



MONTGOMERY COUNTY'S POLICE ACCOUNTABILITY BOARD 2023 ANNUAL REPORT

Chair, Bishop Paul Walker
Executive Director, Fatmata Barrie, Esq.

December 2023

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

Website: www.mocopab.org

Email: mocopab@montgomerycountymd.gov

101 Monroe Street, 6th Floor

Rockville, MD 20850

240-777-2530

PAB Chair Memo

To: County Executive Marc Elrich
County Council President Andrew Friedson

Based on Montgomery County Code Sec.35-24(i) we submit to you the following Police Accountability Board (PAB) Annual Report for 2023.

I am honored that the County Executive appointed me as a member and chair of the PAB. It has been my honor to serve the residents of Montgomery County.

I am proud of the work this PAB has accomplished since its inception in 2022, and its continued functionality in 2023 with the understanding we are setting a foundation for the board members who will follow.

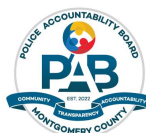
As Chair I was charged with leading this board and creating a collaborative atmosphere that fosters and maintains a healthy and consistent team effort. In 2022 I executed this charge by introducing the concept of “painting a moving train”, with the idea and practice of a continued introduction of the board members to itself, to our mandate and responsibility to our community that includes law enforcement agencies and residents. For we are one community.

In 2023 the PAB held hybrid meetings on the first and third Thursdays of each month from 7:00 pm – 9:00 pm and were always open to the community. The PAB held mandated quarterly law enforcement agency chiefs’ meetings which allowed for question-and-answer conversations between the PAB and LEAs; each meeting also provided time for public comments either in-person or virtual.

In 2023 I made a motion to create four ad-hoc subcommittees to address major topics and to give access and a voice to our residents concerning policing, and our Law Enforcement Agencies in Montgomery County, Maryland. The board approved the motion and below are the created Ad Hoc Subcommittees.

Ad-Hoc Subcommittees targets and goals

1. Listening Tour
2. Hiring and Training
3. Body Worn Camera
4. PAB Complaint



PAB Chair Memo (continued)

The PAB requires support from the County Executive office although the PAB is autonomous in its decisions, opinions and recommendations.

The leadership of the PAB is headed by the Board's Chair Bishop Paul L Walker and Vice Chair Kenneth E Kellner, maintaining correspondence with the Executive Director Fatmata Barrie.

I want to thank my fellow board members for their tireless sacrifice of their time to service. Their hard work made it possible for us to produce this robust annual report.

Thank you to our Executive Director (ED) Fatmata Barrie and Senior Executive Administrative Aide (SEAA) Laura Byers for their support and hard work. A special thank you to Lindsay Bolt, who acted as our temporary SEAA. She was our go-to during our first year in existence and I am grateful for all her hard work. I am thankful for her assistance the first half of this year before we got our permanent SEAA Laura.

I look forward to our continued work and collaboration with all stakeholders in our diverse county.



Bishop Paul L Walker+
Chairman of the PAB and ACC



Executive Director's Memo

To: County Executive Marc Elrich
County Council President Andrew Friedson

In accordance with Expedited Bill 49-21 and Montgomery County Code Sec.35-24(i) attached is the Police Accountability Board's (PAB) Annual Report for 2023.

It has been my honor to serve as the inaugural Executive Director of the Montgomery County Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the last 11 months. I want to thank the board, the charging committee and the county for choosing me.

Over the last 11 months, it has been my honor to work with this board to create a lasting structure within which the PAB will live. Since working with the board, the demographic information on the complaint form was expanded to ensure more robust information gathering, informational graphics about the PAB & the ACC were created, the PAB started holding their meetings in a hybrid fashion with all meetings live-streamed on Facebook, the PAB has social media handles (Facebook, X, Instagram), over 900 email subscribers and links to the livestream on the PAB website.

In the last year, this PAB has held a hybrid meeting every 1st and 3rd Thursday of the month and has held 4 quarterly meetings with Law Enforcement Agency chiefs, held a successful public listening session and participated in community activities.

PAB members participated in the interviews to fill the position of their county mandated special counsel. In July 2023, the county council confirmed Shelly Brown as the special counsel for the PAB.

During this year, the PAB pored over several resumes to choose a pool of ten trial board members. To date, they have chosen one this year, bringing the total to two. They are in the process of continuing this endeavor to ensure we have enough members of the public to choose from if an officer requests a trial board.

I want to thank every board member for giving of their time and for all the hard work they have put into serving the community and into this annual report. Thanks to Chair Bishop Paul Walker for his dedication to service, for his leadership and for working so very closely with me to ensure we published this annual report.



Executive Director's Memo

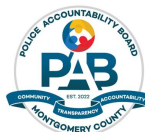
I want to take this opportunity to thank those who helped me make this past year possible. Thanks to my Senior Executive Administrative Aide (SEAA), Laura Byers for all her hard work supporting me, the board and the committee for the last seven months and her tireless commitment in pulling this report together. A special thank you to Lindsay Bolt, Dr. Earl Stoddard's SEAA and Taleah Parker who guided me as I navigated through the County Executive's Office. They guided me as I got to know the board and committee members and introduced me to the necessary members of the CEX team. Lindsay has been invaluable as I worked with the board and the county to create the system within which the PAB and the ACC will be living. Thanks to Dr. Stoddard for his support and guidance as my supervisor this past 11 months. His guidance and advice has been invaluable.

Thanks to Technology and Enterprise Business Solutions (TEBS) for all the technical work on the website, creating a centralized depository for the Law Enforcement Agencies to upload the investigative files and for the complaint dashboard. Thanks to the Public Information Office (PIO) for help with publicity, the graphics and help creating both the PAB and ACC logos. Thanks for your diligence and professionalism.

I look forward to continuing to serve and to work with this board as they provide the county with advice that will lead to improved policing that is community-based, transparent and equitable.



Fatmata Barrie, Esq.
Executive Director
Police Accountability Board and
Administrative Charging Committee



PAB Legislative History and Purpose

In 2021, the Maryland General Assembly passed HB670 The Maryland Police Accountability Act of 2021, which repealed and replaced the Law Enforcement Officers Bill of Rights (LEOBR) and mandates that each county in Maryland establish a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC).

As a result of HB670, the Montgomery County Council passed Expedited Bill 49-21 to establish both the PAB and ACC. In 2022, Montgomery County, under Article IV, specifically Section 35-24, Police Discipline, established its first PAB and ACC.

Under the Police Accountability Board - Administrative Charging Committee established by Montgomery County Code Section 35-23, the PAB must:

1. Work with law enforcement agencies to review, provide policy advice and report on disciplinary matters stemming from public complaints about police misconduct;
2. Hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more police officers;
3. Appoint civilian members to the ACC and trial boards;
4. Receive complaints of police misconduct filed by a member of the public;
5. Review the outcomes of disciplinary matters considered by the ACC on a quarterly basis;
6. Advise the County Executive and Council on policing matters and
7. Refer each complaint of police misconduct filed with the PAB to the appropriate law enforcement agency within 3 days after receipt for investigation.



PAB Members

The board consists of nine board members appointed by the County Executive and confirmed by the County Council in 2022.



Bishop Paul Walker, Ph.D.
Chair



Katharine Manning, Esq.
PAB Member



Alicia Hudson, Esq.
PAB Member



Alvin McCray
PAB Member



George Lluberer, Ph.D.
Parliamentarian



Thomas Williams, Jr.
PAB Member

Kenneth E. Kellner
Vice-Chair

Rudy Logan
PAB Member

Christopher Zatrutz
PAB Member



PAB Staff

Expedited Bill 49-21 mandated that:

1. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Board and make available to the Board services and facilities that are necessary or appropriate for the proper performance of its duties.
2. The County Attorney must retain special legal counsel approved by the Council to serve as counsel to the Board.

In January 2023, after rigorous candidate interviews conducted by some PAB and ACC members and the county, the PAB and the ACC chose Fatmata Barrie to be their Executive Director. As a result, the County Executive's office hired Fatmata Barrie as the inaugural Executive Director of the PAB and the ACC. In June the Executive Director, with funding from the county hired Laura Byers to serve as Senior Executive Administrative Aide. This two-person office supports both the PAB and the ACC.

In 2023, the PAB members participated in interviews with the County Attorney to retain the Special Legal Counsel and in July 2023, the county council confirmed Shelly Brown and the County Attorney retained her to advise the board.



Fatmata Barrie, Esq.
Executive Director

Laura Byers
Senior Executive Administrative Aide



Shelly Brown, Esq.
Special Legal Counsel



PAB 2023 Meetings

The Police Accountability Board held hybrid meetings on the first and third Thursday of each month from 7 – 9 p.m.

The Police Accountability Board held Mandated Quarterly Law Enforcement Agencies Chiefs meetings to hold question and answer conversations between both groups.

Each meeting provides time for public comments in-person and online.

January 12, 2023
January 26, 2023
February 9, 2023
February 23, 2023
March 9, 2023
April 13, 2023

April 20, 2023
May 4, 2023
May 18, 2023
June 1, 2023
June 15, 2023

PAB Quarterly LEA Chiefs Meeting:
March 30, 2023

PAB Quarterly LEA Chiefs Meeting:
June 29, 2023

PAB Listening Session Opened to the Public
March 23, 2023

July 6, 2023
July 20, 2023
August 3, 2023
September 7, 2023
September 21, 2023

October 5, 2023
October 19, 2023
November 2, 2023
November 16, 2023
December 7, 2023
December 14, 2023

PAB Quarterly LEA Chiefs Meeting:
September 28, 2023

PAB Quarterly LEA Chiefs Meeting:
December 21, 2023



Community Engagement Activities

In Spring 2023, the PAB administered several ad hoc subcommittees to focus on community oversight groups to gather diverse perspectives from County law enforcement agencies, Montgomery County community leadership organizations, and stakeholders. In addition, each subcommittee participates in Listening Sessions to collect perspectives to address the community's concerns and public safety. To enhance the PAB's knowledge and better understand the efficacy of complaints, the PAB has examined the complaint process and created an interactive dashboard to assist with developing trends.

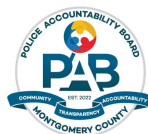
The board's mission is to strengthen community engagement, enhance transparency, and accountability of law enforcement agencies and safer communities. The PAB provides multiple platforms and open meetings to capture residents' feedback and the success of future boards.

As part of their outreach efforts, the PAB attended public events and participated in the National Night Out events. The PAB members interacted with community members answered questions, interacted with law enforcement and elected officials.

We held a public hybrid listening session this year to engage the community and receive feedback from county residents.


Through the Executive Director's office, we provided graphics with information about the PAB and the ACC. These graphics include information about the complaint process to the adjudication by the ACC and trial board and the differences between the PAB and the ACC.

The following three pages of this report are the graphics created.



Community Engagement Activities (continued)

Police Accountability Board Graphic



Montgomery County Police Accountability Board

Purpose

- Work with law enforcement agencies and other stakeholders to review, provide policy advice and report on disciplinary matters stemming from public complaints about police misconduct.
- Hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more police officers
- Appoint civilian members to the Administrative Charging Committee and trial boards
- Receive complaints of police misconduct filed by a member of the public
- Review the outcomes of disciplinary matters considered by the Administrative Charging Committee on a quarterly basis
- Refer each complaint of police misconduct filed with the PAB to the appropriate law enforcement agency within 3 days after receipt for investigation
- Advise the County Executive and Council on policing matters

How to File a Complaint


- If you or a witness would like to file a complaint, use the PAB website: www.mocopab.org
- Print and mail online form to:
Montgomery County Police Accountability Board
101 Monroe Street, 6th Floor
Rockville, MD 20850
C/O: Fatmata Barrie and Laura Byers OR
- Visit the PAB office to file a complaint in person

File a complaint with the following Montgomery County Law Enforcement Agencies:

- Montgomery County Police Department
- Montgomery County Sheriff's Office
- City of Gaithersburg Police Department
- City of Takoma Park Police Department
- City of Rockville Police Department
- Chevy Chase Village Police Department
- Montgomery County Fire Explosive Investigators
- Maryland-National Capital Park Police, Montgomery County Division


PAB Membership

- The PAB is composed of nine public voting members, appointed by the County Executive, and confirmed by the County Council
- In addition, the County Executive may appoint one or more non-voting members
- At least one voting member must reside in:
 - Chevy Chase Village
 - Gaithersburg
 - Rockville OR
 - Takoma Park
- Members of the Board must reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County
- Members will serve staggered three-year terms with compensation of \$10,000 annually
 - According to the Maryland Constitution, members may only receive compensation for one office, so while the chair of the PAB (or their designee) also serves on the ACC, they will receive annual compensation (\$22,000) for one role



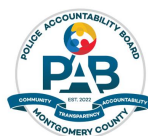
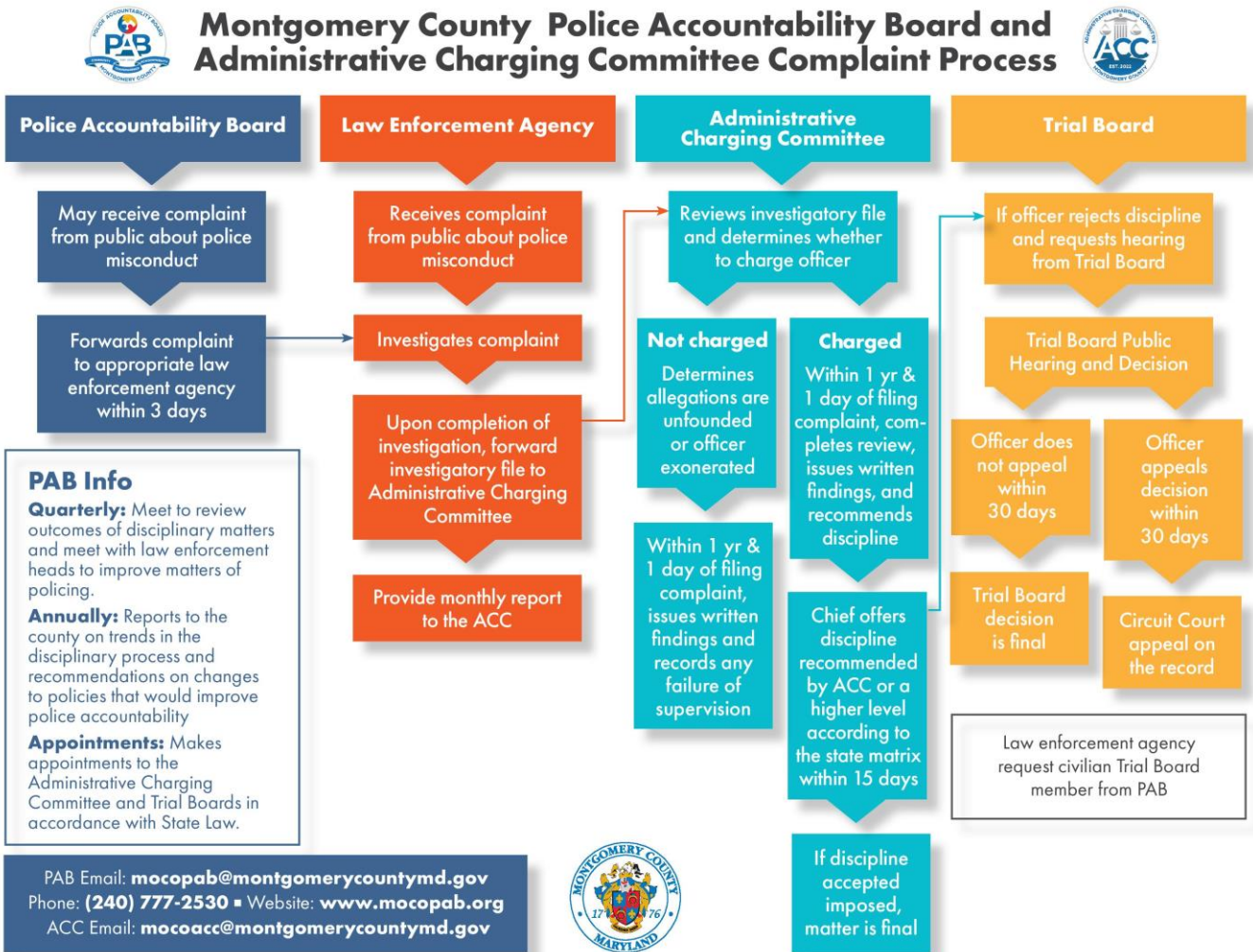
All Montgomery County residents are encouraged to join our PAB Board Meetings that occur on the 1st and 3rd Thursday of the month from 7:00 pm-9:00 pm
Please check our website for the zoom link or in-person location

PAB Email: mocopab@montgomerycountymd.gov
Phone: (240) 777-2530 ■ Website: www.mocopab.org



Community Engagement Activities (continued)

Complaint Process Graphic






Community Engagement Activities (continued)

Difference Between PAB & ACC Graphic

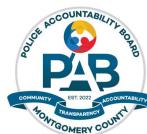
Montgomery County

Police Accountability Board Versus Administrative Charging Committee

		
PAB is composed of nine public voting members, appointed by the County Executive and confirmed by the County Council	VS.	ACC is composed of five members-the chair of PAB, two appointed civilian members by the PAB, and two civilian members appointed by the Chief Executive Officer of the County
Refer each complaint of police misconduct filed with the PAB to the appropriate law enforcement agency within 3 days after receipt for investigation	VS.	Upon the completion of the law enforcement agency's investigation, the agency forwards the investigatory file to the ACC
Work with law enforcement agencies and other stakeholders to review, provide policy advice and report on, disciplinary matters stemming from public complaints about police misconduct	VS.	Reviews investigatory file and determines whether to discipline the officer
Hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more law enforcement officers	VS.	Issues written disciplinary opinion detailing findings, determinations, and recommendations within 1 year & 1 day of filing of complaint



PAB Email: mocopab@montgomerycountymd.gov
Phone: (240) 777-2530
PAB Website: www.mocopab.org
AAC Email: mocoacc@montgomerycountymd.gov



Administrative Charging Committee



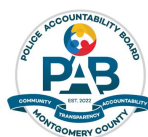
The Committee has 5 voting members. The members are:

- the Chair of the Police Accountability Board or another member of the Board designated by the Chair;
- two civilian members appointed by the Police Accountability Board; and
- two civilian members appointed by the Executive.

Duties:

The Committee must:

- Review the findings of each law enforcement agency's investigation forwarded by the agency to the Committee;
- Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
- Authorize a police officer called before the Committee to be accompanied by a representative;
- Determine if the police officer who is the subject of the investigation should be administratively charged or not administratively charged within 30 days after receipt of the law enforcement agency's investigatory file unless the Committee requests further review under subsections (j)(1) or (2);
- If the Committee determines that a police officer should be administratively charged, recommend discipline pursuant to the disciplinary matrix;
- If the Committee determines that a police officer should not be administratively charged, determine if:
 - the allegations against the police officer are unfounded, including situations where existing departmental policy fails to properly address the situation for which the officer was charged; or,
 - the police officer is exonerated;
- Issue a written opinion for each complaint describing in detail the Committee's findings, determinations, and recommendations; and
- Forward the written opinion to the director of the appropriate law enforcement agency, the accused police officer, and the complainant.
- Every quarter the ACC transfers their decisions and complaints to the PAB for review. The PAB use those reviews to track trends and make recommendations to the county base on the type of complaints filed and the outcomes of the complaints.



Listening Tour Findings and Recommendations

BACKGROUND

In the Spring of 2023, the PAB formed an Ad Hoc Subcommittee to conduct a series of meetings with community groups. The aim of the meetings was to better understand the experiences of county residents with respect to their interactions with the police in our county, and to hear from groups working on issues of equity in policing about their input for the PAB and their suggestions for our work.

The following parameters were established for our project:

- We identified organizations that serve county residents and address social issues, inequities, and policing concerns; we reached out to those organizations to invite participation in a listening session with the Ad Hoc Subcommittee. We requested identification of organizations in our public PAB meetings, from the chiefs of police, and from each organization with whom we met, and we invited each organization identified to meet with us.
- We scheduled a session with each organization that responded to our request.
- Each session was devoted to one organization. Each organization determined who would be meeting with us on its behalf.
- During the sessions, we invited input from the organization, but did not provide answers to questions or opinions on issues. We made clear that as a subcommittee, we did not speak for the PAB. We asked questions to obtain clarification or additional information on points being expressed as needed.
- Each session lasted 60 minutes.
- The meetings were conducted from the summer through early winter of 2023.

The organizations with whom we met were:

- The People's Community Baptist Church Police Action Reform Committee (PARC)
- Silver Spring Justice Coalition (SSJC)
- Montgomery County NAACP
- IMPACT Silver Spring

Toward the end of our listening tour, we also met with Chief Marcus Jones of the Montgomery County Police Department (MCPD) to learn about recruitment, training of officers, and policing philosophy.



Listening Tour Findings and Recommendations (continued)

FINDINGS

The feedback we received from the organizations with whom we met fell into two main categories. First, there was a desire for the PAB to advocate for and keep watch on certain issues. Second, there was a desire for more outreach by the PAB, including more information on the complaint process and access to the complaints, particularly in our county's most-marginalized communities.

1. Advocacy

The Listening Tour participants were well-informed and passionate in encouraging the PAB to advocate for greater equity and transparency in policing. Several specific issues were discussed. They are set forth below (in no particular order), along with the recommendations from the PAB on how to address the issues.

a. Use of Force Policy

A repeated theme in the sessions was the need for greater clarity and transparency around the county's Use of Force Policy. One concern was that the County Council enacted a total ban on the use of chokeholds and strangleholds, but it is unclear whether MCPD is in adherence with this law. Numerous participants requested a clear statement of the policies around the types of force permitted, when they may be used, and the consequences for failure to comply with the policies.

In our session with Chief Jones, he noted that the County is utilizing the [ICAT](#) program for training on defusing situations and minimizing the need for force.

RECOMMENDATIONS: *The PAB recommends that the police department provides a clearer statement on the use of force policy that is publicly available, to include a statement on the use of or ban on chokeholds and strangleholds.*

The county should investigate whether the ICAT program is the most effective training on de-escalation, and whether additional options are available for consideration.

b. Community Members in Mental Health Crisis

Participants noted that county policy dictates that 911 calls pertaining to a mental health crisis should be reviewed by a mental health professional to determine whether a police response is needed. They indicated that this process is often not followed, or that the mental health professional is given just 30 seconds to respond, without follow up. Because of this, police are often deployed to situations where a mental health professional would be better suited, and county residents in crisis are subjected to increased trauma due to the police presence.



Listening Tour Findings and Recommendations (continued)

RECOMMENDATIONS: *The PAB recommends the disclosure of records of the 911 calls and the county's Mobile Crisis Outreach Team to the PAB, community organizations and the public in compliance with privacy laws for review to determine how to improve the county's response to mental health crisis calls.*

c. Policing in Schools

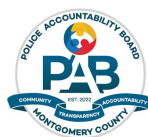
Some participants in the Listening Tour mentioned the challenges around policing in public schools. They were concerned about having law enforcement officers on school properties and about whether those officers were receiving sufficient oversight. In general, the participants supported restorative justice practices for students, and feared that Montgomery County Public Schools (MCPS) is insufficiently committed to those practices.

RECOMMENDATIONS: *The PAB requests a meeting between the board, representatives from MCPS, the county's Parent Teacher Student Association, and community organizations serving county youth, to ascertain the impact of current policies around policing in schools. Moreover, we request resources to be able to conduct research and identify trends in school safety and wellness initiatives including, but not limited to, restorative justice, culturally competent counseling, and school resource officer programs.*

d. Anton's Law

On one of the Listening Tours, it was mentioned that the County Executive signed an agreement with the Fraternal Order of Police (FOP) that any request for public records pertaining to an officer would be reviewed by the FOP, which could prevent its release. There was a question as to whether this is indeed the case with a request that the rules surrounding the release of information be made public. It was further noted that in our county, costs pertaining to the release of information are assessed and can be quite high, but in other counties in Maryland, there is no cost associated with the release of records.

RECOMMENDATION: *The PAB requests information from the chiefs of police regarding the process for the release of records. The PAB is recommending a greater transparency, ease of access, and reduced costs for access to ensure that members of the public are not harmed or denied access to their records or needed records due to their lack of financial affordability.*



Listening Tour Findings and Recommendations (continued)

e. **Implicit Bias Training**

It was noted that Maryland law requires the Police Standards and Training Commission to train on implicit bias. There was concern as to whether such training has been implemented. It came out during one of the listening tours that the law requires training for all new law enforcement officers, as well as annual training for all officers.

RECOMMENDATION: *The PAB requests information from the chiefs of police on the status of implicit bias training.*

f. **The STEP Act**

Listening Tour participants expressed gratitude for the PAB's [letter in support of the proposed STEP Act](#). They requested that the PAB continue to follow the legislation and support its enactment.

The state Attorney General's opinion on the STEP Act means that the county is prohibited from limiting certain traffic stops. However, the county could legislate the consent to search aspect of the bill. As such, the PAB intends to remain engaged and aware of the progress of the STEP Act and continue to provide input on its passage.

g. **Data Collection**

Multiple participants in the Listening Tour urged greater transparency in policing, and especially the collection and production of data that will assist residents in understanding the work of our police force. Traffic enforcement is an area that provides identifiable quantitative information about the policing of Black and Brown residents, and it came up in multiple sessions as a topic on which more information is needed. Some participants seemed disillusioned; they believe that the police departments are uninterested in collecting and sharing data as a means of improving public trust. A specific example mentioned was that one group requested information regarding the amount of money the county had collected through traffic stops, and how much of that money was retained by the State of Maryland and how much by Montgomery County. The group seeks a better understanding of whether there is a financial incentive for over policing certain communities as it relates to traffic enforcement. The request seemed straightforward, but the group apparently has not heard back despite numerous requests.

RECOMMENDATION: *Transparency in policing is central to building public trust, a core mission of the PAB. In that spirit, the PAB recommends the county creates and/or fund a system by which the public can keep track of their request for information, the same way in which they can track their court cases. This should help in the collection and sharing of data to help residents better understand the work of its police force.*



Listening Tour Findings and Recommendations (continued)

The county should provide the PAB additional staff who will complete research, data collection and data analysis.

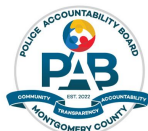
2. Outreach

Multiple participants in the Listening Tour noted that information about the PAB, and the complaint process, is not widely known. A particular concern was outreach to immigrant communities, whom both the community organizations and Chief Jones noted often have high levels of distrust of police.

All mentioned that it would be helpful for the complaint form to be available in languages other than English and Spanish, and one suggested that in addition to the web-based complaint form, there should be lower-tech options like paper complaint forms and a call-in option to register complaints. Another idea was to place information about the PAB and copies of the complaint form in county buildings, local houses of worship, and other community centers, which the PAB and the Executive Director's office has started the process of doing outreach to county recreation centers.

To disseminate more information about the PAB, another suggestion was a general awareness campaign, including public service announcements in local media, especially targeting the communities that speak Spanish, French, Amharic, and the Asian languages in our County. Another idea was to include information about the PAB along with local food distributions.

Each participant in the Listening Tour expressed gratitude for the Tour itself, and for the opportunity it presented to learn more about the PAB and share views from the community it serves. The Tour clearly succeeded in spreading greater awareness about the PAB and its ripple effects will likely linger; for example, one community organization mentioned that it would like to provide training on the PAB and the complaint process for all of its outreach officers, so that they can be better informed in advising their clients.



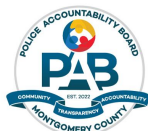
Listening Tour Findings and Recommendations (continued)

Finally, it should be noted that some Listening Tour participants mentioned a lack of trust in the complaint process. This lack of trust is two-fold: one, the belief that filing a complaint would subject a complainant to ongoing police harassment; and two, that the complaint “wouldn’t make a difference anyway.” More information in the community about the PAB and the complaint process will help to engender more trust. In addition, there was also mention that a greater transparency in the complaint process would be worthwhile. Specifically, information on how long an investigation takes, and the number of staff hours spent on individual complaints, would build public trust.

The PAB intends to continue with the Listening Tour. In a county as wide and diverse as ours, the perspectives will necessarily be varied and changing. Listening is essential to our work. As we seek ways to deepen and broaden our efforts, we intend to collaborate with our fellow PABs because that will provide insights, perspectives, and fellowship.

RECOMMENDATION: *The PAB is still a new concept in Maryland, and the success of our county’s PAB is dependent upon residents’ awareness of and faith in our work. Outreach is thus central to our mission. This outreach/educational outreach will help with building trust of the complaint process. The PAB requests resources to ensure greater accessibility of the complaint form and ways to increase awareness of the PAB and its work. To this end, the PAB requests consistent language access availability for written documents and at meetings, ie, Amharic, ASL, Asian languages, French, and Spanish.*

The PAB recommends that the county provide more staffing to meet the needs of the PAB and the community. The Executive Director’s office is currently a staff of two and the PAB is recommending at least two to three more staff members. To reach our wide and diverse county, we need intentional and targeted outreach to all members of the county, especially marginalized communities, and that requires resources. We believe the Executive Director’s office should hire full time staff dedicated to outreach, training, policy research and data collection and analysis. This will help the PAB tremendously.



Hiring and Training

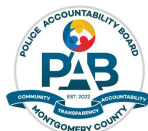
The Hiring and Training Committee (ad hoc) was duly formed in the fall of 2023 by motion and vote of the PAB. The purpose and mission of the Hiring and Training Committee is to meet with law enforcement as well as community members to deepen understanding of policing concerns and the impact of those concerns on hiring and training of officers. This Ad Hoc Committee meets with law enforcement with the intent to research law enforcement's efforts to address those concerns.

The Hiring and Training Committee has enlisted the assistance of the Executive Director's office to research and provide data regarding Montgomery County Department of Police's (MCPD) efforts to comply with the MPAA and with research of nationwide best practices of law enforcement in hiring and training of officers. The following report is an introductory report as research and meeting efforts are underway. This Committee endeavors to have a detailed report of its work in the ensuing months.

1. Hiring

On November 30, 2023, the Hiring and Training Committee met with the Director of Personnel for MCPD Captain Mike Pratt and with Commander Amy Daum to discuss MCPD's hiring practices. Our questions centered on detecting and addressing bias (race, culture, gender) of recruits. We were informed that during background investigations, recruits are asked whether they have ever displayed bias and are presented with hypothetical situations. Recruits may admit to having made "off-color" comments in personal settings with acquaintances or friends. We learned that in this instance, HR does a deeper dive to inquire further. The background investigators do the work of screening out applicants who should not proceed further to the academy training due to presence of concerning bias.

Regarding the 30 X 30 Initiative to have 30% of women in law enforcement agencies by 2030, it was encouraging to hear that the MCPD has arrived at 21% of female officers. MCPD is therefore well on its way in its commitment to achieving the hiring of 30% female officers by 2030.



Hiring and Training (continued)

2. Training

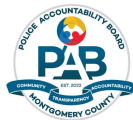
We were informed that the implicit bias training undertaken is part of Fair and Impartial Policing, a science-based training in policing that is implemented nationwide by law enforcement agencies. Commander Daum referred to “re-wiring” taking place during the implicit bias training. We were informed that MCPD effectively weeds out officers displaying explicit bias. The officers are put through active enforcement scenarios and asked to analyze and explain why they made the decisions they made in each scenario. This program, requiring self-reflection and analysis, is implemented in the pre-hire program and reinforced in training of recruits. Fair and Impartial Policing will go into communities and conduct the training for communities, but the communities must request it. We learned about policing by proxy, where the public call the police on a “suspicious” person based on their bias. It was important to hear Cmdr. Daum share that she has spoken with leadership about how implicit bias may influence calls being made by community members. In other words, that concerned persons calling the police may have called because they found a particular person or persons to be suspicious due to their own implicit bias.

To the question of how the implicit bias training addresses the public's distrust of police based on their lived experiences or failure to cooperate due to their own bias, MCPD responded that the history of policing is an integral part of the training. We were informed that the historical scars of policing are acknowledged, and officers are instructed to know that every time there is interaction with the community, there's an opportunity to create a bridge; an opportunity to strengthen relationship with the community; and that this is an endeavor for the academy recruits as well as seasoned officers.

We learned that when issuing officer assignment, consideration is given to whether officers have bilingual skills. MCPD did not have an answer as to the question of whether, based on the results of the officer's performance in training, the assessments, and the interview, a lower performing officer is placed in a less diverse district than one with a demonstrably higher acumen of cultural diversity?

3. Mental Health of Officers

We were informed that every officer is required to undergo a mental health exam every 2 years. There are several exams which are very involved, seven pages or more in length. The Committee was informed that there are peer support teams to assist officers, but there is a need to work proactively on removing the stigma officers face for receiving mental health treatment. The Commander and the Captain acknowledged the need for mental health assessment of officers and the need for a cultural change of policing. It was acknowledged that since the state of MD is on board with requiring mental health assessment, this significantly helps.



Hiring and Training (continued)

RECOMMENDATIONS:

Since the Commander has expressed a desire to meet with residents to field questions and concerns regarding police interactions with community members, the PAB suggests that MCPD work with the PAB to facilitate this endeavor.

The PAB intends to research what the current best practices are for implementation of Fair and Impartial Policing and what the data is regarding effectiveness of this training. In that stead, the PAB is requesting that the county provides more resources to the Executive Director's office so they can better assist us in our research and data analysis.



Body Worn Camera

- 1. Leverage modern, state-of-the-art technology to increase the frequency, effectiveness, and efficiency of Body-Worn Camera (BWC) reviews:** In light of the prevalent challenge faced by agencies, where about 1% of recorded officer-civilian interactions are reviewed, consider the incorporation of computational tools and software such as Truleo. Platforms such as this serve to aid in the furtherance of professional development of officers, provide continuous monitoring and verification of officers' adherence to law enforcement agency (LEA) policy (e.g., use of de-escalation techniques), enhance coaching and mentoring of officers, and ensure a comprehensive and systematic collection of data that will ultimately facilitate LEAs abilities to make data-based decisions and take action based on observed patterns of behavior among officers over time.
- 2. Standardize Targeted Reviews:** LEAs should adopt a standardized approach to reviewing body-worn camera data similar to that offered by Chevy Chase Village Police Department. This includes not only reviewing cases of use of force or injury, but also cases involving arrests, searches, and complaints against officers. The PAB encourages expansion of the review criteria to also incorporate interactions with vulnerable populations, specifically, to ensure a consistent and comprehensive evaluation across all officers in the county regardless of agency.

Police Accountability and Body-Worn Camera Review:

The Montgomery County Police Accountability Board (PAB), in accordance with Montgomery County Code §35-24 subsections (g)(5) and (i)(2) regarding its duty to advise the Executive and Council on policing matters as well as its responsibility to recommend changes to policy that would improve police accountability in the county, had requested from county law enforcement agencies (LEAs) information pertinent to how body-worn camera (BWC) footage is reviewed and evaluated to monitor officers' behavior, training, and ongoing professionalism in the execution of their duties. Some of the questions provided to the LEAs were:

1. Please provide the name of the company/platform currently used to review body-worn cameras as well as any expected changes in the coming years and drivers for changes.
2. What monitoring program, if any, exists to review officers' behavior/training/professionalism, and what does that program consist of (e.g., review frequency, reviewer title/function, etc.)?
3. What capabilities do these programs and/or platforms have (e.g., computerized search; identification of words/de-escalation techniques, etc.)?
4. [For those without a monitoring program] What plans, if any, does the LEA have to institute such a monitoring program in the coming years?



Body Worn Camera (continued)

The goal of the PAB in collecting this information was to better assess the extent to which a formal data analysis process is either currently in place or planned as it relates to a systematic review of body-worn camera data. For the purposes of this recommendation, a formal data analysis process refers to a methodical and structured approach of examining, collecting, and interpreting data through the use of statistical techniques and/or specialized computational tools or software, to extract insights and make informed, data-driven, decisions.

Although the PAB did not receive direct responses to the aforementioned questions, four LEAs (Maryland National Capital Park Police, Montgomery County Sheriff, Rockville City Police Department, Chevy Chase Village Police Department) referred the PAB to their respective Body Worn Camera policies. This recommendation is made on the basis of an examination of these and other publicly available Montgomery County LEA Body Worn Camera policies, as well as any additional information provided.

Current LEA Practices and PAB Recommendations:

In assessing the extent to which a formal data analysis process is in place for the review of BWC data, the PAB acknowledges LEAs' goals of, among others, increasing individual accountability and transparency, accurately documenting incidents, and supporting effective officer training. It bears restating that this recommendation focuses on the latter, namely, increasing the effectiveness of officer training.

Currently, there is no standard process across county LEAs for the review of BWC data. Although most agencies conduct random and periodic reviews, these may only amount to about 1% of recorded interactions and/or a maximum of 2-3 reviews per officer, per month. Some agencies, like Chevy Chase Village Police Department, offer a more comprehensive approach to BWC reviews, whereby arrests, searches, uses of force, incidents involving injury or damage, and complaints against officers are reviewed. Others such as MCPD do not routinely review BWC recordings without cause. Across agencies, there is an emphasis on reviewing critical incidents like the use of force, injuries, and complaints, which aligns with the goal of ensuring accountability within law enforcement. However, there is room for improvement.

Standardization ensures a consistent and comprehensive evaluation across all officers across the county. With that in mind, the PAB encourages law enforcement agencies to adopt a standardized approach to reviews like that of the Chevy Chase Village Police Department. This involves not only reviewing cases of use of force or injury, but also cases involving arrests, searches, and complaints against an officer. Furthermore, all LEAs should evaluate the incorporation of additional factors such as interactions with vulnerable populations.



Body Worn Camera (continued)

Integration of New Technology:

To aid in the furtherance of professionalization of the county's law enforcement agencies, the PAB urges LEAs to leverage 21st-century technology in the training and coaching of its officers, as it does for other areas of its operations (e.g., Drone as First Responder). One such solution identified by the PAB, Truleo, offers natural language analysis that streamlines the review process of police interactions and enhances LEAs' abilities to track officers' performance over time. As of this writing, Truleo has partnered with at least one Maryland law enforcement agency, the Elkton Police Department. The Montgomery County PAB aimed to include Elkton Police Department's opinion of the platform in this recommendation, however, the board did not receive a response to its inquiry.

As a platform, Truleo centers on a non-punitive approach, focusing on addressing issues before they escalate into larger problems. By analyzing language nuances such as professionalism, politeness, the extent to which an officer offers explanations, use of de-escalation language, etc., the platform provides a nuanced understanding of interactions, allowing agencies to proactively address concerns. Additionally, its granular assessment of professionalism and risk in officer-civilian interactions serves to identify patterns offering agencies valuable insights into potential areas for targeted training and intervention.

The ability to customize tracked metrics, coupled with the automatic classification of events, empowers agencies to tailor the platform to their specific needs. Supervisors and command staff can utilize bookmarks to pinpoint specific points in an interaction, fostering a comprehensive understanding of the context surrounding events. The platform also offers a dashboard feature, providing automated analysis across officers and trends over time which would allow agencies to move beyond isolated complaints, tracking performance on a broader scale—across officers' tenure, gender, and shifts.

This data can also be completely anonymized and aggregated, which serves as a critical feature for gaining a holistic understanding of agency-wide performance and allows for a broader approach to officer training, enabling agencies to identify specific areas that require improvement and implement targeted strategies.



PAB Complaint Dashboard

The ad-hoc group strongly recommends the deployment of a public version of the comprehensive dashboard on the PAB's website (Mocopab.org), following rigorous protocols to ensure anonymity and data aggregation. This step is crucial in aligning with the PAB's commitment to community engagement, transparency, and accountability. By making this resource openly accessible, we empower every resident to actively participate in the ongoing dialogue surrounding policing trends.

The public release of the dashboard serves as a tangible manifestation of the PAB's dedication to fostering an inclusive, informed, and active community. This move not only enhances community trust but also provides a platform for residents to gain insights into law enforcement practices, contribute to discussions on policing trends, and collectively work towards continuous improvement in policing. Moreover, the recommendation supports the core values of the PAB, emphasizing transparency and accountability as essential elements in building a safer and more equitable community.

Developing a comprehensive complaint dashboard:

Over the past year, the Montgomery County Police Accountability Board (PAB), in partnership with the county's Department of Technology & Enterprise Business Solutions, has undertaken the crucial initiative of developing a comprehensive dashboard designed to house, track, and display complaint information across various key variables such as the originating law enforcement agency, the complainant's ethnicity, gender, region of origin and other pertinent factors. The primary objective is to establish a robust system that allows for the tracking of trends in submitted complaints. By doing so, the PAB aims to leverage this valuable information to provide informed and strategic advice to the county council and executive regarding emerging policing trends within the community. It is worth noting that the PAB is also working steadfastly to drive standardization of complaint forms across LEAs to ensure comprehensive data collection via complaint forms, which are currently unique across agencies.

Harnessing Data for Informed Policymaking:

The dashboard integrates real-time data updates from complaints received via our LEA partners and other means (e.g., PAB website), enabling the PAB to dynamically monitor and respond to shifts in complaint patterns. Through this analytical tool, the board can identify disparities, correlations, and potential areas of concern across different law enforcement agencies. The incorporation of demographic variables such as ethnicity and gender facilitates a nuanced understanding of the community's experiences with law enforcement, enabling the PAB to address issues with a tailored and informed approach.



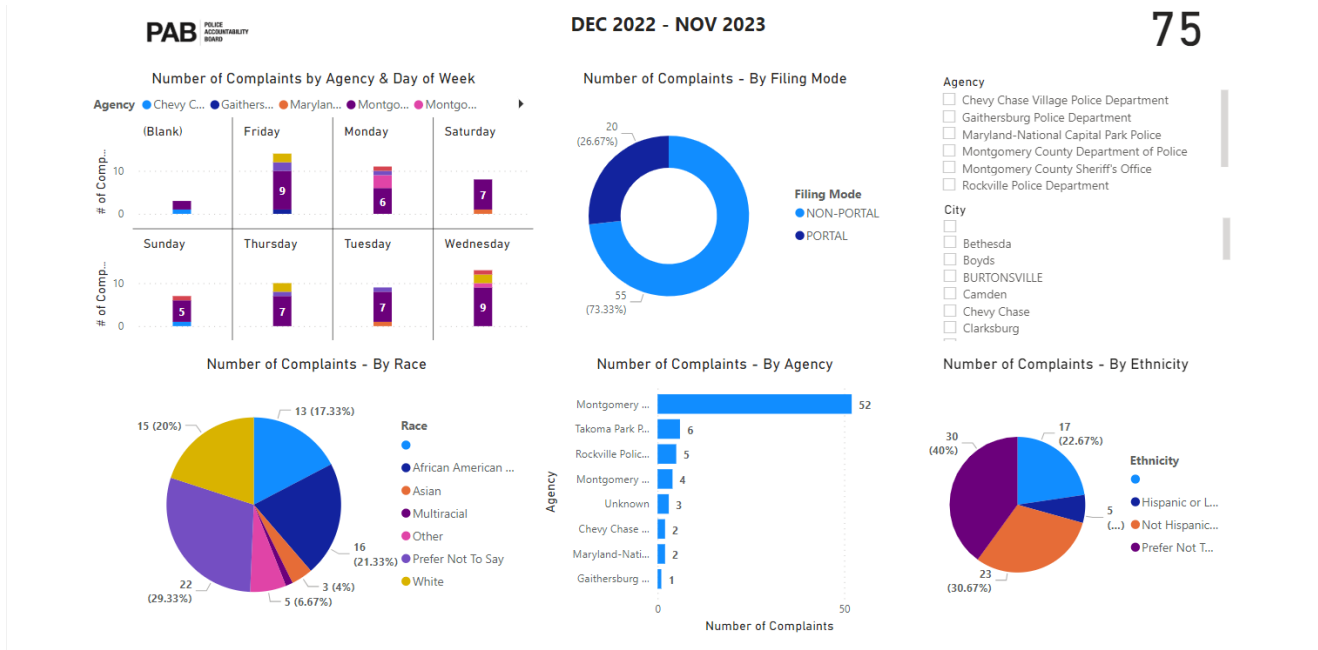
PAB Complaint Dashboard (continued)

To date, the PAB makes use of a preliminary version of the dashboard internally which, given current resource constraints, remains under development and an initiative that the PAB will continue to enhance into 2024. For example, there are required improvements need to be made to ensure accessibility and user-friendliness. Also, there are several additional variables the PAB is exploring incorporating following the work of other ad-hoc groups as mentioned earlier.



PAB Complaint Dashboard

Figure 1: PAB Dashboard Overview



The PAB envisions utilizing the dashboard as a proactive and responsive mechanism for community benefit. By closely monitoring the trends in submitted complaints, the board can swiftly identify any emerging issues, patterns, or systemic challenges within law enforcement practices. This data-driven approach empowers the PAB to make timely recommendations to the county council and executive, fostering a collaborative environment that prioritizes transparency, accountability, and continuous improvement in policing. By harnessing the power of data analytics, the PAB aims to enhance community trust, improve law enforcement practices, and ensure that the concerns and experiences of all community members are acknowledged and addressed.

Advocating for Community Access:

Thus, it is the opinion of PAB that a public version of the dashboard be deployed and hosted on the PAB's website (mocopab.org), following the necessary anonymity and data aggregation requirements. By making this resource openly accessible, we not only uphold our commitment to community engagement but also empower every resident to actively participate in the ongoing dialogue surrounding policing trends. The public release of this dashboard aligns with the PAB's values of promoting transparency, nurturing an inclusive, informed, and active community, and upholding accountability.

RECOMMENDATION: *The PAB recommends that the county provide resources to ensure the building of the public interface dashboard.*



2023 Complaint Data Findings

1. Number of Complaints

- 75 Complaints received
- 66 complaints are categorized as eligible
- 7 complaints are categorized as ineligible
- 2 complaints are State ACC Jurisdiction

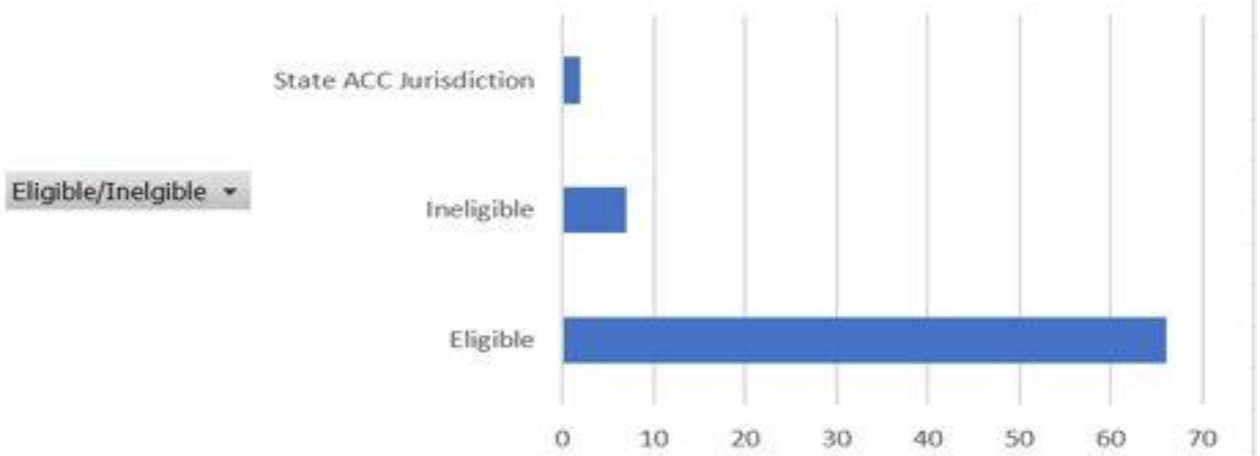
What makes a complaint eligible?:

- 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 who was not under a collective bargaining agreement.
- Those under collective bargaining agreements fell under Law Enforcement Officers Bill of Rights until 7/1/2023.

Eligible/Ineligible	Count of Eligible/Ineligible
Eligible	66
Ineligible	7
State ACC Jurisdiction	2

Count of Eligible/Ineligible

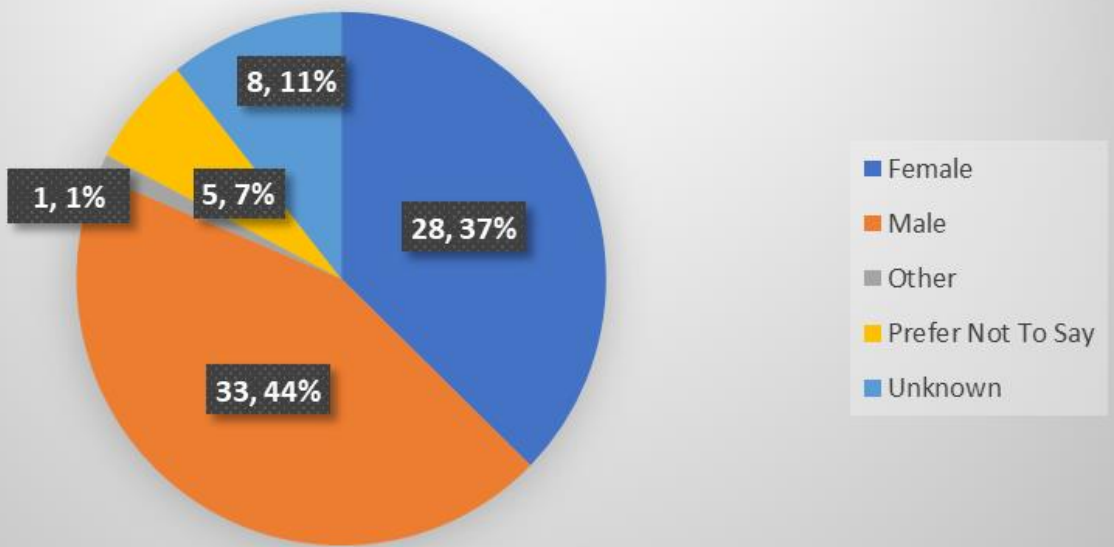
Count of Eligible/Ineligible



2023 Complaint Data Findings (continued)

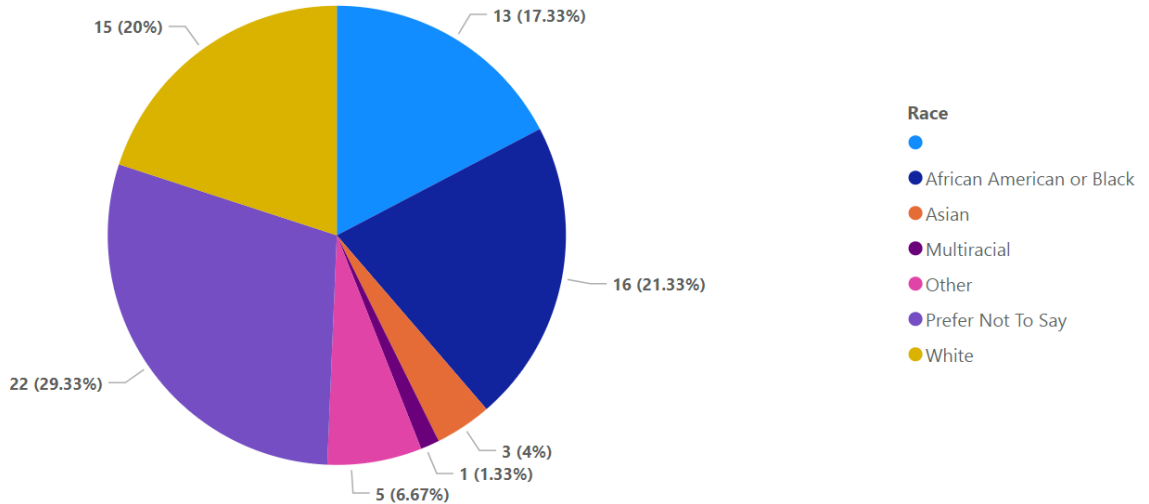
2. For complaints received in 2023, those who self-identified as ‘male’ constituted a majority of complainants (44%).

Complaints by Gender (December 2022 - December 2023)



2023 Complaint Data Findings (continued)

3. For the 2023 complaints received, 29.33% preferred not to disclose their race, and 21.33% self-identified as African American or Black.



According to the latest US Census (2022), individuals identifying as White (not Hispanic or Latino) account for 41.4% of the population, followed by those who identify as Black or African American (20.7%), Hispanic/Latino (20.3%), and Asian (16.2%).

Thus, current complainant data suggests an overrepresentation in complaints submitted by African Americans, like that identified in traffic stop data analyzed by the Office of Legislative Oversight (OLO) *Analysis of dataMontgomery Traffic Violations Dataset* report (10/25/2022). To gain a more comprehensive understanding, the PAB will continue to track and analyze this data in conjunction with other factors such as the nature of the complaints.

4. Incident Time of Day for Eligible Complaints

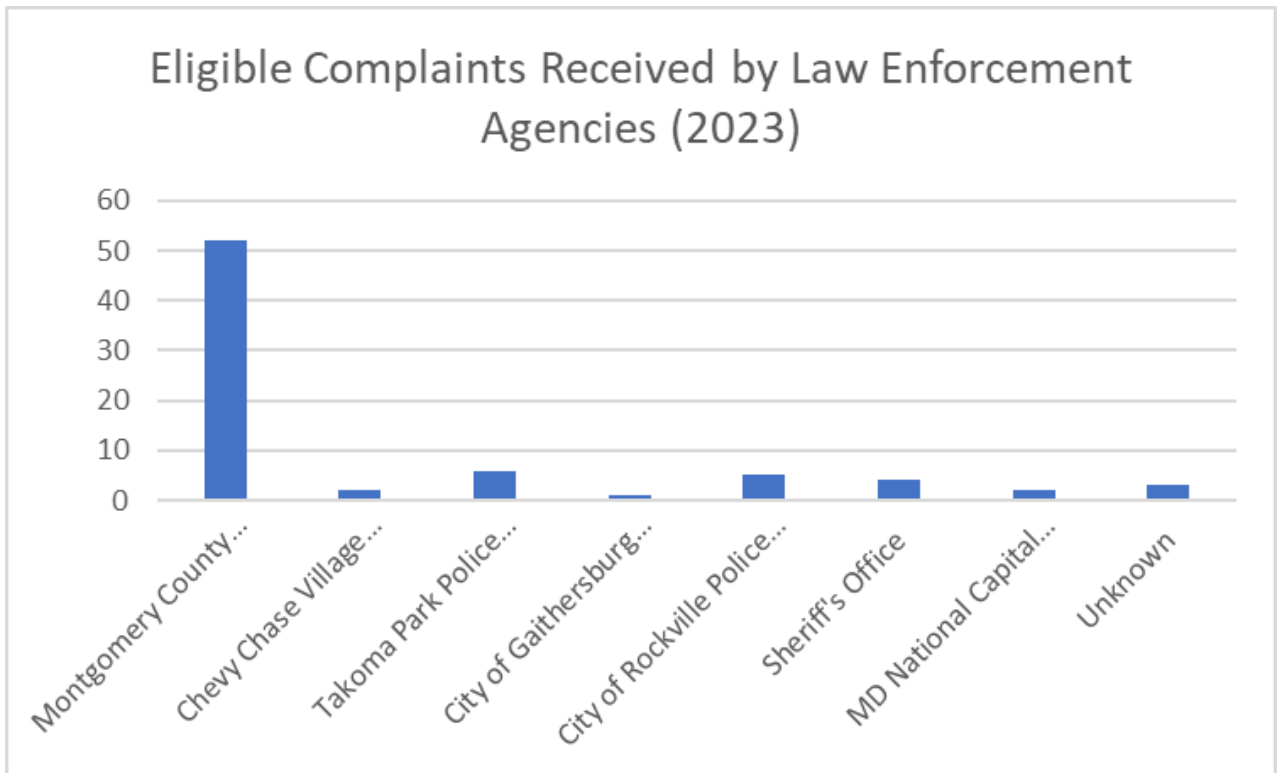
- a. Most (28) were received for incidents occurring in the afternoon and evening hours (12:00 – 23:59). Incidents occurring between 12PM – 4PM (12:00 – 16:00) constituted the majority of incidents within this group (13).
- b. The PAB received 17 eligible complaints for incidents occurring in the morning hours (0:00 – 11:59). Incidents occurring between 8AM – 10AM accounted for the majority within this group (11).



2023 Complaint Data Findings (continued)

5. Eligible Complaints by LEA:

- a. The largest LEA in the county, Montgomery County Department of Police (MCPD), accounted for a large majority of complaints received with a total of 56.
- b. Rockville Police Department followed with 6 complaints received.
- c. Montgomery County Sheriff's Office received 4.
- d. Takoma Park Police Department received 6.
- e. Chevy Chase Village Police Department received 2.
- f. Gaithersburg Police Department received 1.
- g. Three (3) eligible complaints noted the Agency as "unknown."

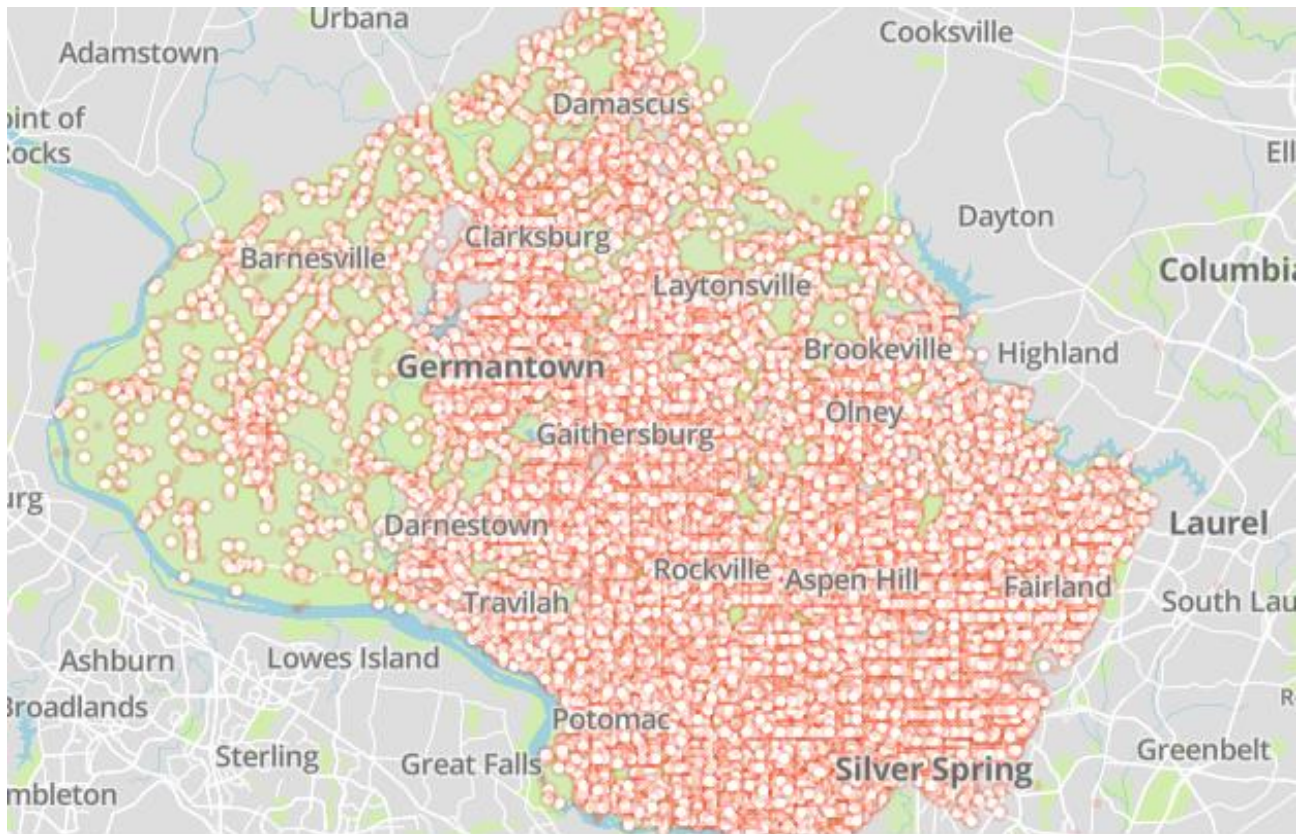


2023 Complaint Data Findings (continued)

6. Eligible Complaint Incidents by Zip Code*

1. Most incidents leading to eligible complaints occurred in the Rockville, North Potomac, and Travilah area (Zip Code 20850).
2. The Silver Spring, Takoma Park, and South Kensington areas followed with 5 eligible complaints originating from incidents occurring in this area (Zip Code 20910).

These Zip Codes also represent the largest number of police dispatched incidents, accounting for 15% of all police dispatches¹.



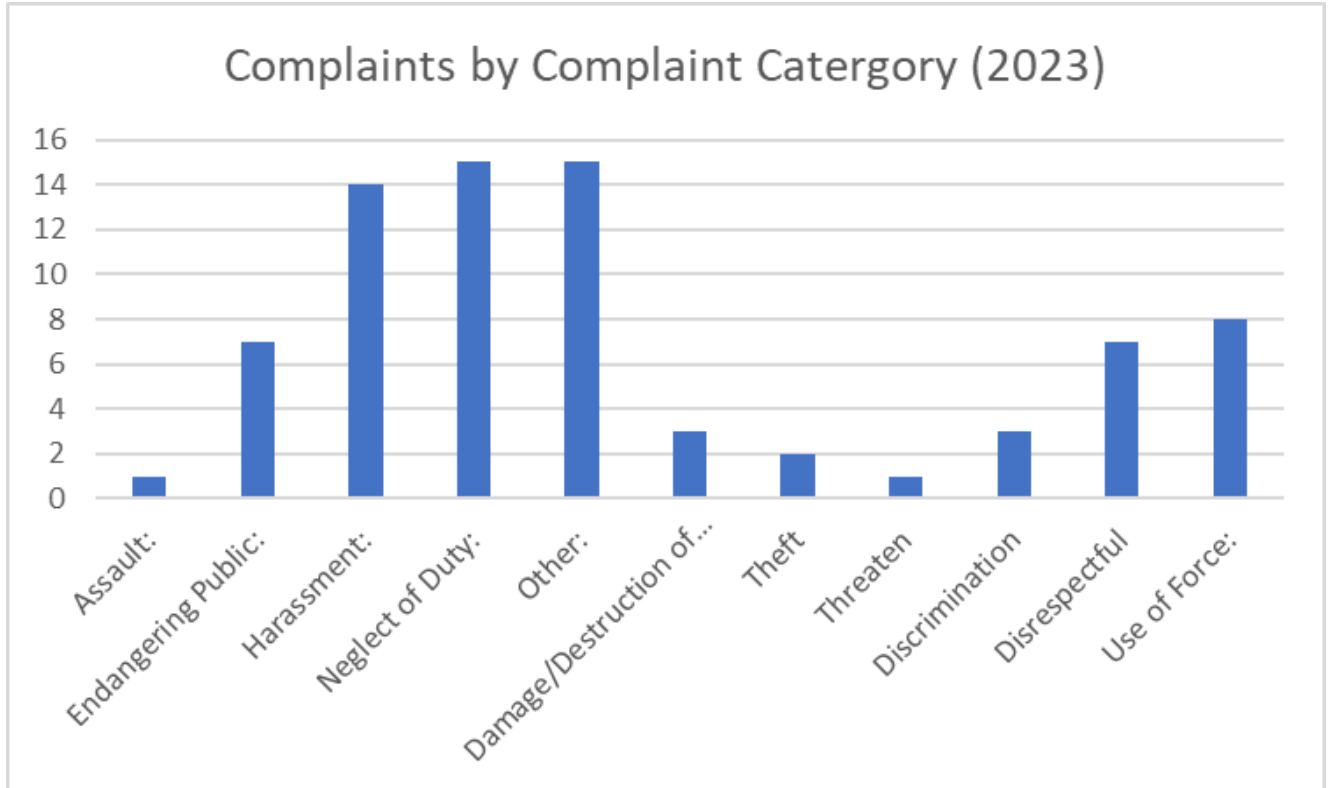
¹ dataMontgomery. Police Dispatched Incidents Visualization. Accessed 12/17/2023. <https://data.montgomerycountymd.gov/d/98cc-bc7d/visualization>



2023 Complaint Data Findings (continued)

7. Eligible Complaints by Complaint Category:

1. Neglect of Duty and "Other" (15) followed by Harassment (14) were the most frequently reported complaints and represented nearly 66% of eligible complaints.



From MCPD's [Annual Use-of-Force Report \(2022\)](#), MCPD received 193,306 calls for service, of which 1,415 (less than 1%) required Use of Force. From MCPD's Police Statistical Data Report (2022), MCPD received 11 complaints for Use of Force, which represented 5% of all complaints.

In 2023, the PAB has identified 4 complaints involving Use of Force incidents which indicates a decrease from 2022 numbers identified by Farag with the subject *Briefing: Police Statistical Data as required by Bill 45-20*.²



2023 Complaint Data Findings (continued)

8. ACC Decisions: The PAB has reviewed the outcome of a total of 14 ACC decisions to-date:

#	Agency	Alleged Violation	Finding
1	Rockville PD	Police Misconduct	Administratively Charged
2	Takoma Park	Failure to follow police procedure	Administratively Charged
3	Chevy Chase Village PD	Failure to follow police procedure	Administratively Charged
4	County Sheriff	Discrimination	Not Administratively Charged - Exonerated
5	Rockville PD	Police Misconduct	Not Administratively Charged - Exonerated
6	Rockville PD	Awareness	Not Administratively Charged - Unfounded
7	County Sheriff	Police Misconduct	Not Administratively Charged - Unfounded
8	Rockville PD	Police Misconduct	Not Administratively Charged - Unfounded
9	Rockville PD	Police Misconduct	Not Administratively Charged - Unfounded
10	Gaithersburg PD	Police Misconduct	Not Administratively Charged - Unfounded
11	Rockville PD	Police Misconduct	Not Administratively Charged - Unfounded
12	County Sheriff	Harassment	Not Administratively Charged - Unfounded
13	Montgomery County PD	Failure to follow police procedure	Not Administratively Charged - Unfounded
14	County Sheriff	Police Misconduct	Not Administratively Charged - Unfounded
15	Rockville PD		
16	Montgomery County PD		

Until July 1, 2023, the Montgomery County Department of Police was under a bargaining agreement with the county. As a result, complaints against MCPD were not subject to the MPAA of 2021, which means that only complaints from the local jurisdictions were eligible to be adjudicated.



Compassionate Public Safety

In the following, we will attempt to communicate the imperative to provide more significant support for non-police mental health response, crisis intervention and social welfare considering trends in public safety and 911 calls. We hope that the following is of intrigue to our mission to foster more compassionate and holistic undertakings of improving public safety and community well-being in Montgomery County, Maryland.

Vera Institute of Justice performed an analysis of 911 calls across the country—accounting for nine cities, which included (1) Baltimore, MD, (2) Burlington, VT, (3) Cincinnati, OH, (4) Detroit, MI, (5) Hartford, CT, (6) New Orleans, LA, (7) New York, NY, (8) Seattle, WA and (9) Tucson, AZ. Between these nine cities, an average of **62.6 percent** of calls were for non-criminal situations. Furthermore, Vera’s 2020 analysis found that less than 3 percent of 911 calls were for violent crime between the nine cities. This data inspires questions regarding public safety response and the resources we employ in light of information regarding 911 calls. Moreover, what do these “non-criminal” 911 calls consist of? What percentage of these calls would be more appropriately referred to mental health and crisis intervention professionals? And, further, what should the ideal compassionate approach look like? Perhaps, this means transforming the way we think about issues of public safety and who responds. Police officers as de-facto responders for all things ignores how comprehensive and entangled questions of safety are with social issues.

The content of 911 calls across the analyzed cities reveals an imperative to employ public safety resources from a holistic standpoint and more efficiently. Deploying officers to situations where persons involved don’t pose a danger to others around them can lead to escalation of harm and even death-dealing encounters. A 2018 study illustrated that killings of black people by police triggered distressed mental health conditions for black people. The psychological wounds of this violence are more effectively addressed through trauma-informed care as represented through the CAHOOTS Model, which would deploy workers expressly trained in conflict mediation and harm reduction.



Compassionate Public Safety

Ultimately, the current state of public safety demands the need for more robust crisis and street intervention programs with adequate staffing and expertise in addressing crises, conflict, and virtually social issues animated by disparities in mental health, resources, and community care historically. With intentionality, intensive community engagement and critical research, we are hopeful we can answer the question of what compassionate public safety looks like in Montgomery County and model robust harm reduction and transformative justice efforts for other regions to follow. Here are some of our recommendations considering evidence-based findings and community input.

RECOMMENDATIONS:

- 1. Organize a research team to analyze the content of 911 calls in Montgomery County and assess demographic data, what resources were deployed, and root causes of the situation concerning factors of social and economic conditions (i.e., race, class, gender, economic condition of the neighborhood)***
- 2. Increase funding and staffing for MCOT (Mobile Crisis Outreach Teams) as this would signal a more profound commitment to community-based crisis response and growing trust in community input regarding effective public safety, crisis response, and harm reduction and, in effect, preserving public safety resources to address high-level threats and dangers to the public.***

Sources:

911 Analysis: Call Data Shows We Can Rely Less on Police, www.vera.org/downloads/publications/911-analysis-we-can-rely-less-on-police.pdf. Accessed 21 Dec. 2023.

Pazzanese, Christina. "How Unjust Police Killings Damage the Mental Health of Black Americans." *Harvard Gazette*, 13 May 2021, news.harvard.edu/gazette/story/2021/05/how-unjust-police-killings-damage-the-mental-health-of-black-americans/.

Robinson, Michael A. "Black bodies on the ground: Policing disparities in the African American community—an analysis of newsprint from January 1, 2015, through December 31, 2015." *Journal of Black Studies*, vol. 48, no. 6, 2017, pp. 551–571, <https://doi.org/10.1177/0021934717702134>.



Conclusion

The Montgomery County PAB reaffirms its commitment to fostering transparency, accountability, and continuous improvement in law enforcement practices. The PAB will continue to foster collaborative partnerships with law enforcement agencies (LEAs) and community members alike, recognizing that meaningful progress is achieved through shared efforts. By working together, the PAB aims to support LEAs in the implementation of recommended practices, embracing technology for enhanced training, and ensuring the comprehensive review of body-worn camera data.

Through ongoing dialogue and cooperation, the PAB envisions a future where law enforcement agencies in the county not only meet the highest standards of professionalism but also actively engage in a culture of continuous improvement, thereby building trust and promoting safer and more effective policing practices for the benefit of the entire community.

