

**MEMORANDUM**

September 14, 2020

**TO:** Government Operations and Fiscal Policy and  
Public Safety Committee

**FROM:** Susan J. Farag, Legislative Analyst

**SUBJECT: Worksession:** Supplemental Appropriation to the County Government's FY21 Operating Budget, Office of the County Executive - \$550,000 to support a Police audit, Fire and Rescue Service audit, and consulting funds for community engagement support (Source of Funds: General Fund Undesignated Reserves) of \$550,000

**PURPOSE:** Review and vote on the supplemental appropriation

**Background**

There are several efforts underway in the County to examine how the Police Department works, and will provide feedback and recommendations that help the County deliver effective public safety services for every community. These initiatives include:

- 1) The Task Force to Reimagine Public Safety (report due January 2021);
- 2) The Policing Advisory Commission (ongoing reporting requirements); and
- 3) The Montgomery County Public Schools' examination of School Resource Officers (data expected in October 2020; recommendations expected in early 2021).

To help facilitate this work, the County Executive is recommending a supplemental appropriation of \$550,000 to the Operating Budget of the Office of the County Executive to support a Police Department audit (\$200,000), a Fire and Rescue Service audit (\$200,000), and consulting funds for community engagement support (\$150,000). The source of funds is general funds, undesignated reserves. The supplemental appropriation was introduced at Council on July 14 and a public hearing was held on July 21. Assistant Chief Administrative Officer Caroline Sturgis provided testimony (attached at ©13).

## **Police Department Audit/Facilitating Work by the Task Force to Reimagine Public Safety**

Several months ago, the County Executive established a Task Force to Reimagine Public Safety, whose mission is to “address institutional racism and work toward creating a safer community and one that is better for all County residents.” The Task Force is comprised of community members and departmental representatives. It will develop recommendations and issue a report in January 2021 that may be used by the Executive and the Council to change the delivery of governmental services with the goal of providing safer communities.

A portion of this supplemental appropriation will be used to fund an audit of the Police Department and assist the Task Force through organization, facilitation, and preparation of its final report. *It should be noted that the Executive is requesting an amendment to the FY21 Operating Budget to support a non-competitive contract award to Effective Law Enforcement for All, Inc. (ELE4A). This amendment is scheduled for review by the Joint Committee today as Item #2. The amount of the contract award is \$350,000. While the total cost remains the same as projected in this request for a supplemental appropriation, the Executive has revised the original allocation of supplemental funds to include \$275,000 for the audit and \$75,000 for the Task Force Support.*

**Scope of Work:** The detailed scope of work for the audit and community engagement support is included on ©4-8. For the Police Department audit, the scope of work will:

- Assess, monitor, and assist the Montgomery County Police Department (MCPD) in concert with the community to uncover any aspects of implicit bias, as well as systemic and individual racial bias;
- Assess the impact of enforcement operations (policing practices) through application of laws on historically marginalized and discriminated against populations, particularly the African-American/Black and Latino/Latina communities;
- Provide recommendations for reforms that improve community-oriented policing practices, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust, taking into account national best practices and community expectations;
- Assess the MCPD hiring, training, promotion, and evaluations policies and procedures;
- Assess the size and structure of the department as it relates to efficiency of operations and community need; and
- Engage the community to understand both experiences and expectations of interactions with MCPD.

The scope of work for community engagement support includes facilitating the work of the Task Force. The Task Force’s report is expected in January 2021.

## Fire Department Audit

This supplemental appropriation includes \$200,000 to conduct an audit of the Fire Department. The scope of work for this audit has not yet been finalized and is currently being reviewed by the County Attorney. The Executive advises that the search for an audit firm will go through the competitive procurement process as this project “does not have the same urgency as the audit for the Police Department.”

## Estimated Timeline

Date	Task
Upon contract award	Facilitate work of the Task Force to Reimagine Public Safety
Upon contract award	Comprehensive audit of Police Department, to include racial bias audit
January 2021	Task Force Report Issued
Spring 2021	Preliminary Audit Findings
?	Final Audit Findings and Recommendations
?	Fire Department Audit

## Discussion Issues

- 1) It would be helpful to understand the exact timeframe for the Police Department audit. Does the goal of providing preliminary findings by the spring constrain the scope of the audit in any way?
- 2) Will the preliminary findings provide the opportunity to examine certain areas in more depth if needed? Or expand the scope to other areas of police operations? Is the final report expected in late 2021?
- 3) The Police Department changed leadership last November, when Chief Jones was sworn in. The Chief has a proposed reorganization plan that would better align the Department to meet community needs and expectations. Will the audit examine this proposal to see if it helps meet identified needs and service delivery? Or will the audit otherwise take this plan into account when developing audit recommendations?
- 4) How will this audit approach the examination of School Resource Officers, and will the vendor be able to work with MCPS to access any of the information that it has been gathering for its own report?
- 5) Police department audits often provide (or recommend) a monitoring/oversight function, where the firm monitors any changes that have been implemented to determine if they are effecting the desired outcomes. This contract does not provide for that task. Instead, the Executive advises that the new civilian Assistant Chief will be responsible for overseeing the impact of any changes made in Police policy and operations. **Council staff suggests that the Executive and the Council consider expanding the scope of work for this contract, or hiring an independent audit or oversight firm at a later time, to track the progress of any adopted recommendations. The advantage of an independent firm is the provision of greater transparency and accountability to the public to help ensure that the County is making recommended changes and measuring outcomes.**

- 6) While the scope of work for the Fire Department audit has not been finalized, it would be helpful if the Executive provided a brief summary of what is expected. For example, will there be a racial bias component for MCFRS as well?
- 7) What is the projected timeframe for the Fire Department audit? Does the Executive foresee a contract award in FY21?

**Council Staff Recommendation**

Depending on information provided at the worksession, including timing for both audits, Council staff recommends approval as submitted. Council staff recommends the consideration of an independent post-audit oversight function. If there is a substantial delay in the procurement process for the Fire Department Audit that may push contract award into FY22, Council staff recommends reducing the Supplemental Appropriation by \$200,000 in FY21 and including the funding in the FY22 operating budget instead.

<b><u>This packet contains:</u></b>	<b><u>Circle #</u></b>
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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
*County Executive*

M E M O R A N D U M

July 7, 2020

TO: Sidney Katz, President, County Council  
FROM: *Andrew Klein for*  
Marc Elrich, County Executive  
SUBJECT: Supplemental Appropriation #21-476 to the FY21 Operating Budget  
Montgomery County Government  
Office of the County Executive, \$550,000

I am recommending a supplemental appropriation to the FY21 Operating Budget of the Office of the County Executive in the amount of \$550,000. This increase is needed to support the County's commitment to reimagine public safety with a focus on racial equity and social justice.

These operating dollars will support a Police audit (\$200,000), a Fire and Rescue Service audit (\$200,000), and consulting funds for community engagement support (\$150,000).

I recommend that the County Council approve this supplemental appropriation in the amount of \$550,000 and specify the source of funds as General Fund Undesignated Reserves. This supplemental will reduce County General Government Fund Reserves by \$550,000 and is consistent with the fund balance policy for tax supported reserves.

I appreciate your prompt consideration of this action.

ME:cbs

Attachment: Supplemental Appropriation #21-476

c: Andrew Kleine, Chief Administrative Officer, Office of the County Executive  
Richard S. Madaleno, Director, Office of Management and Budget

Resolution No: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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SUBJECT: Supplemental Appropriation #21-476 to the FY21 Operating Budget  
Montgomery County Government  
Office of the County Executive, \$550,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. The County Executive has requested the following FY21 Operating Budget appropriation increases for the Office of the County Executive:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$550,000	\$0	\$550,000	General Fund Undesignated Reserves

3. This increase is to support the County's commitment to reimagine public safety with a focus on racial equity and social justice. The operating dollars will support a Police audit (\$200,000), a Fire and Rescue Service audit (\$200,000), and consulting funds for community engagement support (\$150,000).
4. The County Executive recommends a supplemental appropriation to the FY21 Operating Budget in the amount of \$550,000 for the Office of the County Executive and specifies the source of funds as General Fund Undesignated Reserves.
5. Notice of public hearing was given, and a public hearing was held.

Action

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

A supplemental appropriation to the FY21 Operating Budget of the Office of the County Executive is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$550,000	\$0	\$550,000	General Fund Undesignated Reserves

This is a correct copy of Council action.

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Selena Singleton, Esq., Clerk of the Council

# Scope of Work for Reimagining Public Safety in Montgomery County, Maryland

## **Goals**

### ***Conduct a comprehensive, including racial bias, audit of the Montgomery County Police Department***

- Assess, monitor, and assist the Montgomery County Police Department (MCPD) in concert with the community to uncover any aspects of implicit bias, as well as systemic and individual racial bias.
- Assess the impact of enforcement operations (policing practices) through application of laws on historically marginalized and discriminated against populations, particularly the African-American and Latinx communities.
- Provide recommendations for reforms that improve community-oriented policing practices, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust, taking into account national best practices and community expectations.
- Assess the MCPD hiring, training, promotion, and evaluations policies and procedures.
- Assess the size and structure of the department as it relates to efficiency of operations and community need.
- Engage the community to understand both experiences and expectations of interactions with MCPD.

### ***Coordinate efforts of County's Reimagining Public Safety Task Force<sup>1</sup>***

- Develop a set of recommendations that reimagines the Montgomery County Police Department and all public safety programs by January 18, 2021.
- Convene meetings for the Task Force, facilitate discussions, and document work progress of the Task Force.
- Review 911 and 311 call data to determine community needs.
- Review Office of Legislative Office's final report on Local Policing Data and Best Practices and consider its recommendations.
- Evaluate the Police Department budget and structure.
- Participate in the racial bias audit of the Police Department through community engagement.
- Explore other county departments, non-profit organizations and other agencies to propose alternative procedures, programs, and policies
- Research and propose best practices for the intersection of health, social services, and crisis response system.
- Utilize data and research to make recommendations for additional changes and restructuring in the Police department.

## **Parameters**

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<sup>1</sup> Reimagine Public Safety Task Force mission attached as a separate document.



- Access, consistent with State, Federal, and Local laws, to all police department personnel at all levels.
- Access to all official documents relevant to the audit, including data, incidents, complaints, discipline files, policies and practices, training materials and records over a five-year period, consistent with State, Federal, and Local laws.
- Review of neighboring jurisdictions' and national best practices.
- Inclusion, engagement, and participatory analysis and decision-making with the public including statistically valid surveys, interviews, focus groups or charrettes.

### **Areas of Assessment for Racial Bias Audit of MCPD Department**

1. Assess the impact of enforcement operations on historically marginalized and discriminated against populations. Written and unwritten policies, procedures, practices, and training to address the issue of bias that must include investigating:

- a) Patterns and trends in encounters with the public- particularly field contact and pedestrian stops, traffic stops, and investigatory stops.
- b) Outcomes of stops: diversion, questioning, warning, frisks, searches and seizures, ticketing, arrests, and use of force.
- c) Total number of stops and efficacy in reducing crime or creating perception of harassment;
- d) Officers' training in community policing, problem-oriented policing, racial bias, use of force, firearms, less-lethal weapons, crisis intervention, de-escalation, vehicle pursuits, and defensive tactics.
- e) Reviewing a select percentage of internal investigations of critical incidents, internal affairs investigations, and uses of force.
- f) Patterns and trends in use of force by geography, community characteristics, departmental units, incident factors, subject demographics, and officer demographics.
- g) Patterns and trends in types of force used and characteristics of incidents where force was used.
- h) Patterns and trends of encounters of School Resource Officers with youth in schools.
- i) Incident review process and mechanisms for oversight, accountability, and organizational learning to address the issue of bias.
- j) Review a selection of use of force incidents, to include body worn camera and/or in-car-video footage.
- k) Review and/or observe training, to include Use of Force, hate-bias, and cultural awareness training.

2. Assess community-oriented policing practices throughout the department, including:

- a) Policies, practices, and training to institutionalize community policing, procedural justice, and fair and impartial policing as organizational philosophy.
- b) An assessment of officer activity to identify the degree to which officers are performing community policing, problem solving, and non-traditional policing strategies.
- c) Organizational strategies and plans for community-oriented policing.

- d) Transparency and public communication of policies, procedures, and agency data.
- e) Policies and procedures on the use of in-car and body-worn cameras, including results of compliance monitoring.
- f) An assessment of youth engagement issues, including outreach to at risk youth.

3. Assess complaint process, internal and external, including:

- a) All allegations/complaints of racial bias received by MCPD over the past five years be reviewed as well as the Police Department's response and investigation of those complaints.
- b) Patterns and trends in citizen and officer complaints, case processing, and outcomes.
- c) Evaluate citizen trust and use of the complaint process by different demographics.
- d) Roles, authority, and operational responsibilities throughout the process.
- e) Internal and external procedural justice.
- f) Transparency and communication with all involved parties.
- g) Remediation and disciplinary mechanisms.
- h) Mechanisms for oversight, accountability, and organizational learning from citizen complaints and officer misconduct.
- i) Evaluate early-warning and intervention systems and processes.

4. Assess recruitment, hiring, promotions and personnel practices, including:

- a) Policies, procedures, and training regarding hiring standards, practices, and protocols.
- b) Community engagement in the development of strategies in the recruitment and hiring process that will lead to a diverse work force.
- c) Patterns and trends in diversity across units and ranks.
- d) Performance evaluation policies, procedures, and practices.
- e) Promotional policies, procedures, and practices.
- f) Internal procedural justice; particularly internal officer complaints.
- g) Communication protocols and practices.
- h) Internal selection processes for specialized units.

**Focus Areas for the Reimagining Public Safety Task Force**

1. Review 911 and 311 call data to determine community needs.
  - a. Evaluate 911 Calls to determine law enforcement versus social services or crisis intervention calls.
  - b. Evaluate 311 calls to determine types of social services calls.
  - c. How much time is being spent on non-policing matters?
  - d. Identify data and questions for the independent audit.
2. Evaluate Police budget data and structure.
  - a. Analyze Police Department budget and structure.

3. Participate in the racial audit of the Police Department through community engagement.
4. Explore other county departments, non-profit organizations and other agencies to propose alternative procedures, programs, and policies. Partner with other county departments, non-profit organizations and others to find alternatives to arresting people who commit minor offenses stemming from mental illness, substance abuse, poverty, and homelessness.
  - a. Gather best practices for activities such as traffic stops to provide road safety that may be performed by non-Police County employees.
  - b. What currently exists as alternatives to police/jail in Montgomery County?
  - c. What are options to reduce prison population, e.g. refer individuals to restoration center instead of jails.
5. Research and propose best practices for the intersection of for health, social services, and crisis response system. Reimagine County response to community needs for health and social services where Police is filling the void. Explore robust crisis response mechanism: mental health, homelessness, child welfare, youth diversion, domestic violence, etc. Explore a sustained support and integrated case management approach that addresses crisis and leads to improved intervention to prevention services and investments.
  - a. Identify crisis response mechanism: mental health, homelessness, child welfare, youth diversion, domestic violence, etc.
  - b. Identify options for creating a sustained support and integrated cased management from crisis to intervention to prevention, such as neighborhood violence centers to support domestic violence calls.

### **Deliverables**

- Provide updates to the County Executive, County Council, Chief Administrative Officer, Montgomery County Police and community stakeholders including presentations of draft findings prior to finalizing the report.
- A detailed final report on the status of MCPD in the identified areas of assessment, including identifying areas of high performance and recommendations for improvement should be submitted to the Chief of Police, the County Executive, and the President of the Montgomery County Council.
- Gap analysis should be done and gaps or needs should be clearly identified.
- Best practices and innovations in law enforcement should be identified for the areas of assessment, with specific detail on best practices and innovations applicable to improvement.
- For each of the areas of assessment (for MCPD audit), wherever improvement might be possible in achieving the goals listed, the report should provide actionable recommendations; recommendations may include a wide array of forms, including program refinements, new strategies, resource modifications, etc.
- The final report on both the status of the Montgomery County Police Department and the recommendations shall be provided in a format specified by the County, electronically and

in hard copy, and shall become the property of Montgomery County to be released to the public at large.

- A detailed final report including a set of recommendations by the Reimagining Public Safety Task Force that reimagines the Montgomery County Police Department and all public safety programs.
- For each of the focus the Reimagining Public Safety Task Force, wherever improvement might be possible in achieving the goals listed, the report should provide actionable recommendations; recommendations may include a wide array of forms, including program refinements, new strategies, resource modifications, etc.
- Make a presentation to the public after release of final reports.

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Attachment: Reimagining Public Safety Task Force Mission



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c%20Safety%20Task%

**Montgomery County**  
**Reimagining Public Safety Task Force**  
*July 14, 2020*

**Overview**

The Reimagining Public Safety Task Force, a workgroup of County and community representatives that, will address institutional racism and work toward creating a safer community and one that is better for all County residents. The Reimagining Public Safety Task Force will develop recommendations for the County Executive and County Council on how the County can reimagine public safety. The County has limited resources but we must find a way to address a system that is unjust by rebalancing County investments in 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 coordinate efforts between government and communities to rethink and reshape how County may deliver services in a more equitable manner.

We will reimagine public safety by:

- Looking at what the police is doing that is not mission focused.
- Initiating an evaluation of our programs, as well as programs that have been implemented elsewhere, starting with de-escalation and the availability of mental health support.
- Conducting a comprehensive audit of the Montgomery County Police department – laws, policies, and procedures.
- Expanding community policing.
- Engaging community representatives to be part of the discussions that will guide our plans going forward.
  - Police Advisory Commission (provide input or monitor implementation)
- Using data and analytics to make smarter and safer decisions.
- Rebalancing spending priorities by investing in communities.

**Focus Areas**

1. Researching and analyzing Police data and information.
2. Initiating an evaluation of our programs, as well as programs that have been implemented elsewhere, starting with training, de-escalation and the availability of mental health support.
3. Conducting an independent audit of the Police Department to uncover any aspects of implicit bias, as well as systemic racial bias.

4. Partnering with other county departments, non-profit organizations and others to find alternatives to arresting people who commit minor offenses stemming from mental illness, substance abuse, poverty, and homelessness.
5. Engaging community representatives to be part of the discussions that will guide our plans going forward.
6. Reimagining County response to community needs (service delivery) for health and social services. Robust crisis response mechanism: mental health, homelessness, child welfare, youth diversion, domestic violence, etc. Creating a sustained support and integrated case management from crisis to intervention to prevention.
7. Utilizing data and research of o make recommendations for additional changes and restructuring in the Police department.

### **Task Force Members**

The Task Force will be led by the Chief Administrative Officer, chaired by the Assistant Chief Administrative Officer for public safety and will include representatives from:

- County Executive
- County Council
- Office of Legislative Oversight
- Office of the County Attorney
- Montgomery County Police Department
- Department of Health and Human Services
- Office of Management and Budget
- Office of Racial Equity and Social Justice
- Office of Human Rights
- Office of Community Partnerships
- Community Engagement Cluster
- Fire and Rescue Services
- Department of Correction and Rehabilitation
- Park Police
- Sheriff
- Office of the Public Defender
- Montgomery County District Court
- Montgomery County Circuit Court
- Fraternal Order of Police, Lodge 35
- International Association of Fire Fighters Local 1664
- United Food & Commercial Workers Local 1994 MCGEO
- Montgomery County Volunteer Fire and Rescue Association
- *Community Representatives – to be identified*

### **Chair of the Reimagining Public Safety Workgroup**

The Chair of this group will prepare the meeting agenda, facilitate discussion of the group, and compile a brief summary of their assessment following each group meeting. The Chair of this group should be the Assistant Chief Administrative Officer for public safety. It is anticipated that the Chair will commit about 5 hours per week to this group. This time will consist of meeting preparation, meeting time, compiling the group deliverable, and any special engagements that may arise.

### **Roles of the Task Force Members**

- Meet weekly 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 and County Council on public safety needs and challenges.
- Serve as a liaison from their departments/agencies to this Reimagine Public Safety Task Force.
- Share information on public safety strategies to the departments and agencies they represent.
- County staff support will be available to the Reimagine Public Safety Task Force to assist with taking notes and scheduling meetings. If the Chair prefers, the Chair may select a member of the group to take notes at each meeting.
- Members should wear a “big hat” and represent their area of expertise, not just their organization, and give voice to broader interests rather than exclusively those that impact their organization.

### **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.

### **Time Commitment**

It is anticipated that members of the Reimagine Public Safety Task Force will commit about 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.

### **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).

**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 18, 2021.

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**TESTIMONY ON BEHALF OF COUNTY EXECUTIVE MARC ELRICH  
ON SUPPLEMENTAL APPROPRIATION \$550,000 TO SUPPORT A POLICE AUDIT,  
FIRE AND RESCUE SERVICE AUDIT, AND CONSULTING FUNDS FOR  
COMMUNITY ENGAGEMENT**

**July 21, 2020 – PUBLIC HEARING**

Good afternoon Council President and Councilmembers, my name is Caroline Sturgis, Assistant Chief Administrative Officer. I am here on behalf of the County Executive in support of Supplemental Appropriation of \$550,000 to the County Government's FY21 Operating Budget, Office of the County Executive - to support a Police audit, Fire and Rescue Service audit, and consulting funds for community engagement support:

- The funds will support the County's Reimagining Public Safety work, which includes a focus on racial equity and social justice.
- \$200,000 will support a comprehensive, including racial bias, audit of the Police Department. The audit will assess the MCPD hiring, training, promotion, and evaluations policies and procedures. Assess the impact of enforcement operations (policing practices) through application of laws on historically marginalized and discriminated against populations, particularly the African-American and Latinx communities.
- \$200,000 will support an audit of the Fire and Rescue Service Department. The audit will evaluate the size and structure of the department as it relates to operations and community need, including use of overtime and details, and other resource deployment issues to ensure equity and efficiency. The audit will also look at diversity within the department, including hiring, training and promotional practices and workplace culture.
- \$150,000 will support the work of the Reimagining Public Safety Task Force, a workgroup of County and community representatives, organized to develop recommendations for the County Executive and County Council by January 2021. This coordinated effort between government and communities will rethink and reshape how County may deliver services in a more equitable manner. The Reimagining Public Safety Task will work in tandem with the police audit through community engagement but will also reimagine County response to health and social services that have been addressed by Police, such as crisis response mechanism for mental health, homelessness, child welfare, youth diversion, domestic violence, etc.

Thank you for your time and attention to this critical work.

**CEX Responses to Susan Farag Questions  
September 9, 2020**

Susan's questions/comments are in black. CEX responses are in green.

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Hi, all,

I want to thank you for letting me meet Mr. Douglas and Dr. Burns with ELE4A last week. They obviously have a lot of combined experience between them and I appreciate their objective approach.

I do have some questions about the supplemental appropriation, to prepare for the Joint GO/PS Committee worksession on the 17<sup>th</sup>. Could you provide answers to these questions by the 11<sup>th</sup>?

1. I have a scope of work that Dale included in a 7/23 e-mail about selecting ELE4A. Does that scope of work still apply? (see below) **Yes, after meeting with all 9 Councilmembers, we did not hear anything substantive that would change the SoW.**
2. On the Police side, it is my understanding that proposed process is:

**PHASE I**

- a. ELE4A will do the data collection, stakeholder interviews, and other research necessary to provide a comprehensive audit of the police department. This audit will include racial bias information.
- b. ELE4A will then assess and analyze this information to determine the impact of enforcement operations (policing practices) on historically marginalized and discriminated against populations. This assessment "may" include a long list of policing practices including hiring/training/promotion, organizational assessment, community-oriented policing, traffic/pedestrian stops, training, internal investigations, patterns of use of force, SROs, public communication, complaint process, and oversight/accountability.
- c. Gap Analysis that includes task force engagement to understand actual experiences with police, and expectations of police.
- d. Develop recommendations for reforms.
- e. Provide preliminary findings and communicate best practices.

**PHASE 2**

- f. Task force organization and engagement
- g. Review, assessment, and analysis that supports the Task Force
- h. Facilitate Task Force reporting on findings, best practices, and recommendations.
- i. Review Task Force Report, including its actionable recommendations
- j. Delivery of Findings:** Collaborate with Task Force on the finalization of their public Report including a set of recommendations by the Reimagining Public Safety Task Force that reimagines the Montgomery County Police Department and all public safety programs. Build public consensus on a Spring 2021 preliminary report and its recommendations will propose a sustained support and integrated case management approach that addresses crisis and improved intervention to prevention services identified during the convening of this Task Force. **The recommendations of the Task Force will be delivered by mid-January 2021. Recommendations of Task Force is led by community representatives and based on community discussions, research and consultation with subject matter experts. The preliminary findings and**

recommendations of the consultant will be delivered in the spring of 2021. These recommendations will be based on the findings of the audit.

Please correct the above process if I have improperly characterized any of it. See green comments above.

Based on my understanding of this process:

3. Will ELE4A conduct these two phases simultaneously, or with overlap? **Simultaneously. We had hoped to bring in ELE4A before the launch of the Task Force. Due to various factors, this did not occur. Thus, once ELE4A is onboard, they will begin supporting both phases of the Reimagining initiative.**
4. Is there sufficient time to complete all of this? Is an extension of the deadline possible, if the consultant deems it necessary? If time is an issue, will the scope of work be reduced? **The work of the Task Force will be completed by January 2021 and those recommendations will be used to help the County Executive in crafting next year and future budgets. A comprehensive audit of a police audit may range from 12 – 18 months. ELE4A understands our ambitious schedule and submitted a proposal with sufficient resources to delivery preliminary findings of the audit by the spring. However, we may be flexible to adjusting the deadline for the audit depending on findings as the work progresses.**
5. Will the consultant write a traditional audit report that functions as a document/record of findings, best practices, and recommendations? And/or will the Task Force report function in this capacity? **We expect a traditional audit report for the Police Department, prepared by professionals with the expertise in evaluating police departments. The Task Force report is different and will reflect recommendations of the community – how does it re-envision public safety. The consultant will not guide those recommendations, they are only supporting the Task Force through organization, facilitation, and preparation of a final report.**
6. Most similar audits that I have read also recommend a monitoring process to oversee the implementation of recommendations and analyze whether those changes have the desired outcomes. Is this included in the contract and cost? **That was not included in the scope of work. The Police Department is hiring a civilian assistant police chief, who will have oversight of the policy and planning section. This includes ensuring the department is using evidence-based policing practices to include implementing and monitoring recommendations of the audit.**
7. I am having some trouble finding some of their prior work. Could you send me an audit report that they have done, preferably of a similarly-situated police department? **See embedded files.**



ELE4A Sample  
12-1924 DV Special



ELE4A Sample  
12-1924 OCDM Seco



ELE4A Sample 517-1  
Monitor's Special Re

8. It's my understanding \$200,000 will be spent on the Police Department audit, \$150,000 on the community engagement, and \$200,000 on the Fire Department audit. ELE4A would do both the police department audit and the community engagement for \$350,000, correct? Is community engagement broader in scope than working with the Task Force? **Those estimates were established for planning purposes. Since then, we received a response to our scope of work and have revised our estimated budget to \$275K for the audit and \$75K for the task force support. Yes, audits traditional have a community engagement component. This one will include community engagement to understand both experiences and expectation of interactions with MCPD.**

9. Do you have a scope of work for the Fire Department audit? Could you send that to me? **Yes, it is in draft format and is being vetted by OCA. We will share at a later date.**
10. Are you in the process of finding a consultant for the Fire audit? **This will go through a competitive procurement process as this project does not have the same urgency as the audit for the Police department.**

Thank you, and please let me know if you have any questions.

Susan  
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**Currently teleworking**

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