

Subject: Briefing: Strategies for Community-Police Relations	
Purpose: Receive briefing and have discussion – no vote expected	
Analyst: Susan J. Farag, Legislative Analyst	
Keywords: #Police, Community Relations, Community Trust, Community Policing, Police Accountability	

EXPECTED ATTENDEES

Acting Police Chief Marcus Jones, Montgomery County Police Department (MCPD)
Assistant Chief David Anderson, Field Services Bureau (MCPD)
Acting Assistant Chief Dinesh Patil, Management Services Bureau (MCPD)
Acting Assistant Chief Paul Liquorie, Patrol Services Bureau (MCPD)
Captain Sonia Pruitt, Community Engagement Division (MCPD)
Captain Jason Cokinos, Public Safety Training Academy (MCPD)

ISSUE

Recently, there have been two publicized incidents of inappropriate behavior by Montgomery County Police Officers. In May, one Police Officer was recorded using a racial epithet during a stop of several individuals at a McDonalds in White Oak. The Council expressed concern not just about the use of racist language, but about the entire interaction among several police officers and the individuals at the restaurant. The incident also raised questions about how trespassing citations are handled by the Police Department, particularly with respect to standing agreements between businesses and the Police that permit the Police to act as their agents.

On May 14, the Council sent a letter (©49-51) to then-Acting Chief Russell Hamill, requesting the release of all bodyworn camera footage related to the stop, additional information on the use of agency agreements between businesses and the Police Department, trespassing citation and demographic data, and certain other policies. The MCPD briefed individual Councilmembers on the incident earlier this month.

In July, another Police Officer was recorded using excessive force on an individual who was being arrested at a McDonalds in Aspen Hill. In this instance, Acting Chief Jones referred the matter for criminal investigation and the State's Attorney's Office later brought charges against the Police Officer. Council President Navarro and Vice President/Public Safety Chair Katz issued a statement (©61-62) thanking Acting Chief Jones for his quick investigation and asked that Chief Jones appear before the Council to brief them on the incident, as well as share his strategies for community-police relations, including de-escalation training strategies, that will make the County a safe place for all residents.

SUMMARY OF KEY DISCUSSION POINTS

Chief Jones will brief the Council on community-police relations and trust in light of these two recent incidents. The Chief's briefing will cover:

- The White Oak and Aspen Hill incidents;
- Internal Affairs Investigations/Criminal Referrals with State's Attorney's Office;
- Use of Force Policy;
- Body Worn Camera Policy/Training Bulletin;
- Community Policing-Organizational Philosophy; and
- Training Updates-Initiatives.

This report contains:

Circle #

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Community Policing: An Organizational Philosophy

Montgomery County Department of Police



The Components of Community Policing

Community Partnerships

Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police

Organizational Transformation

The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving

Problem Solving

The process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses



Community Partnerships

County Agencies

- ▶ MCPS
- ▶ MCFRS
- ▶ MC OEMHS
- ▶ MC HHS
- ▶ MCDOT
- ▶ Department of Corrections
- ▶ Department of Recreation
- ▶ Dept. Of Housing & Community Affairs
- ▶ Libraries
- ▶ Office of Community Partnerships
- ▶ Office of Human Rights
- ▶ Street Outreach Network
- ▶ Family Justice Center

Other Partners

- ▶ State's Attorney's Office
- ▶ Retail (Target)
- ▶ Faith-based organizations (churches, synagogues, mosques)
- ▶ Community/homeowners associations
- ▶ Senior centers
- ▶ Restaurants/eateries
- ▶ Business partners
- ▶ Homeless shelters
- ▶ Health organizations

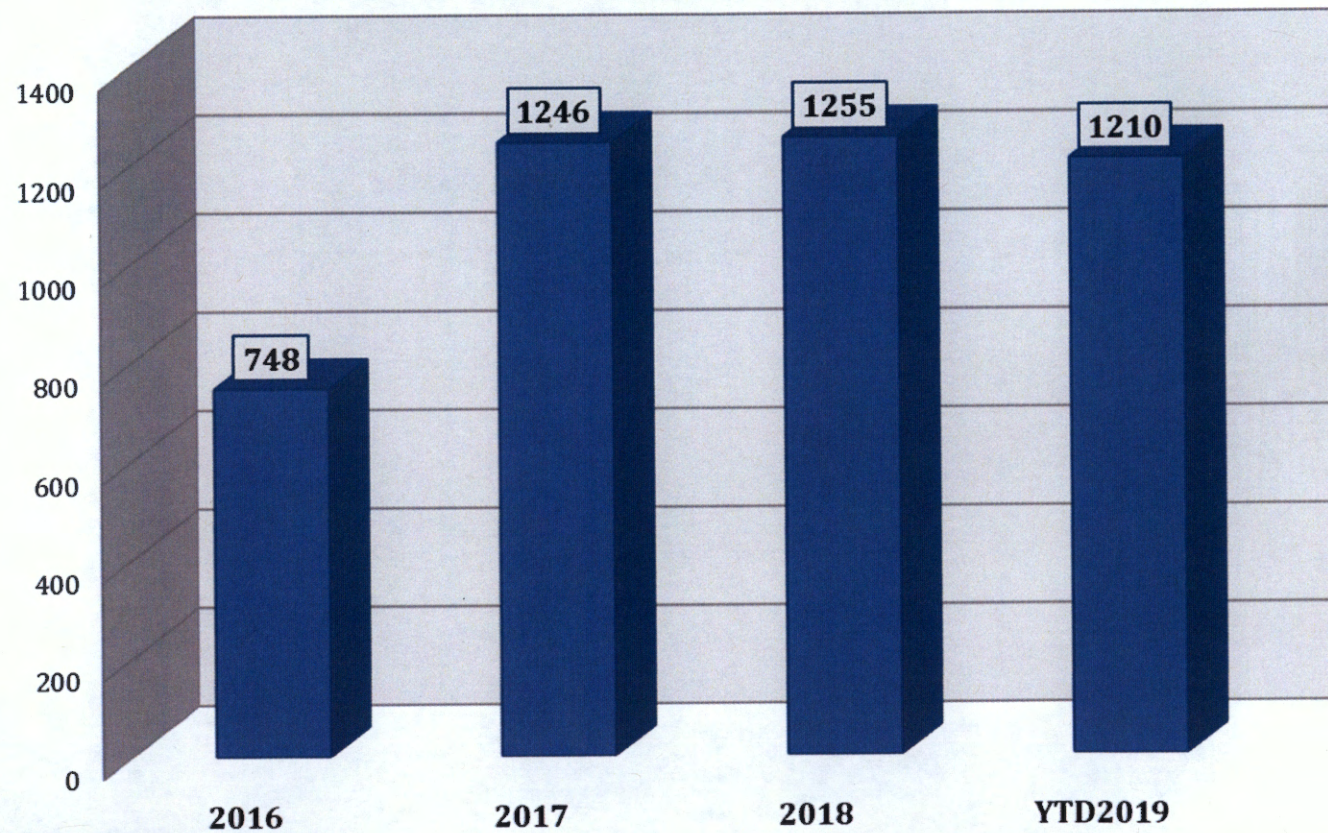


Organizational Alignment

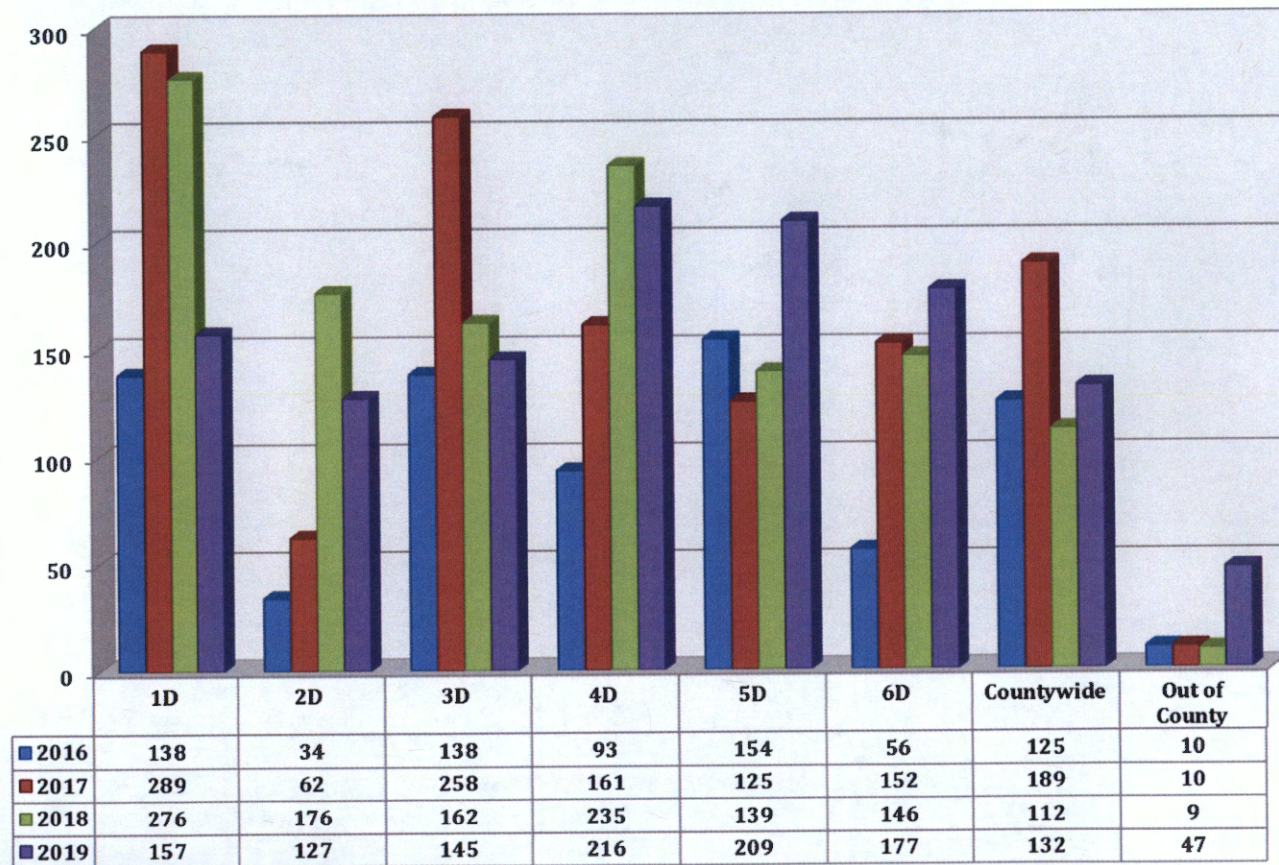
- ▶ Community Engagement Division
- ▶ District Community Services Officers & School Resource Officers
- ▶ District Community Action Teams & Central Business District Teams
- ▶ Public Safety Training Academy
- ▶ Volunteer Resources Section
- ▶ Autism & Intellectual Disabilities Program
- ▶ Crisis Intervention Team



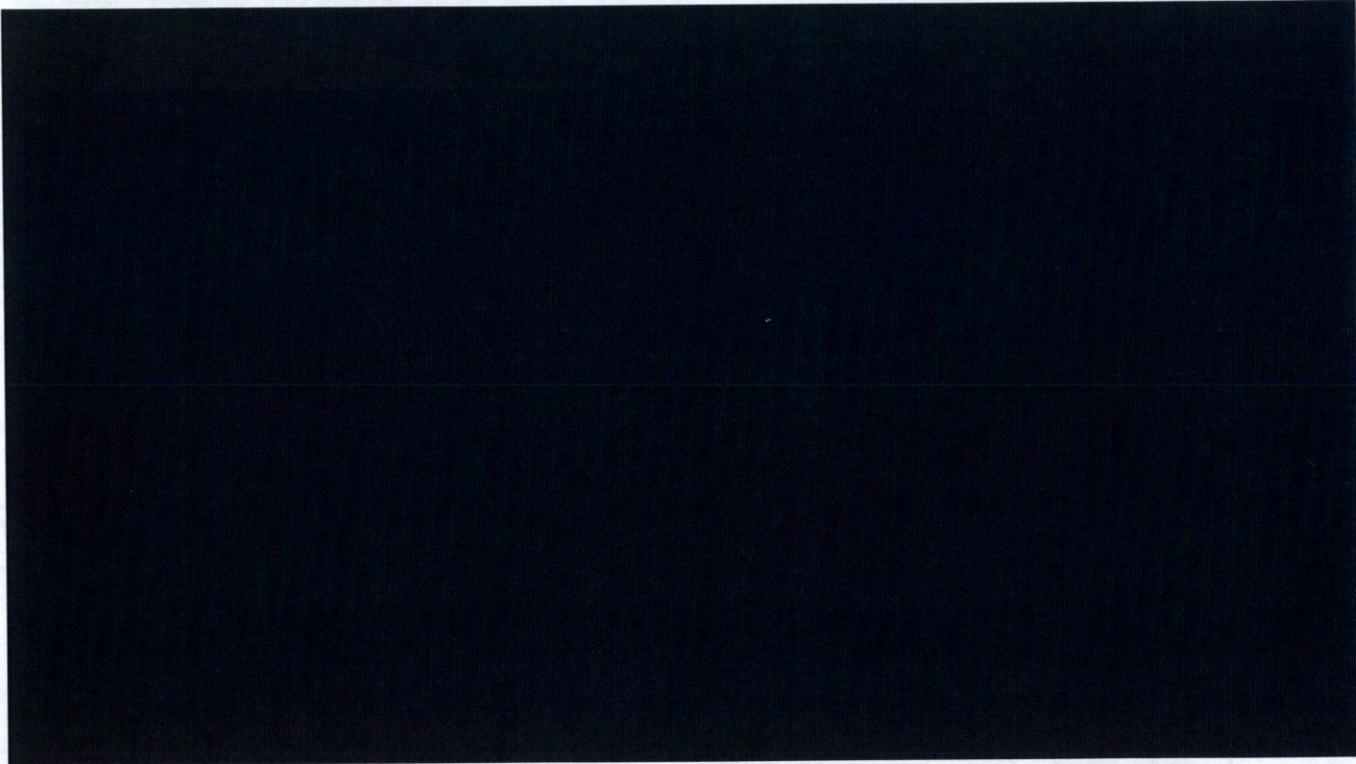
MCPD-recorded Community Events



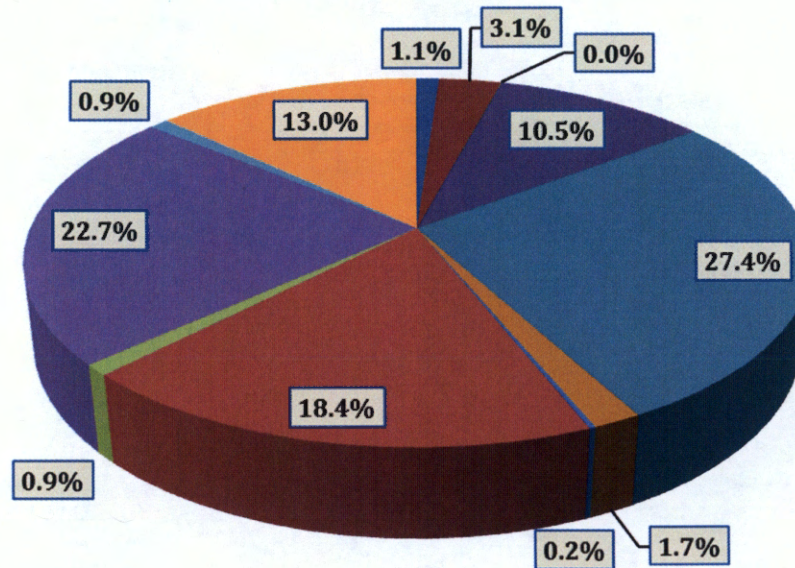
MCPD Community Engagement Efforts



Police Adventure Camp



Engagement Types 2016-19



- Award/Recognition
- Council/PSC Meeting
- Engagement
- Planning
- Recruitment
- Town Hall
- Chief/Commander Advisory Meeting
- Crime Updates/Trends/Awareness
- Faith/Interfaith Meeting
- Prevention
- School Event
- Training/Education



Organizational Alignment

- ▶ Liaison & advisory committees at the executive level.
 - African American
 - Hispanic/Latino
- ▶ Numerous ongoing youth programs
- ▶ Safety & security programs for public, private, and faith-based organizations



Organizational Alignment

- ▶ Police Cadet Program
- ▶ Police Explorer Program
- ▶ Citizen Police Academy & Hispanic Community Police Academy
- ▶ Law Enforcement Apprentice Program and Volunteers in Policing Program
- ▶ Montgomery County Police Foundation



Organizational Alignment

▶ Social Media

- 86,300 followers on Twitter
- 46,617 followers on Facebook

▶ dataMontgomery

- Several datasets, including crime, traffic enforcement, internal affairs complaints, bias incidents, and community engagement events

▶ Community Crime Map

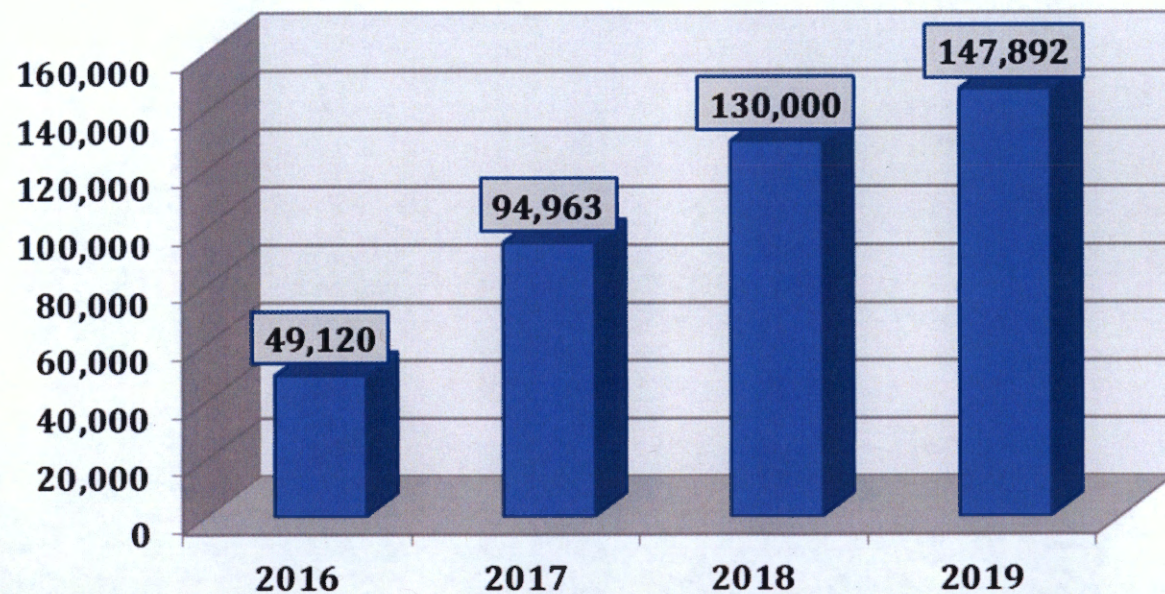
▶ Website (district contact info, annual reports, etc.)



Organizational Alignment

► NextDoor

NextDoor Membership



Problem Solving

- ▶ Training by PSTA: equips officers all officers with skills to identify problems and resolve them
 - Recruit training & In-Service (all ranks)
 - Award program/recognition for community policing/problem-oriented policing.
- ▶ MCP CrimeStat: allows us to identify trends and issues quickly and mobilize resources, programs, partnerships , etc. to address them.
 - 4D **Project ID** initiative
 - Prevention/training initiatives as a result of national events



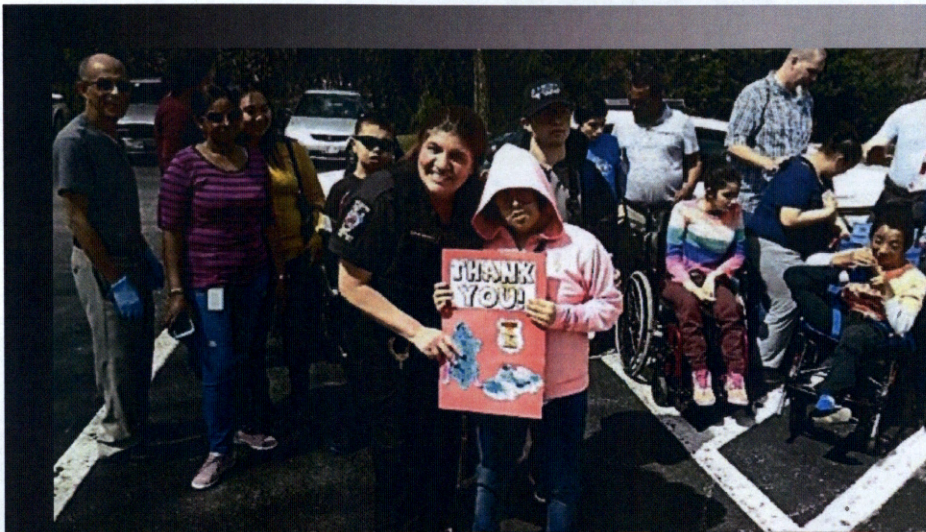


MCPD in Action



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MCPD in Action



MCPD in Action



MCPD in Action

Positive social media from the community



Diana Hernandez Ü

April 10 · 🌐

I just want to share that I saw a cop pulled over, changing a girls flat tire. Many times these guys don't get the respect they deserve...

Montgomery County Police Department

#ThankYouForYourService ❤️

👍❤️😄 12

1 Comment

👍 Like

💬 Comment

➦ Share



Montgomery County Police Department ✓ Thank you for the kind words!

Like · Reply · 8w

❤️ 1



Emily Hadley ▶ [Montgomery County Police Department](#) ...

May 23 at 10:51 PM · 🌐

I want to give my heartfelt thanks and praise to the 4 wonderful officers who helped me catch a loose dog today in Germantown. I was so afraid of losing the little dog, I don't know what I would have done without your help and emotional support. He is home safe and sound with his Mom. Thank you, thank you, thank you, thank you!
And a kind lady stopped to help as well, sending her thanks and gratitude as well! — 🥰 feeling grateful.

👍❤️ 4

👍 Like

💬 Comment

➦ Share



Laura Geller TV ✓ @LauraGellerTV · Jun 9

Shoutout to @mcpnews — our car died in the middle of the road today. After a brief juggle to get from DC dispatch to MoCo dispatch (we were near the line), they sent us the nicest officer. He made sure we're ok and left us flares to alert other drivers. Thank you!



❤️ 7



Positive social media from the community



Landon Office of Diversity, Equity, and Inclusion @LandonDiversi... · Apr 8 ✓
Today was an exciting day in the Upper School! Our Black Student Union facilitated an in-depth panel discussion w/ @mcpnews about the police departments efforts to build positive relationships in the communities they serve. #community #partnership #DiversityandInclusion – at Landon School



Landon School and Montgomery County Department of Police





USE OF FORCE

FC No.: 131

Date: 09-21-16

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
 - II. Definitions
 - III. Force Options
 - IV. Firearms
 - V. Electronic Control *Weapons*
 - VI. 12-Gauge Impact Projectiles
 - VII. Custody and Transport Responsibilities
 - VIII. Use of Force Reporting Requirements
 - IX. Use of Force and Weapons Review Committee
 - X. Training/Certification Requirements
 - XI. CALEA Standards
 - XII. Proponent Unit
 - XIII. Cancellation
 - XIV. Disclaimer
- Appendix A: Use of Force Report-Criteria for Use

I. Policy

- A. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. *The department respects the sanctity of every human life.* There are situations when an officer is forced to make the irreversible decision of whether or not to use deadly or non-deadly force. Such a decision can have a powerful and possibly harmful effect on the officer, the department, and the community. The purpose of this policy is to provide guidance to aid *officers* in the exercise of that decision.
- B. Officers may only use force which is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, or in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to exercise force must be based upon the circumstances that the officer reasonably believes to exist. In determining the appropriate level of force to be used by an officer, the nature of the threat or resistance faced or perceived by the officer as compared to the force employed should be considered. Factors to be considered in assessing the level of force to be used include, but are not limited to the following:
 - 1. the severity of the crime at issue,
 - 2. whether the subject poses an imminent threat to the safety of the officers or others, and
 - 3. whether the subject is actively resisting arrest, or the subject is attempting to evade arrest by flight.*The reasonableness of force used by an officer will be analyzed based on the totality of the circumstances at the time the force was used.*
- C. All officers have a number of force options available to use in those situations where force is objectively reasonable. Examples may include but are not limited to:
 - 1. Subduing or arresting a physically assaultive person
 - 2. Instances that reasonably threaten the safety of an officer or other person
 - 3. Stopping a person who is attempting to flee or escape a lawful detention or arrest

4. When directing, controlling, or escorting resistive or physically uncooperative persons
5. Other situations where persons who are being placed into custody are non-compliant or resistant to lawful orders

II. Definitions

- A. **Active Resistance**: occurs when a subject takes action and/or uses evasive movements that attempt to physically counteract or defeat an officer's attempt to detain a subject or place them in custody and take control, and which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Examples include, but are not limited to, pulling away from the officer, breaking officer's grip and/or control, or fleeing arrest.
- B. **Deadly Force**: Any use of force which is intended to or likely to cause a substantial risk of death or serious physical injury.
- C. **Less Lethal Force**: Any use of force other than that which is considered deadly force.
- D. **Medical Treatment**: A minimum of an on-scene response by MCFRS.
- E. **Objectively Reasonable Force**: That level of force which is appropriate when analyzed from the perspective of a reasonable officer *on the scene* possessing the same information and faced with the same circumstances as the officer who actually utilized the force. *The objective reasonableness of a particular use of force is not analyzed with hindsight, but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.*
- F. **Passive Resistance**: A refusal by an unarmed person to comply with an officer's verbal command or physical control techniques *by non-violent actions*. Examples include, but are not limited to, ignoring verbal instructions by failing to respond or move, linking arms, or going limp.
- G. **Probable Cause**: Facts and circumstances that would lead a reasonable person to believe that a crime has been committed and a particular individual has committed that crime.
- H. **Protective Instruments**: Devices or tools authorized by the department that are intended to protect the officer or others or to affect an arrest, investigative stop/detention, or seizure. These include the expandable baton, electronic control *weapons*, OC Aerosol, flashlight, and kinetic energy /12-gauge impact projectiles.
- I. **Scene**: The location(s) where force was utilized during an event.
- J. **Serious Physical Injury**: Bodily injury that creates a substantial risk of death, causes a serious, permanent disfigurement, or results in long term loss or impairment of any bodily member or organ.

III. Force Options

- A. An officer may encounter situations that require not only the officer's presence, but some form of verbal or non-verbal communication. This communication may take the form of providing information, giving commands, physical gestures, or directions, asking or answering questions, conducting interviews, etc. It may also take the form of issuing specific instructions to individuals or groups, dealing with arguments, verbal assaults, or threats, handling disputes, disagreements, etc. The department recognizes that some situations require the application of force.

- B. A person need not strike or attempt to strike an officer to be considered a physical threat as long as an officer has an objectively reasonable belief (verbal threats, verbal defiance, physical stance, etc.) that the person is physically threatening and has the present ability to harm the officer or another. Examples of actions or observations that may lead an officer to believe that a person is a threat include, but are not limited to, clenched fists, displayed hostility or anger, verbal threats, aggressive stance, non-compliance, and furtive movements, among other things. Under the law, officers are not obligated to retreat when confronted with a threat. The department relies on the officer's judgment and discretion to employ objectively reasonable force under each unique circumstance.
- C. Authorized Use of **Less Lethal** Force
1. **Less Lethal** force, as defined herein, may be used to effect arrests, to safely make or maintain an investigative detention or seizure, or to protect officers or others from personal **harm**, physical resistance, or injury, provided the force applied is reasonable based upon the immediate circumstances confronting the officer at the time.
 2. **Less Lethal** force may involve the use of defensive tactics (hands/body) and/or protective instruments.
 3. Although the department issues authorized protective instruments, in exigent circumstances, officers are not prohibited from using another object or instrument in order to protect themselves or others as long as the object is used in accordance with the limitations on force contained in this policy.
- D. Authorized Use of Deadly Force
Officers may use deadly force to defend themselves or another person from what they reasonably believe is an imminent threat of death or serious physical injury. The United States Supreme Court has ruled that any use of deadly force must be objectively reasonable. This standard will be applied to all uses of deadly force regardless of whether or not a suspect is fleeing when an officer employs deadly force.
- E. Destruction of Animals
1. Humane Destruction of Injured Animals
Officers may discharge their firearms to destroy injured animals when no other reasonable alternative exists. Factors taken into account must include backstop, location, **bystanders**, etc. When an animal is destroyed, officers must complete the MCP 37, "Use of Force Report," in accordance with Appendix A. An incident report will be completed for the destruction of injured domestic animals (cats, dogs, cattle, horses, etc.). An incident report is not required for the humane destruction of non-domestic animals (deer, raccoons, and other wildlife). Officers/Animal Services Division (ASD) will attempt to locate the owner of a destroyed domestic animal.
 2. Destruction of Dangerous or Vicious Animals
If an officer destroys a dangerous or vicious animal (domestic or non-domestic) that presents a threat to the safety of the officer or another, an incident report documenting the incident shall be completed in addition to the MCP 37. This includes attempted destruction by firearm. Officers who are confronted by dangerous animals are encouraged to consider the use of non-firearm alternatives, to include an **ECW**. An MCP 37 is required in cases where an officer uses a protective instrument against a dangerous or vicious domestic animal.

IV. Firearms

- A. Drawing a Firearm
Firearms may be drawn whenever officers reasonably fear for their safety or the safety of others.
- B. Consideration of Backstop
When discharging a firearm for any reason, officers must exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should give consideration to background, bystanders, and location.

C. Prohibitions

1. Warning shots are prohibited.
2. Officers are prohibited from intentionally placing themselves in the path of a moving vehicle where an officer's use of deadly force would be the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.
3. Officers are prohibited from shooting at or from moving vehicles unless the circumstances would authorize the use of deadly force.

V. **Electronic Control Weapons**

- A. *An electronic control weapon (ECW) is a less lethal weapon, the deployment of which is a serious use of force. A ECW may only be deployed when an officer is confronted with circumstances that present a risk of immediate danger to the officer or others that is likely to be mitigated by use of the ECW. Use of the ECW will be in accordance with the guidance set forth in the departments Electronic Control Weapons Policy (FC 133).*

VI. **12 Gauge Impact Projectiles**

- A. The 12 gauge impact projectiles are intended to provide a less-lethal use of force option with greater standoff distance than other protective instruments.
- B. All officers who use this system must ensure that any person struck with the projectile and in custody receives a prompt medical evaluation at a hospital. Officers will request that Montgomery County Fire Rescue Services transport the person. If MCFR refuses to transport the person an on-scene supervisor will ensure the person is transported to the hospital by an officer. Photos of all injuries will be taken.

VII. **Custody and Transport Responsibilities**

A. Important Considerations

Officers must be mindful of certain indicators and/or conditions when detaining or arresting a person. The following conditions and/or indicators may potentially contribute to sudden unexpected death following extreme physical exertion and/or restraint;

1. Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphoria, hostility, exceptional strength, and endurance without fatigue.
2. Alcohol or drug use/abuse
3. Obesity
4. Display of erratic/psychotic behavior
5. Incoherent speech
6. State of agitation
7. Subject intentionally injuring themselves
8. Subject disrobing or naked

Officers must recognize these factors and closely monitor a subject in custody in the aftermath of a struggle when one or more of the above indicators are present and the scene is secure.

- B. Officers must take appropriate measures so that the individual being transported is able to breathe without restriction and if possible should lay the subject on their side or seated in an upright position. Officers **must** avoid transporting subjects in a face-down position whenever possible.

C. Medical Emergencies

1. Officers must immediately summon emergency medical assistance if the subject exhibits or complains of trouble breathing, becomes unresponsive, exhibits reduced levels of consciousness, or if in the officer's opinion the subject requires evaluation or medical treatment.

2. *Officers shall render medical aid, consistent with their training, as soon as practical and safe to do so.*

D. Medical Treatment

Officers and supervisors shall obtain medical treatment as soon as practical for individuals:

1. Who show signs of injury as a result of any use of force.
2. Who complain of injury as a result of any use of force and the person requests medical attention.
3. When the officer or supervisor reasonably believes an individual is in need of medical attention as a result of any use of force.
4. Who show obvious signs that chemical restraint may be necessary.
 - a. Officers must specifically request an Advanced Life Support Unit (ALS). ALS units carry medication which can assist in treating individuals suffering from excited or agitated delirium.
5. Who have been exposed to an *ECW* (MCFRS Ambulance medical is an appropriate level of care; hospital/emergency medical center visit *may not be* required.)

E. Tactical Medics

1. *Tactical Medics of the Emergency Services Unit (ESU) will meet the requirement of on-scene medical treatment, when deployed with the Tactical Section on high risk incidents such as raids, Emergency Response Team (ERT) incidents, and other Tactical Section Operations. During the course of these operations, Tactical Medics may perform initial treatment and evaluation of injured or ill persons in accordance with Maryland Medical Protocols established by the Maryland Institute for Emergency Medical Services Systems (MIEMSS). Tactical Medics will also document any refusal of medical treatment and/or transport according to Maryland Medical Protocols. If a higher level of medical care or transport to a medical facility is required, the Tactical Medic will facilitate requesting any additional medical resources.*
2. *Decentralized Tactical Medics working in their primary duty assignment (not supporting the Tactical Section) will summons on-scene medical assistance for individuals who require medical treatment as the result of any use of force.*

- F. Medical treatment will not be refused for any individual who requests it.
- G. If safety circumstances reasonably dictate moving the subject to another location, officers may have emergency medical personnel meet the officers at a nearby location to assess the subject and render aid.

VIII. Use of Force Reporting Requirements

A. When to Report Use of Force or Firearms Discharge

The MCP 37 will be completed in the following circumstances (refer to Appendix A):

1. Anytime force is used to counteract a physical struggle.
2. Following the use of any force which results in an injury to an individual.
3. When an individual claims to have been injured as a result of use of force.
4. Whenever force is applied using a protective instrument.
5. Whenever a firearm is discharged other than authorized target practice.
6. Whenever a department canine inflicts injury on any subject or suspect in conjunction with a *canine deployment*.
7. Anytime an officer is assaulted or ambushed.

B. One Subject - One MCP 37

When multiple officers are involved in a use of force incident with one subject, it will be considered a single event for reporting purposes. Only one MCP 37 is needed unless more officers are involved than can be captured on a single MCP 37; in that case, additional MCP 37s must be completed.

C. Multiple Subjects - Multiple MCP 37s

When force is used against more than one subject in an incident, an MCP 37 must be completed for each subject.

D. *In those instances, where SERT tactics are used for crowd/riot control during mass disturbances/protests that involve a use of force against multiple subjects whose identities cannot be established, a single MCP 37 will be completed that includes basic known information (e.g., date, time, CR number, location, type of force used, reason, etc.). Additional details related to the incident, including the circumstances and nature of the force used, will be documented in the incident report.*

E. The MCP 37 will be completed prior to the end of the tour of duty. It will be forwarded, via the chain of command, to the bureau chief who, after review, will forward it to the Policy and Planning Division. No copies of the MCP 37 will be maintained other than those kept by the Policy and Planning Division.

F. The MCP 37 will be used administratively to evaluate use of force department-wide and will not be used by the Internal Affairs Division (IAD) in any subsequent investigation. An annual report summarizing the data from these forms will be made to the Use of Force and Weapons Review Committee, which, after review, will report its analysis and any recommendations to the Chief of Police.

G. Officer's Responsibilities

In every circumstance described in section VIII.A. above, officers are required to adhere to the following:

1. On-duty officers must immediately report the incident to their on-duty supervisor. Off-duty officers must immediately report the incident to an on-duty supervisor in the district of occurrence.
2. Officers will complete or provide information for the completion of an incident report(s), charging document(s), and/or the MCP 37. If the officer involved in the use of force does not complete some or all of the required documentation, then the reporting officer must ensure the information is accurately recorded. The reporting officer will identify the source of the information in the required documentation. If it is investigatively necessary to keep the source out of the required documentation then the identity of the source will be maintained on notes in the officer's and/or detective's case file.

H. Supervisor's Responsibilities

An ECC supervisor will immediately notify an on-duty patrol supervisor of, and the on-duty supervisor will respond to, all *ECW* deployments, firearm discharges (except for the humane destruction of non-domestic animals), 12 gauge impact projectiles, and any use of force that results in serious bodily injury or in-custody death. Supervisors are required to notify the Duty Commander, or the District Commander of the district of occurrence during daytime hours Monday-Friday, of any of the above incidents.

1. Notifications: Supervisors are required to make the below notifications in the circumstances described regardless of whether the involved employee is on or off-duty.
 - a. Homicide Section: Immediately notify a Homicide Section supervisor in the following instances:
 - i. All intentional firearm discharges by an employee, whether injuries occur or not, with the exception of authorized range practice or the destruction of dangerous or injured animals.
 - ii. All accidental firearm discharges by an employee that result in an injury to anyone, including the involved officer.
 - iii. All incidents where an individual sustains life-threatening injury as a result of police action.
 - b. Internal Affairs Division (IAD): Immediately notify IAD in the following instances:
 - i. All intentional and accidental firearm discharges involving departmental firearms and authorized off-duty firearms, regardless of injury (except range practice or the *humane* destruction of *non-domestic* animals).
 - ii. Any range practice or destruction of an animal incident resulting in injury.
 - iii. Any use of force incident resulting in death or serious injury requiring the immediate hospitalization of a person in police custody.

- iv. Any other event or situation as may be deemed necessary after consultation with an executive officer.
- c. Training and Education Division (TED): Notify the TED to provide a replacement firearm, as appropriate.
- 2. Complete the MCP 37 if the officer is unable to complete it.
- 3. Review the submitted MCP 37 for accuracy and completeness.
- 4. ***Review the BWCS recording when an officer is involved in a reportable use of force incident.***
- 5. Ensure that an incident report and any additional reports are completed and submitted if required.
- 6. In incidents involving intentional or accidental firearms discharges (except for authorized range practice or for the purpose of destroying animals), the supervisor will complete the MCP 37. In the section for supervisor's comments, the supervisor will indicate that the incident is under investigation and not provide any judgment about the circumstances.
- 7. Forward the MCP 37 to the bureau chief via the chain of command prior to the end of the tour of duty.
- 8. In instances where force was used to destroy a dangerous animal (domestic or non-domestic) that presented a threat to the safety of the officer or anyone else, supervisors will forward a copy of the incident report through the chain of command to their respective bureau chief. The bureau chief will, in turn, forward copies of the incident report to the ASD and IAD for review.
- 9. Remove any officer from line duty who has been involved in any use of force that results in death or serious physical injury and refer them to the department's Traumatic Incident Program in accordance with that program's guidelines. (See FC 310, "Administrative Leave" and Appendix O of the FOP Collective Bargaining Agreement)
- 10. On-duty supervisors in the district of occurrence will ensure that off-duty officers involved in reportable use of force events fulfill the requirements of this directive. The on-duty supervisor will complete the supervisor's section of the MCP 37 and forward it, along with a copy, to the officer's assigned supervisor.

IX. Use of Force and Weapons Review Committee

- A. The Use of Force and Weapons Review Committee will review ***use of force incidents referred by a bureau chief, as well as*** all in custody deaths and intentional discharge of firearms by department personnel, and report the results of this review, along with any conclusions or recommendations, to the Chief of Police, as requested. The committee will focus on overall operations and procedures and not on individuals. In addition, the committee will periodically evaluate the list of authorized departmental firearms and protective instruments and, in coordination with the Joint Health and Safety Committee, make recommendations concerning approval, adoption, and required training/certification.
- B. The committee will be comprised of at least two executive officers from the Patrol Services Bureau (one will be the administrative lieutenant of PSB), one executive officer from the Investigative Services Bureau, (as determined by the Assistant Chief, ISB), one executive officer from IAD, the Director, Policy and Planning Division, and the Director, Training and Education Division, who will serve as the chair. The committee will meet three times a year.
- C. The Policy and Planning Division will be the repository for the MCP 37 and will provide annual reports to the committee and the FOP. Information for the committee will be provided by the Policy and Planning Division. Recommendations from the committee will be forwarded to the Labor-Management Relations Committee.
- D. ***The Policy and Planning Division will conduct an annual analysis of use of force activities, policies, and practices.***

X. Training/Certification Requirements

A. Authorization

Only officers who have successfully completed specified training courses and any required recertification courses as determined by the department are authorized to carry and/or use any defensive tactic, protective instrument, or firearm.

B. Annual Certification

Each officer must certify annually with all approved firearms and protective instruments that the officer is authorized to use. Annual firearms certification must meet the standards of the Maryland Police and Corrections Training Commission and department training standards. Failure to recertify annually on any firearm or protective instrument will withdraw from the officer the authorization to carry or utilize that force option. In the case of department-issued firearms, the firearm will be immediately turned over to range staff until recertification is completed. In the case of department issued protective instruments, such equipment will be immediately turned in to a sworn academy staff member until recertification is completed.

C. Use of Force Policies

Officers will be provided a copy of, and instruction in, the department's use of force policy prior to being authorized to carry any firearm or protective instrument.

D. Documentation/Administration

The Director, TED, is responsible for the maintenance of certification records, approval lists for protective instruments and defensive tactics, training materials, and approved lesson plans.

E. Defensive Tactics

Original training in defensive tactics occurs during Entry Level Training. Retraining occurs during In-Service Training every year. The number of hours of training dedicated to defensive tactics will be determined by the Director, TED, who will maintain course descriptions and a list of approved defensive tactics.

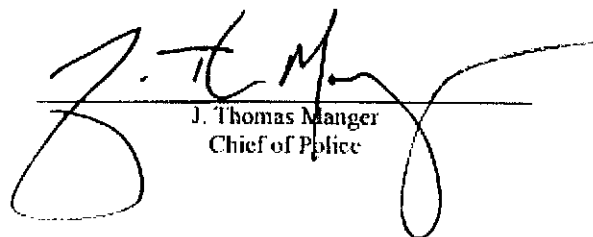
XI. **CALEA Standards:** 1.3.1 through 1.3.13 *and* 82.3.5

XII. **Proponent Unit:** Office of the Chief

XIII. **Cancellation:** This directive cancels Function Code 131, effective date *03-10-14* and Headquarters Memoranda *14-01 and 14-03*.

XIV. **Disclaimer**

This directive is for department use only and does not apply in any criminal or civil proceeding. This department policy should not be construed as the creation of a higher legal standard of safety or care in a legal proceeding relating to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.



J. Thomas Manger
Chief of Police

Use of Force Report – MCP 37
Criteria for Use

Appendix A
FC 131

Incident	Instructions/Notifications	Reports Required
<ul style="list-style-type: none"> • Force used to counteract a physical struggle • When injury occurs from use of force • When injury is claimed to have occurred from use of force • Use of a protective instrument 	<ul style="list-style-type: none"> • MCP 37 forwarded via chain 	<ul style="list-style-type: none"> • Police report related to incident as required (MCP 37 referenced) • MCP 37
Intentional discharge of firearm – other than authorized target practice and destruction of animals	<ul style="list-style-type: none"> • MCP 37 forwarded via chain • Immediate notification of IAD and Homicide Section 	<ul style="list-style-type: none"> • Police report related to incident as required (firearm discharge referenced) • MCP 37
Accidental discharge of firearm <u>with</u> injuries	<ul style="list-style-type: none"> • MCP 37 forwarded via chain • Immediate notification of IAD and Homicide Section 	<ul style="list-style-type: none"> • Police report related to incident as required (firearm discharge referenced) • MCP 37
Accidental discharge of firearm <u>without</u> injuries	<ul style="list-style-type: none"> • MCP 37 forwarded via chain • Immediate notification of IAD 	<ul style="list-style-type: none"> • Police report related to incident as required (firearm discharge referenced) • MCP 37
Incident resulting in death or serious injury	<ul style="list-style-type: none"> • MCP 37 forwarded via chain • Immediate notification of IAD and Homicide Section 	<ul style="list-style-type: none"> • Police report related to incident as required (firearm discharge referenced) • MCP 37
Use of force against a police officer (police officer assaulted/ambushed)	<ul style="list-style-type: none"> • MCP 37 forwarded via chain 	<ul style="list-style-type: none"> • Police report related to incident as required (MCP 37 referenced) • MCP 37
Destruction of a non-domestic animal	MCP 37 forwarded to Policy and Planning Division (direct from supervisor via unit commander)	<ul style="list-style-type: none"> • No police report • No CR # (event # required) • MCP 37 only
Destruction of a domestic animal (including attempted destruction by firearm)	<ul style="list-style-type: none"> • MCP 37 forwarded via chain 	<ul style="list-style-type: none"> • Police report related to incident as required (MCP 37 referenced) • MCP 37
Destruction of a dangerous/vicious animal (including attempted destruction by firearm)	<ul style="list-style-type: none"> • MCP 37 forwarded via chain 	<ul style="list-style-type: none"> • Police report related to incident as required (MCP 37 referenced) • MCP 37
Canine (K-9) infliction of injury	<ul style="list-style-type: none"> • MCP 37 forwarded via chain 	<ul style="list-style-type: none"> • Police report related to incident as required (MCP 37 referenced) • MCP 37 • MCP 741



MCPD De-escalation Training Summary

Recruit Training:

Training in de-escalation begins on Day One of the Entry Level Police Training Academy, which is 1057 total hours, and is woven into almost every part of the academy. There is no single "de-escalation class" as these techniques appear often in various training blocks.

Some examples:

- On Day One, recruits are taught proper stance and reactionary gaps in order to allow space to communicate and de-escalate.
- The ongoing theme in the Academy is to slow things down, don't rush into things unless lives are in danger, and to create space, time, and distance in order to de-escalate and communicate. Recruits are taught types of cover and barriers that could be used to keep themselves safe while communicating.
- During law instruction, recruits are taught not to "create the moment", such as in disorderly conduct arrest situations, and instead de-escalate and give warnings of arrest and try to calm the situation if safe to do so.
- Use of Force training involves de-escalation. Recruits are shown training videos involving the de-escalation of incidents and force training incorporates these techniques to try and use the least amount of force as possible. Command presence is our first level of force, and we strive to use de-escalation during this level to try and prevent having to escalate to a higher level of force.
- Defensive tactics involve de-escalation. Our DT program is centered around creating distance, if possible, to give verbal commands and call for back up. Defensive strikes are instructed (if creating distance is unsuccessful or if the officer is unable) in conjunction with verbal commands to try and de-escalate and get the subject to give up. Defensive strikes are taught to allow the officer to create space, time, and distance to call for back up, talk a subject into giving up, or transitioning to another force option if needed.
- Ground defensive techniques are centered around police officer weapon retention and using techniques of pressure and control. Striking during ground DT is not the focus. The focus is to wear out the subject so they give up without having to escalate the force. This is done by pressure techniques and techniques of body control. De-escalation techniques such as communication and verbal commands are incorporated to try and talk the person into giving up.
- Recruits engage in various blocks of instruction that also incorporate live scenario based learning. Conflict Management includes communication training, dealing with suicidal/homicidal subjects, and also 10 hours of mental health training to aid in identifying and dealing with subjects of mental illness. Recruits practice de-escalation techniques in these scenarios with live role players.
- A final example involves recruits engaging in "Box Drills". The recruit is placed in a room with four concealed corners (360 degree scenario). A role player will come out from an unannounced corner and the recruit will have to engage the role player. The



scenario may be nothing, or it may be a situation that needs de-escalation, or force. The recruit is forced to quickly identify the issue and diffuse it with the lowest amount of force possible. Communication and de-escalation are a big part of these drills.

In-service Training:

De-escalation also continues with our annual in-service training that is 18 hours each year. Every officer is mandated to attend this training in order to remain certified.

Defensive Tactics recertification involves de-escalation techniques. Officers engage a role player and have to attempt to de-escalate while working through a variety of force options (Flashlight / ASP).

Scenario based training is used during our in-service blocks as well. MCPD is one of the few agencies in the NCR (we actually haven't found anyone else doing it yet) that utilizes live role player, scenario based training during in-service. "Box Drills" as described above are conducted which continue to emphasize de-escalation. Officers also participate in "Wall Drills" where they face a wall and have to turn around to see a scenario involving role players. This "surprise" has to be identified and addressed by the officer. De-escalation is trained during these drills as well. In 2019, officers are doing "Wall Drills" in the dark with a flashlight. This even further complicates the scenario.

Going Forward:

The PSTA is continuing to always grow and become better in this, and every other, category of police training. We are sending (2) in-service instructors to Colorado in November to attend a de-escalation training school put on by Force Science. This will enable our instructors to gather other ideas on how to expand our de-escalation program. These instructors will be labeled as our Subject Matter Experts in de-escalation training. The PSTA has plans to continue to develop other instructors in areas such as implicit bias as well.

3



BODY WORN CAMERA SYSTEM

FC No.: 430

Date: 04-20-16

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
- II. Definitions
- III. Legal Consideration
- IV. Implementation
- V. General Operational Procedures
- VI. Activation of the Body Worn Camera System
- VII. Prohibited Use
- VIII. Reporting/Documentation
- IX. Internal Access, *Review*, and Use of Recordings
- X. Retention of Data
- XI. *Records Requests and Release of Recordings*
- XII. CALEA Standards
- XIII. Proponent Unit
- XIV. *Cancellation*

I. Policy

- A. It is the policy of this department to utilize the Body-Worn Camera System (BWCS) for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All BWCS equipment and recordings are the property of the Montgomery County Police Department.
- B. *The Montgomery County Police Department (MCPD) is a designee for the County on matters regarding BWCS for police officers working for Montgomery County government.*
- C. *Article 72 of the Fraternal Order of Police Collective Bargaining Agreement (FOP CBA) and this policy govern the use of BWCS by Fraternal Order of Police (FOP) bargaining unit members.*

II. Definitions

- A. Body-Worn Camera System (BWCS) – a camera system worn on the person of a uniformed law enforcement officer, or an officer prominently displaying the officer's badge or other insignia, that is capable of recording video and intercepting oral communications.
- B. *Officer – All sworn Montgomery County police officers.*
- C. *Employee – All employees of the Montgomery County Police Department (both sworn and non-sworn).*
- D. *FOP bargaining unit member – A sworn Montgomery County police officer up to and including the rank of Sergeant (including Police Officer Candidates).*

III. Legal Consideration

- A. Pursuant to the "State Wiretap Act" under Sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any oral communications. "Oral communication" is defined as any conversation or words spoken to or by any person in private conversation.
- B. The State Wiretap Act makes it lawful for a law enforcement officer, in the course of the officer's regular duty, to intercept an oral communication with a body-worn digital recording device capable of recording video and oral communication if:
 - 1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
 - 2. *The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body worn digital recording devices;*
 - 3. The law enforcement officer is a party to the oral communication;
 - 4. The law enforcement officer notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 - 5. The oral interception is being made as part of a videotape or digital recording.
- C. The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

IV. Implementation

- A. The BWCS program will be instituted for designated uniformed officers for patrol and patrol related functions. The BWCS will accurately document events, actions, conditions and statements made during law enforcement related encounters and activities as authorized under this program.
- B. The Department will *provide training to officers prior to use of the BWCS. Training will include, but will not be limited to, operation of the BWCS and a review of policy, as well as alternative methods for effective notification of recording to persons with special needs or limited English proficiency.*
- C. Participating officers will use the BWCS in accordance with their training, *the FOP CBA (applicable to FOP bargaining unit members), and this policy. Violations of this policy may result in discipline.*

V. General Operational Procedures

- A. Only officers trained in the proper use of the BWCS will use the system.
- B. *All BWCS recordings and recording devices will be used for official business only. Use of the BWCS will comply with all applicable laws, the FOP CBA (applicable to FOP bargaining unit members), and this policy.*
- C. Prior to going into service at the beginning of each shift, officers will perform *a function test* of the BWCS in accord with their training *and manufacturers recommendations* to ensure that the BWCS is operating

properly. *Officers discovering a BWCS malfunction shall promptly report the malfunction to a supervisor.*

- D. *The BWCS will be worn in a manner consistent with Department training.*
- E. Officers are only authorized to use a BWCS while in uniform or prominently displaying the officers badge or other insignia.
- F. Officers may, but will not be required to, use the BWCS while off duty. Any off duty use must be for law enforcement related encounters and activities as authorized under this policy.
- G. Officers are authorized to use a BWCS during secondary employment *in situations where the off-duty use is for law enforcement related encounters and activities as authorized under this policy.*
- H. Officers will only wear a department issued BWCS.

VI. Activation of the Body Worn Camera System

- A. Officers shall only activate the BWCS for legitimate law enforcement purposes.
- B. *Except as otherwise exempted by law*, officers will notify individuals that they are being recorded as soon as practicable, unless it is unsafe, impractical, or impossible to do so.
 - 1. *This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.*
 - 2. *Examples of potential notification language include:*
 - a. *"You are being audibly and visually recorded"; or*
 - b. *"Our interaction is being recorded by my body camera".*
- C. The BWCS must be activated during all law enforcement related encounters and activities such as, but not limited to, the following examples;
 - 1. *At the initiation of a call for service or other activity that is investigative or enforcement in nature.*
 - 2. All enforcement and investigation related citizen contacts.
 - 3. Documentation of evidence that can be used in the prosecution of criminal and traffic offenses.
 - 4. Arrests and transports.
 - 5. Traffic stops.
 - 6. Priority responses.
 - 7. Vehicle and foot pursuits.
 - 8. Suspicious situations.
 - 9. All searches (persons, vehicles, structures, effects), except strip searches.
 - 10. Interviews and interrogations.
 - 11. Mental health interventions.
 - 12. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- D. Once the BWCS has been activated, officers will continue to record until:
 - 1. The officer has left the scene and anticipates no further involvement in the event;
 - 2. A supervisor has authorized that a recording may cease;
 - 3. *The officer is no longer engaged in a related investigative or enforcement activity; or*
 - 4. The event has concluded. An event will be deemed "concluded" when:
 - a. all arrests have been made and arrestees have been transported and released from custody;
 - b. all witnesses and victims have been interviewed;

- c the continued recording will not serve to obtain additional evidence; and
 - d. no further law enforcement action is likely to occur.
- E. Whenever the BWCS equipment is deactivated, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.
- F. There may be instances in which officers are *unable to activate their BWCS due to circumstances making it unsafe, impossible, or impractical to do so. In these exigent circumstances, officers shall begin recording with the BWCS at the first reasonable opportunity to do so* and document the reason for the delayed start in the incident report and/or as part of the recording.
- G. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers will have the discretion to turn off the BWCS during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive. In these situations, officers may decide that obtaining the information is more important than recording the conversation. In such situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.
- H. The BWCS may be deactivated during conversations with officers or supervisors during information sharing sessions or discussing tactics and strategy.
- I. Officers are required to obtain consent prior to recording an interview with a victim of a sex offense. Consent in these cases must be documented/recorded on camera.

VII. Prohibited Use

- A. A BWCS will not be used to create recordings in locker rooms, dressing rooms, and restrooms unless part of a criminal investigation.
- B. A BWCS will not be used to create recordings of strip searches.
- C. A BWCS *shall not be used* to record *employees* during *routine* administrative activities.
- D. Officers will not intentionally record undercover officers or confidential informants without their consent.
- E. *Officers shall not record non-work related personal activity.*

VIII. Reporting/Documentation

- A. Whenever a BWCS recording is made of an event that results in a police report, the reporting officer must note in the report that the recording exists, if known.
- B. All BWCS recordings must be *uploaded* by the officer at the end of his or her assigned shift, unless an exception is authorized by a supervisor. The officer will be responsible for properly categorizing and tagging the recording at the time of the *upload*.

- C. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death), a supervisor may immediately take custody of the BWCS and, in such case, will be responsible for the *upload*.

IX. Internal Access, Review, and Use of Recordings

- A. *A BWCS recording may be reviewed by the recording officer for any work related reason, including but not limited to:*
1. *To ensure the BWCS system is working properly.*
 2. *To assist with the writing of a report or other official document.*
 3. *To review/critique his or her own performance.*
 4. *To review/prepare for court.*
 5. *To respond to a civil suit, criminal investigation (if the officer is the subject of the investigation), citizen complaint, or administrative complaint. The officer shall have the ability to review their BWCS recording of the subject incident prior to making a statement.*
- B. *Recordings may also be reviewed:*
1. *By a supervisor.*
 2. *By management for any legitimate matter, including, but not limited to:*
 - a. *to review evidence.*
 - b. *to participate in an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil investigation.*
 - c. *to assess training value.*
- C. *Officers are not allowed to view another officer's recording(s) except for a work-related reason which is authorized by a supervisor.*
- D. *An officer or FOP representative shall have access to a BWCS recording that is directly related to any administrative investigation or civil suit where the officer is named as a defendant.*
- E. *When a recorded incident or recording of an incident is used to question an officer during a formal internal investigation, access to all BWCS recordings related to the incident shall be provided to the officer at least five working days in advance of questioning.*
- F. *A supervisor shall review the BWCS recording of an incident when:*
1. *An officer is involved in a reportable use of force incident.*
 2. *An officer is injured during the performance of his or her duty.*
- G. *BWCS recordings shall not be routinely reviewed for the express purpose of discovering acts of misconduct or instances of poor performance without cause. An officer's supervisor may use BWCS recordings to address performance when cause exists. Any recording used must be reviewed with the subject officer prior to any documentation of performance. Any documented review will be included in the officer's supervisory file. The officer shall have the opportunity to respond in writing to the document. The response shall be attached to the supervisor's document. The officer and the officer's representative shall be provided access to the referenced recording if requested.*
- H. *Officers will be provided written notice from their immediate supervisor, or designee, of the intent to use a BWCS recording(s) for the purpose of performance evaluations which result in a below average rating in one or more categories.*
1. *This notice will be provided at least four months prior to the end of the rating period.*

2. *Any recording, supporting a below average rating, being referenced within the last four months of the rating period may also be used if the officer received written notice at least 30 days before the conclusion of the rating period.*
 3. *If a recording, supporting a below average rating, is referenced from the last 30 days of the rating period, the performance evaluation will serve as the written notice.*
 4. *Any portion of a recording used for the purpose of documenting below average performance in a performance evaluation will be reviewed with the subject officer and documented in a counseling session in accordance with Article 51, Section D, of the CBA.*
- I. *BWCS recordings may be used as a basis for discipline. Officers will be provided written notice of the department's intent to rely upon a BWCS recording(s) as a basis of discipline. This notice will be provided at the time the officer is served with the MCP 242 (Internal Investigation Notification Memorandum).*
1. *The officer will be afforded the opportunity to review the BWCS recording(s) related to the incident being investigated administratively with their selected representative at least five days prior to being interrogated.*
- J. *Officers will be provided written notice of the intent to utilize BWCS recordings for training purposes. The notice and opportunity to review the recording, will be provided at least ten working days before the recording is used in the training venue.*
1. *An officer captured in the recording (audio or video) may object to the use of the recording, in writing, to the Director of the Public Safety Training Academy (or designee) within five working days of receiving notice of intent to use the video for training as to why he or she does not wish the recording to be used. The Director of the Public Safety Training Academy (or designee) will consider any reason(s) submitted by the officer before proceeding with use. The decision shall be based upon a determination as to whether the training value outweighs the officer's objection.*
- K. *A log will be kept to record access to all recordings and officers shall have timely and ongoing access to the log. The log will include the:*
1. *Name of the employee accessing the recording;*
 2. *Reason for access with reasonable clarity;*
 3. *Date recording was accessed;*
 4. *Length of time it was reviewed, and*
 5. *Any copying or editing.*
- L. *A BWCS recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.*
- M. *The stored video and audio data from a BWCS recording may not:*
1. *Be used to create a database or pool of mug shots;*
 2. *Be used as fillers in photo arrays; or*
 3. *Be searched using facial or voice recognition software.*
 - a. *This does not prohibit the use of recognition software to analyze the recording of a particular incident when a sworn supervisor has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.*
- N. *Employees shall not access, obtain, attempt to obtain, or copy/convert for their personal use any recording produced by a BWCS. Employees shall not upload BWCS recordings to public and/or social media websites.*

- O.** *Except as authorized by policy*, employees shall not attempt to *copy*, delete, alter, *release*, reuse, modify or tamper with BWCS recordings in any manner. *Employees are prohibited from making a copy of a BWCS audio/video recording by using another recording device, such as a cell phone.*

X. Retention of Data

- A.** All original BWCS recordings are the property of the Montgomery County Police Department and shall be *securely stored and* retained according to the department's retention schedule and consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by a person authorized by the Department.
- B.** BWCS recordings that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public will be deemed "evidentiary" and categorized and tagged according to the type of incident. Recordings that do not contain evidence or capture routine, non-confrontational encounters will be deemed "non-evidentiary".
- C.** *Non-evidentiary* recordings will be destroyed after **210** days, unless the department deems it necessary to retain the recording for a longer period of time.
1. A recording will be retained *longer than 210 days* if an officer or the officer's representative provides notice to the Department within **210** days of the date of the recording of its potential use in an administrative hearing.
 2. *Performance evaluation shall not be the sole reason for the Department retaining a recording beyond the agreed upon term.*
 3. *An officer may elect to save BWCS recordings for longer than 210 days if the recording was used to support a performance evaluation which resulted in a single category being rated as below requirements.*
- D.** *If an officer activates a BWCS generating a recording of a prohibited use or that is not a law enforcement related encounter or activity, the officer shall notify his or her supervisor promptly. Recordings deemed by the department to be recorded inadvertently and which are of no legitimate purpose to the department, shall be destroyed expeditiously.*

XI. Records Requests and Release of Recordings

- A.** The public release of BWCS recordings will be conducted in accordance with applicable public records laws.
- B.** *(This section applies to FOP bargaining unit member only)*
The Department shall ensure that all external requests for copies of recordings, including subpoenas and summonses, will be reviewed for compliance with applicable standards, including those imposed by law, provisions of this policy, and the FOP CBA (applicable to FOP bargaining unit members). The Department will maintain a log of all MPLIA requests for BWCS recordings that it receives. The log, the underlying MPLIA request, and the requested recording will be made available to the FOP for inspection. If the FOP objects to the release of any portion of the recording, it must promptly notify the department of its objection(s) and its intent to file a "reverse MPLIA" action if the Department decides to release the requested recording. The Department will promptly notify the FOP of any decision to release the requested recording and the date and time of that release, unless the FOP first serves the department with a "reverse MPLIA" action it has filed in a court of competent jurisdiction. The Department and the FOP will make all reasonable efforts to provide each other with expeditious notice under this section

given the relatively short time limits in the MPIA and its overall policy of providing the public with prompt access to public records without unnecessary delay.

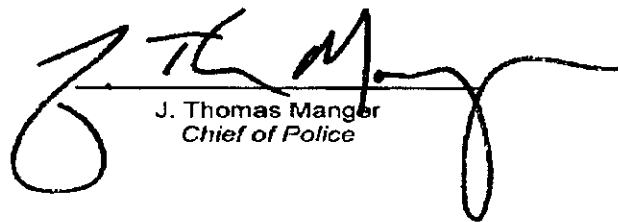
- C. *(This section applies to FOP bargaining unit member only)*
Release of BWCS recordings in absence of a specific request.
1. *The Department will provide written notice to the FOP prior to the release of any BWCS recording to the public, except in the event of an emergency or bona fide public safety need the Department may be unable to provide written notice until after the release. This does not include release of recordings in connection with litigation.*
 2. *In events where there is no exigency, an officer captured in the video or audio recording may object to the release of the recording, in writing, to the Chief of Police (or designee) within two calendar days of receiving notice of intent to release the recording as to any reason(s) why he or she does not wish the recording to be released. The Chief of Police (or designee) will consider any reason submitted by the officer before proceeding with release.*
- D. *The release of recordings of an officer's death or injury shall not occur absent compelling law enforcement related reasons to release the recording or in situations where the release of these recordings are required by law.*
- E. Recordings will not be disseminated by the employee without receiving written permission under the authority of the Chief of Police.

XII. CALEA Standards: 41.3.8

XIII. Proponent Unit: IMTD

XIV. Cancellation:

This directive cancels Function Code 430, effective date 06-08-15.



J. Thomas Manger
Chief of Police

Internal Affairs Division

Unit Performance Data - thru July 15, 2019

2019 Complaint Totals

Inquiry (Intake) 75

Formal 39

Complaint Statistics - thru July 15, 2019

Pending IIRPs: 2

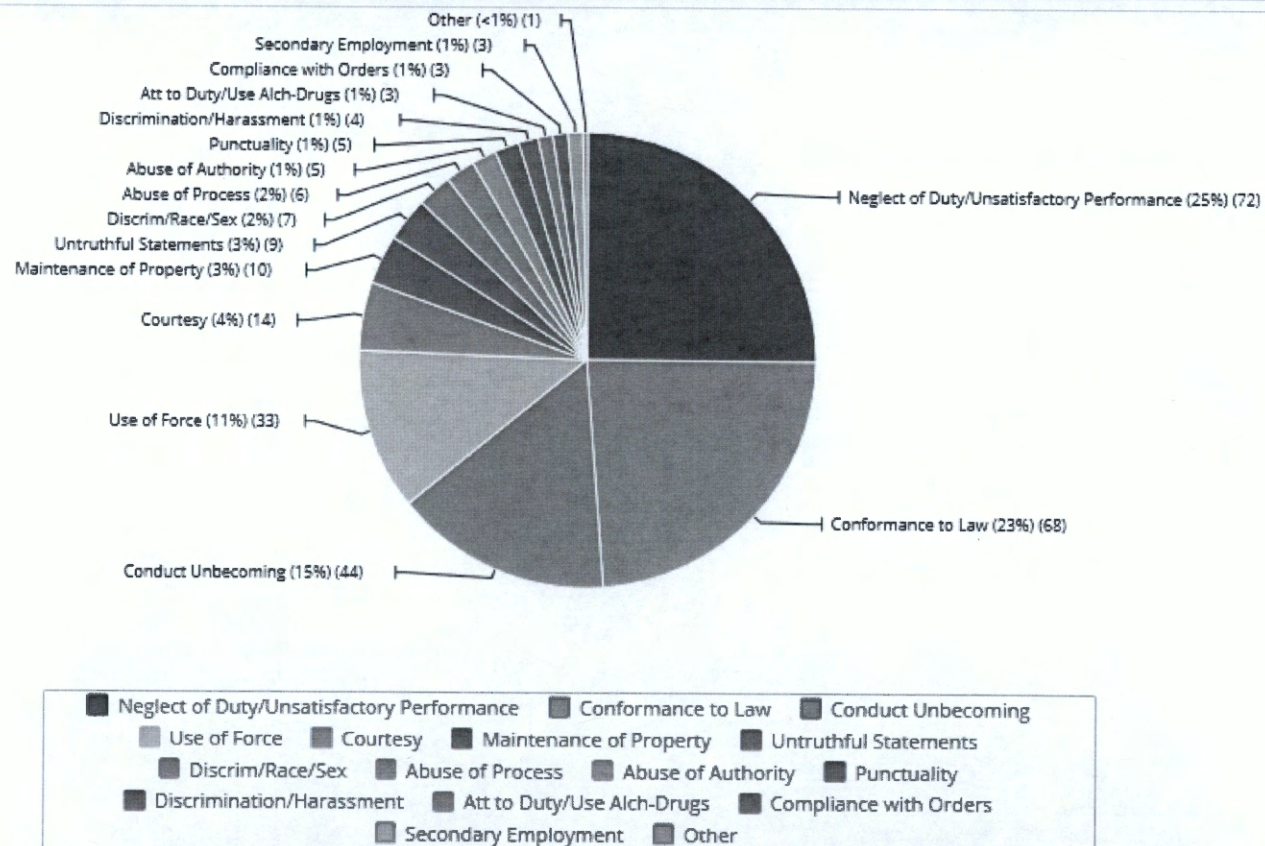
Out for Findings: 6

Declinations (included in inquiries): 17

7/15/19

Internal Affairs Division

Active Allegation Data – thru July 15, 2019



7/15/19



**MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF POLICE**

TRAINING BULLETIN

#19-01

06/04/2019

SUBJECT: *BODY WORN CAMERA SYSTEM (BWCS)*

OBJECTIVE: The purpose of this bulletin is to clarify the Montgomery County Police Department's policy and operational procedures pertaining to the proper use and operation of the department-issued *Axon Body Worn Camera System*.

The Department's *Body Worn Camera System* (BWCS) policy (FC 430) was issued in April 2016, and revised in October 2018. FC 430 contains important requirements and procedures to properly utilize the BWCS for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All officers receive training in the proper use and operation of the BWCS prior to issuance.

The following are important training points for all officers as it pertains to the proper use and operation of the BWCS per department policy:

Proper Operation

- Prior to going into service at the beginning of each shift, officers will ensure that the BWCS is operating properly in accord with their training and manufacturers recommendations. Officers discovering a BWCS malfunction shall promptly report the malfunction to a supervisor.
 - Officers should confirm that the BWCS is fully charged by pressing the battery button, which momentarily lights up and indicates the remaining battery capacity (it does not indicate the operating mode):
 - A GREEN light indicates that the remaining battery capacity is 41 – 100 percent
 - A YELLOW light indicates the remaining battery capacity is 20 – 40 percent
 - A RED light indicates a remaining battery capacity is less than 20 percent
 - A blinking RED and YELLOW light is an indication that the battery capacity is critically low

- When the camera is turned ON, the operation LED turns solid red until the system is ready to use. Then the Operation LED blinks green (BUFFERING mode) and the Battery LED goes out.
- The BWCS must be activated during all law enforcement-related encounters and activities at the initiation of a call for service or other activity that is investigative or enforcement in nature.
Note: THIS MEANS WHEN THE OFFICER IS DISPATCHED AND ENROUTE TO THE CALL, OR IMMEDIATELY UPON CONTACT WITH A CITIZEN/SUSPECT (If a non-dispatched situation).
- ALL officers dispatched to a call for service or involved in any law enforcement-related encounters and activities, as specified in FC 430, MUST activate their body worn cameras. **THIS INCLUDES ALL BACKUP OFFICERS, not only the primary officer on a call.**
- Whenever a BWCS recording is made of an event that results in a police report, the reporting officer must note in the report that the recording exists, if known. If this is the case, officers should include the following statement at the top of the report narrative in their Event Report: **“There is body worn camera footage associated with this event.”**
- All BWCS recordings must be uploaded by the officer at the end of his or her assigned shift, unless an exception is authorized by a supervisor. It is to an officer’s advantage to upload all BWCS recordings regularly to benefit from the “auto tagging” routine that is in-place to properly categorize any BWCS recordings that are not categorized by officers. **It is important to remember that “auto tagging” does not categorize all uncategorized recordings, therefore officers are still responsible to double check and properly categorize all their BWCS recordings.**

Categorizing/Tagging/Uploading

- The officer will be responsible for properly categorizing and tagging the recording at the time of the upload. There are three ways to add tags/classifications to a BWCS recording:
 - **Before upload is done** (video is still stored on camera)
 - Axon View Smartphone App - Wireless
 - Evidence Sync - MDT App that requires a Sync cable
 - **After upload is done** (video is stored in the cloud)
 - *Evidence.com* (mcpd.evidence.com) - Access the *Evidence.com* website on an MDT or MCPD Desktop Computer

NOTE: It is easiest to tag/classify BWCS recordings before upload since there are less logins (“clicks”) required to do so. If an officer has already docked their body worn camera, the only means to view recordings or add/edit tags is through *Evidence.com*.

- **Category Field:** (Mandatory Field). **MOST IMPORTANTLY - TAG!** – If you do nothing else, PLEASE ASSIGN THE PROPER CATEGORY TO ALL BWCS RECORDINGS.
 - Choose from a drop-down list of pre-defined categories. A category defines the pre-determined retention period of all BWCS recordings in *Evidence.com*.
 - Any recordings not assigned a category are permanently purged from *Evidence.com*

after 210 days, therefore it is possible that evidentiary recordings that may be critical for ongoing court cases will NOT be available if and when they are needed.

- **ID Field: (Mandatory Field).** Add the CAD Event (Incident) number without the "P". Example: 1900123456. **This field is not for CR, Video Description, etc. It should only be the CAD event number, if one exists.** Officers should only leave the ID Field blank if there is a traffic stop where no CAD Event Number is created.

If this is the case, officers should still assign the proper category to the recording whether or not there is a CAD Event Number associated with the event.

- **Title Field:** (Optional). Axon will populate a default date/time stamp title in this field UNLESS it is manually overwritten. Officers can manually add freeform text – typically event type, suspect last name, location, or CR number. Whatever text is entered in this field, it needs to be professional as the Title appears as a watermark on the video.
- Every BWCS video must have the Category and ID field completed. In the occasional circumstance where no CAD event exists, add the Category and leave the ID field blank.
- Evidentiary videos that do not fall into a specific category should be categorized as *All Other Evidentiary Recordings*.
- Non-Evidentiary videos should be categorized as *All Other Non-Evidentiary Recordings*.
- Traffic stops that do not result in a physical arrest should be categorized as *Traffic Stop (No Arrest)*. If you conduct a traffic stop and there is no CAD Event Number created, leave the ID field blank.

Auto-Tagging

- Auto-tagging is a department tool that will attempt to populate the ID field and assign the proper category to any BWCS recordings that are not tagged/categorized by the officer. If officers want to take full advantage of this tool, there are a few important things to remember:
 - It only works if officers upload their BWCS recordings to *Evidence.com* within 7 days of the date of the recording(s).
 - It only works if a CAD Event Number has been created/assigned to the call (or any self-initiated events).
 - The tool does NOT tag/categorize all BWCS recordings, therefore it is still the officers' responsibility per FC 430 to properly tag/categorize all BWCS recordings. Officers should regularly check their uploaded BWCS recordings in *Evidence.com* and manually add tags to any recordings that are missing this critical information – **especially the proper CATEGORY.**

Power Switch and Buffering Mode

- The power switch should be used minimally, such as at the beginning and end of a shift, and while on restroom breaks. **When officers are in the field, the camera should always be powered on and buffering.** This is to ensure spontaneous police activity is recorded in the event something abrupt and unexpected confronts an officer.
- The power switch is not intended to be used to stop recordings. This could cause the video to corrupt and possibly get stuck on the device.
- With the camera turned on, the Axon BWCS is in the BUFFERING mode. When BUFFERING begins:
 - The Operation LED on the camera will blink green.
 - The camera will be capturing video but no audio, and will not record to permanent memory.
- Buffered video duration is **30** seconds. When you activate the EVENT mode, the buffered video (not audio) captured directly before the event, up to 30 seconds, will be saved and attached to the event in permanent memory. This feature is intended to capture the video of an incident just before activation of EVENT mode.
- Excessive use of the power switch will make it loose and could lead to the camera powering off when not intended.

Watermark

- A permanent watermark appears in the upper right corner of all Axon body worn camera videos. The watermark displays the date, time, and camera serial number for the duration of the video. The watermark time uses the ISO 8601 Coordinated Universal Time (UTC) time standard format with a trailing Z for “Zulu” or “zero hours”.
 - Coordinated Universal Time (UTC) is a 24-hour international standard by which the world regulates clocks and time. It represents time without variance for daylight savings.
 - When a video is uploaded, *Evidence.com* converts the time for each video to the local time zone where the recording was created (in MCPD’s case, Maryland). It shows the converted time in the metadata section adjacent to the video player. The date and time watermark in the video remains in UTC time, as shown in the image below.

[DOWNLOAD](#)
[FLAG](#)
[SHARE](#)
[REASSIGN](#)
[AUDIT TRAIL](#)
[DELETE](#)

Viewed by dschueler (sb-pro.qa.evidence.com) on 15 Feb 2017

2017-01-17 T02:18:19Z
AXON BODY 2 X81065782

METADATA

ASSIGNED TO: Murt, Roy (PM-Comm)

RECORDED ON: 01/16/2017 6:18 PM -08:00

UPLOADED ON: 01/16/2017 8:09 AM -08:00

UPLOADED BY: Murt, Roy (PM-Comm)

DELETION SCHEDULED FOR: 03/16/2019 7:18 PM -07:00

FILE SIZE: 81.7 MB

- When this issue is brought up in court, officers can respond by understanding how to convert the UTC time stamp on the recording to the local time zone time. To manually convert UTC to Eastern Standard Time, officers should subtract 5 hours from the UTC time (UTC time – 5 hours). For Eastern Daylight Time (Daylight Savings Time), officers should subtract 4 hours (UTC time – 4 hours).

Reference: *FC 430 (Body Worn Camera System)*
IMTD BWCS Training Materials

Statement Regarding Video on Social Media from Silver Spring

Posted on **May 9, 2019** by **mcpnews**

The Montgomery County Department of Police takes all allegations of racial discrimination seriously. We are committed to serving all members of the community in a fair, impartial, and non-discriminatory manner at all times. All allegations of misconduct surrounding inappropriate actions or language by our employees are investigated by our Internal Affairs Division, at times in concert with other governmental agencies within Montgomery County.

The matter brought to our attention today is disturbing and contrary to our department's values and our overarching mission to fairly and impartially serve our community. The statements observed on the social media video clip are contrary to our extensive training curriculum that include implicit bias training and other training programs to ensure fair, unbiased, and non-discriminatory policing in our community.

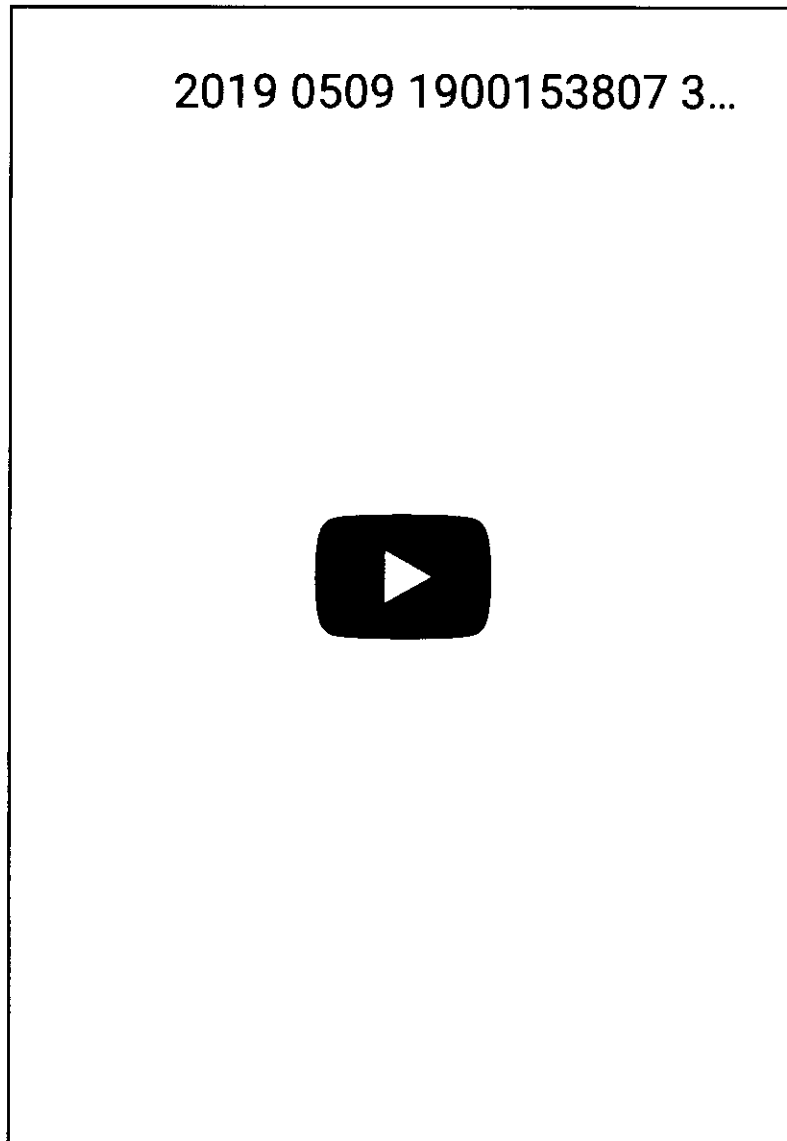
We sincerely regret the disturbing nature of this video. We understand the pain such language causes the entire community. Our commitment to having open and honest communication with the community and providing transparent police service persists. As part of our commitment to accountability and transparency, we are releasing both the social media video and the body worn camera footage of the involved officer for all to view.

The referenced videos were captured during an interaction between officers and four individuals at the McDonalds located at 11146 New

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Hampshire Avenue, in Silver Spring, on today's date at 10:36 a.m. The officers were investigating trespassers at that location.

Instagram Video



Body Camera Footage

AXON Body 2 Video 2019 ...



This incident remains under investigation and appropriate actions shall be taken in conformance with applicable laws and policy.

###

CTJ

This entry was posted in **Press Releases, Uncategorized** by **mcpnews**.
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[<http://www.mymcpnews.com/2019/05/09/statement-regarding-video-on-social-media-from-silver-spring/>] .



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

May 14, 2019

Acting Police Chief Russell Hamill
Montgomery County Police Department
100 Edison Drive
Gaithersburg, MD 20878

Dear Chief Hamill,

We are writing today to convey to you our alarm and deep dismay over the actions of several Montgomery County Police Department officers who on Thursday, May 9, 2019, detained, frisked, and issued trespassing citations to four African-American men as they finished their breakfast outside of a White Oak McDonald's while waiting for a ride to their jobs for the day.

We have seen the social media footage, reviewed the publicly available body-camera footage, and learned details of the incident from an in-person meeting between Councilmembers Jawando and Rice and two of the young men detained by MCPD. From what we have learned, we have reason to believe the actions by our county police violated department protocol and standards that we would expect of county-employed personnel.

As our Acting Police Chief, you are directly responsible for the management of our police force. In that regard, we write to encourage you to work to eradicate from MCPD any tolerance for behaviors that cause or encourage any officer to act in a manner that is unlawful, disrespectful or otherwise racially motivated toward any resident of Montgomery County. We recognize that we have great men and women who protect and serve our community. The incident last week damages the trust needed to help keep our community safe and does a disservice to officers who put their lives on the line and uphold the high standards of MCPD with dignity every day.

First, we learned from our meeting with those held by MCPD that they were issued trespassing citations by 3rd District officers despite the fact that at no time were they accused of trespassing, or asked to leave the restaurant by any employee or police officers. These young men were not acting unlawfully. In fact, they had purchased breakfast from the restaurant, and moved outside to finish their food while waiting for their scheduled ride to work. As we learned from our meeting with these young men, they have now lost their jobs as a direct result of this incident.

Second, but perhaps of even greater concern, is the broader issue of leadership and culture within the MCPD. As captured on the limited release of body-cam footage from one of at least six, possibly eight, officers who responded, our MCPD officers used reprehensible, demeaning and completely inappropriate language to refer to the very residents they are sworn to uphold and protect. Most public interest and coverage of the incident has centered on the one female officer, clearly using the "N" word during the exchange. However, the tone, language and actions of the

sergeant on the scene was also contemptible. Other officers on scene seemed impervious to the words, actions and tenor of the actively detaining officers, although from publicly available footage the aforementioned behaviors would seem to be clear violations of departmental policy and common standards for human decency, and could be construed as violations of the civil rights of our residents.

Third, we understand that McDonald's has an agreement with MCPD that officers can act as their agents and stop and detain people in the immediate vicinity of that restaurant even though there has been no call for police. We are concerned that such an agreement creates a climate ripe for racial profiling and the loss of trust, accountability and transparency.

We call on you to detail how you intend to address these issues, what steps you will take to remedy the immediate situation for these four residents (including exploration of rescinding the trespassing orders), and what you will do to change the culture in MCPD that leads some individual officers to publicly flaunt not just department policy, but basic tenets of respect and professionalism when interacting with county residents.

Specifically, we call on you as Acting Chief to:

- Release body-cam footage from every responding officer from the morning of the incident.
- Release the recording of any call(s) for service related to this specific stop either from the sergeant or from a non-police entity.
- Release a list of the locations where the Montgomery County Police act as an agent for property owners where they are authorized by property owners to cite individuals for trespassing without being called to the scene for a specific reason.
- Release the number and locations of all trespassing citations issued in the last two years in the case where no other arrest or other more serious charges were brought.
- Release demographic and geographic statistics of every resident stopped and frisked and cited for trespassing in the last two years.
- Explain and release the MCPD policy on stopping and frisking individuals.
- Explain and release the MCPD policy on racial profiling.

Thank you in advance for your attention to this incident.

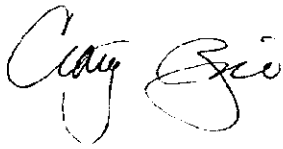
Sincerely,



Will Jawando
Councilmember At-Large



Nancy Navarro
Council President



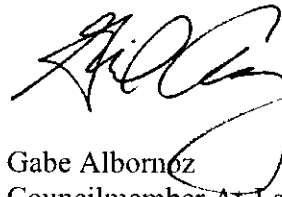
Craig Rice
Councilmember, District 2



Hans Riemer
Councilmember At-Large



Evan Glass
Councilmember At-Large



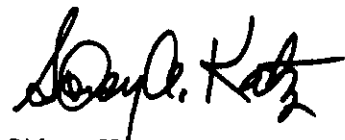
Gabe Albornoz
Councilmember At-Large



Tom Hucker
Councilmember, District 5



Andrew Friedson
Councilmember, District 1



Sidney Katz
Councilmember, District 3

cc: The Honorable Marc Elrich, Montgomery County Executive
Mr. Andrew Kleine, Chief Administrative Officer
Ms. Caroline Sturgis, Deputy Chief Administrative Officer
Ms. Marlene Michaelson, Executive Director, Montgomery County Council
Mr. Robert H. Drummer, Senior Legislative Attorney, Montgomery County Council
Ms. Susan Farag, Legislative Analyst, Montgomery County Council

Statement Regarding May 14th County Council Letter

Posted on **May 16, 2019** by **mcpnews**

We understand and appreciate the concerns regarding the recent incident in White Oak expressed by members of the County Council in their May 14th letter to the Department.

The Department values openness and transparency in its interactions with the public, and this event is no exception. From the moment we became aware of this concerning incident, the Department immediately initiated an Internal Affairs investigation into the event and all employees involved on the same day it occurred. We understand the importance of this matter and how it impacts our credibility and relationships with the community. We also understand the pain and deep concern this incident has caused to so many people.

The Department has been gathering further information and data as well as evaluating training and policies as the investigation and review of the incident proceeds.

The requests for information by members of the Council and others, while not routine, will be handled consistent with laws and policies applicable to the release of information.

There have also been questions and comments regarding the status of the investigation of the officers involved. In accordance with Maryland law, including the Law Enforcement Officers Bill of Rights, as well as our local

collective bargaining agreement, the Department is conducting a full, thorough and fair investigation of the incident.

We will release more information as it is developed and confirmed.

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CTJ

This entry was posted in **Press Releases, Uncategorized** by **mcpnews**.
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[<http://www.mymcpnews.com/2019/05/16/statement-regarding-may-14th-county-council-letter/>] .

Statement by Acting Chief Marcus Jones Regarding White Oak Incident; Additional Body- Worn Camera Footage Released

Posted on **July 12, 2019** by mcpnews

The following is a release of the statement to be provided by Acting Chief Marcus Jones at today's press conference regarding the White Oak incident.

"There has been a great deal of interest by the public and from our elected officials about an incident that took place on May 9, 2019 at the McDonald's restaurant at 11146 New Hampshire Avenue in White Oak.

In the interest of transparency, today we are releasing 205 minutes of video taken with body-worn cameras by our officers at the scene.

This is a release of all the body-worn camera footage available. One of our officers, Sergeant McDannell, did not turn on his camera immediately as is required but did turn it on as the incident progressed.

I also want to emphasize that you will hear on this tape language from our officers that is decidedly unprofessional. It violates our Department policy, it is not acceptable to me and it is not acceptable to our community.

Before getting into the details of the incident, I want to make it clear that I cannot discuss, or take questions, on any details of our internal investigation as it still in progress.

I would like to set out a broader context for the events of May 9 than has been available previously.

Our officers are very familiar with the White Oak area and with the McDonald's restaurant specifically. The beat involved here is one of our busiest in terms of calls for service.

Within that beat, this McDonald's restaurant is one of the establishments that most frequently generates calls for service. In 2018, there were 192 calls for service, with 57 of those dealing with trespassing. Through June 15 of this year, there have been 53 calls for service, with 21 of those for trespassing.

The manager of the restaurant not only encourages his employees to call the police when there are issues, he also requested that we take action when officers view a situation that might be disruptive to the business or which we believe might be of a criminal nature.

We work with the McDonald's to make certain there is a safe environment for customers and employees. In this instance, our officer approached the four individuals involved outside of the restaurant and asked them to move along.

The reporting and social media postings at the time reflected the view that we unfairly and perhaps illegally accosted and searched young men who had been customers of the restaurant and were waiting to be picked up to be taken to work.

The evidence from our investigation presents a different view.

This is not what some people call a random “stop and frisk” action. It began with the officer approaching the four men in the video and asking them to move along.

At that point, and what was not apparent on the social media video of the incident, was that our officers detected the odor of marijuana on at least two of the individuals.

This was probable cause for arrest, and the reason why the individuals and a backpack were searched.

We have also determined through security camera video that none of the men were customers of the restaurant. None had ordered, consumed or picked up food or drinks inside the restaurant.

This was not an incident of racial profiling. Our officers are trained in Constitutional policing while in the Training Academy and after they graduate. We exceed the State standards in this area. We do not tolerate racial profiling and it was not in evidence here.

At the end of the day, all of the men were issued trespass notices and two were issued Maryland Civil Citations for marijuana possession. You will see on the video that at least one of the men was familiar with this process.

For the record, the store manager has asked that the trespass notices given to the four men not be rescinded, as some others have requested.

Thank you for your attention. The video will be posted online for your viewing shortly after we conclude here.

And again, I want to apologize for the language of our officers that you will hear in the video. I am disappointed with it, and I want to be clear it does not meet our standards.”

The body-worn camera footage related to this incident can be accessed and viewed at the following links:

Sergeant M. McDannell

Officer T. Fox

Officer M. Washington (part 1):

Officer M. Washington (part 2)

Officer K. Harrington

Officer J. Mirra (part 1)

Officer J. Mirra (part 2)

Officer J. Dodson

Officer F. Ronald (part 1)

Officer F. Ronald (part 2)

Officer D. Olsen

Lieutenant E. Bunting

The policies of the Montgomery County Department of Police can be found at the following link:

<https://www.montgomerycountymd.gov/pol/resource/policies.html>

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This entry was posted in **Media Advisory, Press Conference, Press Releases, Uncategorized** by **mcpnews**. Bookmark the **permalink** [<http://www.mymcpnews.com/2019/07/12/statement-by-acting-chief-marcus-jones-regarding-white-oak-incident-additional-body-worn-camera-footage-released/>] .

Statement Regarding July 3 Video on Social Media from Aspen Hill

Posted on **July 5, 2019** by **Rick Goodale**

Yesterday, July 4th, the Montgomery County Department of Police were made aware of a video that was posted on Twitter during the evening of July 3. The video showed a Montgomery County Police officer using force while making an arrest at a shopping center in Aspen Hill.

The preliminary investigation has determined that on July 3, 2019, officers from the 4th District were conducting an undercover operation regarding a suspect selling psilocybin mushrooms in the Aspen Hill area. During this investigation, officers identified the suspect as 19-year-old Arnaldo Pesoa of Silver Spring. Plainclothes officers located Pesoa inside a restaurant in the Aspen Hill Shopping Center located at 13701 Connecticut Avenue and attempted to place him under arrest for the attempted distribution of a controlled dangerous substance. Pesoa became disorderly with the officers inside the restaurant and resisted the arrest. Officers eventually removed Pesoa from the restaurant. While outside the restaurant, Pesoa continued to act in a disorderly manner and resist arrest.

Pesoa was transported to the Central Processing Unit where he was charged with one count of possession of a controlled dangerous substance, one count of attempt distribution of a controlled dangerous substance, one count of resisting arrest, and one count of second-degree assault. Pesoa was released after posting a \$5,000 bond.

The Montgomery County Department of Police takes all complaints or evidence of excessive force seriously.

As a result of the Department's preliminary investigation into this arrest, the officer involved has been identified as Police Officer III Kevin Moris of the 4th District Special Assignment Team. Officer Moris' police powers have been suspended and he has been assigned to administrative duties pending the investigation. Furthermore, the officer's use of force during this incident will be investigated by MCP's Criminal Investigations Division and upon completion, the findings will be referred to the Montgomery County State's Attorneys Office for review.

The Department's internal investigation into this incident is ongoing. Any witnesses or persons who may have more information regarding this incident are encouraged to call the Internal Affairs Division at 240-773-6000.

rlg/CTJ

This entry was posted in **Press Releases** by **Rick Goodale**. Bookmark the **permalink** [<http://www.mymcpnews.com/2019/07/05/statement-regarding-july-3-video-on-social-media-from-aspen-hill/>] .

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Press Releases - County Council

Press Releases » Release

Statement from Council President Nancy Navarro and Vice President and Chair of the Public Safety Committee Sidney Katz on use of force during an arrest at Aspen Hill Shopping Center

For Immediate Release: Friday, July 5, 2019

ROCKVILLE, Md., July 5, 2019—Montgomery County Council President Nancy Navarro and Vice President and Chair of the Public Safety Committee Sidney Katz made the following statement after viewing cell phone videos from community members showing the use of force by a Montgomery County Police officer during an arrest at McDonald's in the Aspen Hill Shopping Center.

"We are outraged and deeply saddened to watch the videos that show a young man being apprehended by Montgomery County Police officers using what appears to be excessive force. We appreciate that Acting Police Chief Marcus Jones



has promptly initiated a thorough investigation into this arrest. The Council is committed to making sure that all our residents feel safe when interacting with police officers. We have asked that Chief Jones appear before the Montgomery County Council as soon as possible in July to brief us on this incident and share with us his strategies for community-police relations, including de-escalation training strategies, to make our county a safe place for all our residents. We will continue to monitor this investigation and will review the outcome once it's complete.

We encourage community members who may have witnessed this arrest to contact police investigators at 240-773-6000.

You can read the Montgomery County Police Department's statement [here](#).

Release ID: 19-238

Media Contact: Sonya Healy 240-777-7926 , Bertha Cerzosimo 240-777-7931



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Montgomery County Council President Navarro's Statement on Charging of Montgomery County Police Officer

For Immediate Release: Tuesday, July 9, 2019

ROCKVILLE, Md., July 9, 2019—Montgomery County Council President Nancy Navarro issued the following statement regarding Montgomery County State's Attorney John McCarthy's decision to charge Montgomery County Police Officer Kevin Moris with second degree assault and misconduct in office.

"Today is a somber and introspective one for Montgomery County because the overall reputation of our police department has been impacted by the excessive use of force by one police officer. It is important to reiterate that the Montgomery County Police Department is made up of men and women of integrity who pride themselves on high standards as they keep our County safe; however, effective accountability and oversight are essential to develop and maintain trust between the police and our community.

The Council appreciates Acting Police Chief Marcus Jones' prompt investigation of this arrest and the swift action by State's Attorney John McCarthy to bring charges against Officer Moris. Today's charges reinforce the message that the excessive use of force will not be tolerated in our County.

Our work doesn't stop with these charges. Acting Chief Jones will brief the Council on July 23 about strategies for community-police relations including de-escalation and other police training necessary to make our County a safe place for all our residents. We also will continue to monitor this case and will review the outcome once it's complete.

In addition, the Council is part of the process for the appointment of a new police chief. We pledge to support the incoming chief and our community leaders in making our residents' mandate for a safe Montgomery County, where every police officer treats all residents with respect and care regardless of their race, ethnicity, gender, sexuality and class, a reality. The police chief will work with us to support a highly respected police team to be more culturally proficient and to carry out its duties and responsibilities to our community with respect, compassion and a deep sensitivity to its sacred obligation to protect every resident of our great County."

###

Release ID: 19-242

Media Contact: Sonya Healy 240-777-7926 , Juan Jovel 240-777-7931



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