



Montgomery
County Council

Committee: PS
Committee Review: Completed
Staff: Amanda Mihill, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #TransparentAndAccountablePolicing

AGENDA ITEM #4.5A
March 3, 2020
Action

SUBJECT

Bill 33-19, Police – Community Policing

Lead Sponsors: then-Council President Navarro and Councilmember Rice

Co-Sponsors: Council Vice President Hucker, Councilmembers Albornoz, Jawando, Friedson, Glass, Council President Katz and Councilmember Riemer

EXPECTED ATTENDEES

Acting Assistant Chief Willie Parker-Loan, Patrol Services Bureau (MCPD)

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

The Committee recommended (2-0) that the Council enact Bill 33-19 with the following amendments:

- deletes the language requiring MCPD to maintain and expand the school resource officer program (©3, lines 43-44);
- requires MCPD to designate a liaison to vulnerable populations (©3, lines 45-46);
- add language requiring MCPD to increase officer knowledge of the County's diverse population (©3, lines 33-35);
- require MCPD to work with County departments, agencies, and community-based organizations to incorporate mental health and positive youth development initiatives (©3, lines 47-49);
- requires MCPD to report on the Department's training standards and practices (©5, lines 89-90);
- requires MCPD to report on all uses of force that result in an injury if the injury occurred as a direct result of an officer's actions (©4, lines 66-69);
- expands the requirement for MCPD to report on demographic information to include information voluntarily provided by officers (©4, lines 53-63);
- requires MCPD to report on civil complaints regarding verbal offenses (©4, lines 72-73);
- requires MCPD to report the number of calls for service involving substance abuse or mental health issues (©5, lines 80-81); and
- requires MCPD to report on demographic information about detainees (©5, lines 82-88).

Councilmembers Navarro and Rice participated in the Committee discussion.

DESCRIPTION/ISSUE

Bill 33-19 would set certain community policing guidelines, require the Montgomery County Police Department to make certain reports and make certain legislative findings.

SUMMARY OF KEY DISCUSSION POINTS

- Although the amended version of Bill 33-19 would delete language requiring the Police to maintain and expand the school resource officer program, several Councilmembers noted their support for this program.

This report contains:

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MEMORANDUM

February 27, 2020

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AM*
Susan Farag, Legislative Analyst

SUBJECT: Bill 33-19, Police – Community Policing *STF*

PURPOSE: Action – Committee to make recommendations to Council

Public Safety Committee recommendation (2-0): enact Bill with amendments described beginning on page 4.

Background

Bill 33-19, Police – Community Policing, sponsored by Lead Sponsors then-Council President Navarro and Councilmember Rice and Co-Sponsors Council Vice President Hucker, Councilmembers Albornoz, Jawando, Friedson, Glass, Council President Katz and Councilmember Riemer, was introduced on October 15. A public hearing was held on January 21 at which a number of speakers testified on the bill. A Public Safety Committee worksession was held on February 13 and a second worksession was held on February 24.

Bill 33-19 would set certain community policing guidelines, require the Montgomery County Police Department (MCPD) to make certain reports and make certain legislative findings. A memorandum from the Lead Sponsor is attached on ©7.¹

Provisions of Bill 33-19

There are 3 components to Bill 33-19: legislative findings, community policing guidelines, and reporting requirements.

¹TransparentAndAccountablePolicing

Legislative findings. The legislative findings in Bill 33-19, as introduced provide background information from the Department of Justice and the Police Executive Research Forum.

Community policing guidelines. The community policing guidelines required by Bill 33-19, as introduced. The guidelines require MCPD to:

- regularly initiate and engage in positive nonenforcement activities with their communities;
- ensure cultural competency throughout the Department;
- emphasize the recruitment of candidates with ties to the County;
- increase community outreach initiatives and officers must attend community events on behalf of the Department;
- provide adequate training in de-escalation tactics; and
- maintain and expand the School Resource Officer Program, in recognition of its value to the community.

Reporting requirements. Bill 33-19, as introduced requires MCPD to provide the Executive and Council with an annual report consisting of several pieces of information, including:

- demographics of the sworn police force;
- use of force statistics;
- officer suspension information;
- the number of youth referred to intervention programs by officers; and
- community policing efforts.

Public Hearing Testimony/Correspondence

At the Council's public hearing, many groups and individuals urged a variety of amendments to Bill 33-19. Those requested amendments are summarized below. As discussed in more detail on pages 4-7, Lead sponsor Councilmember Navarro is sponsoring an amendment to address many of the issues raised at the hearing and in written correspondence.

Legislative findings

- An individual requested an amendment to add explicit language about racism and anti-racism (©28). (Council staff note: the bill language as introduced accurately summarizes the issues and recommendations presented at the Police Executive Research Forum.)

Community policing guidelines

- Several organizations, including the NAACP, SURJ, and LGBTQ Democrats of Montgomery County, and several individuals opposed the bill's requirement that MCPD expand the school resource office program. (Council staff note: the Committee recommendation would address this issue.)

- The LGBTQ Democrats of Montgomery County recommended that that a liaison officer or unit be created at MCPD to improve relationships between law enforcement and the LGBTQ community (©17). (Council staff note: the Committee recommendation would address this issue.)
- The LGBTQ Democrats of Montgomery County recommended better defining “diversity and cultural competency” (©17). (Council staff note: the Committee recommendation would address this issue.)
- The LGBTQ Democrats of Montgomery County requested an amendment to better define the role of the police in the community to limit the “intimidation factor” (©20). (Council staff note: it is unclear what “intimidation factor” means; this is not an objective, measurable criteria)
- The LGBTQ Democrats of Montgomery County recommended an amendment to create a “Crisis Assistance Helping Out on the Streets (CAHOOTS) unit so medical and mental health professionals trained in de-escalation and soft skill can be available to deal with mental health crisis” (©17). (Council staff note: the Committee recommendation would address this issue.)

Reporting requirements

- The NAACP urged an amendment to require MCPD to report several pieces of data on the SRO program (©21-22).
- The LGBTQ Democrats of Montgomery County urged that de-escalation training standards and practices be adopted and publicly reported (©20). (Council staff note: the Committee recommendation would address this issue.)
- An individual requested an amendment to require MCPD to report on all instances of use of force (©28). (Council staff note: the Committee recommendation would address this issue.)
- The LGBTQ Democrats of Montgomery County requested an amendment to require MCPD to report the “total number of sworn police officers by race, ethnicity, sex – and any additional optional information such as gender identity, sexual orientation, disability, or other characteristics – to help members of both the police force and community to have a better understanding of the demographic makeup of our police department” (©20). (Council staff note: the Committee recommendation would address this issue.)
- The LGBTQ Democrats of Montgomery County requested an amendment to require MCPD to report on civil complaints about “verbal offenses and bigotry” committed by officers (©20). (Council staff note: the Committee recommendation would address this issue.)
- The LGBTQ Democrats of Montgomery County requested an amendment to specify that the annual report be also issued to the public (©20). (Council staff note: Annual reports are required throughout the Code from a variety of Departments and Boards, Committees, and Commissions. These annual reports are often reports that are shared with the public, but this specific language in the bill is not appropriate.)

- Mr. Mark Paster urged many additions to the reporting requirements in Bill 33-19 (©52-60). (Council staff note: Some of these requested reporting requirements are not appropriate for inclusion in the bill; the amendment proposed by the Committee recommendation would address others. Generally, however, the Council can ask for much of this information without requiring it in the legislation. Council staff asked MCPD several of Mr. Paster’s questions who responded (see ©69-71)).

Other

- The LGBTQ Democrats of Montgomery County requested amendments to establish a “fair and unbiased internal reporting system for officers” and “a fair and unbiased external reporting system for the community” (©19). (Council staff note: it is unclear what is meant by “fair and unbiased”. There are presently processes in place to file complaints.)

Committee Review

The Public Safety Committee met on February 13 and 24 to review Bill 33-19. The Committee reviewed the public hearing testimony and correspondence that the Council received and reviewed an amendment proposed by Lead Sponsor Councilmember Navarro that addressed many of the issues raised in testimony and correspondence. **The Committee recommended the Council enact Bill 33-19 with amendments** (2-0, Councilmember Hucker absent) The elements of the amended version of Bill 33-19 are detailed below.

Community Policing Guidelines

1. **School Resource Officers (SRO).** Community policing guidelines in Bill 33-19 include “the Department must maintain and expand the SRO Program, in recognition of its value to the community”. Several organizations, including the NAACP, SURJ, and LGBTQ Democrats of Montgomery County, and individuals opposed this portion of the bill. The Committee recommendation addresses this issue by removing the following language (©3, lines 43-44):

[[(6) the Department must maintain and expand the School Resource Officer Program, in recognition of its value to the community.]]

2. **Creation of a liaison officer/unit at the Police Department (MCPD).** The LGBTQ Democrats of Montgomery County recommended that a liaison officer or unit be created at MCPD to improve relationships between law enforcement and the LGBTQ community. The Committee recommendation addresses this issue by adding the following as a community policing guideline (©3, line 45-46):

(6) the Police Chief must designate a liaison to each population that is disproportionately impacted by inequities, as appropriate.

3. **Cultural competency definition.** Bill 33-19 requires the Department to “ensure cultural competency throughout the Department”. The LGBTQ Democrats of Montgomery County recommended better defining “diversity and cultural competency, including race, ethnicity, socioeconomic status, age, sex – including gender identity and sexual orientation, religions, and disability status”. The Committee recommendation addresses this issue by adding the following language to the guideline regarding cultural competency (©3, lines 33-35):

(2) the Department must ensure cultural competency throughout the Department and increase officer knowledge of the County’s diverse population;

4. **Cross-department mental health response.** The LGBTQ Democrats of Montgomery County recommended an amendment to create a “Crisis Assistance Helping Out on the Streets (CAHOOTS) unit so medical and mental health professionals trained in de-escalation and soft skill can be available to deal with mental health crisis” (©17). Council staff notes that there is a mobile crisis unit in HHS that responds when people are in crisis and they often co-respond with police. Additionally, when a call is received for an individual experiencing obvious substance use or mental health crisis, the Emergency Communications Center dispatches both police and an ambulance to the scene. While MCPD does not have a form “CAHOOTS” unit, elements exist across 3 departments. The Committee recommendation addresses this issue by adding an additional community policing guideline as follows (©3, lines 47-49):

(7) the Department must incorporate mental health and positive youth development initiatives in partnership with County Departments, agencies, and community-based organizations.

Reporting

5. **De-escalation training.** Bill 33-19 requires MCPD to “provide adequate training in de-escalation tactics”. The LGBTQ Democrats of Montgomery County urged that the de-escalation training standards and practices be adopted and publicly reported. Additionally, Mark Paster recommended MCPD report on the number of hours of training/retraining in community policing that officers receive. Council staff notes that officer training was the subject of a Public Safety Committee briefing on Monday, February 3; a memorandum to the Public Safety Committee from Ms. Navarro is on ©67-68. The Committee’s recommended bill would add the following to the reporting requirements (©5, line 89-90):

(P) a description of the Department’s training standards and practices, including training and practices related to de-escalation;

6. **Use of Force.** Bill 33-19 requires MCPD report on “the number of instances of use of force that resulted in the transport of a civilian to a hospital by an emergency vehicle, when the injury occurred as a direct result of an officer’s actions”. An individual requested an amendment to broaden this to include all incidents of force. The Committee recommendation addresses this issue by amending the use of force reporting requirement as follows (©4, lines 66-69):

(F) the number of instances of use of force that resulted in [[the transport of a civilian to a hospital by an emergency vehicle,]] an injury when the injury occurred as a direct result of an officer’s actions;

7. **Demographic information on police officer personal complement.** Bill 33-19 requires MCPD to report on “the total number of sworn racial minority police officers in the Department by race and ethnicity and the total number of sworn female police officers in the Department”. The LGBTQ Democrats of Montgomery County requested an amendment to require MCPD to report the “total number of sworn police officers by race, ethnicity, sex – and any additional optional information such as gender identity, sexual orientation, disability, or other characteristics – to help members of both the police force and community to have a better understanding of the demographic makeup of our police department”. Council staff does not think the second part of this language is appropriate for the bill even if that is the goal. Additionally, police officers should not be forced to provide any gender identity, sexual orientation, or disability information they are not comfortable providing. The Committee recommendation to address this issue would read (©4, lines 53-63):

[[A]] (1) information about the demographic makeup of the Department, including:

(A) the total number of sworn police officers in the Department;

(B) the total number of sworn racial minority police officers in the Department by race and ethnicity;

(C) the total number of sworn female police officers in the Department;

(D) the number of sworn police officers in the Department that reside in the County; and

(E) any other demographic information voluntarily provided by sworn police officers;

8. **Civil complaints regarding verbal offenses.** The LGBTQ Democrats of Montgomery County requested an amendment to require MCPD to report on civil complaints about “verbal offenses and bigotry” committed by officers. Council staff notes that MCPD annually reports on internal affairs complaints, which includes discrimination and harassment. The Committee recommendation addresses this issue by requiring MCPD to report on discrimination and harassment complaints received (©4, lines 72-73):

(H) the number of civilian complaints regarding discrimination and harassment;

9. Substance abuse/mental health/poverty calls for service. Mark Paster urged an amendment for MCPD to report on the number of calls for service involving “addiction”, “mental health issues”, and “poverty/homelessness” and how many result in arrest. Council staff notes that it would be more appropriate to report on calls for service involving substance abuse instead of addiction. The Committee recommendation adds the following to the reporting requirements (©5, lines 80-81):

(M) the number of calls for service involving substance abuse;

(N) the number of calls for service involving mental health issues;

10. Demographic information about detainees. The Committee recommended bill adds the following reporting requirement regarding demographic information about detainees (©5, lines 82-88):

(O) demographic information regarding individuals detained by the Department, including

(i) race;

(ii) ethnicity;

(iii) gender; and

(iv) any other demographic information voluntarily provided by the detainee;

This packet contains:

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Bill No. 33-19
Concerning: Police – Community Policing
Revised: 9/23/2019 Draft No. 4
Introduced: October 15, 2019
Expires: April 15, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council President Navarro and Councilmember Rice
Co-Sponsors: Councilmembers Hucker, Alborno, Jawando, Friedson, Glass, Council Vice
President Katz and Councilmember Riemer

AN ACT to:

- (1) set certain community policing guidelines;
- (2) require the Montgomery County Police Department to make certain reports;
- (3) make certain legislative findings; and
- (4) generally amend the law governing policing.

By amending

Montgomery County Code
Chapter 35, Police
Section 35-6

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Section 35-6 is amended as follows:**

2 **35-6. [Reserved] Community Policing.**

3 (a) Legislative findings.

4 (1) The United States Department of Justice advises that:

5 (A) [[Strong]] strong relationships of mutual trust between
6 police agencies and the communities they serve are critical
7 to maintaining public safety and effective policing[.];

8 (B) [[Police]] police officials rely on the cooperation of
9 community members to provide information about crime in
10 their neighborhoods, and to work with the police to devise
11 solutions to crime and disorder problems[.]; and

12 (C) [[Community]] community members' willingness to trust
13 the police depends on whether they believe that police
14 actions reflect community values and incorporate the
15 principles of procedural justice and legitimacy.

16 (2) The Police Executive Research Forum hosted a national meeting
17 of police and community leaders. The following key issues and
18 recommendations were determined to be useful to help police
19 departments and their communities to develop collaborative
20 strategies for moving forward. Police departments should:

21 (A) acknowledge and discuss with communities the challenges
22 local police departments face;

23 (B) be transparent and accountable;

24 (C) take steps to reduce bias and improve cultural competency;

25 (D) maintain focus on the importance of collaboration and be
26 visible in the community; and

27 (E) promote internal diversity and ensure professional growth
 28 opportunities.

29 (b) Community policing guidelines. To further community policing
 30 objectives:

31 (1) officers must strive to regularly initiate and engage in positive
 32 nonenforcement activities with their communities;

33 (2) the Department must ensure cultural competency throughout the
 34 Department and increase officer knowledge of the County's
 35 diverse population;

36 (3) the Department must emphasize the recruitment of candidates with
 37 ties to the County;

38 (4) the Department must increase community outreach initiatives and
 39 officers must attend community events on behalf of the
 40 Department;

41 (5) the Department must provide adequate training in de-escalation
 42 tactics; [[and]]

43 (6) [[the Department must maintain and expand the School Resource
 44 Officer Program, in recognition of its value to the community.]]
 45 the Police Chief must designate a liaison to each population that is
 46 disproportionately impacted by inequities, as appropriate; and

47 (7) the Department must incorporate mental health and positive youth
 48 development initiatives in partnership with County departments,
 49 agencies, and community-based organizations.

50 (c) Reporting requirements. [[(1)]] By February 1 each year, the
 51 Montgomery County Department of Police must report the following
 52 information to the Executive and Council for the prior calendar year:

- 53 [[A)] (1) information about the demographic makeup of the
 54 Department, including:
- 55 (A) the total number of sworn police officers in the Department;
 - 56 (B) the total number of sworn racial minority police officers in
 57 the Department by race and ethnicity;
 - 58 (C) the total number of sworn female police officers in the
 59 Department;
 - 60 (D) the number of sworn police officers in the Department that
 61 reside in the County; and
 - 62 (E) any other demographic information voluntarily provided by
 63 sworn police officers;
- 64 [[E)] (2) the number of recruiting events the Department sponsored or
 65 participated in the County;
- 66 [[F)] (3) the number of instances of use of force that resulted in [[the
 67 transport of a civilian to a hospital by an emergency vehicle,]] an
 68 injury when the injury occurred as a direct result of an officer's
 69 actions;
- 70 [[G)] (4) the number of civilian complaints about the use of force by an
 71 officer;
- 72 (5) the number of civilian complaints regarding discrimination and
 73 harassment;
- 74 [[H)] (6) the number of officers who were suspended with pay;
- 75 [[I)] (7) the number of officers who were suspended without pay;
- 76 [[J)] (8) the percentage of patrol officers who were assigned to
 77 neighborhood patrols;
- 78 [[K)] (9) the number of youth under the age of 18 years referred to
 79 intervention programs by officers; [[and]]

- 80 (10) the number of calls for service involving substance abuse;
81 (11) the number of calls for service involving mental health issues;
82 (12) demographic information regarding individuals detained by the
83 Department, including
84 (A) race;
85 (B) ethnicity;
86 (C) gender; and
87 (D) any other demographic information voluntarily provided by
88 the detainee;
89 (13) a description of the Department's training standards and practices,
90 including training and practices related to de-escalation; and
91 [[L]] (14) a description of the Department's community policing
92 efforts, including community policing programs, participation in
93 town hall meetings, and efforts to engage with schools, recreation
94 centers, community centers, and senior centers.
95

LEGISLATIVE REQUEST REPORT

Bill 33-19

Police – Community Policing

DESCRIPTION: Bill 33-19 would set certain community policing guidelines; require the Montgomery County Police Department to make certain reports; and make certain legislative findings.

PROBLEM: Community policing is an important policing tool, but there are currently no measures in County law providing guidance on community policing.

GOALS AND OBJECTIVES: To provide MCPD with guidance regarding community policing.

COORDINATION: MCPD

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be researched.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney (240) 777-7815

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: Not applicable.



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

**COUNCIL PRESIDENT NANCY NAVARRO
DISTRICT 4**

**CHAIR, GOVERNMENT OPERATIONS AND
FISCAL POLICY COMMITTEE**

EDUCATION AND CULTURE COMMITTEE

MEMORANDUM

Tuesday October 1, 2019

TO: Councilmembers
FROM: Nancy Navarro, President, County Council
SUBJECT: Community Policing Bill- Introduction

I, alongside Councilmember Craig Rice, am transmitting for introduction a new Community Policing Bill. The bill provides broad guidelines which the Montgomery County Police Department (MCPD) can employ to promote core community policing values among officers, such as striving to ensure cultural competency throughout the Department, engaging in positive non-enforcement activities with members of the community, and appropriate training in de-escalation tactics. The bill also spells out specific reporting requirements for the MCPD and would require that it provides the Council and Executive certain data and information for the previous calendar year by February 1 of each year. Information collected would include data on officer demographics, use of force complaints, and descriptions of specific outreach/community policing initiatives.

This bill provides a more solid community policing framework for the Department to operate under. Montgomery County has changed, and we, as legislators, have a responsibility to guide our institutions to better reflect who we are as a community. I would like to thank my Council colleagues, and our partners in the law enforcement community, for their continued partnership as we strive to create a more inclusive, and responsive, county. Please let me know as soon as possible, if you would like to be a co-sponsor of this important bill.

STELLA B. WERNER COUNCIL OFFICE BUILDING • ROCKVILLE, MARYLAND 20850
(240) 777-7968 • TTY (240) 777-7914

COUNCILMEMBER.NAVARRO@MONTGOMERYCOUNTYMD.GOV • WWW.COUNCILMEMBERNAVARRO.COM

6A



ROCKVILLE, MARYLAND

MEMORANDUM

December 13, 2019

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*
Michael Coveyou, Acting Director, Department of Finance *mqc*

SUBJECT: FEIS for Bill 33-19, Police – Community Policing

Please find attached the Fiscal and Economic Impact Statements for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
Chief Marcus Jones, Department of Police
Rob Hagedoorn, Department of Finance
Dennis Hetman, Department of Finance
David Platt, Department of Finance
Monika Coble, Office of Management and Budget
Trevor Lobaugh, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget

Fiscal Impact Statement
Bill 33-19, Police - Community Policing

1. Legislative Summary

Bill 33-19 would set certain community policing guidelines and require the county's police department to provide annual reports on officer demographics, complaints and outreach initiatives. Specifically, it emphasizes the recruitment of new officers and employees from within or ties to the county, mandates an increase in police community outreach initiatives, directs the maintenance and expansion of the School Resource Officer (SRO) program, and requires adequate training in de-escalation tactics and cultural competency.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The items listed below are options the Montgomery County Police Department (MCPD) is exploring to implement the guidelines of Bill 33-19. The estimated annual cost of implementing these actions ranges from \$190,000 to \$362,800.

- 1) Provide cultural competency training to all 1,300 plus officers and certain civilian staff (dispatchers, PSAs) through internal resources, a community partnership, or a qualified outside vendor.
- 2) Additional overtime to increase community outreach and attendance at community events. Additional overtime funds will be allocated to the Community Engagement Division (CED) and each of the six police districts.
- 3) Additional outreach funds to support activities that will attract residents to community events including giveaways, educational materials, food, rental space and entertainment. Additional outreach funds will be allocated to the Community Engagement Division (CED) and each of the six police districts.
- 4) Provide de-escalation training through a train-the-trainer course for a subset of officers within MCPD.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Annual expenditures are estimated to range from \$190,000 to \$362,800. The total cost over the next six fiscal years would range from \$1,140,000 to \$2,176,800.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable, Bill 33-19 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

- 1) De-escalation training: 8 hours x 1,300 officers = 10,400 hours (16 hours = 20,800) annually
- 2) Cultural Competency training: 8 hours x 1,300 officers = 10,400 hours annually

8. An explanation of how the addition of new staff responsibilities would affect other duties.

The addition of new recurring mandatory training limits the MCPD's ability to introduce other training on topical subjects, due to the time commitments of other required training set by the Maryland Police and Corrections Training Commission (MPCTC) and with the daily operational needs of the department.

9. An estimate of costs when an additional appropriation is needed.

Estimated costs are detailed in items #2 and #3.

10. A description of any variable that could affect revenue and cost estimates.

Cost estimates will vary dependent on the implementation of the options identified in item #2. Other factors include the costs for *qualified and vetted* course instructors and materials for the de-escalation and cultural competency training.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

Not applicable:

13. Other fiscal impacts or comments.

The Chief of Police is in the planning stages of a reorganization that will include an emphasis on Community Policing.

14. The following contributed to and concurred with this analysis:

Acting Assistant Chief Paul J. Liquorie, Patrol Services Bureau
Captain Sonia Pruitt, MCPD Community Engagement Division
Neil Shorb, MCPD Management and Budget Division
Karla Thomas, MCPD Management and Budget Division
Trevor Lobaugh, Office of Management and Budget


Richard S. Madaleno, Director
Office of Management and Budget

12/12/19
Date

**Economic Impact Statement
Bill 33-19, Police – Community Policing**

Background:

This legislation would:

- Set certain community policing guidelines;
- Require the Montgomery County Police Department to make certain reports; and
- Make certain legislative findings

1. The sources of information, assumptions, and methodologies used.

The Department of Finance (Finance) did not make assumptions or used methodologies in the preparation of the economic impact statement (EIS). There were no sources of information used by Finance in the preparation of the EIS

2. A description of any variable that could affect the economic impact estimates.

Not applicable.


3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Since Bill 33-19 establishes policing guidelines and requires the Montgomery County Police Department to prepare reports, the legislation has no economic impact.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraph 3

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.


Michael Cushey, Acting Director
Department of Finance

11/12/19
Date



Maryland

Testimony Opposing Bill 33-19 (Community Policing Bill)

Dear Councilmembers,

The Montgomery County Chapter of the ACLU Maryland opposes the implementation of Bill 33-19 for the following reasons:

We specifically oppose the County Council's attempt to "expand the School Resource Officer Program, in recognition of its value to the community" (clauses 35-6 (b)(1) and (b)(6)).

A recent study of school arrest data by Education Weekly ([Black Students More Likely to Be Arrested at School](#), 1/25/2017), based on the most recent available Department of Education Civil Rights Data Collection data (2013-2014), showed several disturbing results – including ones about our state and county. Nationally, the student arrest rate was about 140 per 10,000 enrolled students, but in Maryland, the rate was 217 per 10,000, and in Montgomery County, the rate was a whopping 322 per 10,000 — well over double the national rate. Nationally, student arrest and referral rates are significantly related to the presence of SROs in schools (Nance, 2016). At the time this information was published, only 12% of MCPS schools reported having SROs (compared to around 30% in MD and nationwide). Since then, the County has expanded the SRO program into middle schools, and we are interested in seeing more recent data.

Now, we have learned that the incarceration of young black males in Maryland is the highest of any other state, including Mississippi, South Carolina, and Georgia, according to a 2019 report from the Justice Policy Institute.

http://www.justicepolicy.org/research/12702?utm_source=%2fMarylandYoungAdult&utm_medium=web&utm_campaign=redirect

We urge the Council to table Bill 33-19 until they have received research and recommendations from the newly established Policing Advisory Commission. We look forward to working with the bill's sponsors on the Council, with our County Executive, and with the Policing Advisory Commission to advance effective policies soon.

We look forward to continuing to work together on these issues.

Montgomery County Council Public Hearing - Bill 33-19

January 21, 2020

Dear Montgomery County Councilmembers:

Jews United for Justice (JUFJ) is writing to express our concerns with Bill 33-19 on community policing. JUFJ works to advance economic, racial, and social justice in Montgomery County and throughout the Baltimore-Washington region by educating and mobilizing our local Jewish communities.

Law enforcement should serve and protect everyone, but Black and brown residents of Montgomery County face systemic violence and over-policing every day. Jewish tradition teaches us that destroying one life is akin to destroying the entire world, and increased police presence in our schools has the potential to destroy the worlds of many children of color in the County.

As part of the coalition of community organizations that signed on to support the establishment of the Policing Advisory Commission, we have been eagerly looking forward to the creation of the commission, which we understand should occur very soon. We remain confident that the Commission will assist the county in identifying evidence-based public safety policies, while addressing some of the problems we have recently seen in aspects of county policing, including disturbing racial bias incidents. The Community Policing Bill 33-19 that was recently introduced seems to bypass the opportunity that the Commission offers to address the very issues raised in the bill, which is one of the reasons that we ask you to table the bill at this time.

In addition, we are concerned about the potential negative impact that Bill 33-19 could have on children, particularly children of color, because of the provision in the bill that seeks to increase the police presence in our schools by requiring an expansion of the School Resource Officer (SRO) program. The Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, which was established by the Maryland General Assembly, raised a number of concerns about the use of SROs in their 2018 report. They stated that SRO usage "is linked to increased rates of exclusionary discipline (Fisher & Hennessy, 2016) and the criminalization of relatively trivial student

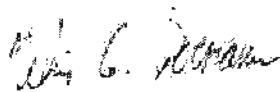
behavior,”¹ is expensive, and lacks “robust evidence of effectiveness.”² Additionally, the harmful effects that SROs can have on children include not only arresting them for minor offenses but making them feel demeaned and fearful due to over-policing in schools.³

National research has found that police presence in schools is related to increased rates of youth arrests and referrals to juvenile court,⁴ often for minor misbehavior, and **those arrested are disproportionately African-American, male students, and students with disabilities.**⁵ School-related arrest data for Maryland shows a higher than average arrest rate of 3.1 arrests for every 1,000 Maryland K-12 public school students compared to a national school-related arrest rate of 1.2 per 1,000 students. In Montgomery County, the student arrest rate was 1.9 per 1,000 students, and African-American students are 2.43 times more likely to be arrested than white students in the County.⁶

Before seeking to expand the use of SROs in the County, the Council should seek data regarding the impact of SROs on student safety, racial equity, and student arrests and involvement in the criminal justice system in Maryland, along with a comparative analysis reviewing a range of other approaches to student safety that are evidence-based. Additionally, the Council should encourage the expansion of school mental health counselors and nurses, rather than police officers, in order to best improve the positive adolescent development of our children. Our children should be treated with the respect and dignity that all people are due, not policed as if they are a danger to themselves and each other.

We respectfully request that this bill be tabled until the policing advisory commission can assemble and review the issue systematically. We look forward to continuing to work together on these issues.

Respectfully yours,



Melissa Coretz Goemann

¹ Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, “Final Report and Collaborative Action Plan,” December 20, 2018): 26.

² Ibid.

³ Ibid.

⁴ Gail L. Sunderman & Erin Janulis, “When Law Enforcement Meets School Discipline: School-related Arrests in Maryland 2015-16” (College Park, MD: University of Maryland, College of Education, 2019).

⁵ Ibid.

⁶ Ibid.

From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]
Sent: Tuesday, December 17, 2019 6:56:36 PM
To: Council President
Subject: Fwd: Bill 33-19 ♦ Police ♦ Community Policing

Sent from my iPad

Begin forwarded message:

From: Brian Dorsey <brian.j.dorsey@gmail.com>
Date: December 17, 2019 at 5:52:29 PM EST
To: "Katz's Office, Councilmember" <Councilmember.Katz@montgomerycountymd.gov>
Cc: Lawrence Couch <llobbyst@gadvocacy.org>
Subject: Bill 33-19 ♦ Police ♦ Community Policing

?

[EXTERNAL EMAIL]

Dear Council President Katz,

We thank you for your ongoing support for the poor and vulnerable in Montgomery County. The Justice & Advocacy Council of Montgomery County, a voice of the Archdiocese of Washington, supports Bill 33-19 ♦ Police ♦ Community Policing. We support this bill to support police, community relations, and faithful citizenship, which is an important part of Catholic Social Teaching.

Police departments provide vital services to communities, often going into challenging situations and communities seeking to protect safety and health as well to provide justice. Police can also have a disproportionate impact on the lives of the poor and vulnerable, especially those impacted by domestic violence, child abuse, foreclosure, and/or eviction. Additionally, police are often disproportionately involved in communities of color. Police officers and other police department staff are often forced into situations where people may be at their most vulnerable. We believe that police officers must be trained and equipped to handle these varying vulnerable people, situations, and communities.

Recently, in our own communities, we have noticed ♦ episodes of violence and animosity with racial and xenophobic overtones ♦ (USCCB, *Open Wide Our Hearts: The Enduring Call to Love*). As Catholics, we believe that, ♦ we are all brother and sisters, all equally made in the image of God. Because we all bear the image of God, racism is above all a moral and theological problem that manifests institutionally and systemically. ♦ We believe police must be ready to protect the safety of all communities from any racial and xenophobic violence.

As Catholics, we believe in combatting a culture of violence. In 1967, the Kerner Commission described violence ♦ as American as apple pie ♦. As the U.S. Conference of Catholic Bishops wrote, ♦ Sadly this provocative statement has proven prophetic. No nation on earth, except those in the midst of war, has as much violent behavior as we do ♦ in our homes, on our televisions, and in our streets. ♦ (USCCB, *Combatting Violence*).

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We believe that, ♦ a path to a more peaceful future is found in a rediscovery of personal responsibility, respect for human life and human dignity, and a recommitment to social justice. The best antidote to violence is hope. ♦ (USCCB, *Combatting Violence*). As police are involved in the lives of many individuals in challenging situations, we believe that community policy guidelines have a vital role in developing peace within individuals and communities.

Thank you for your time.

In Solidarity,

Brian Dorsey, Co-Chair

Larry Couch, Co-Chair

Justice & Advocacy Council of Montgomery County

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Dear Montgomery County Council and members of the community,

My name is Manuel Martinez and I am here to represent the LGBTQ Democrats of Montgomery County. Our Club believes that this Community Policing Bill is a step in the right direction to improve the relationship between community and law enforcement. However, in its current form, the bill lacks any language regarding the relationship between law enforcement and the LGBTQ community which has been rocky throughout the years. Let's not forget that the first Pride Celebration was a riot after members of our community could no longer tolerate the unjust persecution that they were subjected to by the police.

In December of last year, we sent a letter to the council with a list of recommendations for the bill to ensure that the needs of our community as well as other marginalized communities are met. Just to highlight a few, we would like to see:

- The creation of a liaison officer or liaison unit at the Montgomery County Police Department. The Human Rights Campaign recommends that the implementation of such position/s is the best way to improve relationships between law enforcement and the LGBTQ community at the municipal level. Liaison officer roles have been around since the 1960s and many of our neighboring counties have already done so, therefore, it is very important for Montgomery County to meet this important milestone.
- The creation of a Crisis Assistance Helping Out on the Streets (CAHOOTS) Unit so that medical and mental healthcare professionals properly trained in de-escalation and soft-skill responsiveness techniques can be available when dealing with individuals suffering from a mental health crisis.
- In general, the bill needs better definition around diversity and cultural competency, including but not limited to race, ethnicity, socioeconomic status, age, sex - including gender identity and sexual orientation, religions, and disability status.

We would also like to second the concerns of our partner organizations and activists such as the Silver Spring Justice Coalition and SURJ regarding the expansion of the School Resource Officer Program. Chiefly, we would like to ask clarification as to what sorts of support for SROs might be included. Additional training in areas like mental health, implicit bias, and cultural competency would be valuable, but simply adding more officers might not be the best use of resources

We will be more than happy to provide anybody interested a full list of our suggestions. Please contact us through our website contact form at: lgbtdemsmoco.org

Thank you!

Manuel Martinez Salgado
LGBTQ Dems of Montgomery County
Executive Board Member At Large

Dear Benjamin Price:

Once again, thank you for meeting with members of Montgomery County LGBTQ Democrats and Montgomery County Pride Center on November 7th, 2019, to discuss Bill No. 33-19 "Community Policing." We believe that this bill is an essential step towards improving the relationship between the community and law enforcement in our county. However, we would like to propose some additions (Appendix I), modifications, and clarifications (Appendix II) to the bill so that it better serves the needs of the LGBTQ community as well as the rest of the community at large. As promised during the meeting, we are attaching our list of suggestions to this letter. By ensuring LGBTQ Community participation in the process of improving the relations between police and community, we will make our county a safer and more welcoming place for all individuals, regardless of race, ethnicity, sexual orientation, or gender identity.

Thank you

Michael Knaapen LGBTQ Dems Club President	Samantha Jones Human Rights Commission AdForce Chair	Shannon Quinn LGBTQ Dems Advocacy Committee Chair	Manuel Martinez LGBTQ Dems Public Safety AdForce Chair	Ezra Towne MoCo Pride Center
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Appendix I: List of additions to the Bill.

- Creation of an LGBTQ liaison or liaison unit for Montgomery County Police Department. San Francisco established the first LGBTQ liaison officer in 1963. Many of our neighboring cities and counties, including Washington DC, Annapolis, and Prince George's County, have established LGBTQ liaisons or liaison units. By not having one here in Montgomery County, we are failing to achieve the standards set by the Human Rights Campaign with regard to improving the relationship between law enforcement and the LGBTQ community. Let's not forget that the first Pride Parade was a riot after the LGBTQ community could no longer tolerate unfair persecution from law enforcement.
- Creation of a Crisis Assistance Helping Out On The Streets (CAHOOTS) unit in Montgomery County. This unit will consist of both medical and mental health professionals. Sadly, many of the deadly encounters between police officers and civilians have been a product of police officer's improper training to deal with individuals suffering from mental health crises. Our county has not been immune to such unfortunate incidents. CAHOOTS units have been proven to be very successful in at least eight communities across the nation, and we believe Montgomery County could lead the way by being one of the pioneers in establishing one.
- Establishment of a fair and unbiased internal reporting system for officers, especially minority officers, accessible to both internal affairs and the public.
 - Reported data needs to be handled by internal affairs to ensure the safety of all officers.
- Establishment of a fair and unbiased external reporting system for the community, especially for minorities, with internalized data for the police department to address specific problems, and aggregated data to hold law enforcement accountable for grievances against vulnerable communities.
 - Reporting needs to be safe for witnesses and targets of excessive police force. Establishing a phone line and/or online form in a variety of languages for anonymous reporting for ease of collection and reporting, and remain available to all community members.
 - Ensuring a system for both specific information gathering, and ensuring the publicized aggregated data of reports scrubs all identifying information of reporting parties.

Appendix II: List of modifications and clarifications to the Bill:

- Page 3> b) Community policing guidelines>bullet point 2: “The Department must ensure cultural competency throughout the Department “
 - Better definition around cultural competency needed, including, but not limited to:
 - race, socioeconomic status, age, sex – including gender identity and sexual orientation - religion, disability.
- Page 3> Community policing guidelines>bullet point 4: “the Department must increase community outreach on behalf of the Department.”
 - Better definition needed about the role of the police officer/officers in community activities/ meetings. Officers at community events should ideally limit their intimidation factor. Some examples of this might be:
 - Sitting with participants and engaging in the activities/conversations
 - Establishing a dress code so that they can be recognized as law enforcement officers without the full uniform
- Page 3> Community policing guidelines>bullet point 5: “the Department must provide adequate training in de-escalation tactics.”:
 - MCPD must adopt, and publicly report on the adoption of, up-to-date, evidence-based de-escalation training standards and practices by December 31, 2020
- Page 3>c) Reporting requirement:
- Regarding Section 1: By February 1 each year, the Montgomery County Department of Police must report the following information to the Executive, Council, and the public for the prior calendar year.
- Regarding bullet points (B) “The total number of sworn racial minority police officers in the department by race and ethnicity” and (C) The total number of sworn female police officers in the department” leaves out the LGBTQ community, especially the transgender community:
 - Members recommended combining those two bullets to instead read: *“The total number of sworn police officers by race, ethnicity, sex — and any additional optional information such as, but not limited to, gender identity, sexual orientation, disability, or other characteristics — to help members of both the police force and community to have a better understanding of the demographic makeup of our police department.*
- Report on both the civil complaints about the use of force by officers and complaints about verbal offenses, and bigotry committed by officers.

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Montgomery County NAACP Testimony before the Montgomery County Council on Bill 33-19

January 21, 2020

Good Evening, Council President Katz and Members of the County Council. Thank you for holding this hearing to receive testimony on Bill 33-19, a bill that would set certain community policing guidelines and require the Montgomery County Police Department to make certain reports.

My name is Linda Plummer. I am testifying today on behalf of the Montgomery County Branch of the National Association for the Advancement of Colored People (NAACP). For over 100 years, the NAACP has stood in the forefront of securing racial equality and civil rights for all.

Here in Montgomery County, the NAACP has forged relationships with community and county leaders, and elected officials to protect and promote the civil rights of every resident of this county, particularly African Americans and others whose voices are often marginalized and ignored in the corridors of power.

As this County undertakes meaningful and significant efforts to address racial injustice and social inequity, we must be mindful of the potential unintended consequences of every piece of legislation to exacerbate existing inequities.

Our concern centers around the language of the bill that would result in the expansion of the School Resource Officer (SRO) Program.

We understand that reasonable people may differ about the SRO program. For some parents, the presence of SROs in schools alleviates their concerns about school safety. Those parents will point to the brave actions of an SRO to stop a school shooter in Great Mills, Md. However, for many other parents, the presence of an SRO undermines the academic environment and permits the escalation of routine administrative discipline. Those parents will not forget the June 2019 incident in which a Montgomery County school employee reported counterfeiting to the MCPD and Secret Service when a 10-year-old black child was playing with obviously "toy money".

Our interest in this bill is based on the effect that language in this bill may have on expanding, or at a least entrenching the school-to-prison pipeline.

In November 2019, the Justice Policy Institute released a report that found that more of Maryland's prison population is black than in any other state in the nation. While 31% of Maryland's population is African American, more than 70% of Maryland's prison population is Black. That rate surpasses the rates in Mississippi, South Carolina and Georgia.

While the reasons for this disparity may be multidimensional, the existence of this disparity cannot be ignored. The NAACP is concerned about the language in the bill requiring the Police Department to "maintain and expand the School Resource Officer Program". We strongly urge

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removal of that language. Instead, we suggest that the Council undertake an evidence-based examination to determine the value of this program to the community especially with regard to the County's Racial Equity and Social Justice goals.

In addition to the guidelines and reporting requirements in Bill 33-19, we recommend requiring the Montgomery County Police Department (MCPD) and State's Attorney Office (SAO) as needed, produce a semiannual report for public dissemination which sets forth the following information:

- The number and type of incidents that required SRO intervention
- The disposition of the interactions (e.g. arrests, citations, prosecutions, diversion programs)
- The number and type of incidents listed by school
- The race, gender and age of the students involved in the incidents
- The specific training curriculum for an SRO and the number of SROs who have completed the training

This type of data will allow the Montgomery County Public Schools, Montgomery County Police Department and the residents to engage in an evidence-based discussion about whether a need exists to expand and maintain this program, the kind of training necessary for an officer to serve as an SRO, and the terms of the Memorandum of Understanding that should govern the program in each school. Until these actions have been taken and the data provided, the SRO program should not be expanded.

Thank you for this opportunity to testify. The Montgomery County Branch of the NAACP looks forward to working with you on this bill.

Testimony on Bill 33-19 Community Policing
Showing Up for Racial Justice - Montgomery County, MD
January 21, 2020

My name is Gina McNeal and I am testifying on behalf of the Montgomery County chapter of Showing Up for Racial Justice, which represents the voices of over 1,500 people. We urge you to oppose "Community Policing" Bill 33-19. This bill is irredeemably harmful and should be withdrawn by its sponsors.

Bill 33-19 mandates that MCPD regularly engage in "non-enforcement activities" in our communities. Increased police presence in communities leads to higher rates of arrests and abuse of populations already targeted by overpolicing. Community policing is based on the false idea that structural racism can be solved by building partnerships. Studies have shown that community policing does not significantly reduce crime or make communities safer.¹ This is not an evidence-based policy and is in fact antithetical to research on crime and safety.

Bill 33-19 also mandates that MCPD must "expand its School Resource Officer program" despite the mountain of evidence that police in schools do not make children safer but rather leads to the "school to prison pipeline" which disproportionately criminalizes Black, Latinx, and Indigenous students. There is no evidence that having police in schools makes children safer during mass shootings. An FBI study found that the majority of mass shootings end when the shooter decides to end them, not when police intervene.² If we claim to care about the safety of children we must care about all children, including the Black and Latinx children most likely to be arrested for disciplinary matters that were escalated due to the presence of SROs.

Bill 33-19 is procedurally inappropriate. The council recently passed a bill to create a Policing Advisory Commission (PAC). The stated purpose of the PAC is to provide recommendations to the council based on best practices in policing and in accordance with the racial equity initiative passed by this council. This bill is preemptively legislating how community policing should be defined and carried out, against the values of the racial equity legislation, rather than waiting for recommendations from the PAC.

This bill is moving us in the wrong direction. Rather than mandating increased police in our schools and communities, we should be funding more school counselors and mobile mental health crisis units that could be dispatched instead of police.

We urge the council to oppose this bill, and we urge the sponsors of this bill to withdraw it or table it until the council receives recommendations from the nascent PAC.

¹ https://theappeal.org/community-policing-is-not-the-answer/?fbclid=IwAR3_RevJXPwki-HRdizULHxLiAoG--PiW-PoRFtmrJK0S0FWLDtD8gpM5U

² <https://dignityinschools.org/wp-content/uploads/2018/10/WhyCounselorsNotCops.pdf>



Testimony on Montgomery County Council Bill 33-19 Police - Community Policing

Takoma Park Mobilization is an advocacy organization with over 1,700 members in the Takoma Park-Silver Spring area, active in environmental, justice, economic, and electoral matters.

We are grateful that Montgomery County Council members have participated in activities we organized or co-organized. These have included, recently, the September 13, 2019 pro-immigrant counter-demonstration just across the street from the council office building, which we initiated, and the September 14 Climate Emergency forum in Silver Spring, with over 400 attendees. Thank you.

We are also grateful for the council's attention to public safety and your concern for racial equity and social justice. We have appreciated working with you, for instance, on policy and legislation concerning the involvement of county public-safety and other personnel in immigration enforcement, of particular concern to vulnerable segments of our community.

It our perspective on public safety, vulnerable communities, and equity that leads us to oppose Bill 33-19.

We disagree with the legislation's premises including that "officers must strive to regularly initiate and engage in positive nonenforcement activities with their communities" and particularly that "the [Police] Department must maintain and expand the School Resource Officer Program."

We refer you to an April, 2017 ACLU white paper, "Bullies in Blue: Origins and Consequences of School Policing." Quoting the ACLU's description, the paper "sheds light on the negative consequences of the increasing role of police and links it to both the drivers of punitive criminal justice policies and mass incarceration nationwide. The report traces a line back to the struggle to end Jim Crow segregation during the civil rights movement, and challenges assumptions that the function of police in schools is to protect children. It posits that police are police, and in schools they will act as police, and in those actions bring the criminal justice system into our schools and criminalizing our kids."

A February, 2018 Washington Post opinion piece by Radley Balko² cites a 2015 study published in the Washington University Law Review. Quoting, "Drawing on recent restricted data from the US Department of Education, this Article presents an original empirical analysis revealing that a police officer's regular presence at a school is predictive of greater odds that school officials refer students to law enforcement for committing various offenses, including these lower-level offenses... The

¹ <https://www.aclu.org/report/bullies-blue-origins-and-consequences-school-policing>

²

<https://www.washingtonpost.com/news/the-watch/wp/2018/02/22/putting-more-cops-in-schools-won-t-make-schools-safer-and-it-will-likely-inflict-a-lot-of-harm/>

consequences of involving students in the criminal justice system are severe, especially for students of color, and may negatively affect the trajectory of students' lives. Therefore, lawmakers and school officials should consider alternative methods to create safer learning environments."

This is precisely what Takoma Park Mobilization asks you to do: Fund school counselors, nurses, mental health, and wrap-around services. Foster supportive community relationships. Promote social and emotional learning and restorative justice. These are solutions we should strive for.

We note the Silver Spring Justice Coalition's statement that Bill 33-19 "undermines the county's Policing Advisory Commission and racial equality and social justice initiatives."

Given our concerns, we ask you to set aside Bill 33-19 and defer further action – which could include a from-the-ground-up reexamination of community policing in light of local, Montgomery County concerns based on evidence -- until the commission has had a chance to examine our approach to public and school safety. Please set aside Bill 33-19.

Submitted by: Seth Grimes, seth.grimes@gmail.com

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Shannon Arnold

403 Hampshire Greens, Ashton MD 20861

Encounter with Montgomery County Police Officer October 16, 2019

On the date of October 16, 2019, my birthday, I saw an officer and his vehicle outside of my home at approximately 3:15 PM. My high school daughter accidentally entered the wrong alarm code; setting off the alarm system. I blew my horn to alert the officer that this was my property, as he walked near my garage. He continued around my home. I parked in my driveway and step to the passenger side of my car, waving hello to the officer as he rounded my home. He met me with hostility and intimidation immediately, by yelling, "Who are you?" I stated this was my home, and gave him my license, as he requested within seconds. I asked the officer, "Who are you?" Again, he yelled, "You know who I am!" He then said, "Don't blow your horn at me!" I said, I wanted to let you know of my arrival and intent to assist in determining what was happening. Also, for my own safety as an African American male. Montgomery County and much of the U.S. has a terrible record when dealing with African Americans.

Officer Hahn (who did not identify himself upon my request, though he demanded I do so) saw me as a combatant and only further escalated the situation verbally and with innuendo (posture, expressions and reaching towards his waist). I gave him my license for review. Out of fear, I asked if his camera was filming. He stated, "yes" and kept escalating with another, "I don't know who you are!" while reaching towards his waist. At this point, I had given him my license 2-3 times. He did not even stop to recognize that it was my birthday, my address or that I was trying to assist in his findings. He told me, "you need to watch how you speak". I then asked if we needed to call his Commander to the scene. The Constitution guarantees my free speech, life and liberty, especially on my property. The officer violated my civil rights with his threats, intimidation and unwillingness to identify himself. Our communities deserve better. Police want respect and receive special treatment dining out, attending events, and even boarding aircraft. Yet, they often see minorities and other civilians as threats, becoming belligerent immediately and attacking us. There is no excuse for treating law-abiding civilians like combatants. I reminded the officer that I greeted him with a wave and said hello. This encounter occurred on the lawn of my property in eyesight of my teenage daughter. There must be action taken to stop the hostile treatment of civilians.

Received a call from Lt. Flynn. I'm still wondering if the officers get it. There are people hurting in the community and they still choose to exhibit belligerent, hostile and threatening behavior to civilians. My son was murdered in Burtonsville in Oct 2015. The suspects were acquitted. The last thing I need is to be afraid of the police.

Officers should interact with citizens, to protect and serve. It appears this and many other officers, who are often former military-trained, revert to becoming combative and non-objective. I didn't receive an answer from Lt. Flynn.

I call on the County Council to act on this.

Shannon

From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]
Sent: Thursday, January 23, 2020 10:50:17 AM
To: Council President
Subject: FW: Oppose Bill 33-19 - Community Policing

From: Helen Avner <helen@helenrubin.com>
Sent: Thursday, January 23, 2020 10:41 AM
To: Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Subject: Oppose Bill 33-19 - Community Policing

[EXTERNAL EMAIL]

Dear Councilmembers,

I am writing to ask you to oppose Bill 33-19 "Community Policing" because it would expand the School Resource Officer program, increase police presence in our communities, and circumvent the newly formed Policing Advisory Commission (PAC). Putting more police in schools increases the risk of abuse and criminalization for our children, especially Black, Latinx, and Indigenous youth. Instead, the county should fund counselors and mobile mental health crisis units. The council should await recommendations from the new PAC to create effective policies based on best practices that adhere to the values of the county's Racial Equity Initiative. This bill does not.

Sincerely,

Helen Avner
14916 Joshua Tree Rd.
North Potomac, MD 20878

Sydney Collins

Testimony Re: Bill 33-19

Changes I would like to see made to the bill:

1. Section (a) "Legislative findings . . . (2C) take steps to reduce bias and improve cultural competency." Here, I would prefer explicit language about racism and anti-racism in the bill (not "cultural competency"). We cannot discuss police reform without addressing institutionalized racism.
2. Section (b) "Community policing guidelines . . . (6) the Department must maintain and expand the School Resource Officer Program, in recognition of its value to the community." The county should consider replacing police officers with a combination of unarmed security guards and counselors, therapists, psychologists, and/or social workers. Students need to receive empathy, trust, and kindness from adults, not suspicion, policing, and fear.
3. I would like to see changes made to item number 7 of the Financial Impact Statement, "An estimate of the staff time needed to implement the bill." Anti-racism and/or internal bias training should not be limited to 8 hours per officer; instead, it should form part of MCPD's philosophy as an organization. Institutionalized racism and its presence in policing (in Montgomery County and across the country) cannot be accurately encapsulated by an eight-hour training program, and it would be unfair to expect police officers to rely on such little training in regards to an issue as vast and nuanced as racism. The county should consider collaborating with the Racial Equity Institute for comprehensive workshops on internalized racism and bias.
4. I would also like to expand point 1F of section (c) "Reporting requirements," which states that MCPD must report "the number of instances of use of force that resulted in the transport of a civilian to a hospital by an emergency vehicle, when the injury occurred as a direct result of an officer's actions." I believe the County Executive and Council deserve to know about *all* incidents of force, not just those that result in the victim's hospitalization.
5. Armed and uniformed law enforcement officers should not form part of students' educational experiences; it promotes an atmosphere of fear.

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Testimony for Bill 33-19

Good evening council members. I am Carol Ehrlich, a long-time resident of Montgomery County. And I support the vision of Silver Spring Justice Coalition: namely, "a...county where community and individual needs for safety are met, and where...harm by police is eliminated."

That vision gives me doubts about Bill 33-19 calling to expand the School Resource Officer Program, which involves bringing police into public schools. Bill 33-19 is vague about how the county will expand this program. This vagueness raises questions for me.

I think expanding the program means bringing more police into public schools. Am I correct? If so, that concerns me because a recent longitudinal study suggests that more crimes concerning weapons possession and drugs are documented in schools that add police officers than in similar schools that do not add police*.

I also question how School Resource Officers relate to students needing mental attention. Police do not have the intensive training to respond to such students as do professionals in educational and developmental psychology fields. Police officers, rather, have training that may limit their judgment about whether to arrest a student*.

So why bring more police into public schools? Instead, why not bring in more counselors and nurses? As for nurses, the National Association of School Nurses recommends a ratio of one nurse to 750 students**. But Montgomery County has a ratio of one nurse to 1,600 students***.

So I doubt that more police in our public schools will meet the individual safety needs of students. So table Bill 33-19. As a concerned constituent, I ask that you create legislation that requires our schools to have more counselors and nurses to meet the individual safety needs of students.

*<https://www.sentencingproject.org/publications/the-facts-about-dangers-of-added-police-in-schools/>

**<https://www.nasn.org/advocacy/professional-practice-documents/position-statements/ps-workload>

***<https://wtop.com/montgomery-county/2019/11/montgomery-co-leaders-sound-the-alarm-over-school-nursing-shortage/>

From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]
Sent: Monday, January 20, 2020 3:27:14 PM
To: Council President
Subject: Fwd: County Council Bill 33-19

Sent from my iPad

Begin forwarded message:

From: Timothy Ernst <tpernst@hotmail.com>
Date: January 20, 2020 at 2:45:03 PM EST
To: "Glass's Office, Councilmember" <Councilmember.Glass@montgomerycountymd.gov>, "Riemer's Office, Councilmember" <Councilmember.Riemer@montgomerycountymd.gov>, "Katz's Office, Councilmember" <Councilmember.Katz@montgomerycountymd.gov>, "Hucker's Office, Councilmember" <Councilmember.Hucker@montgomerycountymd.gov>, "Albornoz's Office, Councilmember" <Councilmember.Albornoz@montgomerycountymd.gov>, Marc Elrich <Marc.Elrich@montgomerycountymd.gov>, "Navarro's Office, Councilmember" <Councilmember.Navarro@montgomerycountymd.gov>, "Rice's Office, Councilmember" <Councilmember.Rice@montgomerycountymd.gov>, "Jawando's Office, Councilmember" <Councilmember.Jawando@montgomerycountymd.gov>
Cc: Kstauss <katiestauss@gmail.com>
Subject: County Council Bill 33-19

?

[EXTERNAL EMAIL]

Dear County Council members,

I'm opposed to Bill 33-19 because it proposes to add more police officers (SROs) to Montgomery County Schools. If we add more police officers to schools, you will quickly see more black and brown young people being arrested and engaging with the criminal justice system. That's exactly what we don't need in Montgomery County!

If we are going to spend more money, it should be on school counselors, nurses or MORE AFTER SCHOOL PROGRAMS.

Alternatively, you could hire more trained social workers who could travel with police officers and try to de-escalate situations where police officers are interacting with citizens who suffer from mental illness. Currently, there are only two such units in the entire County. Let's spend money on that instead of putting police officers in schools.

Sincerely,
Tim Ernst
Silver Spring, MD

From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]

Sent: Monday, February 10, 2020 7:43:09 AM

To: Council President

Subject: FW: Oppose Montgomery County Bill 33-19, which calls for bringing more police into the public schools

From: Molly Hauck <mollyphauck@gmail.com>

Sent: Saturday, February 8, 2020 7:23 PM

To: Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>

Subject: Oppose Montgomery County Bill 33-19, which calls for bringing more police into the public schools

[EXTERNAL EMAIL]

Delete from Bill 33-19 expansion of the School Resource Officers Program, which places police in the public schools. Instead put more mental health professionals, nurses, and counselors in the schools.

Molly Hauck
3900 Decatur Ave.
Kensington 20895

Against Bill 33-19

Kay Henry

14915 Falconwood Drive

Burtonsville, MD 20866

As a mother of two special needs children and a former Montgomery County public school teacher, I'm here to plead that you do NOT pass this bill. Many people are under the mistaken impression that putting more police officers in schools make the schools safer, but evidence shows that this is not true (The Sentencing Project 2013). Putting more police officers in schools would actually put many children and teenagers in danger. I am terrified of what it would mean for my children. We should be using funds to put more counselors in schools instead.

Both my children have diagnoses related to emotional regulation and social awareness. Both of them can behave inappropriately. Teachers like me have extensive training in child development and strategies to deal with behavior challenges and special needs students. Counselors have even more training in providing emotional support for children and teens. Police officers simple do not receive the same training and armed officers are not the people who should be responding to children having a hard time.

If a student is misbehaving, a teacher's commitment and responsibility is to doing what is best for that student and the other students in the class. Counselors and teachers care about *why* a child is having trouble. A police officer's first priority is establishing and maintaining order in a matter of minutes.

If my children don't follow a teacher's direction, it is a problem that the teacher can solve gently and proactively. Teachers do not have the same time pressures and can collaborate with parents and staff to develop long term solutions. If my children don't follow a police officer's direction, they are breaking the law. When my autistic daughter is having a shutdown, she is truly incapable of following directions. She panics and freezes. Her panic is intensified if she fears that things

will get worse. Just the presence of a police officer would terrify her. She can not *will* herself to feel or act differently. Her brain just works this way (McKenzie 2018). And if my daughter doesn't comply with an officer's directions quickly, she won't just end up with a time out.

Students with disabilities are disproportionately punished with the current systems, so there is good reason for me to fear that police could be called upon to deal with my children. As a teacher, I saw again and again that the vast majority of students referred to the principal's office were disabled and/or students of color. A study of Maryland schools found that 10.1% of students with disabilities received an out-of-school suspension or expulsion, compared with 3.6% of students without disabilities (Maryland Commission on the School-to-Prison Pipeline and Restorative Practices 2018). And there is ample evidence that police officers often do not handle encounters with disabled people well – about half of police shootings are committed against disabled people (Hause, M. & Melber, A. 2016).

There have been horrifying examples of school resource officers abusing young people (American Civil Liberties Union 2020) – including SROs in Maryland (Hill 2016). We'd like to think things like this wouldn't happen in Montgomery County, but The Montgomery County police chief himself said he has “seen some bad examples” of Montgomery County officers escalating situations (Ryan 2020).

When you put an armed police officer in my child's school, it's as if my child can be forced to play Simon Says with Simon aiming a gun at her and shouting at her. If she gets confused and doesn't obey correctly, Simon can slam her into a wall, or put her in a choke hold, or keep her handcuffed alone in a room.

Please don't force me to put my children in more danger. I know that as scared as I am, parents of children of color – particularly black children – have just as much reason to be terrified. In Maryland, 8.1% of African American students received and out-of-school suspension or expulsion, compared with 2.3% of white students. (Maryland Commission on the School-to-Prison Pipeline and Restorative Practices 2018). At a gathering in June of 2019, Representative William Jawando shared the data that over 75% of arrests in Montgomery County in 2018 were of people of color.

We should be able to trust that when we send our children to school, they will be guided by knowledgeable professionals who care about them. Investing in putting more counselors in schools is the best way to work toward that goal.

Works Cited

- American Civil Liberties Union. (2020). Bullies in Blue: The Problem with School Policing. Retrieved from <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/bullies-blue-problem-school-policing-infographic>
- Hause, M. & Melber, A. (March 14, 2016). Half of People Killed By Police Have a Disability: Report. Retrieved from <https://www.nbcnews.com/news/us-news/half-people-killed-police-suffer-mental-disability-report-n538371>
- Hill, M. (March 9, 2016). The Slap Seen Around the World: It's Time to Take a Stand Against Excessive Force in Schools. Retrieved from <https://theurbantwist.com/2016/03/09/slap-seen-around-world-time-take-stand-excessive-force-schools/>
- Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. (December 20, 2018). Report to the Maryland Governor and General Assembly pursuant to House Bill 1287. Retrieved from <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/023600/023694/20190078e.pdf>
- McKenzie, K. (April 26, 2018). What the 'Freeze Loop' Feels Like as a Person on the Autism Spectrum. Retrieved from <https://themighty.com/2018/04/autism-shutdown-meltdown-freeze-loop>

Ryan, K. (January 2, 2020). Montgomery County police chief said he'll 're-emphasize' training on de-escalation. Retrieved from <https://wtop.com/montgomery-county/2020/01/montgomery-county-police-chief-says-hell-re-emphasize-training-on-de-escalation/>

The Sentencing Project. (January 17, 2013). The Facts About Dangers of Added Police in Schools. Retrieved from <https://www.sentencingproject.org/publications/the-facts-about-dangers-of-added-police-in-schools/>

Testimony on Bill 33-19 Community Policing
Laurel Hoa, PhD
January 21, 2020

My name is Laurel Hoa. I have a PhD in human development and over a decade's experience in working for racial justice. I urge you not to pass "Community Policing" Bill 33-19.

I will give the sponsors the benefit of the doubt and assume good intentions, but what matters is impact. By mandating increased police in our schools and communities, this bill would have disastrous consequences for populations already disproportionately subjected to police violence and criminalization. This bill goes against the massive amount of research showing how harmful increased policing is, and how ineffective it is at reducing crime and making communities safer.

I understand this may seem counterintuitive since many people equate police with safety, but that is simply not what the data shows. Studies published in academic journals have found that decreasing proactive policing actually decreased crime,¹ that community policing efforts around the country have had no effect on rates of crime,² and that police violence especially against Black, Indigenous, and Latinx people has persisted.³ What we know from studies of community policing efforts over the last 25 years is that this is a failed policy idea, and once again, the Montgomery County Council is ignoring research and legislating failed policies that are costly and detrimental to marginalized populations without any substantive positive benefits.

The timing of this bill concerns me as much as the content. Whether this was the conscious intention or not, trying to ram this bill through before the implementation of two pieces of recently passed legislation makes it seem like the Council does not care what research says and only wants to pass policies based on their own agendas without consideration of proven harms. Those two pieces of legislation are the Racial Equity Act and the Policing Advisory Commission. Once the Racial Equity Act goes into effect, every bill will be required to have a racial equity impact analysis. Trying to push this bill through before that is enacted makes it seem like you know the equity analysis would be disastrous and counter to the policies you're pushing, but you want to create these policies anyway despite the damaging impact on marginalized populations. I also can't figure out why this bill was introduced before the nascent Policing Advisory Commission has had a chance to present research and recommendations on best practices, which is its stated purpose. Do you want your policies to be informed by research? Is that commission just window dressing and you don't intend to act on their recommendations so that's why you're not waiting to hear them? This bill is procedurally out of order, lacks necessary research and equity analysis, and should be withdrawn or tabled until the council's previously passed bills have been implemented.

¹ <https://www.nature.com/articles/s41562-017-0211-5?fbclid=IwAR2GBUUu0rDRdvfftod0dDbTyKjTr7NZT3K0ELagzCj99UeRmA0NflmrWvc>

² <https://www.deepdive.com/lp/wiley/cops-grants-and-crime-revisited-73Ti0F0iEW>

³ <https://jech.bmj.com/content/72/8/715>

Email Viewer

Message	Details	Attachments	Headers
Source			

[HTML](#)

From: "HA Jabar" <hajabar@rjnohio.org>
Date: 1/21/2020 7:47:15 PM
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>
Cc:
Subject: Testimony; Bill 33-19; Hashim Jabar

Greetings Council members and County Executive Marc Elrich. I am Hashim Jabar and I reside in Silver Spring with my wife and two children who attend MCPS. I also work with the Racial Justice NOW DMV chapter here and our mission is to dismantle structural and institutional anti-Black racism in all areas of people activity with a primary focus is on the institution of education and lifting up the voices of dis-empowered Black parents and children. RJN! is dedicated to ending the school to prison pipeline and focuses specifically on holding institutions accountable to equitable distribution of resources and services to Black people. I am here to register my explicit opposition to the "community policing" bill 33-19. As a parent of a 12 year old Black son, my wife and I should not have to fear for his life in school. There is too much evidence detailing the harmful and destructive ramifications of a Black male coming into contact with cops has on their life outcomes. We want the best for our son and all children just like him and including money for more cops in school is NOT what we have in mind. My family and I don't feel safe with more police. Instead, we are urging MCPS to decrease and eventually eliminate the regular presence of police in our schools indefinitely and replace cops with culturally competent counselors and social workers. If you want to invest money into safety in our schools, use these funds to help MCPS fully fund restorative justice coordinators, and peace builders, not for more cops. thank you,

Close

Tiffany Kelly

Mstkelly35@gmail.com

Testimony 1/21/2020

I don't expect to change your minds—at least not in one testimony.

What I do expect is that I can convince you to be curious, and open your minds to what I see and feel every waking day of my existence, to feel some of the torture I have felt for the last 11 years of my 44 year existence in parenting a young, black male child.

I was a child with complex needs. A "dual exceptionality" we would call it today. But back then, I was considered smart, but unmotivated.

I talked back. Skipped class. Would have fights. Didn't do any classwork. It wasn't a model student by any stretch of the imagination. The only thing that saved me was that some of my teachers could see my gifts and would not let me fail.

In today's world, that behavior would be enough for me to be taken to a juvenile detention center. If you don't believe me, give me a couple days to gather the names of families that have faced this reality.

I'll tell you the story of 5, 6, and 7 year old children in handcuffs; sometimes, when the handcuffs are too large, they will use zip ties. I have story after story, video after video, of children, who may be hungry, traumatized, any number of things, being taken down and arrested by SROs.

If you tell me "we need SROs to protect our schools if there is an active shooter," I'll tell you the story of Parkland, Virginia Tech and Columbine, all of which had armed law enforcement present when mass shootings destroyed the sanctity of these institutions of learning.

We do not need law enforcement in schools, especially when we know more about disabilities, adverse childhood experiences, bias, and trauma. We need people that have the skillsets to make a difference and build up a child, not destroy them.

Does anyone care that SROs are getting involved in what could and should be handled by a school disciplinary team? Have any of you ever thought to find out the nature of the charges that led to a child's arrest?

My own son with special needs was questioned by law enforcement at school without my knowledge regarding a non-criminal offense. What could have happened to my son, being questioned by someone that is not trained to interact with children like him, sends a cold chill through my body. I am dealing with the after affects of that situation daily and have had to seek the services of a professional to help me cope.

There will be unintended consequences if this bill is passed as-is, and those unintended consequences, based on overwhelming, evidence-based data, will affect families like me and my son at far greater rates than anyone else in this country.

You have the power that these children and parents will not ever have to stop the school to prison pipeline. I beg you to please use it.

Testimony by Steven Sellers Lapham

On Community Policing Bill 33-19, given on January 21, 2020

I wish to begin by expressing gratitude to our councilors, who have been working on the challenges of reforming police practices and policies for some time. Thank you for creating the county's Racial Equity initiative. That is real work. I would like to thank my district councilor, Craig Rice, for speaking up at a community forum four years ago. Residents were describing abuse and brutality suffered at the hands of police. As I recall, Councilor Rice said to the large audience, "I need to hear about these incidents. Please come to my office if this happens to you!" That's good government, striving to do the right thing.

My plea today is simple, and maybe a surprise to you: *Please slow down. Please slow down.* This bill is well meaning, but it is rushed. Other speakers this evening will describe the flaws in this bill better than I can. I attend meetings of the Silver Spring Justice Coalition. Its press release on this bill outlines its flaws very clearly. But I am not discouraged. This is all useful, because these conversations clarify what is the real work before us. The new Police Advisory Commission has not even had time to constitute itself. Our hope is that the commissioners, who will represent the groups most impacted by police, will work with you, our councilors -- and indeed with police officers -- to gather information, to evaluate what is happening today, and then -- only then -- to make recommendations for reform.

A *Washington Post* article of February 22, 2018 was titled "Putting more cops in schools won't make schools safer, and it will likely inflict a lot of harm." We don't need more police in schools. That is old thinking—throw more police at every social problem. Instead, we need more **nurses** in schools, as the ratio of nurses-to-100 students is dangerously low. Dangerously low. That is crazy, and it is up to our county council to fix that. We also need more **counselors** in schools. Nurses and counselors are the front-line professionals trained to help youth through difficult times. Student conversations with police officers in a school setting can easily put that child in legal jeopardy. No lawyer advocate, no parent is present.

Finally, I'm attaching a short essay to help us think about some of the real work, the difficult work, that I think we all need to do. "Does Administration Reward Police Abuse and Misconduct?" When officers are rewarded for generating ever-higher arrest numbers, they hit the street with an aggressive attitude that puts residents, especially people of color, at risk. Please study these cartoon drawings and data, which are part of a Montgomery County police department report to the public. We can do better than this. Let us reject cartoonish thinking, and quantitative hubris.

In sum, let's slow down, table this bill, and discuss the real work that needs to be done. You have already done so much, and I believe together we are on the right path. Thank you.

WHY OUR WORK CONTINUES

July 3, 2019: An MCPD officer kneels a Black man lying on the ground in handcuffs and other officers watch without protest.

May 14, 2019: An MCPD officer questions a 4th grader at school without his mother present because he left play money on his school bus.

May 9, 2019: Four young men are searched and called the N-word by MCPD officers as they wait for their employer to pick them up outside a McDonald's.

November 17, 2018: MCPD officers arrest a Black man who called emergency services to help a neighbor.

May 27, 2018: Four MCPD officers enter a residence with their guns drawn responding to a suicide call.

October, 2017: An MCPD officer handcuffs an autistic boy because he made loud sounds on the school bus.

May 2, 2016: Six MCPD officers search the car of a Black family helping their grandmother move in an hour-long ordeal involving handcuffs, invasive physical searches, and police dogs

We invite you to join us. Come to our monthly meeting.
See our Facebook page for details.

**SILVER
SPRING
JUSTICE
COALITION**

<https://www.facebook.com/ssjusticecoalition/>

silverspringjustice@gmail.com

**SILVER
SPRING
JUSTICE
COALITION**

A community response

for Montgomery County, Maryland
to end profiling, brutality,
and other misconduct by police.

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Silver Spring Justice Coalition

HOW IT BEGAN: ROBERT LAWRENCE WHITE

On June 11, 2018, a Montgomery County police officer accosted, pursued, and then shot and killed Robert White, an unarmed Black man strolling in his own neighborhood. SSJC began as a community response to Mr. White's needless death and to the department's conclusion that the officer's actions were lawful and justified. We share the hope of Mr. White's sister, **Irene Thompson**, who said:

I pray this situation will help other police departments across the United States to train officers to be able to deal with situations involving people with mental health issues, so that... other families will not have to endure the pain and suffering of the void left in families' lives."



Our Vision

We envision a state and county where community and individual needs for safety are met while harm by police is eliminated.

OUR MISSION

We aim to create a paradigm shift in police-community engagement. Race, class, ethnicity, religion, immigration status, gender identity, sexual orientation, ability, and mental health status must never again put people in Montgomery County at risk of state-sponsored discrimination and violence.

EXAMPLES OF OUR WORK

Organizing rallies and press conferences calling for justice for Robert White.

Testifying before the Montgomery County Council and Maryland General Assembly.

Facilitating advocacy meetings, letters to officials, and press releases.

Supporting the formation of a Police Advisory Commission in Montgomery County.

The coalition draws from throughout Montgomery County, including neighbors of Robert White, community members, faith groups, and civil and human rights organizations.





Dignity In Schools Campaign

Why Counselors, Not Cops?

The presence of police in schools has escalated dramatically in the last several decades, and the figures on arrests and referrals to law enforcement show disproportionate targeting of Black and Latino students. This is just one aspect of the school-to-prison pipeline, where some students are denied an opportunity to succeed, and instead are pushed out of school and into the juvenile or criminal justice system.

While the complete emotional, social and financial impact of daily police presence in schools is not fully understood, it is clear that students and their families are criminalized, and that school-based arrests and referrals to law enforcement go up when police have a regular presence in schools.

The Dignity in Schools Campaign has developed an updated set of Model Policies to Fight Criminalization that build on recommendations from our Model Code on Education & Dignity, last released in 2013.

These resources provide recommendations for schools, districts, states and federal policy-makers to end the regular presence of law enforcement in schools and end the criminalization of students.

The Model Policies are based on best practices, research and experiences of students, parents, intervention workers, peace-builders and educators from around the country, and on

a human rights framework for schools. They are designed so that communities and policy-makers can identify specific areas of concern and implement the recommended language, including changing laws and policies, while taking into account the diverse needs and characteristics of individual communities.

States are investing in the criminal and juvenile justice system instead of schools and supports for students

In every state in the US, spending on corrections grew at a much higher rate than education spending over the past three decades.

On average, per student spending on education at the state and local level decreased by 28% while spending on corrections increased by 44%.

During the 2015–16 school year, Black students represented 15 percent of the total student enrollment, and 31% of students who were referred to law enforcement or arrested, and these racial disparities are on the rise.

DSC will continue updating recommendations from our Model Code on Education & Dignity over the next few months and release a new version in 2019.

Funneling money into more school police and other practices that criminalize students is not the answer to promoting safety in schools. Here is why.

It Causes Harm: More police lead to more students being arrested for school discipline

- When police are in schools they tend to get involved in school discipline, escalating incidents that might have been resolved by a trip to the principal's office.
- Having police in schools and punitive school cultures makes it less likely that students will trust adults in the building to come forward with concerns they may have about other students.
- For immigrant and undocumented students, bringing police into the school building can lead to deportation for themselves or their families.

It Won't Solve the Problem: Armed personnel pose a safety threat to students and other school staff, and there is no evidence they make schools safer

- Students are already facing violence from armed and unarmed law enforcement in their schools, including fatal and life-threatening injuries.
- Students of color, especially Black students, face the greatest risks. School-based arrest rates and corporal punishment are much higher for Black and Latino students, and studies have shown that subjects are more likely to shoot Black individuals in split-second situations, and we already see the tragic consequences. There has also been an increase in anti-immigrant and anti-Muslim sentiment in schools, and students are already feeling fearful.
- There is no evidence that armed personnel make schools safer during a school shooting. Armed police were present at Virginia Tech, Columbine and Parkland. The majority of mass shootings end when the shooter decides to end them, not by intervention by law enforcement, according to a FBI study.

We Need Real Safety: Preventing violence requires long-term and short-term solutions

- Social and emotional learning and Restorative Justice teach young people how to manage their emotions and respond to conflicts in healthy ways.
- Counselors, wrap-around services and strong relationships with caring adults give struggling students support, and keep students who may need interventions from falling through the cracks.

We need to invest in
counselors, social workers,
Restorative Justice
Coordinators, Community
Intervention Workers and
other supportive school
staff that actually create
safer schools.

- Having entrances and halls monitored by staff like Community Intervention Workers who know the student body well can preemptively address issues, intervene as conflicts arise, and quickly identify when something is wrong that requires an emergency response.
- School Resource Officers are police, not counselors or social workers. Students deserve trained mental health professionals. Telling students they can go to an SRO for counseling (when the SRO can report their conversations as part of a criminal investigation) is ineffective and can lead to negative consequences. ■



MEMBER ID AND PASS

ASURE WEIGHT

Take weight measurements
with a certified scale

MEASURE BLOOD PRESSURE

• Measure blood pressure
• Measure blood pressure

TELL THE COUNTY COUNCIL TO FUND SCHOOL HEALTH NURSES

SPECIAL APPROPRIATIONS

MEETING JAN. 14, 2020 1:30 PM

Council Hearing Room

100 Maryland Ave Rockville, Maryland 20850



Come out to support Local 1994's Shop Steward and School Health Nurse Nancy Austin at the Special Appropriations Meeting. She is testifying to the Committee to secure funding for more nurses.

School Health by the Numbers

1 to 1660 RATIO

There is only one nurse for every 1660 students in the County.

NO NURSES ADDED

Since 2006 (when student enrollment was 144,000) there have been NO NURSES added. Student enrollment is now 163,000.

20% TURNOVER

On average there is currently 20% turnover in the school nursing section. Most cite workload as deciding factor in leaving.

- The County Council recently agreed to add six nursing positions, but has not added the money into the County budget to fund these positions.
- Since 2006 (when student enrollment was 144,000) there have been NO NURSES added. Student enrollment is now 163,000.
- Currently, there is one nurse for every 1,660 students.
- School nursing is not part of the Board of Education budget and thus, is not subject to the Maintenance of Effort law.
- National Association of School Nurses recommends one nurse per 750 students.
- There's currently an average 20 percent turnover in the school nursing section. Most of the departing employees cite workload as the deciding factor in leaving.
- There are more and more acutely ill students in the school system, including 355 insulin-dependent diabetics and over 2,000 asthmatics.

Join us in telling the Council to Fund More Nurses!

letters@washpost.com

Repeal this Bill of Rights

In his Oct. 15 op-ed, "Black women are dying before their time," Montgomery County Council member Will Jawando (D-At Large) expressed hope that "more states adopt legislation that moves us closer to transparency and accountability" of police departments. We hope that Maryland's legislature will repeal the Law Enforcement Officers' Bill of Rights (LEOBR), one of the most regressive laws in the nation.

Under the LEOBR, no jurisdiction in Maryland can follow the U.S. Justice Department's best practices in policing that call for the immediate and separate interview, at the scene, of officers after any officer's gun has been fired. The LEOBR permits a delay of 10 days. Nor can jurisdictions follow the President's Task Force on 21st Century Policing best practices that would empower independent citizen review boards to investigate citizen complaints (as happens in the District, San Francisco and New York City). The LEOBR limits interrogations of police officers to the state attorney general or his designees and sworn officers.

The LEOBR has created a culture of impunity in our municipal police departments. The 2018 police killing of Robert White, who was walking unarmed through his Silver Spring neighborhood while black, testifies to that culture. White's community has never learned the details of the investigation or much information about the officer who killed him, except that he still serves on the force. Many examples of racial profiling and brutality in our county can be seen on police body cameras and civilians' cellphone videos.

Laurel Hoa, Rockville

The writer is an organizer with Showing Up for Racial Justice-Montgomery County.

Steven Sellers Lapham, Silver Spring

The writer is a member of the Silver Spring Justice Coalition.

Is MCPD Administration a Major Source of Police Abuse and Misconduct?

Steven Sellers Lapham, Gaithersburg, MD 20879. January 2020

These cartoons are from a colorful pamphlet prepared for the public entitled, "Workload Analysis 2019 Goals" for Montgomery County Police Department (MCPD) District #2. One cartoon depicts "Unsatisfactory Performance" as a chubby, snack-carrying police officer who issues "ZERO civil citations," over the course of a year on the beat. In contrast, "Best Overall Productivity" is depicted as a slim-and-trim cop, her gun raised, who issues "302 traffic stops" and "11 civil citations" in a mere "8 months!"

There is a lot that's unexplained in the cartoons and charts (with no captions and lacking clear labels) in this informal, 13-page public relations piece, but the message is clear: policing is a numbers game -- the bigger the numbers reported (of arrests, misdemeanor arrests, criminal citations, civil citations, traffic stops, etc.), the better the police officer is doing the job. This "game" fuels abusive policing. This must change.

When officers are rewarded for generating ever-higher arrest numbers, they hit the street with an aggressive attitude that puts residents, especially people of color, at risk. At the least, people get harassed and profiled. At worst, police brutality flourishes county wide, as we see today in civilian cell-phone videos and police body cams. The worst incidents result in injury or death, such as the MCPD officer killing of Robert White, an unarmed pedestrian walking while black through his own Silver Spring neighborhood in 2018. As can be seen in the body cam video of this tragedy, the officer who is apparently pushing to "boost his numbers" (with a rush of adrenalin in his brain) is also putting himself at unnecessary risk, demanding an encounter with a man who clearly does not want to be hassled.

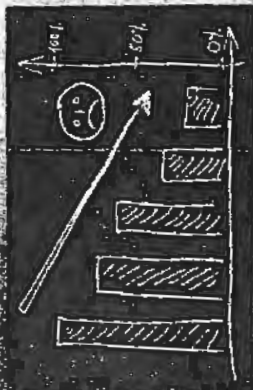
This sort of hubris--an over-weening confidence in quantitative analysis--is not unique to MCPD administrators, but reflects a nationwide problem. It is one aspect of institutional racism. Perhaps, once upon a time, certain powerful members of society wanted aggressive policing like this on their street. But societies change. Our society is changing. So, how do we begin to create a more just society? How can we increase the safety of residents AND police officers?

I believe practical answers to that complex question can be found in new works like *The End of Policing* by Professor Alex S. Vitale, and *Choke Hold: Policing Black Men*, by Paul Butler, and in the work of civic groups like the Silver Spring Justice Coalition (of which I am a member, but these opinions here are my own, and I am no expert, just a concerned citizen). Let's begin by avoiding too-easy answers.

It's all too easy to blame incidents of police abuse on . . .

- * The rogue, violent police officer, a "bad apple" among good ones;
- * A subculture of white supremacy within certain precincts or "clubs" of officers; or
- * Larger social problems such as racism, economic inequality, and mass incarceration.

Yes, those three problems are indeed sources of police abuse and misconduct. But let us focus, very mechanically, on the administration of the police profession in Montgomery County. It is not wrong to look at one aspect of a problem. Several hundred administrators oversee how MCPD officers are trained and evaluated -- how their job is defined, and how they are evaluated on performance. What should these administrators be doing to reduce police abuse of Montgomery County residents? The answer begins -- ironically -- with an excellent question that appears at the end of the little pamphlet



Unsatisfactory Performance



DAY WORK

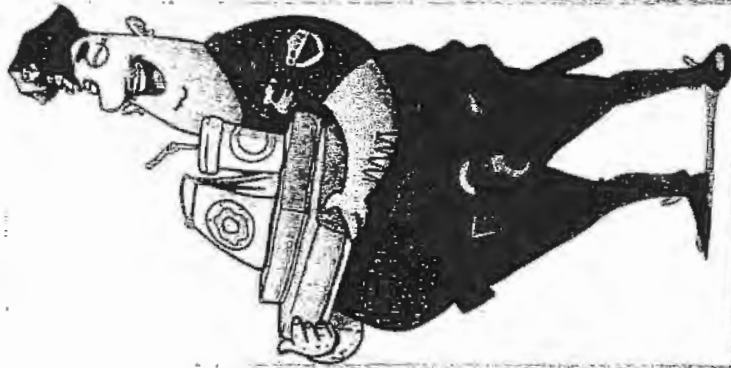
• 41 traffic stops (< 1 / week)

• 4 arrests

• ZERO DUIs

• 4 ACRES

(1.4 / week)



MIDNIGHTS

• 41 traffic stops (< 1 / week)

• 4 arrests (3 from one incident)

• ZERO DUIs

• 4 ACRES (0.1 / 2.5 / 1.5)



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What's Possible

• Best Overall Productivity



18 Stops (174/265)

18 DUIs

3 Felony Arrests

11 Misdemeanor Arrests

10 Citations/265



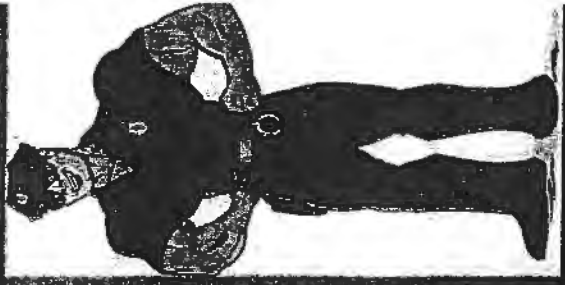
220 Citations/343 warrants

4 DUIs

3 Felony Arrests

11 Misdemeanor Arrests

10 Citations/343



full of cartoons and hard-to-understand charts. It is about evaluating a police officer's work at the end of the shift:

"What should we measure, and why?"

The best "person" to answer this question is not an administrator, but a team consisting of residents who are most affected by policing. In a democracy, the citizens get to define what public safety is, and how it might be realized in their communities. Social scientists, religious leaders, elected officials -- and, yes, police officers and administrators -- can play a supporting role assisting in that process. Here is some good news: In 2020, the new Police Advisory Commission will begin its work. Unfortunately, the PAC will not have oversight or executive powers, but it can gather data, request research, and make recommendations to the council, the county executive, and the chief of police. That's a good start.

Here is one challenge for that commission, and for all of us. It is easy to measure, count, and to reward *punitive actions* such as number of arrests, number of citations, or the number of traffic tickets. In contrast, it is often devilishly difficult to measure *nonaggressive interventions that prevent conflict or crime*. For example, when a police officer, on foot, happens across two men in a loud dispute, and helps de-escalate and resolve that dispute over the course of an hour, how would that officer's intervention be measured at the end of the day? To what degree should the officer be rewarded for the time spent on the matter? To administrators today, her brave and skillful intervention would count for nothing. **Zero**. Indeed, she might be penalized for not "producing arrests." This must change.

How can we measure good policing? "Difficult" does not mean "impossible." Let's rise to the challenge. We are all familiar with examples of non-aggressive crime prevention. For example, a speed camera tickets the speeding car, which is much safer than having a police officer interrupt traffic or begin a high-speed chase. (Traffic accidents are the #1 cause of police officer fatality.) A designated driver provides a ride home to an inebriated party goer and prevents a drunk-driver crash. Monitoring a person (like Robert White) from a distance could have saved a life. In the video, you hear the officer speculating that the "suspect" appears to be emotionally unstable. So why did the officer force an encounter when no crime was being committed? Because administrators reward him for doing so. That police officer is still on the force, and aggressive actions are still professionally rewarded. This must change.

We do not have to reinvent the wheel. Many communities across America have been experimenting with solutions. Let's learn from what has already been done. The report of "The President's Task Force on 21st Century Policing" (May 2015) describes initiatives in various states and counties.

In summary, current measures used by the MCPD administration to evaluate police officer performance are destructive to the civil rights and safety of county residents. They are destructive to the goals of our county's Racial Equity Initiative. Wrong values and wrong measures of performance lead to dangerous practices on the street. The work of police administrators must change. That is my conclusion after reading about these problems, speaking with my neighbors of color, talking to retired and active officers, viewing cell phone videos . . . and after looking at these cartoons. Let's get away from cartoonish measures that reward bad practices, and instead, tackle these challenges together to create meaningful reform.

Steven Sellers Lapham is an educational editor and human rights activist. He holds an M.A. in social science from Syracuse University. Reach him at StevenSellersLapham@gmail.com. Read Rev. Matt Braddock's statement about the preventable death of Robert White at www.cccsilverspring.org/silver-spring-md-community-responds-to-police-report-on-the-police-killing-of-resident-robert-white/

**Council Bill 33-19 Community Policing
Suggested Amendments and Additions
by Mark Paster
January 21, 2020**

Thank you, Council President Katz and Council Members for this opportunity to testify on Council Bill 33-19, the Community Policing Bill. While I am sometimes before you as an advocate for Jews United for Justice, today I am here as an individual speaking only for myself.

My time tonight only allows me to cover a few of the issues I wish to bring to your attention, so I ask that you please also review my written testimony for insights that I won't have time to address tonight.

When we make policy decisions by anecdote, it may feel good. It may feel like we've taken the right action to move forward. But if one anecdote feels more compelling than another, or if one appeals more to my heart or to my inclinations than another, our decisions may be entirely contrary to the data, to the facts, to reality. I believe that our actions, your actions as a Council, should be data-driven as much as possible.

What does the data tell us about policing in Montgomery County? Not enough, in my view. Much of the data that would enable us to make informed decisions simply isn't available to us.

Most of the amendments I am proposing are intended to generate data reports necessary so we can make informed decisions about policing in the County. Is what we have today, in fact, in line with the concepts of Community Policing? Is Community Policing working in Montgomery County? Is policing in Montgomery County equitable?

The unfortunate fact is that we don't know. We all have our anecdotes about MCPD but, again, anecdotes are not data, they are not proof.

This bill as drafted calls for more School Resource Officers. But we have no data on what the current Montgomery County SROs are doing, how effective they are, how fair they are, why more SROs are being requested, if more SROs are needed, what the new SROs would be doing, or if the SRO program is better than more school security guards or if there is better way to achieve the important and laudable goal of safe schools.

I can't even say we're throwing money and staff at a problem, because we don't have data that there's a problem, let alone the need for this supposed solution. I support removing the provision calling for more SROs from this legislation.

**Council Bill 33-19 Community Policing
Suggested Amendments and Additions
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Is the current model of policing working for our community? If, and when, we implement the vision of Community Policing described in this bill, how will we know if it's working? What data will we have? What data should we have? If we continue with the current model of policing, the same questions apply. We need the data. We don't have good data now and if we continue to make policy by anecdote, we're left hoping that the best story tellers are also the ones who have the best answers. That's not, in my opinion, the best way to make decisions and allocate resources for the county.

Speaking of resources, I recognize that generating the data these proposed amendments envision is a significant task. But it's necessary and it can be done. MCPD knows the identity, gender, race/ethnicity and age of the people it arrests. The department has data on recruiting and retention (or it should). MCPD knows who is involved in Use of Force incidents, both as the officer and the subject. And so on. MCPD receives almost 10% of the County budget that is not spent on education. The Council and the community, and MCPD for that matter, should know how well the department, its personnel and its resources are meeting, or not meeting, the needs of our community.

Thank you for the opportunity to speak to you about this legislation and I hope you will act favorably upon my suggested amendments and additions.

The suggested amendments and additions are attached on the following pages. Suggested amendments are in bold with the reasoning/comments below.

**Council Bill 33-19 Community Policing
Suggested Amendments and Additions
by Mark Paster
January 21, 2020**

Report to the County Council:

- 1. What changes, if any, does MCPD anticipate in its Community Policing program? What is the timetable for those changes?**

Community Policing in Montgomery is not practiced, in my view, as envisioned by the documents referenced in the Bill. MCPD should explain to the Council and the community, what Community Policing means and what, if anything, will change.

- 2. How will the effectiveness of Community Policing be assessed/measured?**

How will MCPD and the Council (and the Executive, for that matter) measure if Community Policing is working in Montgomery County? If we don't have an evaluation process and criteria, it will be much more difficult to assess the success of whatever MCPD is doing.

- 3. What are MCP's metrics to measure itself?**

Whatever metrics MCPD is using itself will tell the Council and the community a great deal about how MCPD defines success, what it values, and what are its focal points and priorities.

- 4. How do District Commanders determine if they're meeting the needs/expectations of the communities in their district?**

The six Police Districts are different and have many commonalities but also face unique challenges. How do District Commanders assess those differences and know if they are successful in responding to those?

- 5. How is Community Policing reflected in the Performance Evaluation of line officers? Provide a breakdown of that aspect of the Performance Evaluation scoring.**

Employees respond to the reward system and to what is being monitored and evaluated by the organization. No individual-identifiable information is requested.

**Council Bill 33-19 Community Policing
Suggested Amendments and Additions
by Mark Paster
January 21, 2020**

Knowing how Community Policing is reflected in the Performance Evaluation process and viewing summary data of how front-line officers are being scored on their Community Policing activities will show how MCPD and the line officers participate in Community Policing.

6. **By district, number of officers at the rank of Sargent or below who attended:**
0 community meetings/events during the year
1 - 4 community meetings/events during the year
5 - 10 community meetings/events during the year
10 -20 community meetings/events during the year
more than 20 community meetings/events during the year

During the July Council briefing on Community Policing, there was much discussion about high-level officers attending community meetings and events. There was very little discussion about the involvement of line officers. One of the touchstones of Community Policing is the idea that the police officer who responds to a call knows and hopefully has some prior relationship with the people calling. If it's only senior officers attending the community meetings and events, this relationship does not exist.

7. **By district, number of officers who received:**
0 hours of training/retraining in Community Policing
1 - 10 hours of training/retraining in Community Policing
10 - 20 hours of training/retraining in Community Policing
more than 20 hours of training/retraining in Community Policing
at least 4 hours of training/retraining in de-escalation tactics and/or Crisis Intervention
at least 20 hours of training/retraining in de-escalation tactics and/or Crisis Intervention

If front-line officers are not trained in Community Policing, it's not reasonable to expect them to implement it. If front-line officers are not trained in Crisis Intervention and de-escalation tactics, it's not reasonable to expect them to know how to use those techniques. By asking MCPD for this data, the Council and the community are signaling that this is important to us and we want to know how well MCPD is doing in training officers in these important areas.

**Council Bill 33-19 Community Policing
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by Mark Paster
January 21, 2020**

8. **Number of calls for service involving addiction issues? Number of calls for service involving mental health issues? Number of calls for service involving poverty/homeless issues? Number of calls for service involving addiction and mental health issues? Number of calls for service involving addiction and poverty/homelessness issues? Number of calls for service involving mental health and poverty/homelessness issues? Number of calls for service involving addiction, mental health issues and poverty/homelessness issues? How many of each of these result in arrest?**

To what extent is MCPD being asked to respond to issues that, at their core, are not criminal, or at least originating in criminal intent? A mental health crisis, or an incident that originates from homelessness or addiction may have, as part of the matter, a violation of law, so MCPD is called to intervene, but how often are these matters more appropriate for social workers, case workers, medical intervention or other non-police assistance? In many of these issues, MCPD is probably not the organization best equipped to respond to the situation, but as first responders, they are called first. We should collect data on how often we are asking MCPD to address these issues and then we should formulate a better methodology for responding to non-criminal crisis.

9. **What percent of arrests, by MCPD Districts result in convictions upheld on final disposition? How does this compare to other jurisdictions?**

How often are arrests, and subsequent prosecutions, overturned by courts? This is somewhat of an indicator of how solid a case MCPD has when arresting people and how well the case is presented. This metric is not entirely a reflection of MCPD, but MCPD is one of the foundational pieces of the process. This could help the Council and the community assess how well a key part of the process is working.

10. **Number of youth under the age of 18 referred to intervention programs by officers, by Race/Ethnicity¹, Age, and Gender³ of subjects.**

There is some concern in the community that referrals to intervention programs may not be happening equitably. Reporting this data will allow us to address those concerns appropriately, depending on what the data shows.

**Council Bill 33-19 Community Policing
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January 21, 2020**

11. **Number of School Resource Officers (SRO's) in each MCPS school and number of arrests by SROs in schools by school for each of the last 5 years including Race/Ethnicity¹, and Gender³ of Subjects. Other data as available on SRO activities in schools.**

How many SROs are present in MCPS (or other) schools? How many in each school? What are the types of charges against students (and others) they are arresting? Are the arrests disproportionately impacting some communities? Who is being arrested (not names, but demographics)? What data exists on non-arrest interventions by SROs? This bill calls for more SROs but no justification is provided for those additional SROs. Data, not anecdotes, are needed.

12. **How does MCPD measure employee morale? What are the results of those measurements? What steps are taken to address issues?**

There have been a number of reports lately regarding morale and related issues within MCPD. What data, if any, does MCPD have on officer and staff morale? How is MCPD addressing the issues? What mechanisms are in place to monitor morale and address issues when they arise in the future?

13. **How many officers, for each of the past five years, have received each of the following: Written Reprimand, Suspension (of any type), Demotion, and/or been Dismissed?**

Disciplinary actions can be an indicator that MCPD is enforcing discipline and responding fully when officers do not act appropriately and/or an indication that MCPD officers are, or are not, following proper procedures. Data will help the Council and the community assess how well MCPD is doing in this regard. No personally identifiable information is involved in this reporting.

14. **Number of Use of Force Incidents in each of the past five years, broken out by MCPD District, Race/Ethnicity¹ and Gender², and Years on the Force of Officers Involved. Include breakdown of number of officers involved in significantly more than, and less than, average number of Use of Force Incidents.**

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How many Use of Force incidents have occurred and what are the characteristics of the officers involved? What patterns can be observed, if any? Are some officers involved in significantly more Use of Force incidents than others? Is that a function of their role or is there an indicator of a possible problem officer? How is MCPD tracking officer's involvement in Use of Force incidents and flagging potential problems?

15. **How many officers have committed, or attempted, suicide in the past 5 years? How has MCPD responded to those situations?**

It is reported that more police officers die from suicide than in the line of duty. What is MCPD doing to assist officers who are dealing with mental health issues? We are familiar with the recent tragic suicide of a Montgomery County police officer and we owe it to our MCPD officers to do what we can so this does not happen again.

16. **How many applicants for MCPD have there been in the past 5 years, by year? What percent are culled at each point in the screening process (physical test, written test, background check, polygraph, etc.)? What percent of applicants are offered a position? What percent accept? What percent pass the Academy? What percent are on the job one year after graduation? Five years after graduation? How does this compare to other jurisdictions?**

There has been significant public discussion of MCPD's recruiting challenges lately. Where in the hiring process are candidates falling out? How does MCPD hiring and retention compare to similar departments? What can we learn that will help us address this problem?

Add to Data Montgomery:

17. **Add Dataset of all Use of Force Incidents, including:
Date, time, and location of incident, MCPD District, Race/Ethnicity¹, Age Group², and Gender³ of Subject, highest resulting charge, if any.**

**Council Bill 33-19 Community Policing
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by Mark Paster
January 21, 2020**

Use of Force incidents are among the most contentious interactions between MCPD and the community and sharing information about those interactions can help the Council and community. Sharing information about these incidents with the community will help the community assess how MCPD uses force.

18. **Add Dataset of all Searches (person or property) that do not result in, or are pursuant to, arrests, including:**

Date, time, location of search, MCPD District, Race/Ethnicity¹, Age Group², and Gender³ of Subject, length of time the person(s) is (are) detained.

A police search of a person or property is sometimes necessary, appropriate and legal. It is always time-consuming, frequently demeaning and embarrassing for those searched. Who is being searched, what is being found, how long is the search taking are all important data points for analysis. For example, in analyzing searches in conjunction with traffic stops, data shows that Hispanic males are searched approximately 40% more often than average, while the rate at which something inappropriate or illegal is found is approximately 85% of average, meaning Hispanic men are searched much more often than average, even though the "hit" rate is significantly below average. Having more data of this type can help address inequitable, and inefficient, processes.

19. **Enhance Dataset of Arrests to include:**
Date, time, and location of Arrest, Race/Ethnicity¹, and Gender³ of the person arrested, and MCPD District. Make data available for longer than current 30 days.

Adding more information on arrests and maintaining the data online for longer than 30 days allows the community to have more information and conduct deeper analysis of arrests by MCPD.

20. **Enhance Traffic Violations Dataset to add:**
Traffic stops in which no warning or citation is issues, and length of time of all stops (from time vehicle is signaled to stop until driver is free to leave).

DataMontgomery has a wealth of data on traffic stops that result in citations, warnings and ESEROs but no data on other stops. How often do traffic stops result in no citations, warnings or ESEROs? What are the characteristics of those drivers? How long

**Council Bill 33-19 Community Policing
Suggested Amendments and Additions
by Mark Paster
January 21, 2020**

are all traffic stops? MCPD provides data to Maryland State Police on some traffic stops and searches. According to that data, the average traffic stop takes less than 5 minutes. From my anecdotal research, I have been unable to find anyone who's had a traffic stop that short and I hope we can get accurate data on this important point.

Other:

21. **Establish clear metrics by which Community Policing will be evaluated by Montgomery County.**

How do we know if Community Policing is working in Montgomery County? What are the metrics by which we are judging MCPD performance now and what will be different if/when a different vision of Community Policing is implemented? In Community Policing, the focus is not on enforcement, arrests, and tickets, all easy to measure and familiar, but not useful if the processes and mindsets are to change. What does success in Community Policing look like and how will we know if/when we get there?

22. **Remove/delay expansion of School Resource Officer program until data supports such a move.**

There simply is no data presented thus far to justify, explain or make a case for expanding the SRO program at this time. Nor is there a public plan for what to do with the additional SROs. With limited resources across the County, a compelling case has not been made more SROs are a wise use of resources at this time.

¹ Asian, Black, Hispanic, Native American, Other, White, Total

² Under 18, 15-29 years, 20-24 years, 25-44 years, 45-64 years, 65 and over, Total

³ Female, Male, Unidentified/Other/Non-binary, Total

From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]
Sent: Thursday, January 16, 2020 5:38:11 PM
To: Council President
Subject: Fwd: Please reject bill 33-19

Sent from my iPad

Begin forwarded message:

From: rnavarro <rnavarro@aol.com>
Date: January 16, 2020 at 4:24:50 PM EST
To: "Katz's Office, Councilmember" <Councilmember.Katz@montgomerycountymd.gov>
Subject: Please reject bill 33-19

?

[EXTERNAL EMAIL]

Dear Mr. Katz,

I am writing to tell you of my objections to the bill that will be up for vote next week, 33-19, "Community Policing." Although the general goals of the bill seem laudatory, I am concerned specifically with item 35-6 (b) 6 which says "the Department must maintain and expand its School Officer Resource Program, in recognition of its value to the community." Since each high school already has a School Resource Officer, this implies that the SRO program would be expanded to include middle and/or elementary schools, or that more than one SRO would be placed in high schools. Obviously the wording surrounding the SRO program is unclear as to what the intended implementation and goal of the expansion is, and I believe it leaves too much to interpretation.

I, for one would not want my 6 to 14 year old child attending a school that requires a SRO, and suggest that the money be spent elsewhere such as social services support (by qualified social services professionals) in the schools.

Please do not pass this bill as-is; and if at all, make sure that the clause about SROs is removed.

Thank you.

Sincerely,

Nancy L. Navarro (Note: obviously I am not Council President Navarro who is sponsoring this bill.)
Rockville

61

V. Porter

January 21, 2020

Bill 33-19 "Community Policing"

Testimony

Good evening. My name is Vikki Porter, and I'm speaking to you all as a person of color/POC. I am also deaf, as you can see with the wonderful sign language interpreters who volunteered to be here with me to make sure I have communication access. I've instructed the interpreters to step in and voice for me if at any time my speech is not clear. But that is neither here or there. I am here in front of you for a very important reason... as a concerned mother of a POC child.

As you know, yesterday was the holiday honoring Dr. Martin Luther King Jr. In 1963, he gave his famous "I have a dream" speech at the National Mall in Washington, DC. One line from his speech stood out to me, which is: "Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood."

Now over fifty years later, with Montgomery County being in the backyard of the Nation's Capital, we are looking at a bill that would increase police in school, with the general claim that this effort would build positive trust and brotherhood between students and police. But this effort would result in negative results: POC students interacting with the police would be more stressful--as if school isn't already stressful enough-- because they worry about being accused about something they didn't do, primarily because of the color of their skin. Instead of investing in resources to build a strong network of supportive, caring adults such as counselors, coaches, and parent volunteers to give a sense of community and mental well being for the students, the Council is considering having police walk around school grounds with guns that can hurt and kill them. This simple solution has the potential to do the most harm.

Now back to Dr. King. In 1967, almost five years later after that famous speech, Dr. King wrote his last book entitled *Where Do We Go from Here: Chaos or Community?* In that book, Dr. King noted that white people still had the belief that they themselves have so little to learn. He said that "these are the deepest causes for contemporary abrasions between the races. Loose and easy language about equality, resonant resolutions about brotherhood fall pleasantly on the ear, but for the Negro there is a credibility gap he cannot overlook. He remembers that with each modest advance the white population promptly raises the argument that the Negro has come far enough. Each step forward accents an ever-present tendency to backlash."

With this proposed Community Policing Bill, there is a possibility of backlash towards POC students and their families. Before we can think of having police in schools, we must address the issue of certain attitudes that are insidious and pervasive in the most basic and personal places that affect every human being in this room and the county: schools and neighborhoods. These attitudes especially spill out in greater proportion in the police force. This bill would also be another extension of the NIMBY, Not In My Back Yard concept, in which King noted that "the reality of substantial investment to assist Negroes into the twentieth century, adjusting to Negro neighbors and genuine school integration, is still a nightmare for all too many white Americans."

As history books have stated time and time again, Martin Luther King Jr dreamed of a day when his four children would not be judged by the color of their skin but by the content of their character. However, here we are...over a half a century later, dealing with the current climate involving police profiling and brutality that are especially elevated towards POCs. Unfortunately, that day Dr. King spoke of is not today. With this in mind, I strongly suggest that the council table the Community Policing Bill and continue working with county commissions, community organizations and analyzing data to come up with a much better version. Thank you for your time.

Michael Rubin
7406 Flower Ave
Takoma Park, MD 20912
rubinme@gmail.com

Good evening, members of the Montgomery County Council, council staff, and fellow community members. My name is Michael Rubin and I am a resident of Takoma Park and have spent more than 35 years of my life as a resident of Montgomery County. I am here tonight speaking for myself, as a concerned resident. I am here in opposition to Bill 33-19, which should be withdrawn or tabled for reasons that I will address momentarily. The only portions of the bill that I can support are the call for greater cultural competency and increased training in de-escalation tactics.

When I testified in favor of the LETT Act and the Police Advisory Commission, I looked at the available public information tracking police interactions by race. Sadly very few public safety datasets on dataMontgomery track race. One of the few is traffic violations which do track the race of the driver. In 2019, black drivers were more than twice as likely as white drivers to have a traffic violation when controlling for their demographic percentages. Blacks were given 60,948 traffic violations which accounted for 32.3% of the total of 188,495 violations, despite accounting for 18.1% of the overall population. Whites, in contrast had 60,827 violations, also 32.3% of the total, but accounted for 43% of the population. Blacks were 78.5% more likely to receive a traffic violation than their population percentage would predict and whites were 25% less likely to receive one than their population percentage would predict. I do not for one second believe that blacks are more than twice as likely to commit a traffic violation. One can also dig through data on our schools and see similar patterns on referrals of juveniles to the criminal justice system. We have a problem with racial profiling and racial bias by our police and population that will not be fixed by community policing and increasing the number of SROs in our schools. And without additional implicit bias training, I am doubtful that increased training in de-escalation tactics will accomplish its desired result.

My general objection to community policing is that I believe that it is racist. We are not talking about doing this in Potomac or Somerset, but in areas where more residents of color live. There is a reason that people with my complexion have a generally positive view of the police. It is because we have very few interactions with them. We should afford our black and brown residents the same opportunity; the opportunity to have very few interactions with police. Embedding police in communities doing non-enforcement activities or adding SROs does the opposite.

Additionally, you recently passed legislation calling for a Police Advisory Commission. Let that Commission report on best practices before implementing new legislation. Since there is pretty

Testimony of Michael Rubin in Opposition to Bill 33-19

Michael Rubin
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rubinme@gmail.com

overwhelming evidence that community policing and cops in schools do not reduce crime, I think it rather unlikely that this Board would recommend something similar to Bill 33-19.

I also think it unlikely that this bill would pass muster using a racial equity analysis that will be required by the recently passed Racial Equity and Social Justice Legislation. It clearly seems that we took 2 steps forward with those 2 bills. Nothing requires you to take a step back with this one

I strongly implore you to withdraw this bill. At minimum table it, until our Police Advisory Commission can engage with you on this matter. Thank you for allowing me to share my thoughts with you this evening.

Honorable Council President Katz

Honorable Council

Good evening

My name is Robert Alex Stubblefield and I am an activist and organizer. More importantly I am a live long resident of Montgomery County and I am writing this testimony in opposition of Bill 33-19 on community policing. I will explain my reasons below.

At first glance, it would seem that community policing is much needed here especially given recent incidences involving MCPD and county residents of black and brown descent. I agree with community policing but not how it is being planned or thoughts of being implemented by this body. First let me begin by asking this question? Since when has more policing in schools helped anybody do better in the classroom, concentrate during the day, or increase graduation rates especially in schools where the students are predominately of color especially black and brown? What does this accomplish other than the fact that it gives off the impression and perception that you are preparing these students more so for prison than college and career readiness? Because when you treat black children and non-black children of color as if they are criminals, you shouldn't be or act surprised when they start acting out like one. It kills their dreams, their hopes, their drive, and our future for children of today become the leaders of tomorrow yet when these measures come in, that leadership dies off before it has a chance to be a rose and bloom in the sun. This contradicts everything that the Office of Legislative Oversight has stated that to end the school to prison pipeline and to decrease the dropout rates.

This translates to the community. As if being treated like criminals in the schools isn't enough, than the young as well as everyone else now have to be treated like one in their own communities where they live and work. This is imperative because the young account for sixty percent of interactions with police. When one adds the mental health component, what we have is a recipe for disaster waiting for happen like the case of Robert White. It is incredulous to me that even with the passage of Racial Equity and Social Justice act, that this body would still continue on with practices that keep black and brown peoples down. In addition it begs the question of what was the point of setting up the Police Advisory Commission with two youth seats if you all were going to circumvent the PAC? If anything it makes you all look like hypocrites and it was nothing more than feel good/ pacify the masses type legislation. El Hajj Malik El Shabazz, more famously known as Malcolm X once eloquently stated "how can you have more police yet more crime. The only way that happens is when the police are in cahoots with the criminals" This is poignantly true especially since study after study has shown that more police doesn't reduce crime, doesn't help decrease bad behavior or make anyone feel safer. Yet

despite all of this, we continue to see the expansion of SRO's as if black and non-black youth of color especially in areas of high poverty in this county are actually needed.

So what needs to be done? The first thing is to actually invest in mental health professionals in the schools so that our students can have someone to not only talk to about their problems but to also work out solutions and plans on how to deal with them. After all the teenage years a very stressful time. Also follow the recommendations of your own OLO as that office seems to be making an effort for racial equity and I would personally expand when they say thereapeutically to include meditation, yoga, tai chi and qigong practices for these have actually shown to be positive influences so much so, that some schools in Baltimore have created meditation and yoga rooms so when a student acts out, instead of going to the principal's office, they go to those rooms instead and come back with clearer focus. This can be done here especially with the resources we have cause if we have the money to fund more officers in the schools, we can definitely do this here. No more hypocrisy. Finally real community policing is when the views and needs of the community are at the forefront to ending the school to prison pipeline as well as the communities in hand where the police are accountable to the community without the influence of the police union to keep on perpetuating the same cycle. Actually listen to the recommendations of the PAC for that is the reason why we have one now.

In conclusion, this bill is bunk and an insult to what activists and community members have been fighting for the past several years. Get rid of it and actually follow the guidelines of not only the Racial Equity and Social Justice act but the Police Advisory Commission as well. To quote Fred Hampton "It's going to take people willing to fight not people willing to be persecuted by the enemy" Actually fight for the impacted communities and stop playing a role in the continued persecution of them.



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

**COUNCILMEMBER NANCY NAVARRO
DISTRICT 4**

**CHAIR, GOVERNMENT OPERATIONS AND
FISCAL POLICY COMMITTEE**

EDUCATION AND CULTURE COMMITTEE

MEMORANDUM

February 3, 2020

TO: Members, Public Safety Committee
FROM: Nancy Navarro, Councilmember, District 4
SUBJECT: February 3rd Briefing on Police Training

First, I wish to express my appreciation that the Public Safety Committee scheduled the February 3, 2020 Briefing on Police Training. While I understand that these sorts of briefings are routine, the fact that this is enshrined in our processes is a testament to our institutional commitment to transparency and efficient government, both in the Council and in the broader Montgomery County Government.

I would like to bring to the Committee's attention circles 48-49 of the briefing packet, which is part of the broader section containing the curriculum of the Montgomery County Police Department's Training Academy, and its intersection with Bill 33-19, Police- Community Policing. Section (b)(2) states "the Department must ensure cultural competency throughout the Department", and circles 48-49 of the packet contain 1.5 hours of required training in Community Policing, 3 hours of Spanish Language Instruction, and 9.5 hours of training in Cultural Diversity. While the number of hours for Cultural Diversity training is encouraging, the lack of emphasis on foreign language instruction and the brief length of the dedicated Community Policing training are both causes for concern.

I would like to associate myself with the comments made by my colleague, Councilmember Will Jawando, regarding the importance of cadets receiving language training. While I do not expect our entire police force to be fully bilingual, I am nonetheless concerned that only 3 hours of dedicated training in but one of the many languages spoken by our broader community is inadequate. What happens if an officer is deployed in a community which speaks Mandarin, Amharic, or French? A few hours of dedicated Spanish language training, combined with whatever linguistic skills the officer may bring with them, would likely not be helpful in these communities, therefore further widening the gap between officers and civilians. It also deeply concerns me that these classes were identified as being voluntary- again, it is my firm belief that if we want our officers to truly immerse themselves in the communities they serve, then they must have a working understanding of the language spoken.

I also agree with the comments made by Councilmember, and Public Safety Committee Member Tom Hucker regarding the uneven training on wider Community Policing values and practices. While the emphasis on Cultural Diversity training is a welcome step, the seemingly condensed broader Community Policing training may leave the wrong impression. Our officers must be well-versed in not just who we are, but what we value- they must be instilled with an understanding of what we mean by community policing, and what is expected of a department which practices community policing.

As a brief refresher, Bill 33-19, Police- Community Policing, in addition to the specific reporting requirements set out in Section (c), includes the following guidelines regarding Community Policing-

- Officers must strive to regularly initiate/engage in positive nonenforcement activities with communities
- MCPD must ensure cultural competency throughout the Department
- MCPD must emphasize the recruitment of candidates with ties to the County
- MCPD must increase community outreach initiatives and officers should attend community events on behalf of the Department
- MCPD must provide adequate training in de-escalation tactics
- MCPD must maintain and improve SRO program in recognition of its value to the community

I look forward to continuing these conversations, as well as those which were brought up regarding broadening recruitment efforts, during the February 13th Public Safety Committee worksession on Bill 33-19.

In summary, I believe that going forward, our conversations around Bill 33-19, and its intersections with police training in Montgomery County should include-

- Greater emphasis on dedicated language training for police officers
- Ensuring police officers are well-versed in all aspects of Community Policing and the expectations that go along with it

Bill 33-19 Questions for MCPD

1. What changes, if any, does MCPD anticipate in its community policing program? What is the timetable for those changes?

As I have discussed on several occasions, we are in the beginning phases of a significant reorganization of the Police Department. I am planning on creating a Community Relations Bureau. Part of the reason for this reorganization is to improve and enhance the departments Community Engagement Division. As part of this reorganization, the department intends on creating better synergy between the Public Information Office and the Crisis Intervention Team, which also serve important roles in the departments community outreach efforts. I have also requested that my staff examine bringing back the "Police Athletic League" (PAL) program, which was a successful outreach program in the 1990's. I also plan to centralize the School Resource Officers under the Community Engagement Division. Additional positions will be transferred to the Community Engagement Division to grow this aspect. We have also begun working on a plan to provide a blocked out manpower hours by patrol officers during their normal patrol shifts to engage in their beats with a community members to be visible, help solve public safety or quality of life issues and other elements of engagement as we develop a plan to track those hours.

In terms of timeline, I hope to have a reorganization plan finalized and implemented on or about July 1st, however I intend to constantly evaluate the efficiency and effectiveness of the Community Engagement Division. As the community's needs change, I expect our department to be able to adapt to those changes.

2. How will the effectiveness of community policing be assessed/measured?

It is easy to measure community policing efforts. We can use hours worked, meetings attended, citizens contacted, etc. as metrics to measure efforts. It is much harder, and imprecise, to measure community policing effectiveness. Often, the effectiveness of a program or outreach is not realized for several months. Additionally, the effectiveness of a community policing program is not necessarily quantifiable with data as much as it is quantifiable in community perception. That being said, it is necessary for the department to identify some metrics by which the effectiveness of our programs can be measured. Part of these metrics may be community satisfaction surveys, specifically targeted to the areas where we spend most of our efforts in community outreach. We can also utilize a Community Policing Self-Assessment Tool developed by the Police Executive Research Forum and ICF International and it deals with personnel management allowing police managers to ask themselves if supervisors give their subordinates the authority and responsibility of problem solving activities and activities to build community partnerships.

3. What are MCPD's metrics to measure itself?

So data-driven approaches to law enforcement have been popular for the past several decades. We look at a variety of data points to examine overall effectiveness. We review data such as crime rate, violent crime occurrences, and arrest data to measure the effectiveness of police responses in certain geographical areas. We examine data such as traffic collision data, traffic citation data, etc. when evaluating the effectiveness of traffic enforcement programs.

4. How do District Commanders determine if they are meeting the needs/expectations of the communities in their district?

The needs and expectations of our communities vary greatly. Some communities are concerned with violent crime, minor crime, traffic issues, nightlife, etc. Each District Commander has a Community Services Officer who focuses on the needs of communities by way of outreach. These CSOs are frequently in touch with community members.

Commanders also rely on crime and traffic analysts to identify crime and traffic trends so they can effectively utilize resources to combat these issues.

In addition to patrol officers, each Commander has;

- *a traffic unit to focus of traffic/parking complaints, investigate traffic collisions and proactively conduct traffic enforcement.*
- *undercover officers to address crime trends*
- *DCAT to address community concerns, crime trends, traffic issues*
- *Community Services Officer (CSO)*
- *CBD teams*

Commanders receive and actively seek out feedback from multiple stakeholders:

- *county regional directors*
- *community and homeowner associations*
- *chambers of commerce*
- *commander advisory boards*
- *the department Hispanic and African American Liaison Committees*
- *municipal mayors and town managers*
- *The commanders also receive input from the County Executive's and Council's Offices.*

Commanders also receive direct correspondence through their individual and public email (eg: 2DCommander) accounts about issues, concerns or words of appreciation.

Commanders have an executive officer in charge of their SROs and have frequent contact with school principals, administrators and security officers.

Commanders are assigned to investigate non disciplinary complaints about the behavior of employees under their command.

Commanders stay in contact with the community through the department's social media platforms;

- *Facebook*
- *Twitter*
- *Nextdoor*

Commanders gain an understanding if they are meeting the needs of the community through informal contacts while out in the community or participating in community events such as Coffee with a Cop, Taste of Wheaton, and National Night Out, etc.

5. How is community policing reflected in the performance evaluation of officers?

Supervisors have the opportunity to highlight community policing efforts conducted by officers in specific categories and in the narrative portion of the overall performance evaluation.

One specific category is titled: Community Policing.

Projects such as the one carried out in 3D on Quebec Terrace allow for statistical efforts to be captured in the area for individual officers.

The department is also working to better record officers' community policing efforts through specific CAD statuses that can then be recorded in officers' individual evaluations.

6. Do you keep data on how many police officers, at the rank of sergeant and below, participate in community events and other community policing initiatives? And can that information be broken down by district? If so, could you forward that information for 2019? If not, is this something the Department can implement in the future?

At this time, we are unable to provide this data. The department as a whole attended 2158 events in 2019. We are working to implement a way to track individual officer attendance at events (see point 5) which would allow for a more comprehensive breakdown by officer, district, etc.