



ADVISORY COMMISSION ON POLICING

July 2024

The Honorable Andrew Friedson, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear President Friedson:

I am pleased to submit to you the 2024 Annual Report of the Advisory Commission on Policing (ACP). The report summarizes the work of the ACP addressed since the commencement and appointment of a new session. This includes newly selected commissioners. The appointment and report is relevant for the time frame of March 11 through June 30, 2024.

In our inaugural sessions, the ACP has consistently met quorum for its *scheduled* public sessions. We are dedicated to addressing collaboration, transparency, and examining the broad issues of implicit bias, use of force, training, and particularly data collection and the use of data in the management of the Montgomery County Police Department (MCPD).

We want to thank the Council staff who have supported us since the initial appointment of the ACP, including Legislative Analysts Susan Farag and Logan Anbinder. We are thankful for their outstanding and consistent support. We also greatly appreciate the participation of MCPD representatives.

We greatly appreciate the support of the Council and will continue to do the best that we can to address community and safety issues, as designated by the Council.

With best wishes,

Rev. Brian Bellamy, Chair
Advisory Commission on Policing

Advisory Commission on Policing

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ANNUAL REPORT 2024



July 2024

Advisory Commission on Policing

Montgomery County, Maryland

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Commission Background

In December 2019, the Montgomery County Council created the Policing Advisory Commission through Bill 14-19 to provide a formal role for community input regarding the Montgomery County Police Department (MCPD). The commission grew out of ongoing concern among Montgomery County residents regarding the performance of the MCPD especially regarding the use of force and perceived disparities in the effects of various enforcement activities. These concerns intensified after the May 25, 2020, murder of George Floyd by a Minneapolis, MN police officer. The initial members of the PAC were appointed on July 20, 2020, for three-year terms. In 2023, the Council passed Bill 32-23E, which changed the composition of the commission and renamed it as the Advisory Commission on Policing (ACP).

In January, the Council sought interested applicants and interviewed membership for the newly named Advisory Commission on Policing (ACP). Public outreach occurred and the council interviewed interested applicants. The newly appointed members were designated on February 13, 2024. The ACP's ongoing efforts are to examine and provide guidance for the county to enable reform on policing practices for the County. Continuity occurred between the previous commission and this newly appointed commission with the review of previous minutes and continuous enrollment of three prior members, who are Ms. Branson, Ms. DeLane and Ms. Daphnis, with the newly appointed commission.

Meetings

At its March 11 inaugural meeting, the new members elected Rev. Brian Bellamy as Chair and Ms. Cherri Branson as Vice Chair. All members are noted in [Appendix A](#). With the new cohort of commissioners, as per Resolution 19-946, it is noteworthy to remark about the cadence of required and scheduled meetings. Although only required to meet a minimum of six times per year, the new ACP commissioners agreed to meet monthly. Since its inception on March 11, 2024, the ACP has met five times in 2024. ACP meetings are generally held on the 2nd Monday of the month at 6:30pm. The meetings have all been virtual; however, the Commission plans to meet in person as well.

The Commission discussed priorities for the coming year and approved the recommendation of Mr. Donahue that the Commission adopt a formal workplan to guide our work and provide for accountability to the Council, the community, and ourselves. To inform this effort, the members decided to consider the recommended priorities in the previous Commission's January 31, 2024, letter to the County Council and that we seek direct input on its priorities. On April 26, the Commission sent a letter on to County Council President Andrew Friedson referencing the January 31 letter and eliciting the Council's priorities. Mr. Friedson's reply on May 9 encouraged the Commission to:

- Continue reviewing the Department's ability to collect, analyze, and use data in its work to provide effective, responsive, and equitable policing.
- Proactively seek out community input from a diverse group of community members, focusing on those who live and work in areas disproportionately impacted by crime and policing.
- Provide analysis and recommendations on all pending legislation that impacts police, bearing in mind that communities of color have been historically overpoliced, are disproportionately victims of crime, and need effective public safety services.
- Work with the Police Department to better understand progress on police reform have been working, focusing on the State Police Accountability Act of 2021.

We incorporated these priorities into our workplan, which was formally adopted by the Commission during its regular meeting of June 10, 2024.

During the first meeting, the new members agreed upon several items that can be seen on the meeting minutes table on the ACP website.

Structure and Development

During the initial and subsequent meetings, several key topics were identified, discussed, and put forth for ongoing actions. Moreover, on March 26 the ACP sent a letter to the Council, referring to the suggested priorities and recommendations of the previous members of the Commission in their January 31 letter to the Council and requesting their priorities, such that when the ACP develops goals, those strategic initiatives between the council and the ACP will be aligned. The ACP will utilize subcommittees to address work items and present them to the larger group for appropriate feedback and actions. The purpose of each subcommittee is to develop a framework with clear objectives, that align with the Mission of the Commission, for specific projects.

Training

Bill 32-23E changed the training requirements for the Commission. Rather than mandating attendance at the Police Department's Citizen Academy, the bill directs the Commission Chair, along with staff, to set training requirements. ACP Commissioners are now provided with four classes that provide overviews of critical policing functions.

- **Class 1: Department Training Overview**
This is a general overview of the Montgomery County Police Department's training programs. During this class, Commissioners learn about the Department's entry level training, in-service training, and specialized/continuing education training.
- **Class 2: Use of Force/De-escalation/ICAT**
This class provides a more in-depth dive into the Department's Use of Force policy, its training on the MCPD's policy and legal obligations, and its less-lethal platforms. Additionally, it provides information about the Department's de-escalation training curriculum.
- **Class 3: Crisis Intervention Training (CIT)/Mental Health**
This class provides an overview of the Department's mental health and Crisis Intervention Team training.
- **Class 4 In Person: Traffic Stop/MILO/Box and Wall/VR**
This class is a live, in person class with practical exercises. Attendees will participate in MILO (force simulator) drills, traffic stop and scenario-based drills, and get repetitions in the Department's new virtual reality headsets.

Additionally, the Police Department encourages Commissioners to attend the Citizen Academy, a 15-week program open to the public, which strives to increase resident awareness of the different functions of the police department. Participants learn about topics relative to the role of the police officer in their community. During a 15-week academy, residents are instructed on such topics as criminal law, Maryland traffic law, and investigations.

Participants are required to attend 12 of the 15 classes to be eligible for graduation. Two Commissioners, Mr. González and Mr. Blair, are attending the current Citizen Academy class.

Lastly, Commissioners are also encouraged to engage in Police ride-alongs. Three Commissioners, Mr. González, Mr. Blair, and Ms. Walsh have completed ride-alongs in the 3rd District.

The ACP's Workplan

As an initial step in setting the ACP's direction for the coming year, Mr. Donahue suggested the implementation of a workplan he had drafted during the April meeting. The purpose of this workplan is to serve as a living document that will provide direction and intention to the Commission's work, and a set of guiding principles that will inform the Commission's policy recommendations. During the meeting, a subcommittee was formed, comprised of Mr. Donahue, Mr. Bein, Ms. Delane, Mr. González, and Mx. Quittman. On the Monday and Friday following the April meeting, Mr. Donahue, Mr. González, and Mx. Quittman met to discuss feedback other ACP members had provided on the draft workplan, and they revised the workplan accordingly.

The revised workplan was then presented to the full Commission at the May meeting. Ms. Branson provided additional feedback, which was sent to Mx. Quittman via email due to time constraints. Mr. Donahue then worked to incorporate this feedback into a revised draft of the workplan, which was presented and formally adopted by the Commission at the June meeting.

During the process of revising the workplan, the subcommittee members worked to ensure that the workplan reflected the County Council's priorities laid out in Council President Friedson's letter of May 9. Emphasis was placed on accountability and public service rather than merely crime prevention. The ACP acknowledges that the role of police in the community is complex, and it is crucial that MCPD works to serve marginalized communities fairly rather than targeting them disproportionately. To this end, the subcommittee added language to the workplan that specifically names marginalized communities that must be taken into consideration when developing policy recommendations, and that focuses on the disruption of the school-to-prison pipeline so that Montgomery County's youth are uplifted and supported instead of incarcerated.

The subcommittee has taken great care to ensure that diverse voices were uplifted during the creation of the workplan, and that the goals presented therein will push MCPD towards being the greatest force for good that it can be. It is the subcommittee's hope that this workplan will provide the ACP with principles and direction that will serve the Commission and community to the fullest extent possible in the coming year.

Public Outreach and Community Input

The Commission agrees that public engagement is a key portion of its mission. Hence, the committee agreed that quarterly in-person (and potentially hybrid) meetings will occur in different sectors of the county (such as regional service centers, etc.). To better understand how County residents feel about public safety, a subcommittee was created to arrange and create a program of community engagement meetings to proactively seek out community input from a diverse group of community members, focusing on those who live and work in areas disproportionately impacted by crime and policing.

Commission Topics for Review and Comment

Use of DRONE technology as a First Responder. At the Commission's May 13 meeting, MCPD Captain Cokinos provided a presentation on the Drone as a First Responder (DFR) program, which elicited numerous questions from members of the Commission, including about safety, management, and potential civil rights

concerns. In response, Captain Cokinos said that the program works to comply with FAA regulations, that facial recognition technology is currently prohibited under MCPD policy, and that MCPD has never used a drone as part of its public order response. In response to over a dozen follow-up questions in writing from members, Captain Cokinos added that the objectives/goals of the program are: (a) Improve police response times (b) Allow MCPD to be more efficient with police resources (c) Provide real time information to ground officers to allow for better decision making (d) Assist with de-escalation of incidents to enhance safety for both officers and our community (e) Assist with locating and apprehending criminal suspects. Captain Cokinos also replied that drone deployment was guided by crime statistics and that a final report on the DFR pilot program was expected at the end of June 2024. One of the members urged MCPD to revise FC 0406 to more comprehensively cover the DFR Program or, alternatively, develop a separate standalone policy for the DFR Program. Captain Cokinos was receptive but noted that as the DFR was a pilot program, it had been governed by Operational Orders thus far. These Operational Orders had been modified as MCPD learned more about the drones while the pilot program progressed. Changing or writing a new policy would be a more permanent step and would also entail a significantly greater bureaucratic effort.

Freedom to Leave Act. At the June 11th meeting, the ACP members voted to form a subcommittee to research the Freedom to Leave Act. This subcommittee consisted of Mr. Stephenson, Mr. Watson, Ms. DeLane, Ms. Branson, Mr. Blair, and Mr. González, and was led by Mx. Quittman. The latter three of these subcommittee members met for an hour on June 26th to discuss the bill. As a result of these discussions, Mr. González agreed to draft questions for Councilmember Jawando and Mx. Quittman sent pertinent data and reports to the subcommittee members. These questions and information will be discussed with Councilmember Jawando at the July meeting.

Appointment of new Police Chief. In January, MCPD Chief Marcus Jones announced his plans to retire effective June 30, and on March 11 local media reported that County Executive Elrich had sent a letter to the County Council indicating that he planned to involve community stakeholders in the MCPD Chief selection process. The Executive said that he had narrowed his search to several candidates within MCPD ranks and that these candidates would be interviewed by a team of county leaders before the first week of April. If an internal candidate didn't make the cut, the county would then hire a firm to conduct a national search.

At the second meeting of the APC, on April 8, the members discussed possible ways of contributing constructively to the selection process for a new Police Department Chief. Given uncertainties at the time over timing and process for the selection, the Commission sent a letter on April 16 urging County Executive Elrich to carefully consider the values, philosophies, and strategies of any candidate for the position (see section on correspondence).

At the May 11 meeting of the APC meeting, Chair Bellamy said that he had represented the Commission at a meeting the previous week between the County Executive's candidate, Assistant Police Chief Yamada, and community and business representatives. Chair Bellamy added that Assistant Chief Yamada had been emphatic about his commitment to constitutional policing and to preventing bias in the department. Vice Chair Branson, who had attended the meeting as a representative of a civil rights organization, added that the ACP's letter of April 8 appeared to have an impact on the candidate. Furthermore, Ms. Branson attended other meetings with other advocacy groups regarding his nomination. Ms. Branson indicated that Assistant Chief Yamada indicated that he wanted to include community engagement in the daily duties of police officers on patrol, so the police got to know the community in their beat.

At the June 10 meeting of the ACP, staff noted that Assistant Chief Yamada would be interviewed by the Council on the following day. There was a coalition of public advocacy groups that had circulated a letter expressing concerns about his potential appointment. One of these community members expressed their concerns publicly during the ACP meeting. Other Commission members expressed concern that the selection process provided too few opportunities for community organizations to provide input, and that Assistant Chief Yamada's views did not seem to reflect a modern approach to policing. Before deciding on next steps, several ACP members agreed to attend or watch via video-link the Council's interview with Assistant Chief Yamada on June 11. At least four members who attended or watched the June 11 interview provided them impressions via e-mail.

All ACP members who attended the June 11 interview expressed concern that an appointment to such a crucial position should involve greater input from the community to ensure accountability, transparency, equity, and inclusivity, as well as better alignment between police priorities and community needs.

One member of the ACP noted that Assistant Chief Yamada did not articulate 21st Century Policing principles and practices or a preliminary plan to address the challenges facing MCPD, and that his resume lacked qualifications desired of a police department chief, such as Federal Bureau of Investigation National Academy or the Police Executive Research Forum Senior Management Institute for Police Program.

The Commission convened an additional meeting on June 17 to consider drafting a letter to the Council conveying ACP concerns ahead of the Council vote on the nomination the following day. However, the meeting fell short of a quorum. Hence, members were encouraged to express their individual views directly to the County Council and Executive.

Assistant Chief Yamada's nomination was confirmed by the Council on June 18, and the Commission is expected to consider in the future whether to draft a letter formally sharing with the County Council its concerns over the process and recommendations for future nominations. Even if Chief Yamada was the most qualified, the lack of clear, planned, and meaningful community participation in the process denied him an opportunity to gain greater community support for his initiatives.

Appreciation

The ACP is extremely grateful to its staff from the County Council: Legislative Analyst Susan Farag, and the assistance of Logan Anbinder. The ACP is most grateful for the service provided by one of its members, Mr. Donahue, who was unable to continue on the Commission. During his tenure, Mr. Donahue provided energy and valuable technical expertise on policing matters. He was a primary driver for the ACP's workplan and a fount of information on all aspects of Community Policing. He will be sorely missed. We also greatly appreciate the participation of Sgt. Cate Brewer from the FOP and other officers from the MCPD, especially Captain Jordan Satinsky and Lieutenant Jeff Innocenti.

Conclusion

The current members of the Commission have invested much of their time and effort since its inaugural meeting in March in organizational matters and dealing with fast developing issues, such as the selection of a new Chief of Police to succeed Marcus G. Jones. The Commission is now engaged in a productive and collaborative work tempo, and the members look forward to implementing their workplan and proactively eliciting direct input from members of our diverse community. The ACP plans to continue its close work with the members of the Montgomery County Police Department, especially its new Chief, Marc Yamada. The ACP wishes him a successful tenure and reiterates its commitment to collaborating with him to improve citizen

safety in a way that is congruent with our diverse community's expectations and aspirations. The members also look forward to drawing on a variety of professional sources, experiences and input to provide independent advice to the Council on bills under consideration, as well as on other citizen safety matters, including emerging issues or trends that could be addressed by the Council.

Appendix A

Membership – 2024

Council Designated Commissioners

- Reverend Brian Bellamy (Chair)
- C. Arthur Blair
- Cherri Branson (Vice Chair)
- Kristy Daphnis
- Christina DeLane
- Michael Donahue
- Francisco Javier González
- John Stephenson
- Teresa Walsh
- Sean Watson
- Vacancy

County Executive Designated Commissioners

- Eva Quittman (25 or younger)
- Petros Bein (age 26-35)

Department Ex-Officio Members

- Police Chief's Designee: Captain Jordan Satinsky
- Fraternal Order of the Police Designee: Sergeant Cate Brewer

Appendix B

MONTGOMERY COUNTY, MARYLAND ADVISORY COMMISSION ON POLICING WORK PLAN

The Advisory Commission on Policing (ACP) was created in 2019 by the Montgomery County Council in response to the ongoing public dialogue around policing practices and as an effort to increase community involvement in matters of public safety. ACP's mission is to advise the Council on policing matters and recommend policies, programs, legislation, or regulations with regards to policing.

Montgomery County Code Section 35-6 establishes the 15-member Advisory Commission on Policing and defines ACP's duties to:

- Advise the Council on policing matters;
- Provide information regarding best practices on policing matters;
- Recommend policies, programs, legislation, or regulations;
- Comment on matters referred to it by the Council;
- Conduct community outreach for community input on policing matters; and
- Accept correspondence and comments from members of the public.

Note: By July 1 each year, the ACP must submit an annual report on its functions, activities, accomplishments, plans, and objectives. This workplan will be reviewed and revised on an annual basis, or sooner if circumstances require.

Goal: To offer guidance and recommendations to the County Council concerning policing, including policies, programs, legislation, or regulations pertinent to the Montgomery County Police Department's (MCPD's) ongoing policing efforts to cultivate alliances and community engagement programs and initiatives fostering trust, transparency, accountability, and public service.

Objectives: To ensure that the evolving needs, expectations, and values of Montgomery County's diverse communities are addressed by identifying effective policing policies, programs, initiatives, and strategies, as well as other measures the County Council should consider for improving the delivery of policing services to Montgomery County residents.

Strategies: The following are an initial set of strategies to support a path forward for the ACP to successfully accomplish its mission—

1. Proactively gather data and insights from a variety of sources and methods to capture input and feedback on policing matters from both the police department and all segments of Montgomery County's diverse communities, with particular attention to those who live and/or work in areas disproportionately impacted by crime and policing, and on marginalized groups such as youth, people of color, LGBTQ+, individuals whose primary language is not English, and people with disabilities.

2. Work with MCPD to better understand how certain aspects of police reform have been working, specifically focusing on the Maryland Police Accountability Act of 2021, as well as compliance with Commission on Accreditation for Law Enforcement Agencies (CALEA)

standards, relevant laws, regulations, and its adoption of best practices, audit findings, and recommendations to include—

- a. Reimaging Public Safety Task Force
- b. Effective Law Enforcement for All (ELE4A)
- c. Montgomery County (MD) Office of the Inspector General
- d. Maryland Police Training and Standards Commission
- e. Office of Racial Equity and Social Justice (ORESJ)

MCPD's efforts to address these requirements and recommendations should not only meet but exceed the expectations and demands of Montgomery County's diverse communities.

3. Ensure that MCPD undertakes a robust planning process incorporating the formulation of specific goals, objectives, strategies, performance measures, and outcomes for all significant program areas.

4. Examine MCPD community policing outcomes to ensure that these efforts are focused on priorities that meet the expectations of community members and the County Council.

5. Review MCPD's data collection, analysis, reporting, and management practices to ensure they meet internal policy and legislative requirements and advance transparency to inform the public of an accurate picture of crime in Montgomery County.

6. Provide recommendations on all pending legislation that impacts policing. This work should focus on communities of color that have been historically overpoliced, and that these same communities are also disproportionately victims of crime and have a real need for effective public safety services.

7. Review and address MCPD's lack of benchmarking against "comparable jurisdictions" which the department could use to help evaluate its performance on many of its important programs and activities.

8. Review the role of police in the probable cause and pretrial release decisions of District Court Commissioners.

9. Contribute to the ongoing discussion regarding the presence of police officers in the County's public school system, including activities disrupting the school to prison pipeline.

10. Prepare and submit reports and recommendations to the County Council in a timely manner consistent with ACP's mission.

Preferred Outcomes: Submit recommendations to both the County Council and MCPD that are both feasible, pragmatic, and informed by evidence-based research in addressing the strengths, weaknesses, opportunities, and challenges concerning the provision of policing services in Montgomery County.

Appendix C
Letter to County Executive re: Police Chief Selection Process



ADVISORY COMMISSION ON POLICING

April 16, 2024

The Honorable Marc Elrich
Montgomery County Executive
Executive Office Building
101 Monroe Street
Rockville, MD 20850

Re: Our Priorities for a New Police Chief and the Selection Process

Dear County Executive Elrich:

We are writing to provide guidance in the Police Chief selection process. The Advisory Commission on Policing is deeply invested in the well-being and equitable treatment of all members of our county, which includes addressing crime as well as ensuring the county delivers professional, equitable, transparent, and accountable policing. To that end, we ask that you carefully consider the values, philosophies, and strategies of any individual who will assume such a critical role in shaping our local law enforcement practices.

We are most interested in learning about the prospective candidates':

- policing philosophy;
- view on racial equity and implicit bias;
- vision of the appropriate role of police;
- standards for the department's operations and management; and
- strategies for recruiting and retaining police committed to equitable and effective policing.

In light of these concerns, we strongly advocate for the organization of a public forum where community members can engage directly with the candidates and express their questions and concerns about a new Police Chief.

Thank you for your attention to these important matters. We remain committed to working collaboratively with you, the County Council, and the Police Department to

ensure the safety, well-being, and equitable treatment of all residents, workers, and visitors in our County.

Sincerely,

Rev. Brian Bellamy, Chair
On behalf of the Advisory
Commission on Policing

Cc: County Council
CAO Richard Madaleno
ACAO Dr. Earl Stoddard
Chief Marcus Jones

Appendix D
Letter to Council requesting Guidance and Input



ADVISORY COMMISSION ON POLICING

March 26, 2024

Honorable Andrew Friedson, President
Honorable Kate Stewart, Vice President
Montgomery County Council

Re: Council Priorities for the Advisory Commission on Policing (ACP) Dear

President Friedson and Vice President Stewart:

The members of the new Advisory Commission on Policing (ACP) thank the County Council for the opportunity granted us to serve our community.

The new members of the ACP met on March 11 and elected me as Chairman. Ms. Cherri L. Branson, who served in the previous Commission, was elected as Vice Chair.

As we prepare to develop a work plan for the next year, we are mindful that our first duty is to “advise the Council on policing matters.” Our predecessors in the Commission sent a letter to you on January 31, 2024, suggesting that we focus on the following areas:

- MCPD’s management of data regarding its activities.
- Lack of “comparable jurisdictions” that MCPD could use to test its performance on the many important programs and activities.
- The role of police in the probable cause and pretrial release decisions of District Court Commissioners.

We appreciate their guidance and seek your input as soon as possible on those areas, as well as others you may find appropriate.

The members of the Commission have agreed to meet on the evening of the second Monday of every month, and we would welcome your participation, as well as that of your colleagues in the Council, any time you wish to do so.

With best wishes,

Reverend Dr. Brian Odem Bellamy, Chair Advisory
Commission on Policing

Cc: Members of the Advisory Commission on Policing

Attachment: January 31, 2024, letter signed by Advisory Commission on Policing Chair Eric E. Sterling