



**Written Testimony in Opposition to  
Bill 32-23 to Undermine the Policing Advisory Commission**

**September 12, 2023**

My name is Dayo Akinsheye, I am a long-time Silver Spring resident, and I am submitting this testimony on behalf of the Silver Spring Justice Coalition in opposition to the proposed changes to the Policing Advisory Commission.

SSJC works to reduce the harms of policing while empowering communities. Critical to both of these efforts is giving voice to those most impacted by policing. It is important that the diverse communities represented on the PAC not have their voices overpowered by the votes of the police chief, the FOP, and other powerful constituents who already have ample ways to communicate their views on policing to you, the Council.

The PAC was enacted specifically to give voice to a range of community members, but especially those communities without an existing voice on matters of policing. As a result, the members of the PAC reflect a range of critical constituencies, including youth, people with disabilities, and communities of color, all of whom work together to advise the Council on improving policing in the County. This bill would completely upend the PAC's purpose and its membership. The bill would make the PAC a vehicle for MCPD, the FOP, and business interests to push for more policing, which will result in more harm and disparate treatment of our County's most vulnerable community members.

The bill's defenders will argue that the bill simply expands the range of voices and views on policing. But the added voices are not needed and will dilute the voices that are currently represented on the PAC. For example, every time the Public Safety Committee considers MCPD matters, a group of MCPD leaders, and often the FOP, are invited to talk directly to the Committee, not to mention all the informal discussions that happen behind the scenes. They are treated as the "experts" in matters of policing by the Council and given significant deference. Other constituencies specifically named in the bill, such as business owners, homeowners, and Urban Districts are neither under-represented, nor over-policed, and they have ample access to elected leaders and senior officials in county government. They do not need a special or separate forum to express their views on policing.

On the other hand, eliminating the two youth seats on the PAC will silence the voices of the members of our community who are most adversely impacted by policing. Young people are

significantly under-represented on County boards and commissions. Because their voices are so important for the Council to consider on matters of policing, two seats were intentionally reserved for them on the PAC. Please do not strip the county's youth of these seats on the PAC.

The bill would prevent the PAC from monitoring MCPD and providing the Council with its analysis. The PAC has been asking MCPD tough questions, many of which remain unanswered. This stonewalling by MCPD, along with insufficient communication and support for the PAC by Council staff, has significantly hampered its work and its ability to advise you about County policing. Removing the oversight component of the PAC and giving MCPD voting membership will further neuter the PAC. It will effectively prevent the PAC from asking MCPD tough questions and seeking important information necessary to inform the Council's legislative efforts to address MCPD's discriminatory and harmful practices.

In addition, the bill's requirement of staggered terms will dilute the effectiveness of the PAC by eliminating the institutional knowledge that has been built up over the past three years. The PAC has had a steep learning curve, and the new five members appointed for one-year terms, and their eventual replacements, due to the staggering, will significantly hamper the PAC's work.

Moreover, requiring the entire Council to agree on each PAC member eliminates the ability of each individual Councilmember to appoint someone who they believe will represent a needed community voice, thereby decreasing the likelihood that communities most impacted by policing will be represented. Consequently, having a PAC that a majority of the Council must approve will result in a PAC that embraces the status quo in policing, which is not the type of help the Council wants or needs.

The proposed name change to the PAC is an attempt to divert focus away from policing reforms. While addressing public safety broadly and holistically is important, it is also important to have a community group that focuses specifically on what the MCPD officers are and are not doing in our County. Moreover, there already exist other advisory boards and commissions in the County that address other aspects of public safety.

Arguments in favor of eliminating or restructuring the PAC have included suggestions that the community is confused by the existence of both a Policing Advisory Commission and a Police Accountability Board and that the existence of both boards is unnecessary. Neither argument has merit.

First, there is no evidence to support the confusion argument: the PAC has not received any police complaints meant to go to the PAB, nor has anyone written to the PAC thinking it was the PAB, or vice versa. Clear messaging and educational materials created by both bodies can prevent any confusion that could possibly occur.

Second, the existence of the PAB does not render the PAC redundant and unnecessary. The PAB reviews police disciplinary actions and advises all branches of our government, including all police departments, on matters of policing. It is mandated by state law and has specific legal

obligations. The PAC is specifically created to advise the Council alone on matters of policing and has its own mandates. Moreover, the PAB has been operating for less than a year, and it would be premature for the Council to decide that it renders the PAC unnecessary.

At the same time, it is critically important that in considering this bill the Council does not limit or constrain the scope of current or potential activities of the PAB. State law grants the PAB a broad mandate to advise on all matters of policing. The Council should not attempt to limit the PAB's authority in order to justify the continuation of the PAC.

In closing, the PAC has engaged in important work over its three-year tenure. Its report on MCPD's discriminatory traffic enforcement is an important statistical and policy analysis, with sound recommendations. The PAC has issued several other policy papers and has held several valuable community listening sessions. This bill is an end-run around the sponsor's previous attempt to eliminate this valuable commission altogether. We urge the Council to reject any attempts to either eliminate the PAC or subvert its intended purpose.