

MONTGOMERY COUNTY'S POLICE ACCOUNTABILITY BOARD

MEMORANDUM

Bishop Paul Walker,
Chair

December 23, 2022

Kenneth E. Kellner,
Vice Chair

TO: The Honorable Marc Elrich, Montgomery County Executive
The Honorable Evan Glass, President, Montgomery County Council

Board Members:

FROM: Montgomery County's Police Accountability Board

Alicia Hudson

SUBJECT: Montgomery County Police Accountability Board's 2022 Annual Report

George Lluberes

Enclosed please find the 1st Annual Report of Montgomery County's Police Accountability Board.

Rudy Logan

Katharine Manning

Alvin "Greg" McCray

PAB:lb

Chuck Williams

Enclosures: 2022 Montgomery County's Police Accountability Board-Annual Report

Christopher Zatrutz

For more information on Montgomery County's Police Accountability Board, please visit:

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2022 Montgomery County's Police Accountability Board- Annual Report

Based on Montgomery County Code [Sec.35-24\(i\)](#) we submit to you the following Police Accountability Board (PAB) Annual Report for 2022.

Activities of the Board and Number of Complaints Received:

The PAB for Montgomery County started their work on July 7th, 2022 with an opening meeting and has met consistently, every 2 weeks on Thursday evenings between 7pm-8pm, with most meetings happening in a hybrid fashion.

Several key activities the Board completed during its first 6 months of establishment include (and align with the duties of the PAB per Montgomery County Code [Sec.35-24\(g\)](#)):

1. Created and actively accept complaints of Police misconduct filed by a member of the public through multiple channels including:
 - a. [PAB Website \(File a Complaint Form process\)](#)
 - b. The ability for the public to [print out and manually complete the form](#) (with the intention of emailing it, mailing it or bringing it in person to PAB Staff or local law enforcement agencies)
 - c. The public is also welcome to send their complaint (in any open form) via email, mail, phone, or in-person to mocopab@montgomerycountymd.gov
 - d. Any complaints received outside the portal by PAB staff have been transmitted to the correct Law Enforcement Agency; conversely any complaints received directly from any local Law Enforcement Agency that fall under the PAB purview are reported to the PAB by each Law Enforcement Agency on the 1st of every month, about any prior month's complaints.
2. Appointment of 2 civilian members ([James Hopkins Jr and Tom Pinder](#)) to the Administrative Charging Committee (ACC) as of September 30, 2022.
3. Transmission of a [letter to the County Executive and County Council](#) with our views on the [Maryland Police Training and Standards Commission's \(MPTSC\) Emergency Regulations](#).
4. Held our 1st quarterly meeting with the Chiefs and their representatives (on December 1st, 2022 (7-8pm) at the Silver Spring Civic Building and virtually via Microsoft Teams) to get to know one another and what each entity's hopes and expectations are when working together towards transparency and responsible policing with all members of our community. The PAB members and the Chiefs also engaged in dialogue regarding pressing community concerns pertaining to various subjects, including traffic stops and officer hiring.
5. In the process of nominating and selecting a primary and 2 alternate public members to the Trial Board.

As of this report, we have received **17 complaints** to the PAB between July 1, 2022-November 30, 2022. *December's complaints will be received on 1/1/2023.*

Of the 17 complaints:

- **6** are defined as "Eligible" and of that, 3 are currently being investigated by the corresponding Law Enforcement Agency prior to transmission of any investigative files

to the ACC. The other 3 Eligible complaints came from the Maryland National Capital Park Police which have arresting powers in Montgomery County but any police misconduct by these officers are adjudicated by the State ACC.

What makes a complaint eligible:

- The incident must have occurred after 7/1/22, the Establishment of the legislation
 - The incident must involve a member of the public and actions of a member of Law Enforcement
 - The incident must involve a member of Law Enforcement not currently under a collective bargaining agreement. Those under collective bargaining agreements still fall under Law Enforcement Officers Bill of Rights until 7/1/2023
- **8** are defined as “Ineligible”, meaning either the incident occurred prior to 7/1/2022, the incident did not involve a member of the public and actions of a member of Law Enforcement, or the incident involved members of Law Enforcement currently under a Collective Bargaining Agreement.
 - **3** are defined as “Falsifications”. These 3 complaints were defined in this manor due to the complaints being listed as coming from “President Biden”, “Governor Hogan”, and “Anthony Fauci” and the details of the case had no relation/relevance to police misconduct or PAB matters.

Trends in the disciplinary process of police officers in the County:

While the Board acknowledges its mission in the identification of widespread trends in police officer disciplinary processes, due to the recency of the establishment of the PAB, as well as the number of complaints reported to-date, the PAB cannot currently identify any salient trends in disciplinary processes since 7/1/22. As we look towards 2023, the Board will continue to work towards assessing County-wide trends and will look to initiate community outreach/public forum events to incorporate the voices of our community members in order to ascertain a holistic understanding of policing dynamics in the County.

Recommended Policy Changes to Improve Police Accountability:

As noted in the [OLO's Racial Equity and Social Justice Impact Statement for bill 17-21](#), community policing is intended to ameliorate racial disparities in policing incidents. Our recommendations reflect the OLO's RESJ Impact Statement and concur with the [ELE4A's recommendations](#) as well as the intent of Community Informed Policing as implemented in [Bill 17-21](#).

1. **Given the findings of significant racial disparity experienced by minorities, as noted in the OLO Report's RESJ Statement, Montgomery County law enforcement agencies should intensify recruitment of candidates from minority racial groups.** Specifically, recruitment efforts should announce job fairs and job postings via media sources (e.g., television, radio and periodicals or newspapers) that target audiences and readers belonging to minority groups (e.g., African American, Latin American, Asian, etc.). In order to increase the rate of successful recruitment of minority applicants, the PAB believes, and consistent with

ELE4A's audit report, MCPD as well as other County law enforcement agencies' "leadership must continually promote 'inclusion' as an integral part of its culture and value by continuing persistent efforts targeted at reaching under-represented populations."

2. **It is recommended that County law enforcement agencies adopt policies, practices and/or procedures that prohibit stops for non-traffic-safety violations or violations not immediately risking harm to the public.** The significant racial disparities evident in the Oct 25, 2022 OLO Report 2022-12 titled "[Analysis of dataMontgomery Traffic Violations Dataset](#)", and highlighted in the ELE4A's race audit of the MCPD, are a profound source of race tensions between law enforcement officers and communities of color which serve to heighten mistrust. Traffic stops are the most frequent cause of interactions between law enforcement and their respective communities and at times, result in harsher consequences than the stops warrant. The VERA Institute of Justice also espouses this policy and a number of other jurisdictions, such as the City of Philadelphia and the City of Pittsburgh, are actively implementing similar changes.
3. **Implement the Early Warning & Intervention System enhancements recommended in the Effective Law Enforcement for All [final audit](#) across all law enforcement agencies.** Each law enforcement agency is required by state law to establish an early intervention policy to identify officers at risk of engaging in excessive force. The policies adopted by agencies differ in the scope of the conduct tracked. County law enforcement agencies should adopt more robust early intervention policies that consider more factors for intervention, including arrests, traffic stops, uses of force, and weapons discharges. Given the wide racial disparities in traffic enforcement and the use of force in the County, this change would more comprehensively capture performance indicators that precipitate excessive force and the cause of those disparities.
4. **Heightened scrutiny should be employed for vetting of officers transferring from other jurisdictions, focusing on use-of-force history and include screening of social media platforms.** Officers having a history of complaints of excessive force must not be considered candidates to serve in County law enforcement agencies. The [Maryland Police Accountability Act](#) (also known as Anton's law) was enacted in response to the 2018 killing of Anton Black at the hands of officers. One of these officers, Thomas Webster, was a transferee from Dover, DE with a documented history of use of force complaints. Prior to his involvement in Anton Black's death, officer Webster had 29 use-of-force reports in 10 years as a Dover police officer. Furthermore, the racist history of policing is well known. There is some evidence of current officers' nationwide sympathizing with white supremacist organizations. (See the Brennan Center for Justice August 2020 report by Michael German). County law enforcement agencies must be vigilant and reject applicants that demonstrate extremist or white supremacist leanings or that express sympathy to those attitudes. Review of social media platforms could serve as a useful tool to weed out these elements and thus minimize the risk to County residents.
5. **Law enforcement agencies should pursue active and focused recruitment of female officers with the goal of having 30% female sworn officers by the year 2030 in accordance with the ELE4A audit recommendations and the [30 X 30 Initiative](#).** Evidence suggests that women officers use less force and less excessive force than their male counterparts, make fewer

discretionary arrests, especially of non-white residents, and see better outcomes for crime victims, particularly those involved in sexual assault cases.

6. **Require all Montgomery County law enforcement agencies to complete the Community Informed Police Training offered by MCPD in partnership with Montgomery College.** At present, only Montgomery County Police Dept. (MCPD) officers are currently required to complete this training. By incorporating all County agencies in this training, the County can better ensure that all officers serving County residents are consistently trained and all receive continuous education using current best-practices.
7. **Expand the data in the Electronic Traffic Information Exchange (E-TIX) to incorporate aggregated information relating to the officer conducting a stop (e.g., age, race, yrs. of experience) and better define the initial reason for traffic stops in the database.** Incorporation of this additional information would aid greatly in our goal of better understanding the overall trends and dynamics of interactions between Montgomery County residents and its law enforcement agencies. In addition, the Oct 25, 2022 OLO Report 2022-12 titled "Analysis of dataMontgomery Traffic Violations Dataset" identified Title 16 and Title 17 violations as showing the greatest disparity vis-a-vis racial or ethnic groups. These violations are listed as reasons for initial stops, representing about 8% of stops, in spite of officers' inability to effectuate a stop solely on the basis of these specific violations. Addressing accuracy in data collection will lead to further transparency and trust in the community.
8. **Encourage *cultural and linguistic* community liaisons, outreach campaigns, and special consideration for the hiring of a Diversity, Equity, and Inclusion (DEI) subject-matter expert across law enforcement agencies.** A [2022 WTOP news article](#) notes that 4 MoCo cities (e.g., Germantown, Gaithersburg, Silver Spring, and Rockville) are in the nation's top-10 for diversity. Furthermore, the institutionalization of a DEI office would have the goal of developing strategies that incorporate DEI principles both internally (e.g., in hiring and promotions considerations) and externally (e.g., as it relates to local partnerships, outreach campaigns, etc.) across LE agencies. A recent example of the hiring of a Chief Equity Officer is exemplified by Washington, D.C.'s Metropolitan Police Department (MPD). These actions will further demonstrate Montgomery County law enforcement agencies' *formal* commitment to the abounding diversity that is characteristic of Montgomery County and further aid in legitimizing our agencies across the entire community.