the data, develop key assumptions that indicate if a policy/program or decision-making authority for diversion is applied equitably.</li> <li>II. Examine each opportunity for diversion and develop continuum of criminal justice equity and touch points where the cradle to prison pipeline can be disrupted. (Opportunities must be framed in a policing equity lens.)</li> <li>III. Review data on current diversion programs or policies and make recommendations to better ensure the efficacy of each.</li> <li>IV. Map currently available programs to each touch point and identify gaps where an opportunity for diversion exists but where no service provider or policy is available to meet a specific need (i.e., immigrant services) and to support equitable outcomes for citizens of color. (Separate maps may be needed for youth and adults.)</li> <li>V. Develop prioritized recommendations for closing the gaps in the ecosystem of diversion and alternative programming including policy and accountability to equity standards.</li> </ol>
<u>Outcomes</u>	
<u>Meeting Schedule</u>	<p>Ecosystem Map of all points (intercepts) for diversion or alternative programming, available organizations to support citizens at each intercept, and gaps in the ecosystem that must be addressed.</p> <ol style="list-style-type: none"> <li>1. Review available data of diversion outcomes disaggregated by race, including outcomes and impacts of pre- and post COVID policies.</li> <li>2. Review best practices for diversion and alternative programs.</li> <li>3. Utilize the Sequential Intercept Model to map the ecosystem of services and providers for intercept points 0 – 2, identifying gaps and making recommendations where additional services and interventions are needed. Review CIT and proposed Restoration Center for intercept SME for ELE4A available to assist with discussion of intercept 1.</li> <li>4. Utilize the Sequential Intercept Model to map the ecosystem of services and providers for intercept points 3 – 5.</li> <li>5. Prioritize gaps identified in the mapping process to be addressed in the near-term.</li> <li>6. Finalize and approve group recommendations</li> </ol>

## Group 5 Health, Social Services & Crisis Response System

<u>Charge</u>	Research and propose best practices for the intersection of health, social services and crisis response. Reference: Workgroup Report, pages 59 - 70
<u>Expected Activities and Outputs</u>	<ol style="list-style-type: none"> <li>I. Develop a community needs assessment for crisis prevention and intervention, and post-crisis stability services specifying how each intersects with law-enforcement activity (i.e., homelessness, domestic violence, substance abuse, etc.)</li> <li>II. Examine current services that address these needs and identify gaps (which may include the need for new programs or increased capacity for existing programs).</li> <li>III. Examine best practices and identify opportunities for new programs or enhancement to current programs.</li> <li>IV. Develop recommendations for a continuum of care to address the intersection of behavioral health, social service needs and policing equity. Include providers and partners in the continuum.</li> <li>V. Develop recommendations for coordination of services in the continuum (i.e., central and interactive case management systems).</li> </ol>
<u>Outcomes</u>	Continuum of Care for prevention, intervention and post-crisis support that maps available resources and recommends new programs and/or enhancements to existing programs to close the service gaps in the continuum.
<u>Meeting Schedule</u>	<ol style="list-style-type: none"> <li>1. Review data and information on programming and services for crisis prevention, intervention and post-crisis stability.</li> <li>2. Develop a continuum of care (i.e., prevention, intervention and post-crisis stability) that identifies the health, welfare and social services needs for adults and youth in Montgomery County. Identify points where these services intersect with law-enforcement.</li> <li>3. Map existing services to the continuum of care and identify any gaps in services that are not addressed.</li> <li>4. Review best and promising practices and identify opportunities to enhance existing or create new services. Based on best practices, develop recommendations for coordination of services in the continuum.</li> <li>5. Finalize and approve group recommendations.</li> </ol>

## APPENDIX C: REIMAGINING PUBLIC SAFETY TASK FORCE MEETING SCHEDULE

AUGUST		
Date	Time	Event
8/31/21	6:30pm	Reimagining Public Safety Task Force Meeting
SEPTEMBER		
Date	Time	Event
9/24/21	6pm	Reimagining Public Safety Task Force Meeting
OCTOBER		
Date	Time	Event
10/26/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
10/27/20	6pm	RPSTF - Focus Group 3: Police Department Programs
10/28/20	6pm	RPSTF Meeting: Full Task Force
NOVEMBER		
Date	Time	Event
11/2/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/4/20	6pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/5/20	6pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/9/20	5:30pm	RPSTF Special Meeting: Racial Equity Presentation & Discussion
11/11/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/12/20	6pm	RPSTF - Focus Group 3: Police Department Programs
11/12/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/16/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
11/16/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/17/20	5pm	RPS Focus Groups Co-Chairs Check-in
11/18/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
11/18/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/19/20	6pm	RPSTF Meeting: Full Task Force
11/23/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
11/24/20	6pm	RPSTF - Focus Group 3: Police Department Programs
11/25/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
11/30/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
11/30/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System

<b>DECEMBER</b>		
<b>Date</b>	<b>Time</b>	<b>Event</b>
12/1/20	5:30pm	RPSTF Focus Groups Co-Chairs Midpoint Check-in
12/2/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
12/2/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/3/20	6pm	Reimagining Public Safety Community Forum
12/7/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/7/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/8/20	6pm	RPSTF - Focus Group 3: Police Department Programs
12/9/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/14/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/14/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/16/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/16/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/17/20	6pm	RPSTF Meeting: Full Task Force
12/21/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data (Meeting Canceled per Dr. Burns) AG
12/21/20	6pm	RPSTF - Focus Group 5: Health, Social Services & Crisis Response System
12/22/20	6pm	RPSTF - Focus Group 3: Police Department Programs - canceled 12/17
12/23/20	7pm	RPSTF - Focus Group 4: Alternative Programs to Police & Jail
12/28/20	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
12/28/20	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
12/29/20	6pm	RPSTF - Focus Area 3: Police Department Programs canceled 12/28/20
<b>January</b>		
<b>Date</b>	<b>Time</b>	<b>Event</b>
1/4/21	6pm	RPSTF - Focus Group 1: 911 and 311 Call Data
1/5/21	6pm	RPSTF - Focus Group 3: Police Department Programs
1/6/21	7pm	RPSTF - Focus Group 2: MCPD Budget & Structure
1/7/21	6pm	RPSTF Meeting: Full Task Force
1/13/21	6pm	RPSTF - Focus Group 3: Police Department Programs

## APPENDIX D: REIMAGINING PUBLIC SAFETY TASK FORCE RECOMMENDATIONS

1	Expand the number and range of calls to 911/311 that are directed to non-law enforcement agencies in the county, including those that address societal issues of homelessness, mental health, and domestic violence.
2	Train Emergency Call Center /311 operators to be capable of determining the most appropriate use of county resources in responding to calls for service.
3	Create a cultural competency training for all EMERGENCY CALL CENTER/311 call takers and require periodic refresher training to ensure efficient language access for non-English callers.
4	Ensure language access to non-English callers.
5	Create randomized survey to send to callers from the top 5 non-English languages (spoken/received) to ensure the accuracy of third party's translations/call experience.
6	Explore how other jurisdictions handle frivolous and racially biased 911 calls that the county may emulate. Further, alert state delegates to push for legislative changes in this area at the state level.
7	Conduct an independent racial bias audit to 911 calls annually or bi-annually and a community survey requesting residents opinion regarding the effectiveness of Emergency Call Center/311 calls.
8	Move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion.
9	Necessary funds from these sworn officer FTE reductions should be transferred to HHS and MCDOT (or could be applied to other social services).
10	The County Executive should work with state legislators and the County Council to support state bill MC 4-21, which would allow the transfer of oversight for automated traffic enforcement.
11	Review MCPD's current training programs for any connection to outside agencies that also train military personnel. These contracts should be eliminated altogether or shifted to third parties that do not engage in any military training or promote "warrior" behavior.
12	Reduce sworn officer FTEs in police Districts 3 and 4 by 50% to reduce patrol officer contact with residents in these districts.
13	Develop a regular practice of independent audits of use of force in police districts, with expected force reductions for districts where use of force cases are increasing despite training or other interventions.
14	Improve and increase once every three years anti-bias training to an annual training.
15	Shift mental illness-related response fully (or more generally) out of MCPD jurisdiction to a separate department within Health and Human Services.
16	Work with the County Council to improve MCPD data transparency on arrest patterns with a focus on racial equity.
17	Direct MCPD to treat all offenses in the "Crimes Against Society" segment, except for weapons violations, as the lowest department priority.
18	Eliminate SID Drug Enforcement and SID Vice Intelligence, with a proportionate reduction in sworn officer FTEs.
19	Eliminate SRO programs and corresponding budget lines, including equivalent FTEs.
20	Conduct anonymous surveys, and develop a third-party reporting system for misconduct and ensure strong whistleblower protections.
21	Ensure that policing by consent, community policing, the "guardian" culture, and accountability are institutionalized as defining characteristics of the department.
22	Promote a culture of greater accountability by improving transparency through annual public hearings, annual reports on incidents and discipline, and inclusion of the Internal Affairs Division and the Office of the Inspector General in reporting processes.
23	Expand and enhance requirements for mental health screenings and employment background checks.
24	Increase recruitment efforts at local and regional Historically Black Colleges and Universities (HBCUs).

25	Establish specific goals for hiring, promotion, and advancement in support of a guardian culture and community policing toward a long-term goal of reaching 100% county residency within the force, prioritizing sworn officers.
26	Revise policies and review training personnel service records to ensure no officer with a record of multiple complaints, infractions, or other problems serve in a training position.
27	Require Crisis Intervention Training (CIT) for all new recruits and all officers on the force. CIT training should be expected for all sworn officers prior to graduation from the Academy.
28	Encourage and incentivize higher education for law enforcement officers throughout their careers. MCPD should provide assistance to new recruits to pursue higher education.
29	Ensure that all new recruits receive Electronic Control Weapons (ECW) and ensure that all are qualified and equipped for ECW use. Less lethal weapons training should include requiring training and certification in Electronic Control Weapons (ECWs) prior to graduation from the Academy and that all sworn officers are ECW certified and equipped.
30	Evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Evaluate the current policy regarding how officers exercise their discretion to issue a citation vs. make an arrest for citable offenses and determine what directives or guidelines can be issued to require citation rather than arrest for offenses punishable by incarceration lasting 6 months or less.
31	Add a requirement in MCPD policy and practice that officers advise citizens of their right to refuse a search. Require officers that do not have a legal warrant or legal probable cause to advise citizens of their right to refuse a search.
32	Require incident reports every time officers draw their weapons, whether or not they fire.
33	Eliminate pre-textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. MCPD can conduct a pilot program to test the efficacy of eliminating pre-textual stops for most minor offenses, not just repair orders, as a means to reduce the disparate negative impacts of law enforcement in communities of color.
34	Consider whether the MCPD should continue to act as the agent for private properties in enforcing trespass law.
35	Support Montgomery County Council Bill 46-20 to eliminate the School Resource Officer Program.
36	Amend FC 131 Use of Force Policy to strictly limit the use of police canines and require mandatory reports on canine use as lethal force. Amend the FC 131 Use of Force Policy to strictly limit the use of police canines to stop or subdue a suspect only in those situations that would warrant the use of deadly or lethal force.
37	Conduct a risk assessment of police activities to determine when it is necessary for officers to carry a gun. Conduct a risk assessment audit of policing activities to determine the need for and effectiveness of having all officers carry firearms at all times.
38	Utilize Data Collection Best Practices as recommended in the OLO report including all data on police/civilian interaction.
39	Establish a county organization with meaningful review and oversight responsibilities. The entity should be endowed with formal responsibility for ecosystem integrity, as a full-time County function.
40	Implement a systematic process for universal screening and an imperative to do the least harm. The County should require and develop uniform, universal screening at every intercept: not just for mental disorders, but also areas of insecurity (e.g.: food, shelter); adverse childhood experiences (ACE) and traumatic history; other forms of deprivation or criminogenic factors.
41	Ensure that evidence-based evaluations are robust, multifaceted, and regular.
42	The Scorecard: The scorecard, is woven strategically throughout recommendations and the scorecard dimensions, derived from the review of existing programs and practices at each Intercept level in the SIM model.
43	Expand the high school wellness centers and Youth Opportunity Centers.
44	Expand Street Outreach Network/Safe Space programs to be at least in line with the District of Columbia's (DC) program (~40 staff).
45	Explore other youth-and-young-adult engagement opportunities (e.g.: revive Police Athletic League).
46	Conduct universal beginning/end of year surveys by MCPS that aim to assess wellness/risk factors for all students as a mechanism for reducing stigma, and better scoping the need for services.

47	Establish clear criteria and accountability for MCPS administrators regarding the use of disciplinary actions (e.g.: initiating SRO-facilitated arrests or opting for expulsion) when other interventions are available and/or more appropriate (e.g.: use of extant restorative justice or PYD programs).
48	Support the development of a pilot Restoration Center as described in the preliminary RPS workgroup report.
49	Provide medication-assisted treatment (MAT) options.
50	Improve triage to ensure that calls for service are directed to the most appropriate responder or service provider.
51	Adopt at least one model that leads with mental health, mediation, and trauma-informed practices (e.g.: CAHOOTS).
52	Require all officers and other emergency personnel to receive CIT training. As well, the recommendation calls for MCPD to seek out or develop a police training model that prioritizes problem-solving, crisis intervention, mediation and basic mental health triage as its core competencies, rather than as supplemental to violence interruption and compliance.
53	Provide post-crisis follow-up as an intervention, especially for persons who frequently require mental or behavioral health intervention.
54	Implement process to systematize much of the currently ad-hoc process of determining what options are offered and calls for the collection and availability of data on who was diverted, who was not diverted, who was charged and why.
55	Conduct global assessment of all persons brought into custody (e.g.: triage instead of booking) with an eye to referral to appropriate services. In cases of domestic violence, or multiparty aggression, all capable parties may benefit from screening for potential service needs.
56	Adapt peer-support advocate programs and protocols to implement, similar to those deployed in Philadelphia. Formal peer specialists can be trained and hired to coach and support in mental health, legal system support, and benefits advocacy.
57	Review police and prosecutorial handling of misdemeanor and minor traffic offenses by a) weighing the costs and harm of arrest and prosecution against the public safety benefits and b) determining how penalties are applied equitably.
58	Reduce, with the aim of eventually eliminating, the use of monetary bond without increasing pretrial detention, possibly through expanding community supervision- including electronic monitoring, in cases where appropriate. Similarly, the elimination of fees for individuals participating in ACS/IPSA or other court-related programs is recommended.
59	Ensure access to benefits to support treatment success, including Medicaid and Social Security for persons in detention or pre-trial supervision.
60	Establish concrete criteria, a roadmap, and accountability measures in keeping with general recommendations for universal consideration and do the least harm and evidence and data transparency, for the prosecutor's office to demonstrate a commitment to utilizing the least invasive and most effective options available.
61	Evaluate the use (and criteria for), equity impacts, and possible expansions of probation-before-judgment.
62	Implement a scorecard review of specialty courts, correctional facilities and jail services to include examination of Problem Solving (in the) Courts; Mental Health Court; Drug Court; Teen Court; Homeless Docket; Montgomery County Correctional Facility Crisis Intervention Unit; and Jail Addiction Services.
63	Publicize diversionary/alternative programs to the necessary parties (e.g.: attorneys, existing persons involved in the system, those with prior involvement or at significant risk) to improve chances of diversion and voluntary uptake.
64	Expand access to mediation and restorative justice dispositions.
65	Collect and access disaggregated data on judges' rulings and judgment records to ensure accountability for equitable outcomes by the Montgomery County judiciary.
66	Eliminate information asymmetry (e.g., prosecutor's file should be available to the defense; rationale for failure to use a less harmful (or restrictive) intervention than prosecution and imprisonment) is recommended.
67	Standardize existing tools for members of the judiciary to help combat bias.

68	Expand workforce development programs, with a special/initial focus on the 18-25-year-old population, to include apprenticeships, to help returning citizens attain post-release certification and self-supporting employment or entrepreneurship.
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69	Support automatic referral to pro bono expungement organizations (e.g.: MVLS), noting that while “banning the box” is an option, expungement is the preferred remedy.
70	Evaluate the Department of Corrections and Rehabilitation (DOCR) pre-release programming, particularly to assess issues of access, agency, robustness and integration of pre-release programs.
71	Explore what is within the county’s authority to avoid penalizing or discriminating against individuals with past convictions.
72	Continue cognitive/social/emotional support for those who have survived the trauma of being involved/processed, including specialized mental health case management and medically assisted treatment for those struggling with substance use .
73	Further explore organizations and models: Cornerstone Montgomery (wraparound behavioral health services), Primary Care Coalition (networked somatic health services), & Delancey Street Foundation (residential life-and-job skills facility).
74	Enhance and expand the Criminal Justice Coordinating Council to provide greater coordination and integration.
75	Ensure that all agencies and organizations in the continuum, including all members of the CJCC, have implicit bias training that builds their cultural competence and ability to effectively serve Montgomery County’s diverse citizenry.
76	Enhance the collection, utilization and availability of data disaggregated by race.
77	Conduct an annual independent audit of the Reimagining Public Safety Task Force recommendations.
78	Eliminate the School Resource Officer (SRO) program and replace SROs in schools with counselors.
79	Provide better Community Policing.
80	Implement the Crisis Now crisis intervention model.
81	Expand the number of Mobile Response Teams to support the implementation of Crisis Now.
82	Develop and implement a stabilization center (Restoration Center) to support the implementation of Crisis Now.
83	Ensure that stabilization centers and crisis intervention facilities are staffed with peer workers.
84	Implement the CAHOOTS Community Response Model as a non-law enforcement response option for a mental health crisis.
85	Provide Crisis Intervention Training to all recruits before graduation from the academy.
86	Develop and implement a coordinated and integrated wraparound service. Maximize coordination, utilization and integration of existing resources to better ensure wraparound services in the continuum for a more holistic, wholesome, integrated model.
87	Adopt the Crisis Now standard of “Crisis care for EVERYONE, EVERYWHERE, EVERYTIME” continuum.

MONTGOMERY COUNTY, MARYLAND



2021 REIMAGINING PUBLIC TASK FORCE  
**RECOMMENDATIONS REPORT**