



City of Takoma Park, MD
Reimagining Public Safety Task Force
Meeting Summary
June 1, 2021

Welcome, Review Charge, Timeline, and Public Comment Form

Jevin Hodge (co-facilitator) welcomed attendees and briefly reviewed the charge to the Task Force, timeline, and the public feedback form.

Community Listening Session Summary

Michael Akin (co-facilitator) summarized the themes and discussions from the May 26 Community Listening Session. Task Force members and members of the public in attendance were invited to participate on or off-screen and via chat.

Councilmember Terry Seamens spoke on behalf of the City Council, reviewed the charge to the Task Force, and thanked the Task Force members for their service and for their leadership in looking at all aspects of public safety. Councilmember Seamens also thanked the public for attending and sharing their experiences as part of the work to make Takoma Park better.

Questions were asked by a community member and answered regarding input from the rank-and-file members of the Takoma Park Police Department.

Members of the department participated in two focus groups and shared their experiences as administrative personnel and sworn officers. Participants were diverse along multiple dimensions and were candid in expressing their opinions and experiences as policing has changed and scrutiny of their actions has increased. The focus groups were not recorded and individuals were not identified to ensure confidentiality and encourage candor. The summary report has been provided to the Reimagining Public Safety Steering Committee.

It was noted that Task Force members have been offered the opportunity to participate in a ride-along with police officers and members are scheduling those activities.

A statement and questions were offered by a community member addressing the Task Force's process and possible outcomes. As to process, transparency and the opportunity for ongoing active community involvement were noted to be absent. The value and importance of these concerns to both the image of the Task Force to the public and its deliberations were emphasized. Comparisons were drawn among the Takoma Park Task Force and task forces from other venues.



It was noted that each meeting of the Task Force begins with a public session and that the proceedings of the public sessions and the subcommittee working meetings are summarized and posted on the City of Takoma Park's website. The link to the site was provided. It was further noted that this listening session was the second in a month and that input from the community is actively sought via the Public Comment Form. Public comments are entered into the Task Force record and shared as they are received with the Task Force members.

As to possible outcomes of the Task Force's work, a series of questions was posed regarding: 1) the kind and depth of information collected and analyzed; 2) consideration of the social and economic contexts affecting public safety; 3) evaluation of alternative responses to sensitive situations; and 4) expectations regarding implementation of recommendations of the Task Force. The Task Force was urged to present a short, clear, concise, workable list of recommendations and to keep in mind the funds which will come from the American Recovery Plan Act.

It was noted that an additional Community Listening Session will be scheduled in mid to late June to give the community the opportunity to hear and react to the draft recommendations from the Task Force.

A statement and questions were offered by a community member focusing on incarceration and the concept that often gets lost that in order to reduce the number of people in prison, it is necessary to arrest fewer people and incarcerate them for shorter periods. It was observed that this Task Force has an important role to play as there is a clear effort to reduce encounters between the police and the public and to evaluate whether police practices and procedures are written or habitual. Questions for consideration are: 1) who is getting arrested; 2) who is getting ticketed; 3) who is getting a warning; and 4) how many punitive measures can be done away with?

It was noted that Task Force members have reviewed the law for prescriptive versus discretionary language and identified where there is flexibility in response. The conversation on what can be de-prioritized continues.

A statement was offered by a Task Force member regarding the changes in public safety which they have observed over a lifetime of growing up, living, and working in Takoma Park. Takoma Park is unique in its evolution to the diverse community it now is. We are products of our home life, our environment and our experiences. How we are treated from our earliest days influences how we think of ourselves and how we treat others. If we want to change the course of our city and the course of our shared life, we have to change our attitudes and we need to start with our youngest children. To do that, we need to look within ourselves and prepare ourselves, our educators, police officers, and all community leaders for the changes we want to see.

A Task Force member expressed thanks to the community members who have shared their perspectives. It was observed that Task Force members did not have total control over the



meeting format. Gathering data has taken time and makes it challenging to make decisions. The points about transparency and community participation are valid.

It was emphasized that the report to the City Council will not be the end of the road but the beginning of the road that will set a direction and influence spending decisions for years to come.

Subcommittee Updates

Jamal Holtz (co-facilitator) invited subcommittee members to summarize their discussions with the subject matter experts who met with them. Note was made the Task Force members are making appointments to take advantage of the opportunities to participate in ride alongs with police officers. Note was also made of the opportunity to visit the dispatch center as part of evaluating alternative response models to crisis calls.

#1 Community Quality of Life – Duane Scott

Subject Matter Expert: Dara Baldwin, *Director of National Policy, Center for Disability Rights*

The discussion addressed:

- Recommendations for the Task Force
- The need to look more broadly at issues that need to be corrected when talking about public safety.
- The CAHOOTS model and its possible use in Takoma Park
- How to rethink the whole process of traffic stops and how to deal with pretext
- How to understand what automated enforcement is and is it useful in reducing pretextual stops
- How data is collected and used

#2 Alternative Methods and Responses – Jide Atoyebi and Cordell Carter

Subject Matter Experts: Bernice Mireku-North, The North Law Group, and Marc Mauer, Senior Advisor at The Sentencing Project, *Co-Chairs, Montgomery County Task Force*

The discussion addressed:

- How the Montgomery County Task Force went about its work
- How recommendations were considered for inclusions that were not majority opinions
- Pushback to get police officers out of school district
- Community policing
- Wondering how community will behave when an officer isn't there; what kids will do without a police officer present

- Pull officers out of schools but have those same officers on call, someone without a gun trained to handle misbehaving students; at least designating officers who have training for working in schools
- Unique size of Takoma Park and opportunities exist here that may not elsewhere
- Takoma Park to have a group that disputes non-emergency situations; beneficial in smaller communities
- Role of teachers and principals in responding to young people of color
- Disproportionate discipline of young people of color and implications for their safety and futures

#3 Community Engagement and Transparency – Lauren Van Tol

Subject Matter Experts for the City of Takoma Park: Donna Wright, *Communications Specialist*, Andrew Powell, *Deputy Chief and Internal Affairs Representative*, Dan Frishkorn, *Captain*, and Jessica Clarke, *Deputy City Manager*

The discussion addressed:

- Communications and community contact/outreach; prioritization
- Capacity to communicate so people can understand: language access; disability access
- Trainings beyond mental health to prepare people in the police department to interact
- Use a break in policy as a training example
- How the police department handled the two problematic investigations and what can the public be told
- The process for an IA investigation
- The complaint process and handling officers with multiple complaints

Subject Matter Expert Presentations

Jamal Holtz (co-facilitator) introduced David Moon, delegate from District 20 – which includes Takoma Park – to the Maryland House of Delegates. Delegate Moon was born in Takoma Park and has been a member of the House of Delegates since 2015. Delegate Moon serves on the Judiciary Committee, Joint Audit and Evaluation Committee, State Commission on Sentencing Policy, and Law Enforcement Body Camera Task Force.

Delegate Moon thanked the Task Force for their work and spoke about his personal commitment to a reimagined approach to public safety, the challenges of legislating for a new approach, and the opportunities that grow from tragedy. Delegate Moon noted that public safety and policing not always at the top of people's minds. There is often resistance to considering any changes. In



Maryland, the death of Freddy Gray from injury sustained during transport in a police van galvanized the community and drove legislative efforts. Despite challenges and resistance, the legislature worked through complex and competing agendas and relationships, negotiating across all groups, to achieve substantial changes but there is still much to be done. Delegate Moon highlighted significant legislation that was passed affecting policing but emphasized that each level of government – state, county and local – affects how legislation can be implemented. His detailed remarks can be viewed at [link]

Delegate Moon encouraged the Task Force to push forward and stated, “You should always feel you can do better.”

HB670 Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures.

[Repealing the Law Enforcement Officers' Bill of Rights; prohibiting a police officer from preventing a citizen from recording the officer's actions if the citizen is otherwise acting lawfully and safely; establishing the Maryland Loan Assistance Repayment Program for Police Officers and the Maryland Police Officers Scholarship Program; requiring the Police Training and Standards Commission to take certain actions in response to violations of a certain Use of Force Statute; requiring each county to have a police accountability board; etc.]

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0670>

SB71 Police Accountability Act of 2021 - Body-Worn Cameras, Employee Programs, and Use of Force

[Requiring certain law enforcement agencies to require the use of body-worn cameras by July 1, 2023, for each law enforcement officer that regularly interacts with the public; requiring a certain body-worn camera to automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button; requiring each law enforcement agency to establish a certain system to identify police officers who are at risk of using excessive force and to provide appropriate responses to reduce the risks; etc.]

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0071>

SB178 Police Accountability Act of 2021 - Search Warrants and Inspection of Records Relating to Police Misconduct (Anton's Law)

[Requiring that an application for a certain no-knock search warrant be approved in writing by a police supervisor and the State's Attorney; requiring a certain no-knock search warrant to be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances; requiring a certain custodian to allow inspection of certain records by certain persons; providing that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a personnel record for certain purposes; etc.]

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0178>



Jevin Hodge introduced Ann Ciekot, lobbyist for Takoma Park and a partner in Public Policy Partners.

Ms. Ciekot provided additional perspective on the legislative accomplishments and their context. Reforms specific to police were number one in terms of the time the legislature spent on them; all the bills introduced – three to four dozen – were controversial. Delegate Moon was the floor leader for several of the bills and persevered while under attack. None of what was accomplished was easy or went as far as some people hoped. Governor Hogan vetoed HB670, SB71 and SB178 but the legislature overrode the vetoes. Some of the pieces of what was passed will take effect this year; a lot of it won't take effect until 2022. When we are talking about public safety we are talking about philosophical changes and culture change.

In relation to response to behavioral health crises and drug overdose situations, there is growing recognition and consensus that we need to do something other than have police respond. Bills chipping away at that idea did not pass. However, Baltimore City will give 911 the ability to refer to a crisis team instead of police response. We can anticipate increasing action in this area over the next few years.

A second area of great concern is School Resource Officers. The data related to the presence of police in schools and the impact on children of color is very negative. Bills addressing this issue were introduced but none of them passed.

At this point the floor was opened for questions and comments. This is a summary of points covered. Much of the discussion was technical and detailed; full questions, answers and comments can be viewed at [\[link to recording\]](#)

Q: Under SB178, my understanding is that a citizen can file a request under MPIA (Maryland Public Information Act) for records and the custodian of record must turn them over. Is that correct? Can custodian of record decide to make them public as a matter of policy or transparency or do they have to wait for the individual request?

A: Under the public information act there are permitted exclusions or denials; depending on context a request can be denied. To do a wholesale data dump, how would you be confident you've screened for those factors. There is a parallel conversation and debate regarding body cam issues and release of videos; exclusions, uses, what the video shows. We haven't automated or created a mass policy but we have begun talking. There is the question of what's to stop some wholesale request for records and then sharing them.

Q: What is the discretion of a police chief to say we're not going to do these things e.g., pull people over for expired tags, taillight out etc. The statute may say "shall" but can that be interpreted as a suggestion and any police chief can prioritize how they want their officers patrolling-any thoughts on that as we think about what we can and can't get done.



A: We can have a lawyerly fight over what can be done. The Montgomery County use of force policies are online. I think it is 100% true that a chief can exercise discretion. During COVID local departments were using discretion.

Q: Small amounts of marijuana have been legalized. The way the state is set up they have to write the ticket and note it. Do you see any leeway?

A: The state's attorney, and the elected prosecutor of each county can say whether or not they want charges brought. Montgomery County doesn't press marijuana possessions charges.

A: Another piece of legislation passed that expands the kinds of offenses that explicitly give police option to exercise discretion regarding arrest versus citation. The LEAD Program is a concentrated effort to have police specially trained to deal with folks with substances issues; a pre-arrest approach. LEAD: <https://www.leadbureau.org/>

Comment: Police officers vary in their how they carry out their duties, some adapt to reform some do not. Repeal of outdated legislation and addressing loopholes are being actively pursued.

Q: Do you think there'll be an opportunity next year to go after some parts of the LEOBOR that can override citizens' oversight? Also what else would you like to see and try for that we didn't get this year-we got a lot and I'm very appreciative for them.

A: There's a few layers of advocacy and watchdogging that are going to be needed in next few years. Concerns include: 1) the Uniform Discipline Matrix which will standardize discipline throughout the state; 2) each county will appoint a police advisory board-who will be on it? 3) there is a delay in implementation of some of the new legislation-we don't want local entities to lock in policies before the new regulations take effect. There are plenty of details to be cleaned up and we will have a fight on policy and the substance of things. We need the community to come with us next January.

Q: One of the things that didn't pass was to move traffic enforcement out of the police department.

A: There was a county bill to move control of photo enforcement to traffic from the police department - debate became very heated and it died in the Senate. There were two to three bills to deal with police in schools with wide variation between counties about how to proceed. We may have a Montgomery County only bill.

Comment: I like the idea of a Montgomery County-only bill on the SROs.

Still get pensions if disciplined?

Waiting for feds to move on qualified immunity; may try to use insurance to deal with it



Q: Did discussions of police tech take place or was there any effort to address police use of technology in any of the bills?

A: The topic is of interest to me. We are so far from where we could be on technology. We find we are asking for forgiveness not permission. It can take years to unwind some things. Facial recognition algorithms are racist; okay we won't charge them. But people don't want to be stopped because of an algorithm.

Q: Did the body cam bill talk at all about biometrics?

A: The body cam bill that passed was simple. Body cams always recording; you must hit the button to save. Save settings start at 30 seconds and go to 120 seconds. What got into bill is 60 seconds, a decision made by the manufacturer, Axon, in Arizona. The record is only video-recording audio is considered an invasion of privacy.

Q: Regarding drug encounters; is there anything that prevents localities from having safe needle exchange or safe use spaces? Has there been any discussion about this and if so any parameters around it?

A: It's pretty pathetic of Montgomery County not to have a needle exchange program. You have to register with the state.

This a link to where syringe programs exist.

<https://phpa.health.maryland.gov/SiteAssets/Pages/Syringe-Services-Program/SSP%20guide.pdf>

A: Thanks to Delegate Moon for sponsoring legislation. Overdose prevention sites are part of the discussion. There is now a lot of support to simply to allow local jurisdictions to create such programs. Takoma Park can recommend to Montgomery County. State law must address drug paraphernalia.

Q: Are there re-entry programs available in Montgomery County and Takoma Park? This relates to public safety. There have to be ways to move back into society and live productively.

A: I'm not aware of specific programs but I'm pretty sure there some and will be happy to research to figure that out.

A: On the private side there are definitely programs but we experienced lots of underfunding. We're getting the women's facility back on track. Marijuana revenue could help to unravel some of these problems [of funding].

Comment: I'm not aware of specific programs but I'm pretty sure there are community organizations that support re-entry. There may be a state department that supports re-entry.

Jevin: Do our speakers have any specific advice for the Task Force?



A: Change is incremental. Build on policies you can get through. The election next year gives opportunities to do more. Takoma Park can be a model; aim high but understand how the process works.

A: Redouble on your themes. The city can step into the breach and expand on the conversations we had but were unable to get as far as we wanted. Our work is punctuated with large bursts of energy and progress but it requires folks to show up.

Meeting Ended