

MEMORANDUM

February 19, 2020

TO: Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*
Susan Farag, Legislative Analyst *SFP*

SUBJECT: Bill 33-19, Police – Community Policing

PURPOSE: Worksession – Committee to make recommendations to Council

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 Alborno, 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.

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.

Legislative findings. The legislative findings in Bill 33-19 (©2-3, lines 3-28) 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 are specified on ©3, lines 29-43. The guidelines require MCPD to:

¹#TransparentAndAccountablePolicing

- 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 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.

The complete reporting requirements are on ©3-4, lines 44-73.

First Committee Worksession

The Public Safety Committee met on February 13 to review Bill 33-19. At that meeting, the Committee reviewed the public hearing testimony and correspondence that the Council received. The Committee also reviewed an amendment proposed by Lead Sponsor Councilmember Navarro that addressed many of the issues raised. A link to the staff report for the Committee's first worksession is at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200213/20200213_PS1.pdf.

Amended Version of Bill 33-19

At the first worksession, the Committee (2-0) supported an amendment proposed by Lead Sponsor Navarro. The amended version of Bill 33-19 is attached. The amended version makes the following changes from the introduced version of Bill 33-19:

- 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).

This packet contains:

Committee Bill 33-19
 Legislative Request Report
 Sponsor memorandum

Circle #

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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 Huckler, 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.

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.