



**Effective  
Law Enforcement  
for ALL**

# REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT (MCPD)





**TABLE OF CONTENTS**

- I. Executive Summary ..... 3
  - Preliminary Summary Findings & Key Recommendations ..... 4
- II. Use of Force & Internal Affairs ..... 10
  - Use of Force Policy ..... 10
  - Use of Force Reporting ..... 11
  - Use of Force & Internal Affairs Incident Review ..... 13
- III. Mental Health Response ..... 18
  - MCPD Crisis Response Policy ..... 18
  - Behavioral Health Crisis Response ..... 19
  - MCPD CIT Program ..... 20
  - Assessment of Crisis Intervention (CIT) ..... 21
- IV. MCPD Education & Training ..... 30
  - Recruit Training ..... 31
  - In-Service Training ..... 34
  - Field Training Officer (FTO) Program ..... 36
  - Supervisor Training ..... 37
  - De-Escalation Training ..... 38
  - Cultural Diversity & Bias-Free Policing Training ..... 40
- V. Recruitment & Hiring Practices ..... 41
  - Hiring System ..... 42
  - Background Investigations ..... 46
  - Opportunities for Innovation ..... 47
  - Community Policing ..... 51
- VI. Early Intervention System ..... 53
  - Recommended MCPD EIS Procedures ..... 61
- VII. MCPD Organizational Overview ..... 62
  - MCPD Structure ..... 63
  - Interagency Partnerships ..... 67
  - Department Rules (Code of Conduct- Conformance to Law) ..... 68
  - Written Directive System ..... 71
- VIII. MCPD Audit Next Steps ..... 73



## I. EXECUTIVE SUMMARY

On July 1, 2020, County Executive Marc Elrich announced his vision to reimagine public safety in Montgomery County, Maryland, with the goal to create a more equitable and inclusive county by promoting safe neighborhoods and communities that are better for all residents. As you know, the Reimagining Public Safety Initiative is broad and ambitious. It entails an in-depth and comprehensive examination of those County Departments and resources that provide public safety services for the purpose of creating a better, safer community for all.

Effective Law Enforcement for All, Inc. (ELE4A) is partnering with Montgomery County to identify, evaluate, and recommend structural and systemic changes necessary to achieve a shared vision for reform and innovation in your community. We aim to support your established dialogue, enable, and empower the reimagining of what safe and effective policing can and should look like in Montgomery County.

A key goal of our review of the MCPD is to help Montgomery County evaluate the police Department's leadership, education, accountability, and practices. As we consider the current organizational culture, policies, resources and procedures, we hope to offer improvements to both existing and future public safety standards through implementing improved standards for policing as you envision it for your community.

Both further discussion and attention to pending changes regarding state law, local legislative activity and collective bargaining may also be pertinent to developing the path forward on these preliminary recommendations in order to address any real or perceived obstacles to reform.

ELE4A's recommendations are considered from practices that are demonstrated to promote more effective, accountable, and safer policing, and deemed appropriate for the department. Further, notable deficiencies and their prescribed reforms tend to be reflected in DOJ investigations. These practices are generally recognized by experts as effective in achieving legitimate ends in policing that is both lawful and provides appropriate safeguards for the protection of life and property. Our standards are generally reflected in DOJ Consent Decrees, model policies issued by respected organizations and agencies, such as IACP and the DOJ COPS program, and the President's Commission on 21 Century Policing. More broadly, our subject matter experts are recognized as national experts.

This preliminary report discusses Effective Law Enforcement for All, Inc.'s review of the organizational structure of the Montgomery County Police Department, its internal affairs system including approaches to handling uses of force, mental health response, recruitment & hiring, and assessment of the training Academy. This preliminary report is a draft; the MCPD audit is still underway. A final report is expected to be released in the Fall. We wish the County continued success in its efforts to advance the recommendations borne from the Reimagining Public Safety Initiative through working collaboratively with the relevant stakeholders to revise, adopt, and implement the necessary elements and tools to achieve safe and effective policing, based on the needs, observations, and goals identified in Montgomery County, Maryland.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Our preliminary recommendations are summarized below.

### PRELIMINARY SUMMARY FINDINGS & KEY RECOMMENDATIONS

MCPD is divided into four bureaus and the Office of the Chief Marcus G. Jones, who was sworn in as Chief on November 8, 2019, and has more than thirty years of experience with the Department. The four bureaus are the Patrol Services Bureau, Field Services Bureau, Investigative Services Bureau, and the Management Services Bureau. The Patrol Services Bureau contains the general policing districts and the Special Operations Division (SOD). The SOD consists of the Canine Unit, Emergency Services Unit, Police Community Action Team, Special Events Response Team, and Tactical Unit. The Investigative Services Bureau consists of the Criminal Investigations Division, Auto Theft, Fraud, Family Crimes, Major Crimes, and Special Investigations Division. The Management Services Bureau is largely a civilian support bureau that consists of Emergency Communications, Budget, Personnel, Training, and other Support Services. Soon, MCPD will be added a fifth-- the Community Resources Bureau.

The MCPD is a high-performing organization. Yet, like all high-performing organizations, there is not only opportunity for improvement but continuous improvement is essential to maintaining pace with constantly changing environmental circumstances and public expectations. Accordingly, this report focuses on those areas in greatest need of improvement. Our recommendations are extensive, although they vary in magnitude and importance. We are confident they provide a path for the County to reimagine its policing philosophy, policies, training and practices to emphasize public safety, effectiveness, and transparency.

### USE OF FORCE, REPORTING, AND INVESTIGATIONS

**SUMMARY FINDINGS.** We evaluated MCPD's use of force policy, reporting, 60 use of force incidents, and a sample of use of force investigations. We found areas for improvement in the Department's policies, practices and some investigations. For example, the former policy lacked specificity and failed to address important aspects in uses of force; however, many of these concerns are addressed in MCPD's recently adopted, revised policy. In general, certain systems could be improved to reduce subjectivity. We are working with the department to have a clearer understanding of their policies, practices and investigations to provide current best-practice standards for the final report.

Based on our findings, as detailed in Section II we make the following recommendations:

- ◀ Determine a single repository for use of force and IA incidents.
- ◀ All use of force incidents should be investigated
- ◀ Expand the role of IA to include investigating criminal misconduct of officers instead of assigning this to investigators in ISB (Investigative Services Bureau)
- ◀ Develop a Force Investigation Team (FIT) within Internal Affairs to conduct serious uses of force investigations and review



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- ◀ Develop system to conduct criminal and internal investigations as parallel investigations; New Maryland State Law will change processes for investigating officer-involved shootings effective October 1, 2021
- ◀ Revise MCPD use of deadly force investigation policies and protocols to require a prompt, separate, parallel administrative investigation of each officer-involved shooting, and require the preparation of a report documenting investigative findings
- ◀ Identify and define what a serious use of force is
- ◀ Allow the Districts to review only those less serious uses of force
- ◀ The Internal Investigative Review Panel should broaden their role when convening on force matters, and determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes
- ◀ Define a Departmental standard on what is expected to be included when conducting district level force investigations
- ◀ Administrative intake should be required to be recorded
- ◀ Provide training to District supervisors in force investigations and hold them accountable for evaluating their officers' videos with a critical eye
- ◀ Initiate an internal auditing protocol for BWC and other force related videos
- ◀ Consider issuing BWCs to SAT (Special Assignment Teams)
- ◀ Consider if officers working off duty employment should be required to wear BWC for certain assignments
- ◀ Implement an Early Warning & Intervention System for MCPD employees

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## MENTAL HEALTH RESPONSE

**SUMMARY FINDINGS.** Safe and effective responses to mental health crisis calls require a coordinated, inter-agency response. Thus, focusing exclusively on MCPD's policies and practices will not achieve necessary improvements. Nevertheless, the MCPD's policies and practices regarding responding to calls involving mental and behavioral health crises are outdated and insufficient to address the need. The mental health crisis policy, Directive: FC921 – Emergency Evaluation of Mentally Disordered Individual, issued on June 10, 2005, is outdated in terms of its language, policy and process references. It devotes only one page to crisis intervention/alternative response. The remaining six pages are dedicated to involuntary commitment petitions. Mental health response training is also inadequate. The Department's policies for responding to mental health calls are impractical and, consequently, often not relied upon. County resources devoted to mental crisis response are inadequate and poorly coordinated.

Based on our findings, as detailed in Section III, we make the following recommendations:

- ◀ Restructure the Mental Health Advisory Committee to provide sufficient “on the ground” expertise as well as senior rank and executive leadership to provide practical and informed guidance and to ensure recommendations are implemented
- ◀ Establish both a County and State Steering Committee, with the county steering committee made up of local entities like crisis center, jail, court, MCPD, EMS, emergency communication

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- etc. and a State steering committee made up of a designee from each participating county across the state, in addition to a funded CIT coordinator position that spans the county
- ◀ Include key community partners, advisory committee members and people with lived experience in the policy review and revision process to ensure consistency across organizations
  - ◀ Ensure revised CIT policies integrate well with other Department policies, as well as telecommunicator policies and Fire/EMS policies
  - ◀ Ensure crisis intervention related policies are reviewed annually, with stakeholder input
  - ◀ Suspend revisions to the existing MCPD CIT policy until a better understanding is developed on role integration and required protocol
  - ◀ Include refresher training (annually, or at a minimum of every 2-3 years), as well as advanced training to increase and strengthen knowledge for a more robust CIT program
  - ◀ Require telecommunications to either begin to attend the consistently offered CIT training, or develop a telecommunication specific CIT training.
  - ◀ Consider mandating CIT experience for all Sergeants, FTO's and any newly promoted Commanders, which with attrition and promotion, will build capacity and a culture of understanding the importance of the CIT program
  - ◀ Establish a call code system that accounts for primary and secondary call codes that best capture overall calls for service (CFS) that involve a mental health component
  - ◀ Require a CIT report be completed for calls that are closed out as calls involving a mental health component
  - ◀ Ensure the Mobile Crisis Outreach Team (MCOT) from the crisis center track time a request for response came in, on scene time, time an MCPD officer responds, and time to clear a call; track law enforcement drop offs/utilization, and ensure MCPD tracks when LEO's are dropping off at hospitals, crisis center, or jail
  - ◀ Educate community on CIT and on how to request a certified CIT officer
  - ◀ Conduct an operational assessment of the County's 24/7/365 crisis center

### Alternative Response

- ◀ Embed community mental health center case manager(s) inside the jail, and also assign them to the mental health dockets for continuity between judges, attorneys, and case managers
- ◀ Develop justice involved case management teams at the community mental health center who have the role of serving high frequency utilizers of law enforcement calls and jail bookings
- ◀ Consider embedding a clinician inside telecommunications to divert from law enforcement response at all, while also utilizing a warm hand off as necessary to a resource line
- ◀ Establish paramedic, clinician, soft uniform CIT officer and PEER dedicated co-response teams.
- ◀ Follow opportunities for legislative advocacy. Maryland is one of only three states without Outpatient Treatment Orders. The current mental health advisory committee would be a good place to gain momentum with this area of reform.
- ◀ Streamline centralized call intake and dispatch system (Crisis Center hotline, 311, Everymind, 911)



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- ◀ Provide more robust alignment in criminal justice/behavioral health programs including jail diversion, specialty courts, CIT, Co-responder, EMS, and Telecommunications
- ◀ Expand pre-booking services—which are essentially absent now

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## RECRUIT EDUCATION AND TRAINING

**SUMMARY FINDINGS.** We reviewed recruit training (MCPD Academy), in-service training, supervisory training, field training programs (FTO), de-escalation, community policing, and cultural diversity and bias-free policing. To enable our review, MCPD provided all training-related policies, procedures, manuals, lesson plans, testing protocols, training calendars and related materials. We also conducted a site visit during which we observed training, including scenario-based training on use of force, de-escalation training and constitutional law.

MCPD training is overall high quality and produces highly trained officers. Academy leadership is experienced and committed to meeting best-practices standards for police training. Reflecting that commitment, MCPD appears to recognize the need for additional training on de-escalation, procedural justice, community policing, and bias-free policing and has initiated steps to provide that training.

Based on our evaluation, as detailed in Section IV, we make the following recommendations:

- ◀ Adopt training constructs in curriculum design of the Academy
- ◀ Adopt training constructs to ensure that training managers are always cognizant of developing a “Whole Officer” who can effortlessly apply all these domains in field situations<sup>1</sup>
- ◀ Support efforts to innovate to change to a “Guardian” culture
- ◀ Reinforce teamwork as a critical component of Academy training
- ◀ Consider adding the training construct of “not to an event, but through an event”
- ◀ Hire a civilian PhD as the Director of Academics or Co-Director of the MCPD Academy
- ◀ Improve process for updating training documents, training bulletins, and Department policies

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<sup>1</sup> Academics have long known that human beings learn from three domains called Cognitive, Affective, and Psychomotor. Incorporating these training constructs into the Academy’s curriculum improve comprehension and retention. As important they also facilitate training that focuses on developing a “Whole Officer” approach that enables officers to apply a range of motor, intellectual, and emotional skills in resolving the situations they confront in the course of their duties.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

### In-Service Training

- ◀ Require more human relations training (bias free, procedural justice) on an annual basis
- ◀ Develop a more robust annual training plan that considers all facets of training
- ◀ Consider creating and testing in-service personnel on scenarios that contain procedural justice, fair and impartial policing, bias-free policing, cultural diversity and sensitivity, and community policing and engagement
- ◀ Provide ABLE peer intervention training to all MCPD personnel

### Field Training

- ◀ Require the candidate be given an extensive background check for the FTO selection process

### Supervisor Training

- ◀ Provide training prior to or directly after promotion to the rank of Sergeant; too many bad habits can be learned by new supervisors who are not trained for months after their promotions.

### De-Escalation Training

- ◀ Modify MCPD reality-based scenarios and drills to require recruits and in-service officers to slow down the situation and use de-escalation tactical techniques to increase the probability of using no force or the minimal amount of force necessary
- ◀ Expand MCPD co-responder (police officer and mental health practitioner) program; implement a call center where mental health professionals can give advice to field officers, and have MCPD personnel work with mental health professionals to design plans to deal with persons who are constantly in mental health crisis and generate many calls for service.

### Cultural Diversity & Bias-Free Policing Training

- ◀ Adopt the CAL-POST 8-Step traffic stop format or a similar one to prepare recruits to conduct these stops in a structured format that automatically has procedural justice (voice, respect, etc.) and bias-free tenants embedded into the curriculum
- ◀ Teach the tenants of Listen, Explain, Equity, and Dignity (LEED) to the recruits

### Community Policing Training {to be supplemented}

- ◀ Revert back to field officers training on problem-solving models in the Academy that are used to solve real world community policing issues
- ◀ Consider taking site visits to other law enforcement agencies known strong community policing and community engagement programs and implement aspects that would work in Montgomery County into a community policing program





## RECRUITMENT & HIRING

**SUMMARY FINDINGS.** A department's recruitment efforts impact every other function of the agency. Model departments ensure that recruitment efforts are designed and operated to identify and hire candidates that reflect the communities they serve, especially including historically underrepresented populations. The Department requires an associate degree, or equivalent, at the time of application, or three years of active-duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by MCPD. Even though the starting salary is below some well-respected police departments in the area, the County relies on an excellent benefits package, first-rate training, a nationally accredited status, and a wide range of patrol and specialized duties to attract well-qualified candidates from in and outside the area.

The MCPD is committed to adopting and preserving innovative recruitment methods, and maintaining high standards for recruiting diverse, qualified, and committed future officers. The Department has built partnerships with educational institutions to enhance relationships with youth in Montgomery County, although these partnerships rely on the School Resource Officer (SRO) program, which is highly controversial in the County and there are pending proposals to revise or eliminate the program as it currently operates. Changes to the SRO program may require MCPD to revise its recruitment practices. At the time of this report, MCPD may consider whether the existing SRO program has been an effective recruitment tool, historically. The Department also provides a hiring preference for military veterans. Qualified applicants can substitute three years of active-duty military service, with an honorable discharge for the required 60 college credits.

Based on our review, as detailed in Section V, we offer the following recommendations

- ◀ Add a cloud-based technology as a streamlining measure and to increase effectiveness and efficiency for background investigators
- ◀ Reduce the amount of time it takes to process candidates using technology and combining processes
- ◀ Review and analyze for negative trends and adjust practices as warranted to reduce adverse impact at any stage regularly
- ◀ Consider increasing the starting salary for entry-level police officers to become more competitive in the Washington Metropolitan area
- ◀ Assess MCPD employee turnover and reasons officers leave the Department continually
- ◀ Provide training and leadership guidance so that workplace "inclusion" becomes part of the everyday work-life culture.

## II. USE OF FORCE & INTERNAL AFFAIRS

This part of our preliminary report discusses the review of MCPD use of force policies, annual reports, internal investigative processes, interviews and other data received from Montgomery County to assist ELE4A in our efforts to provide a comprehensive review of MCPD leadership and practices related to use of force. We are working with the department to have a clearer understanding of their policies, practices and investigations to provide current best-practice standards for the final report. The following sections will provide observations and recommendations related to these areas.

### USE OF FORCE POLICY

A new Response to Resistance and Use of Force Policy, FC 131, became effective May 2021. The new Response to Resistance and Use of Force draft policy is more comprehensive than the previous Use of Force Policy. By comparison to the existing policy, the new draft goes into more details that align it with today's standards for response to resistance and use of force.<sup>2</sup>

#### OBSERVATIONS: USE OF FORCE & RESPONSE TO RESISTANCE POLICY

The previous MCPD Use of Force Policy (9-21-2016) statement was general, lacked specificity on de-escalation, failed to reference the Graham v. Connor framework<sup>3</sup>, and did not address officers' mandatory duty to intervene— all of these topics have been addressed in the recently developed and implemented FC 131 use of force and response to resistance policy. Neither the previous policy nor the new policy addresses K-9 bites and/or deployments as a force event.

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<sup>2</sup> The new draft policy is reviewed and commented on by senior executives, legal and the FOP. After each review, the draft is returned to the Policy and Development section. Once completed, it is to be entered into Power DMS for dissemination.

<sup>3</sup> We note that while the Graham standard was initially viewed as limiting officers' discretion to use force, subsequent decisions have led to widespread criticism that the standard has not achieved its expected results and is unduly deferential to officer's discretion to use force. Regardless of these criticisms, neither Graham nor any legal standard can provide the guidance, training and accountability necessary to achieve safe, effective, and restrained uses of force. Thus, the Graham factors must be considered in the context of broader use of force philosophies, policies and training.

## USE OF FORCE REPORTING

MCPD provided Annual Use of Force Reports for the years of 2014, 2015, 2016, 2017, 2018 and 2019.<sup>4</sup> We reviewed all MCPD reports on annual uses of force, from 2014 through 2019. The following observations are relevant to potential concerns related to bias in MCPD's use of force reporting.

### 2014 Annual Use of Force Report

- MCPD made 17,834 arrests, and force was used in 418 incidents. This represents force being used in 2.3% of arrests.
- Arrests of people of color (Black and Latino) relative to Whites were at a ratio of 5:1 in District 3 (Silver Spring) and 2.6:1 in District 4 (Wheaton)
- Force incidents of people of color (Black and Latino) in District 3 was 4:1
- 118 Force incidents, or 28%, were on mental health conditions subjects

### 2015 Annual Use of Force Report

- MCPD made 17,682 arrests and force was used in 451 incidents. This represents force being used in 2.5% of arrests.
- Arrests of people of color (Black and Latino) had a ratio of 5:1 compared to Whites in District 3 (Silver Springs) and 2.7:1 in District 4 (Wheaton)
- Countywide force incidents of people of color (Black and Latino) had a ratio of 2.5:1
- Force incidents of people of color (Black and Latino) had a ratio of 5:1, 1.4:1 in District 4 (Wheaton) and 2.5:1 in District 6 (Gaithersburg)

### 2016 Annual Use of Force Report

- MCPD made 20,041 arrests and force was used in 523 incidents. This represents force being used in 2.6% of arrests.
- Arrests of people of color (Black and Latino) had a countywide ratio of 2.5:1 compared to Whites

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<sup>4</sup> Our initial observations on the MCPD's reporting on annual use of force are based on available, self-reported MCPD information. While powerful, some of these observations may be of limited utility without further assessment of additional data, such as residency in Montgomery County, MD, as well as other factors relevant to the Department's reporting on use of force incidents. The annual report for 2020 was published and released by Media on May 10, 2021.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- Force incidents of people of color (Black and Latino) had a countywide ratio of approx. 3:1 compared to Whites.<sup>5</sup>
- MCPD concluded, “In 2016, 85 percent of the defendants involved in use of force incidents were African American and Caucasian”. While this may be true, the report needs to be more granular to depict a truer picture of potential racial disparity.

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### 2017 Annual Use of Force Report

- MCPD made 19,334 arrests and force was used in 523 incidents (same number as 2016); This represents 2.7% of arrests.
- Force incidents of people of color (Black and Latino) had a countywide ratio of 2.3:1
- Districts 3 and 4 had the highest rates of use of force
- The second highest incidents of use of force occurred while officers were serving Emergency Evaluation Petitions (EEP), 92 incidents representing 17% of all uses of force

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### 2018 Annual Use of Force Report

- MCPD has issued approximately 1,000 Body Worn Camera (BWC) to officers
- MCPD made 18,592 arrests with 542 incidents of force; this represents 2.9% of arrests
- Force incidents of people of color (Black and Latino) were approximately 3:1 when compared to Whites countywide
- Districts 3 and 4 continue to record the highest number of use of force incidents
- Serving Emergency Evaluation Petitions ranks second, behind general arrests, for use of force incidents
- Electronic Control Devices (ECDs) were used 45 times in use of force incidents. 24 of these occurred in Districts 3 and 4, and represent 53% of total ECD deployments

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### 2019 Annual Use of Force Report

- MCPD made 16,536 arrests with 553 incidents of force; this represents 3.3% of arrests
- Force incidents of people of color (Black and Latino) were 3.7:1 when compared to Whites
- Districts 3 and 4 by far had the most use of force incidents, 57% (or 316/553)
- ECWs were used 37 times. 24 occurred in Districts 3 and 4, and represent 64% of the total ECD deployments

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<sup>5</sup> MCPD made a slight change in reporting ethnicity by District this year. The graph requires the reader to estimate the exact number of force incidents by ethnicity per District.



## USE OF FORCE & INTERNAL AFFAIRS INCIDENT REVIEW

A review was conducted of randomly selected use of force incidents representing a cross section of all types of force used by MCPD during the years of 2017, 2018, 2019 and 2020. Two site visits were conducted in conjunction with this review. The first site visit was done during the week of April 12<sup>th</sup>, 2021. The second site visit occurred during the week of May 10<sup>th</sup>, 2021.

The Command Staff was very accommodating and helpful in assuring that ELE4A had all the information and documents required to conduct our review. MCPD provided ELE4A with a list of use of force incidents. From this list, a sample of cases was selected for the review. The random selection included force such as: OC (Oleoresin Capsicum) Spray, commonly known as ‘pepper spray’, K-9 bites, strikes, take-downs, weapons (handguns/rifles), ASP (Armament Systems and Procedures), commonly known as ‘batons’ and ECDs (Electronic Control Devices-Tasers, and also referenced as ECWs).

A total of 60 incidents were selected plus 8 completed formal internal affairs investigations. The review particularly targets MCPD internal process for assigning, investigating and reviewing all force incidents occurring by MCPD officers. Additionally, ELE4A considered bias in MCPD investigatory and complaint intake processes.

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### OBSERVATIONS: MCPD USE OF FORCE INCIDENT REVIEW

MCPD Force investigations are not all investigated or sent to IAD. Cases are reviewed at the District level. However, MCPD reports that no use of force investigation is completed at the District. Districts review force incidents and make determinations whether to send to IAD. This could be problematic. In most instances, other than OIS (Officer-Involved Shooting)<sup>6</sup>, MCPD relies on a District level review to determine if the force incident requires a Formal Investigation (FI) by the Internal Affairs unit. This method of review may allow for inconsistencies among varying Districts in achieving a comprehensive and thorough force investigation.

In many cases, MCPD conducts reviews of force incidents, not investigations. Investigations consist of, at a minimum, obtaining force statements for all involved officers and witness officers, non-police witnesses, reviewing all videos (body worn cameras and dash cameras) of all involved and witness officers, photos of both officer and subjects of force injuries, a review of the involved officer’s equipment and a tactical assessment to determine whether the officers’ action comports with policy and training. A finding should be rendered as to whether each use of force was justified and whether any organizational policies and directives were violated.

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<sup>6</sup> There is a Use of Force Committee that reviews all of these incidents.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The department reports MCPD reviews all use of force incidents. Only those that potentially rise to the level of a policy violation or criminal act are investigated administratively and/or criminally. MCPD has forwarded cases to the SAO for review for criminal prosecution. During the review, in some noted instances, there were multiple types of use of force. Sometimes, the lower levels of force did not appear to be addressed.

ELE4A observed the following use of force and policy violations in our review of BWCs:

- Pointing of firearms
- Takedowns
- Subjects of force complaints of injury/pain
- OC spray
- Strikes
- Tactical vehicle Stop
- Officer demeanor (excessive cursing)
- Officers' failure to give warning before ECD deployment
- Damage to property
- Improper use of the K9<sup>7</sup>
- Complaints from subjects of force of possible excessive force

**USE OF FORCE LEVELS.** MCPD does not define levels of force or provide guidance to the investigating force officials on circumstances when to elevate less serious uses of force to Internal Affairs or a Force Team to initiate a formal investigation. In absence of a standard, it may be possible for one District, after reviewing an involved officer's BWC, to sign off on a serious use of force while another District may opt to send it to IA for a Formal Investigation.

Here are some examples of standardized levels of force reporting and review:

- Level 1- Pointing of a firearm, Hand control/Escort techniques, Takedown not resulting in injuries, use of impact weapons for non-striking purposes
- Level 2 – ECD deployments (3 cycles or less); OC deployment (1-2 second burst)
- Level 3- Any strikes, Destruction of an animal
- Level 4- Lethal Force, critical firearm discharges, any force resulting in serious injury or requiring hospitalization, K-9 bites, multiple simultaneous ECD deployments, ECD deployments exceeding 15 seconds or longer, any strike or blows to a handcuffed person and vehicle pursuits resulting in death or injuries

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<sup>7</sup> K-9 bites are not investigated by Internal Affairs but rather are handled like other uses of force. The K-9-unit Commander is responsible for assuring a thorough investigation will be conducted.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Levels 1 and 2 are considered less serious uses of force, and may be investigated by District level supervisors. Levels 3 and 4 could automatically require an Internal Affairs (or Force Investigation Team – FIT) response to the scene and assumption of the force investigation. In general, developing this form of standardized approach could eliminate any ambiguity in MCPD assigning responsibility for force investigations. The new Maryland Law may require that investigations be led by the Maryland Attorney General’s Office. This has yet to be codified, however, and review of any new state law or County provisions may be needed to determine a path forward on developing a centralized FIT team with MCPD.

**MANAGEMENT.** MCPD has a data management system (IAPro) that is capable of managing all use of force investigations, however it is under-utilized.

MCPD does not issue BWCs to SAT (Special Assignment Teams).<sup>8</sup> These officers work on the front line and often engage with the public. When force is used, no video is available to provide Departmental for review when warranted. Further, officers working off duty employment are not required to wear a BWC. Officers are working Departmental sanctioned off duty employment while in full duty uniforms, engaging the public, using force and no video to aid in a use of force investigation.

Officers’ narrative and a review of videos may suffice in some force incidents to determine policy and/or excessive force, but in absence of a video, MCPD has only the officers’ and the subject of force statements (if a statement is given) of what transpired.

MCPD should consider initiating a process for conducting an internal random audit of videos so as to get ahead of and identify any possible training issues. The random auditing can also provide an internal mechanism that can potentially provide guidance to supervisors on how to conduct their video reviews and assessments.

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### OBSERVATIONS: INTERNAL AFFAIRS FORMAL INVESTIGATIONS

The MCPD Internal Affairs Division is responsible to investigating complaints of misconduct. Line level supervisors have the authority to investigate minor complaints and to forward recommendations through the chain of command. IAD tracks all complaints via IA Pro. The IAD acts only as the fact-finding element of the disciplinary process, and disposition is determined by the command staff of the agency. Emphasis is placed on thorough investigations that are performed by a full-time dedicated function consisting of a Captain, Lieutenant, six sergeants, and a county attorney.

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<sup>8</sup> MCPD should consider including SAT on the list of positions required to use BWC.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

This review also includes an assessment of the internal and external complaint process, including allegations or complaints of racial bias related to the Department, with attention to the response and investigation of such concerns. ELE4A requested a list of Internal Affairs investigations for the years of 2018, 2019, and 2020.<sup>9</sup> MCPD provided a spreadsheet with all cases for the years requested. In 2018, there were 19 internal investigations, 2019 there were 19 internal investigations and 2020 there were 15 investigations, for a total of 53 investigations over the three-year period.

ELE4A selected a sample of two internal investigations for each of the three years, totaling 6 investigations. MCPD informed us that our selection included open investigation in 2020. Once it was determined which investigations were closed for 2020, a random selection of two was made. During our on-site visits, we discovered that some of the random selected of District investigations (2) were actually elevated to Internal Affairs for a more in-depth investigation. This increased the number of Internal investigations reviewed by ELE4A to eight.

MCPD has logged 18 formal bias complaints for years 2018, 2019 and 2020. There is no distinguishable difference in the intake process for citizen bias complaints as compared to the intake of other complaints resulting in formal investigations by IA. However, the 18 formal investigations represent ONLY those complaints of bias allegations that were successfully validated through the investigatory process. If during the investigation, Internal Affairs does not find an allegation of bias, but rather determines some other misconduct, the allegation of bias is changed to reflect this particular finding. This is problematic in that the data is possibly distorted, inaccurate for reporting purposes and tracking. Rule 26 requires an inquiry and for all the information to be documented and forwarded to Internal Affairs Division.

Further, the MCPD should fully pursue thorough investigations on anonymous complaints. For example, a complaint of poor service was administratively closed by Internal Affairs due to the investigator not able to contact the complainant. Several attempts were made without any success. The unintended message this sends to the community is that you may not file an anonymous complaint or if you do, it may not get a priority. The case was closed because the complainant could not be reached or just chose not to respond to the investigator. This case should be investigated to its natural end, and include attempts to review other potentially available evidence.

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<sup>9</sup> Sustained cases are kept on file for 5 years after separation from the department. There is no “finding” of not sustained in MCPD directives.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Another concern is that MCPD has no Early Warning & Intervention System (EIS) in place. For example, if the IAD director only may rely on memory to initiate an inquiry once an employee reaches the 3-complaints-per year threshold, this is clearly a “single-point-of-failure” system. An EIS system would provide a more reliable flagging system.

Generally, the Internal Affairs administrative investigations were complete and contained all the information within the investigative case file to support a finding. (i.e., BWC video, Mobil in-car camera videos, interviews of witnesses, interviews of involved and witness officers, physical evidence, scientific evidence, response letters to complainants are timely. The investigative files were indexed, which made it easy to refer to specific events within the investigation. However, Internal Affairs is recognized as a standardizing unit within a Department that eliminates potential disparity between districts.

MCPD criminal and internal investigations should be conducted as parallel investigations.<sup>10</sup> For example, in one of the shooting investigations, the involved officer was administratively interviewed close to one year after the incident. In addition, The IIRP (Internal Investigative Review Panel) should broaden their role when convening on force matters. The IIRP should determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes. For example, IIRP minutes show that a discussion occurred whereas the IIRP members discussed the “slow activation of BWC by officers”, yet nothing was entered into the record that address how the Department should go about correcting this problem.

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### RECOMMENDATIONS: USE OF FORCE & INTERNAL AFFAIRS

- 1) Determine a single repository for use of force and IA incidents.
- 2) All use of force incidents should be investigated
- 3) Expand the role of IA to include investigating criminal misconduct of officers instead of assigning this to investigators in ISB (Investigative Services Bureau)
- 4) Develop a Force Investigation Team (FIT) within Internal Affairs to conduct serious uses of force investigations and review
- 5) Develop system to conduct criminal and internal investigations as parallel investigations
- 6) Revise MCPD use of deadly force investigation policies and protocols to require a prompt, separate, parallel administrative investigation of each officer-involved shooting, and require the preparation of a report documenting investigative findings<sup>11</sup>
- 7) Identify and define what a serious use of force is

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<sup>10</sup> New Maryland State Law will change processes for investigating officer-involved shootings effective October 1, 2021.

<sup>11</sup> New Maryland State Law will change processes for investigating officer-involved shootings effective October 1, 2021.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- 8) Allow the Districts to review only those less serious uses of force
- 9) The Internal Investigative Review Panel should broaden their role when convening on force matters, and determine if force incidents raise policy, training, equipment or tactical concerns, and record outcomes
- 10) Define a Departmental standard on what is expected to be included when conducting district level force investigations
- 11) Administrative intake should be required to be recorded
- 12) Provide training to District supervisors in force investigations and hold them accountable for evaluating their officers' videos with a critical eye
- 13) Initiate an internal auditing protocol for BWC and other force related videos
- 14) Consider issuing BWCs to SAT (Special Assignment Teams)
- 15) Consider if officers working off duty employment should be required to wear BWC for certain assignments
- 16) Implement an Early Warning & Intervention System for MCPD employees

### III. MENTAL HEALTH RESPONSE

Section III provides an initial set of observations and preliminary recommendations regarding the Montgomery County Police Department's (MCPD) services related to police calls involving a mental health component. To conduct the initial review, MCPD data, policies, training, and practices of the Crisis Intervention Team (CIT) program, and county crisis response system for people living with behavioral health conditions who encounter the criminal justice system were evaluated. This report provides an initial set of observations and preliminary recommendations regarding the Montgomery County Police Department (MCPD):

- o Crisis Intervention Team (CIT training and program)
- o MCPD policy addressing crisis response
- o MCPD's dedicated CRSS (Crisis Response and Support Services) team
- o County Ecosystem, which is crucial for a successful, integrated holistic response system
- o Overall opportunities and recommendations regarding justice and behavioral health program initiatives to strengthen 21<sup>st</sup> century policing practices

### MCPD CRISIS RESPONSE POLICY

The Montgomery County Police Department policy comes from Directive: FC921- "Emergency Evaluation of Mentally Disordered Individual", which was reviewed. This directive was published on 6/10/2005, with just over one page dedicated to CIT/alternative response; the remaining 6- pages are dedicated to involuntary commitment petitions. The directive uses outdated language, and includes processes that no longer exist. For example, the directive requires the completion of a CIT report, which according to MCPD, zero have been completed in the last two years. In addition, the directive requires prioritizing a CIT officer to respond to calls for service (CFS) involving a mental or behavioral health condition. The office of emergency communications does not have a roster of CIT officers to prioritize dispatch.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

In addition, the review included the: OLO Public Safety Responses to Mental Health Situations Report and Reimagining Public Safety Task Force Report. Interviews were also conducted to better understand the current role, function, and gaps as part of a holistic ecosystem supporting 21<sup>st</sup> century response to individuals in crisis.

### BEHAVIORAL HEALTH CRISIS RESPONSE

The section highlights some of the important reasons to strengthen strategies to address improving interactions between the MCPD, law enforcement officers and people living with severe mental/behavioral health conditions.<sup>12</sup>

**“Approximately one in four fatal encounters involve an individual with severe mental illness [health conditions],** according to the 2015 report, *Overlooked in the Undercounted*. This means that people with mental health conditions are 16 times more likely to be shot and killed by police, compared to people without mental health conditions. In addition, “reducing the disproportionate volume of contacts between law enforcement and people with severe mental illness [health conditions] is the single most immediate, practical strategy to reduce fatal police encounters for these individuals. Furthermore, there is currently no national government database collecting information regarding arrest-related deaths, let alone the role of mental illness [health conditions] or race disparities in these encounters”.

**“21% of officers time may be on mental illness [health conditions]:** The role of law enforcement in mental and behavioral health crisis response is an enormous portion of Department resources and budgets. Responding to and transporting these individuals can occupy more than one-fifth of law enforcement officers’ time, according to a 2019 report, *Road Runners*. This outsized role is a result of the overrepresentation of people with mental and behavioral health conditions within the criminal justice system, the length of time crisis service calls take, the long distances law enforcement must travel to find available mental health resources and the time officers must wait while transporting individuals in crisis to an emergency Department”.

**Bias needs to extend beyond traditional understanding, to include response to people in mental/behavioral health crisis.** Bias in police departments has gained national attention, rightfully. For example, a correlation can be drawn between African Americans, who are often viewed with their lives more “expendable” (typically compared to white people). African American men are often viewed as “more dangerous/violent”, which -taken together- too often ends with black men being killed by law enforcement at a far higher rate than white and other minorities, by comparison. People living with serious mental health conditions are often viewed as “less than”,

<sup>12</sup> <https://www.treatmentadvocacycenter.org/fixing-the-system/features-and-news/4275-research-weekly-law-enforcement-smi-crisis>

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

“crazy”, and or more violent and with their lives more “expendable”, which -taken together- too often results in people with mental health conditions being killed by law enforcement at a much higher rate than others. The Intersectionality of these identities can magnify the failures of inadequate crisis response, especially for a community as diverse as Montgomery County.

### MCPD CIT PROGRAM

CIT training in Montgomery County started in 2000 after a fatal shooting of a person with a mental health (MH) condition. Training began as the Memphis Model (voluntary/specialized only). Under this voluntary model, non-CIT officers received the 8-hour Mental Health First Aid (MHFA) in academy.

**CIT CERTIFICATION.** Presently, reportedly 66% of patrol officers are CIT certified, however, the MCPD was unable to determine if this reflects current ratios, or ratios since CIT started in 2000, as they report using a relatively antiquated training system (Telestaff) that requires officers to self-report training completion rates. The MCPD CIT training completion data identified: 73% SGT/70%LT/50% CPT/64% FTO's/66% as patrol CIT trained. Again, it is unclear if this reflects the current Department numbers. It would be useful to know the percentage of the current CIT force, trained by year. These numbers would tell us how “outdated” the Department training is, without any real refresher, advanced, specialized training/response.

**MCPD CIT TRAINING.** MCPD has moved away from the voluntary Memphis model, instead making it mandatory for all new recruits to attend post field training. There are still some officers from the Department that attend voluntarily, but this makes up a small number and includes community members, other municipalities etc. Most training participants are new officers.

There are four CIT trainings offered per year, with the Chief of Police opening the trainings. This is commendable and it signifies support from the Department’s leadership. Nevertheless, the Department and the community would benefit from increasing these course offerings to include other relevant entities including EMS, telecommunications, crisis center, jail diversion and specialty court staff, and when appropriate observation by families and people with lived experience.

Presently, the 8-hour MHFA is delivered in academy and the 40-hour CIT post field training. This is a good model, but it must require an annual refresher, advanced level training and a “bumped up” specialized voluntary cadre of officers (and typically a behavioral health unit). Under a specialized, voluntary model, there would be a CIT application process, which includes consideration of disciplinary history, performance history, recommendation from a supervisor, and a good understanding of why the officer is interested in being a part of a specialized unit. Typically, there would also be a process of “removal” of CIT status if performance were not sufficient to remain specialized.

The CIT coordinator does helps to teach MHFA and CIT, but not annual in-service on relevant topics like de-escalation, mental health etc. Including instruction in ongoing annual in-service training is a good way to integrate the CIT program into all levels of training, and moves away





## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

from a common experience of seeing CIT as an isolated training program. Additionally, all Sergeants and Field Training Officers should be CIT certified, and MCPD can put in its policy that all newly promoted officers (at all levels) be certified as part of the requirement for promotion. This builds buy-in for the program and an understanding of the tactics taught, which supports the need to often take more time on these calls.

**“SPECIALIZED” PROGRAM.** The current MCPD specialized program is made up of two full-time officers and one clinician (LCSW). There is no Sergeant assigned to CRSS, these personnel report to a Lieutenant, who has other responsibilities in addition. Due to turnover, this position was vacant at the time of this report.

The primary role of CRSS is 50% dedicated to training (MHFA, CIT) and 50% dedicated to follow up on referrals called in from their fellow patrol officers. Presently, there is no specialized “real-time” response to CFS involving persons in behavioral health crisis. It is recommended to build out a specialized behavioral health unit within the MCPD and consider a traditional co-response model as a part of that Unit. The crisis centers Mobile Crisis Outreach Team (MCOT) which will be increasing from one to five teams, can play a crucial role in this ecosystem, but presently, they are typically requested by families calling their crisis line, and after on scene, wait for law enforcement to respond before engaging with the caller. This is an inefficient model that should be re-evaluated as part of a broader crisis response system.

Alternative uniforms and vehicles should be considered for any specialized unit. Stigma is exacerbated when marked police vehicles and regular police uniforms show up on scenes where someone is calling for help due to a mental health crisis. Not only are people embarrassed to have a police cruiser in front of their homes, but uniformed police can also escalate a situation with someone in behavioral health crisis. A “softer” approach through non-traditional uniforms and vehicles is a good approach to consider.

## ASSESSMENT OF CRISIS INTERVENTION (CIT)

It is commendable that MCPD recognizes the value of the training and skills necessary for response to people in crisis. Mental Health First Aid (MHFA) for all officers is a solid foundational component endorsed not only by the IACP One Mind Campaign but it is also a good overall educational tool to orient officers to signs and symptoms of mental health conditions, and responses that are often different from traditional police training. The training matrix is consistent with CIT training in other areas of the country. CIT International recommends a general training matrix of topics to be covered, including scenario-based training and a family and peer panel to share their experience living with or affected by mental health conditions.

The new mandatory requirement of offering CIT post field training to all officers is a good addition. As stated previously, annual refresher training, advanced CIT training (youth, veterans etc.) and a specialized behavioral health unit are strongly encouraged.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The community crisis center provides a 24/7/365 services, which includes law enforcement drop off. This type of drop off crisis center is essential for law enforcement to divert from the criminal justice system, providing the community with somewhere to take individuals rather than jail and hospital emergency rooms. However, the crisis center presently has only two crisis beds (was 4 pre-COVID-19). This is vastly insufficient, and law enforcement utilization is limited due to behavioral requirements for admission. In addition, neither MCPD nor the crisis center is tracking actual utilization, so no one can report how frequently officers drop people off. MCPD officers stated that they often drop people off at the jail on low-level charges just to get them screened by the post booking clinicians. This is a major gap that needs to be addressed at the eco-system level. However, a 24/7/365 crisis center is still a critical component of a successful CIT and diversion and deflection program.

### RECOMMENDATIONS: STRENGTHEN THE CIT PROGRAM

Recommendations will be broken down into five areas: Community advisory steering committee; CIT policies; CIT training, CIT Data and CIT operations. Subsequently, the MCPD CIT policy should be updated to reflect and establish a more developed overall strategy.

### CIT MENTAL HEALTH ADVISORY COMMITTEE

The auditor had the opportunity to meet with several members of the Mental Health Advisory Committee. These were informed professionals with a clear understanding of system issues and gaps. It also included two parents of adults living with severe mental health conditions, with experience in calling law enforcement. It is a robust, integrated, multi-disciplinary steering committee. However, they meet quarterly, and express concern that key entities do not openly share data across systems, are operating in silos, and have a very disjointed community approach to crisis response. The auditor has the same observations, and addressing this is a requirement for any successful, non-siloed delivery of alternative response programs. It is commendable that this kind of steering committee is already in place and has experience to inform a better functioning system approach.

It is unclear whether the advisory committee included enough “on the ground” expertise along with high enough rank/executive leadership to make and implement decisions. It is important that “on the ground” staff/officers are present to share system gaps and recommendations, but also maintain high enough rank/executive leadership present to be able to advocate and implement change. The advisory group should be small enough to encourage rich dialogue and data sharing, but large enough to include at least one committed designee from each key stakeholder entity.

Many states and communities have both a County and State Steering Committee, with the county steering committee made up of local entities like the crisis center, jail, court, MCPD, EMS, and emergency communication, and a State steering committee made up of a designee from each participating county across the state. This recommendation should be given priority consideration, in addition to a funded CIT coordinator position that spans the county (this can



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

often be achieved by pooled resources and hired not through one specific law enforcement organization—which can sometimes cause territorial issues).

- 17) Restructure the Mental Health Advisory Committee to provide sufficient “on the ground” expertise as well as senior rank and executive leadership to provide practical and informed guidance and to ensure recommendations are implemented
- 18) Establish both a County and State Steering Committee, with the county steering committee made up of local entities like crisis center, jail, court, MCPD, EMS, emergency communication etc. and a State steering committee made up of a designee from each participating county across the state, in addition to a funded CIT coordinator position that spans the county
- 19) Include key community partners, advisory committee members and people with lived experience in the policy review and revision process to ensure consistency across organizations.

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### CIT POLICIES

The CIT policy was developed in 2005. Overall, the policy should be strengthened.

It is recommended that key community partners, advisory committee members and people with lived experience be included in the policy review and revision process to ensure consistency across organizations and that identified best practices, such as including person-first language, is being utilized. This is another place the mental health advisory committee can be utilized. After consideration of comments and suggestions, final decision-making and enactment will be given to MCPD, reflective of the needs of the Department. The Crisis response related policies should be reviewed annually, with stakeholder input. The review does not mean policy changes need to be made annually, but it does help ensure they are still aligned with training, operations, and ongoing development of alternative response programs. With rapidly changing position additions in Montgomery County (social worker embedded in EMS and telecommunications, MCOT teams) MCPD should consider deferring revisions to the policy until a better understanding is developed on role integration and required protocol.

- 20) Ensure revised crisis intervention related policies integrate well with other Department policies, as well as telecommunicator policies and Fire/EMS policies
- 21) Ensure crisis intervention related policies are reviewed annually, with stakeholder input
- 22) Suspend revisions to the existing MCPD CIT policy until a better understanding is developed on role integration and required protocols

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### CIT TRAINING

The MCPD now mandates CIT training post academy. This gives new officers time to gain street experience, which is useful to apply to the training. Because people with mental health conditions are 16 times more likely to be killed by law enforcement, making up 25% of all fatal law enforcement interactions, increasingly, Departments around the country are moving to a mandated rather than voluntary model, as MCPD has done. Presently, the CIT coordinator does



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

not have any role in the curriculum development, or training of mental health and de-escalation topics in recruit orientation or in-service. This should be reconsidered for full integration and consistency across the Department.

It is imperative that annual refresher training be added to training requirements for all police officers to refresh skills. Many MCPD officers were trained in CIT years ago, without having had refresher training since. A robust CIT program should include refresher training (annually, or at a minimum of every 2-3 years), as well as advanced training (focused on youth, veterans etc.) to increase and strengthen knowledge.

The embedded social worker in MCPD is presently revamping online refresher training, which will be required annually. This is a significant step in the right direction. While in person, scenario-based training is far better, it could be mandated every three years. This would then allow all officers to receive 40-hour CIT post field training, an annual online refresher and an in-person refresher with scenario-based training every three years. This, in combination with a voluntary behavioral health unit and voluntary specialized CIT officers, who are receiving advanced level training, would be a dramatic improvement, bringing the Department in line with 21<sup>st</sup> century policing.

In addition, many communities have CIT training for telecommunications. This is a critical component of a robust program, since they are the individuals identifying the calls in the first contact and gathering the critical information necessary for officer (or alternative) response. Telecommunications could either begin to attend the consistently offered CIT training, or develop a telecommunication specific CIT training, as many cities have done. As a result of CIT program deficiencies, there is presently not a clear and consistent County- or department- wide understanding of the overall functioning of the CIT program.

A robust CIT program involves chain of command leadership and recognizes CIT certified officers who are doing outstanding work in the field. Having chain of command leadership (Captain and above) speak at the beginning of CIT classes helps to demonstrate support and commitment to the program, set expectations, and ensure officers will give utmost attention to presenters (not be on phones/computers/leave the room etc.). This is less of an issue when provided in academy or immediately post field training, but critically important for more seasoned officers.

It is highly recommended in a mandated model that there is a “bumped up” specialized team of voluntary CIT certified officers who receive advanced training and can respond to higher level calls for service involving a mental health component. It is generally recommended that 20-25% of patrol is certified, and efforts are made to have CIT officer availability across districts and patrol shifts. Voluntary CIT officers wear CIT pins on their lapels and would be prioritized to respond to calls for service involving a person in crisis.

This voluntary cadre of officers often make up a specialized unit and are central to expansion efforts including Mobile Crisis Response Teams, follow up teams, high frequency utilizer interactions, homeless outreach etc. (see Portland PD, Houston PD, LAPD, San Diego models). Officers who have “voluntary” interest in becoming specialized CIT certified officers typically



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

complete an application, and have their disciplinary history reviewed. The CIT coordinator would consult with the applicant's supervisor on whether their skill set would be conducive to responding to people in crisis etc.

All scenario evaluations should include not just the officer's response, but also how it affects the public. Unfortunately, law enforcement around the country needs to work hard to change the narrative of being seen largely as threatening, to being integrated into the community, supporting, and protecting whenever possible. In a mental health crisis, slowing things down, using distance, cover, body language and softer interpersonal communication buys time to de-escalate and gain additional resources as needed.

MCPD should consider mandating CIT experience for all Sergeants, FTO's and any newly promoted Commanders, which, even with attrition and promotion, will build capacity and a culture of understanding the importance of the program. It is unclear how many Field Training Officers (FTOs) are CIT certified. Mandating FTO certification should be considered as new officers coming into the field can be unduly influenced by FTO's who do not have the training or context of a CIT program.

NOTE: Many Departments across the country spend a significant amount of new officer orientation and annual in-service training on proper use of force, tiered levels of force and custodial escort techniques. While this is critically important training, it is often at the expense of equal or greater amount of training on a range of de-escalation practices and tactics, such as-tone of voice, physical stance, using time as tactic, use of physical barriers, in other words, distance, cover, time, tone, stance and verbal/non-verbal communication strategies. These are measurable tactics that should be integrated into scenario-based training at all levels, reinforced, audited, evaluated, and included in policy, training, and operational compliance. When only about 4% of police CFS end in force, spending time on de-escalation and communication skills is at least equally important to proper use of force training.

- 23)** Include refresher training (annually, or at a minimum of every 2-3 years), as well as advanced training to increase and strengthen knowledge for a more robust CIT program
- 24)** Require telecommunications to either begin to attend the consistently offered CIT training, or develop a telecommunication specific CIT training
- 25)** Consider mandating CIT experience for all Sergeants, FTO's and any newly promoted Commanders, which with attrition and promotion, will build capacity and a culture of understanding the importance of the CIT program

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### CIT DATA COLLECTION

It is imperative that data collection and analysis is coordinated at all levels, including partnering organizations to inform program assessment and strategic planning/alignment, while also reducing silos. Data reporting should be shared with the advisory steering committee regularly and used to inform system gaps and needs. One of the biggest areas of concern in Montgomery County is data collection insufficiency. Our recommended data collection includes the following suggestions.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

A main data collection need is for establishing a call code system that accounts for primary and secondary call codes that best capture overall calls for service (CFS) that involve a mental health component. Presently, while there are categories to include “Mental Health”, “Mental Health Transport”, and “Suicide/Attempted Suicide”, there has not been a strategy for identifying a way to uniformly track incoming calls that involve a mental health component. While this will not always be perfect, since many calls have overlapping characteristics, there should be a designation that triggers an automated set of triage questions at call intake. For example, a series of triage questions could pop up on the screen to identify important information for officers responding and would indicate to dispatch that a CIT officer should be prioritized whenever possible.

MCPD was unaware that a secondary call code at disposition could even be used. Consequently, mental health CFS are vastly underrepresented. Some communities have a designation (ex: alpha character z) that is added to any call with a mental health component, regardless of how it was dispatched. For instance, if an officer is dispatched to a domestic call, but once on scene, it clearly involved a mental health component, the call can be closed out adding the alpha character z to the formal call code. Presently, given this example, the call would only be tracked by the primary call code (Domestic).

Calls that are closed out as calls involving a mental health component should require a CIT report be completed. A CIT report should include such information as name, address, mental health condition (if given by the person themselves or a family member on scene); characteristics indicating a mental health condition (talking to themselves or others, hearing things that you do not hear, rapid speech, depressive characteristics, odd behavior etc.); whether or not a weapon was involved, and if so, what type (knife, other object, gun etc.); use of force and type by officers; disposition of the call, including: resolved in community, referred to community based services; transport to services (voluntary or involuntary); arrest (County ordinance, misdemeanor, felony), type of charge, jail bed days, and information related to any referral to the alternative response team.

These CIT data and reports should be routed through the CIT coordinator and his/her team to track trends on these calls, including high frequency utilizers that can be referred to additional alternative response. Additionally, other useful data collection for MCPD, for example, could include overall calls for service, of those, number of calls for service involving a mental health component (ex: alpha character z), of those, how many were responded to by a CIT certified officer (primary or assist), of those, disposition, percent of calls for service that involve a mental health component, overall and by district/shifts, time from arrival on scene to close out of call (this is good to monitor distinctions -if any- for CIT calls vs. non-CIT calls), and percent use of force and types for CIT and non-CIT officers.





## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Further, the MCOT from the crisis center are currently not tracking time a request for response came in, time it takes to arrive on scene time, time it takes for MCPD to respond and arrive on scene, or time to clear a call. These are all critically important data sets that should be collected and reviewed regularly. In addition, the crisis center is not tracking law enforcement drop offs/utilization, and MCPD is not tracking when LEO's are dropping off at hospitals, crisis center, or jail, etc.

Recordkeeping can also be improved. Currently, Electronic Health Records (EHR's) are different for the county and the state (EPIC/NextGen). This presents barriers for county versus state employees to access critically important clinical treatment records before and after arrival on scene. In Montgomery County, the social worker embedded in EMS is a state employee, and the social worker embedded in the MCPD is a county employee. They do not have access to the same EHR, which would be useful on these calls involving a person in crisis. This could be solved by developing an MOU with EMS (county), or moving the position out of DHHS and under the umbrella of EMS.

- 26)** Establish a call code system that accounts for primary and secondary call codes that best capture overall calls for service (CFS) that involve a mental health component
- 27)** Require a CIT report be completed for calls that are closed out as calls involving a mental health component
- 28)** Ensure the Mobile Crisis Outreach Team (MCOT) from the crisis center track time a request for response came in, on scene time, time an MCPD officer responds, and time to clear a call; track law enforcement drop offs/utilization, and ensure MCPD tracks when LEO's are dropping off at hospitals, crisis center, or jail

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### CIT OPERATIONS

While "Crisis Response and Support" is listed under Special Operations on the MCPD website, there is no description of what that is. This may be an indication of both how CIT and any specialized response to people in crisis may be viewed by the Department, and the somewhat disjointedness of the program itself. To be effective, a specialized unit must have access to chain of command, and proactively invited to the table to share data and make recommendations. If it is not given priority with chain of command, stagnation occurs. Once CIT becomes a more deeply embedded and robust program, as intended, it should be identified on the website like any other specialized response, and consideration should be given to including additional programming like alternative response that the MCPD intersects with.

Currently, there is no standardized roster of CIT certified officers on patrol, which district/shift they are on, ensuring it is accurately coded and updated daily for telecommunications so that the nearest available CIT officer can be dispatched. Presently telecommunications have to ask "over the air" if a CIT officer is available, and they only do that if a family member specifically requests one. Essentially, CIT officer response in the way it should be is non-existent.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The community should be educated on CIT and on how to request a certified CIT officer. They should be able to identify the officer by the CIT pin they wear on their uniform. There are many opportunities to educate the community, however a more cohesive CIT program needs to be developed before extensive community education.

There is no requirement for Sergeants to audit BWC after each shift, including those that were identified as having a mental health component. This is important not only for overall accountability and coaching, but also to assess CIT skills utilized, and resources accessed. It is also one of the reasons Sergeants should be trained in CIT.

The required response to resistance, use of force documentation and BWC review does not include a tangible assessment of “de-escalation” strategies implemented. As indicated previously in this report, measuring whether time, distance, cover, tone, stance, asking open ended questions versus commands, calling for specialized units etc. are important to evaluate. These are tangible ways to assess use of de-escalation strategies, which reinforces to officers what the Department means when they are prioritizing “de-escalation”. Otherwise, the word becomes diluted, and the response is often seen as a “check box”.

It is important to note that Montgomery County has a plan in place to build a “restoration center” modeled after San Antonio’s which will include 20 detox/sobering beds and 20 crisis stabilization beds. While it is estimated to be (3) years out from operational, this will be a critically important addition to the county’s crisis response. There needs to be an operational assessment of the County’s existing 24/7/365 crisis center. It must be easily accessed, and conducive to law enforcement (without long wait times, extensive paperwork, or exclusions as to who can be taken to the crisis center), otherwise, efforts for diversion will be deterred. If it is easier to book someone into the jail than to divert to treatment, officers will often choose arrest. A robust 24/7/365 drop off center for law enforcement officers (that typically can also be accessed by individuals and families themselves) is essential and should be funded and supported.

**29) Educate community on CIT and on how to request a certified CIT officer**

**30) Conduct an operational assessment of the County’s 24/7/365 crisis center**

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### RECOMMENDATIONS: ALTERNATIVE RESPONSE

Montgomery County may decide to develop a more robust, integrated crisis response system (co-responder model, behavioral health unit, mobile crisis outreach, and or community facing social worker embedded in telecommunications to divert non-emergency call involving a mental health component). A clear line of supervisory chain of command in these cross-discipline programs is essential for the clinicians. A data analyst should be considered, either internal, or externally contracted- typically with a local University. The following recommendations should also be considered.

The County should establish clear criteria for telecommunications to identify and dispatch these calls, and ensure there are regular, robust, ongoing trainings (including call code designation, triage questions, and CIT training). A coordinated effort between the CIT coordinator and



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

telecommunications to cross train on CIT efforts should also be encouraged. Both need to have thorough awareness of the program, and why it is critically important to have a streamlined approach. Data sharing to bridge gaps and monitor progress is critically important. The County may also consider embedding a clinician inside telecommunications to divert from law enforcement response at all, while also utilizing a warm hand off as necessary to a resource line, often provided by organizations like NAMI.

Firstly, the job description, selection and hiring of the co-responder/alternative response positions should be carefully and thoughtfully considered and should be co-developed and co-interviewed between participating entities (for example, MCPD and the crisis center). It is imperative that both organizations agree that the person(s) is a good match for the role. Consideration should be given to where clinicians are housed, within MCPD or the crisis clinic. Often, housing clinicians inside police headquarters or at police district offices allows rapport to be built with officers, and allows ongoing opportunities to promote the program to officers.

Montgomery County may also consider a model of embedding a community facing clinician inside telecommunications to assist with non-critical calls. Currently, the role of the social worker embedded in telecommunications is to support staff. The county can also utilize current employees of the crisis center for expansion of co-response models. It is a steep learning curve just to learn the services, agency protocols, and accessibility guidelines within the organization you work for, let alone attempt to do it as a part of a new pilot program that needs to be successful early on. If officers see that clinicians do not know where to take someone, what paperwork will need to be completed to access those services, or for example, who to call in the organization, officers may often give up on the use of it. This is difficult to rebound from. Typically, seasoned clinicians are hired internally, who already have strong familiarity with the organization operations.

- 31)** Consider embedding a clinician inside telecommunications to divert from law enforcement response at all, while also utilizing a warm hand off as necessary to a resource line
- 32)** Establish paramedic, clinician, soft uniform CIT officer and PEER dedicated co-response teams

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### RECOMMENDATIONS: INTEGRATE ALTERNATIVE RESPONSE SYSTEMS

Montgomery County may consider embedding community mental health center case manager(s) inside the jail to crosscheck the daily jail booking report with the client database at the community mental health center. This can allow for regular identification of active clients who are booked into the jail, for what crimes, how long they are in jail and at what cost to the city. These basic data points help inform areas for diversion, offer rapid communication with jail mental health staff regarding medications the individual is on for continuity inside the jail, assist with coordinating a warm handoff at release from the jail with either a family member or their assigned case manager, and identify high frequency utilizers to connect with justice involved case management teams for proactive outreach. These same case managers can also be assigned to the mental health dockets for continuity between judges, attorney's, and case managers.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The County can develop justice involved case management teams at the community mental health center who have the role of serving the high frequency utilizers of law enforcement calls and jail bookings. Further, Montgomery County may also consider paramedic, clinician, soft uniform CIT officer and PEER dedicated co-response teams. Any reasonable effort to move toward a medical response and away from a law enforcement response may be valued by the community. SAMHSA's Sequential Intercept Mapping (SIM), and the Sequential Intercept Model are good resources and training for communities to identify gaps in community systems.

- 33)** Embed community mental health center case manager(s) inside the jail, and also assign them to the mental health dockets for continuity between judges, attorneys, and case managers
- 34)** Develop justice involved case management teams at the community mental health center who have the role of serving high frequency utilizers of law enforcement calls and jail bookings.

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### RECOMMENDATIONS: ENHANCE COUNTYWIDE MENTAL HEALTH RESPONSE

- 35)** Utilize and facilitate union collaboration in order to work through and mitigate countywide institutional and departmental barriers that may get in the way of seamless interagency efforts to improve mental health and crisis response.<sup>13</sup>
- 36)** Follow opportunities for legislative advocacy. Maryland is one of only three states without Outpatient Treatment Orders. Legislative advocacy should become a priority. The current mental health advisory committee would be a good place to gain momentum with this area of reform.
- 37)** Consider integrating state/county into one EHR—EPIC.
- 38)** Analyze system workflow and data to evaluate gaps and make recommendations
- 39)** Streamline centralized call intake and dispatch system (Crisis Center hotline, 311, Everymind, 911)
- 40)** Provide more robust alignment in criminal justice/behavioral health programs including jail diversion, specialty courts, CIT, Co-responder, EMS, and Telecommunications
- 41)** Expand pre-booking services—which are essentially absent now

## IV. MCPD EDUCATION & TRAINING

Section IV provides an initial set of observations and preliminary recommendations regarding the Montgomery County Police Department's (MCPD) training programs. This initial report will focus on the following training programs: recruit training (Academy), in-service training, supervisory training, field training officer (FTO), de-escalation, community policing, and cultural diversity and bias free policing.

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<sup>13</sup> The local police department, EMS and crisis clinic personnel are each unionized.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

At the time of this preliminary report, the Academy informed us that several lesson plans were being developed on topics such as use of force and cultural diversity, etc. These new lesson plans would better reflect the current state of training on these topics. MCPD forwarded these lesson plans while on the site visit and will review and comment on them in the final report.

To conduct the initial review, a request was made to MCPD to forward all training-related policies, procedures, manuals, lesson plans, testing protocols, training calendars, etc. for review.

ELE4A conducted a site visit to Montgomery County, Maryland, between February 21, 2021 and February 26, 2021. During this visit MCPD training was observed for four consecutive days. We specifically chose this week as MCPD was conducting scenario-based training for in-service on de-escalation and Academy training on use of force and constitutional law. The initial review aimed to develop recommendations for enhancing training: to evaluate training in community policing including problem-oriented policing, stop/search/arrest (SSA) particularly in traffic stops, bias, culture diversity, use of force, firearms and less lethal weapons, crisis intervention, de-escalation, vehicle pursuits, and defensive tactics, with attention to racial disparity and improving bias-free policing.

### RECRUIT TRAINING

The MCPD manages a regional Police Academy that provides basic recruit training to several smaller law enforcement agencies within Montgomery County, Maryland. The main purpose of the Academy is to provide the basic skill sets required to become a State of Maryland certified police officer per the Maryland Police and Correctional Training Commission (MPCTC).

#### POSITIVES: RECRUIT TRAINING

The Academy successfully fulfills its primary mission, which is to provide basic recruit instruction and prepare its students to pass the MPCTC final exam and obtain a State of Maryland police officer basic certificate.

The Academy is located on a large training site that serves as the Academy training center for both the Police and Fire Departments. The site is very impressive with college-campus style professional classrooms and sufficient technology to effectively teach its recruits.

The training center site has an Emergency Vehicle Operations Center (EVOC) vehicle training track, which is rare for an agency of this size. It also has a City Scape layout of buildings that it uses to provide Reality-Based and Scenario-Based Training.

The Academy provided 945.5 hours of instruction for its Academy class session No. 69. This number of instructional hours surpasses the MPCTC minimum requirement to provide recruits with 750 hours of instruction. The Academy also surpasses MPCTC sub-topic instructional requirements (firearms, crisis intervention, etc.).



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The Academy is highly structured with most training days beginning with classroom instruction on various learning domains (values and ethics, legal, community policing, criminal investigations, etc.) and ending the day with defensive tactics and physical fitness.

The Director of the Academy is experienced and has served in this role for approximately two-years. The Academy instructors are well trained and clearly understand how to conduct learning activities such as role-play scenarios. The Academy staff takes pride in providing the best possible training to its recruits.

The Academy obtains its curriculum from different sources such as the MPCTC, and various Federal and respected law enforcement agencies. Academy instructors are taught to write curriculum and add any agency-specific training requirements such as Department policies into the lesson plans.

The MCPD is a Commission on Accreditation for Law Enforcement Agencies (CALEA) certified law enforcement agency that only 6% of all United States law enforcement agencies can claim. CALEA sets many standards, including training, that the Department shall follow to maintain its certification.

The Academy has a prosecutor from the State's Attorney General's Office assigned permanently to its training staff. This allows the Academy to provide exceptional constitutional law training.

The Academy has an orientation program that is given to recruits directly after graduation. This program exposes recruits to more bias-free and cultural diversity training by touring the African American Museum and the Holocaust Museum. The orientation program also provides more psychomotor skills training in firearms and driving.

The MCPD has exceptional youth programs such as the Explorer Program and the CADET Program that not only provides leadership, mentorship, and guidance to these youths, but also enables the Department to have a build-in feeder pool for future police officer candidates.

The Academy Director embraced this audit and stated that he realized prior to this audit that the current curriculum needed more training on topics such as bias-free policing, de-escalation, procedural justice, community policing, and fair and impartial policing, etc., and began obtaining curriculum on these topics to build into the Academy and various in-service training classes.

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### RECOMMENDATIONS: RECRUIT TRAINING

- 42)** The Academy has lesson plans for all learning domains required by MPCTC, but the curriculum lacks some details in certain classes. For example, we reviewed the lesson plan on Use of Force and determined that de-escalation was covered in the class - although briefly. In a day-long meeting with the Academy Director, we identified which lesson plans and training documents needed refinement.
- 43)** The Academy is structured in a traditional law enforcement training format with certain learning domains (criminal law, etc.) being taught and then tested. While the Academy has a rational justification for when each class is taught, it does not teach classes at the optimal





## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

best sequenced time – such as teach a legal class on reasonable suspicion followed by a tactical class on pat down searches, etc.

- 44) The concept of sequencing classes at the optimal time was discussed with the Academy Director and a staff member who is responsible for the Academy calendar. Exemplars of sequenced instruction from the Los Angeles Police Department (LAPD) Academy were given to them for their review.
- 45) The Academy should consider introducing training constructs in its design of Academy curriculum. Academics have long known that human beings learn from three domains called Cognitive, Affective, and Psychomotor. These domains are translated into instructional curriculum by teaching students and constantly debriefing them on a problem-solving model for the cognitive domain, tactical concepts for the psychomotor domain, and reinforcing an organization’s mission, vision, and values for the affective domain. Following these training constructs ensures that training managers are always cognizant of developing a “Whole Officer” who can effortlessly apply all these domains in field situations.
- 46) The Re-Imaging Public Safety Committee (Task Force) identified changing the MCPC to a “Guardian” culture as their number one recommendation. This can be achieved by embracing the above training construct and using facilitation techniques in the classroom to further reinforce the MCPC motto of “PRIDE” and the Department’s mission, vision, and values during debriefing of recruit learning activities.
- 47) The Academy should also consider taking the training constructs further by reinforcing teamwork as a critical component of Academy training. By conducting training “in a team, by a team, to be a team,” you create an environment where officers watch out for each other - not only tactically but accept key concepts such as active bystandership – preventing tragic situations like the George Floyd incident.<sup>14</sup>
- 48) Finally, the Academy should consider adding the training construct of “not to an event, but through an event.” Unfortunately, most Academies teach to a conclusion - say an arrest situation. They fail to teach the recruits to go beyond this and consider the impact on the community and neighborhood. By designing scenarios where trained facilitators debrief the whole officer, reinforce teamwork, and consider impacts on the community, you will make a better officer able to handle the stresses of law enforcement today and meet several Task Force recommendations.
- 49) MCPD should consider hiring a civilian PhD as the Director of Academics or Co-Director of the Academy. This would ensure the development of the Academy curriculum and instructional protocols is at a university level. This would also support implementing the “Guardian” culture as the PhD could be a check on increasing psychomotor skills training (firearms and tactics). Having a civilian PhD as a leading training manager would also allow for continuity of

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<sup>14</sup> Note: All MCPD personnel should receive Active Bystandership for Law Enforcement (ABLE) training – another Task Force recommendation.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

operations as the sworn Captains generally rotate out of their assignments on a regular basis (approximately every three years) but the civilian PhD would remain.

- 50)** The Academy does require its instructors to debrief recruits during and after learning activities. However, they do not teach an actual problem-solving model that recruits must use to critically think and solve the numerous learning activities given to them in the Academy. Consideration should be given to adopting an actual problem-solving model (CAPRA, SARA, etc.) and using this to debrief the recruits.
- 51)** The Academy should consider adding robust scenario-testing to its curriculum. Currently, the Academy has scenario-testing protocols that are basically checklists of training objectives. While this method of testing is satisfactory, it is not ideal as scenario-testing with strong protocols that require SME development, legal vetting of the scenarios, and a double-test failure criterion, is certainly the best and most effective method to test a recruit in an Academy setting. The Academy should consider sending staff to observe scenario-testing at any of the 41 CAL-POST Academies in the State of California.
- 52)** Finally, MCPD needs to improve its process for updating training documents, training bulletins, and Department policies. Many of the documents reviewed were outdated and reflected older concepts. Consideration should be given to speeding up the collective bargaining process for approving some of these source documents. Curriculum should be written with the best and latest updated training bulletins and policies.

## IN-SERVICE TRAINING

MCPD has a structured in-service training program that meets the requirements of MPCTC and all other legislative and judicial mandates. It currently provides the training at its central training facility (Academy) and utilizes the exceptional training site to its advantage.

### POSITIVES: IN-SERVICE TRAINING

The Academy surpasses MPCTC mandated 18 hours of annual in-service training.

The Academy mandates that bias policing, ethics, and mental health conditions be taught annually.

The Academy also follows CALEA, which recently updated their standards to require annual training on topics such as Biased-Based Policing and Mental Illness (crisis intervention and de-escalation). CALEA also requires annually training on UOF, Taser, firearms, rifle, shotgun, and legal updates, and bi-annual training on defensive tactics, ethics, etc.

ELE4A observed 2021 in-service training on use of force, de-escalation, building searches, and various box and wall drills for decision-making and proper use of force options. The drill instructors were well trained and played the role of victims and suspects professionally. Safety checks were administered and the City Scape building structures added reality to the drills tested.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The observed in-service training had a Chief of Police (COP) hour where he discussed the latest developments within the Department and the current state of law enforcement in the country. The COP was sincere in his remarks and encouraged all the officers to embrace changes in training and that he was the one who asked for the Task Force audit to be conducted in the first place.

After the COP in-service discussion, we had a meeting with the COP and discussed many of the observations and recommendations written into this preliminary report. The COP was attentive and certainly seemed to be committed to accepting and implementing many of the recommendations.

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### RECOMMENDATIONS: IN-SERVICE TRAINING

- 53)** MPCTC requires 18 hours of in-service instruction annually but the topics are heavily psychomotor. MCPTC should consider mandating more human relations training (bias free, procedural justice) on an annual basis.
- 54)** The Academy should develop a more robust annual training plan that considers all facets of training. They currently have brief training documents that list their training mandates and electives. This should be updated to a professional training plan.
- 55)** Consideration should be given to creating and testing in-service personnel on scenarios that contain procedural justice, fair and impartial policing, bias-free policing, cultural diversity and sensitivity, and community policing and engagement. This would further develop in-service “whole officer” training and prevent criticism the training is too tactical.
- 56)** MCPD teaches a basic traffic stop format that does not fully embrace the concept of procedural justice. While they teach professionalism and informing the violator about the actions the officers will take, consideration should be given to adopting a traffic stop format based upon the CAL-POST 8-step model or a similar model.
- 57)** Following a structured format such as 8-step will ensure the tenants of procedural justice: voice, respect, neutrality, etc. are followed. MCPD could also reinforce the new Academy curriculum by adopting the LEED format: listen, explain, equity, and dignity. This is also a Task Force recommendation.
- 58)** As previously mentioned, the Academy should reach out and provide ABLE training to all its personnel. Adopting this training would support the training construct of “in a team, by a team, to be a team” and is also a Task Force recommendation.
- 59)** The Academy should also consider adding one more firearms qualification conditional test to its annual requirement. Currently, they conduct a training day and have their personnel qualify with their firearms during this class. This basically amounts to one firearms qualification per year – a low number.
- 60)** Finally, one of the Task Force recommendations is to move away from militaristic training and association. Field MCPD personnel wear their tactical vests on the outside of their uniforms which gives the impression to the public that they are all members of a tactical unit. Many law enforcement agencies require their field personnel to wear the vest underneath the uniform and carry an additional higher-rated tactical vest in their patrol vehicles to place on the outside when responding to high-risk calls. Adopting this policy would make the field personnel look more friendly and professional - while keeping their ability to be tactically safe.



## FIELD TRAINING OFFICER (FTO) PROGRAM

The FTO Program is based upon a modified FTO model developed by the San Jose Police Department (SJPD) and requires the probationary officers to receive training in separate phases. Each phase is designed to test the probationary officer's abilities to handle actual field operations and ultimately to perform the duties of a police officer without direct supervision.

### POSITIVES: FIELD TRAINING PROGRAM

The SJPD FTO model has been around for over forty years and numerous police agencies across the country use it to train and evaluate their probationary officers. It requires documentation of probationary officers in Daily Observation Reports, completion of a detailed 24-category checklist at the conclusion of every phase of training, and a Supervisor checklist completed weekly.

MCPD significantly surpasses MPCTC minimum number of hours for its FTO Program (State: 240 hours – MCPD: 560 hours).

MCPD has a detailed FTO manual that explains the policies, procedures, and structure of the FTO program.

MCPD also has a detailed Probationary Officer's Handbook that is given to probationary officers and used by FTO's to track their progress. The handbook requires FTO signoffs on many categories of human relations and tactical training.

### RECOMMENDATIONS: FIELD TRAINING PROGRAM

- 61)** The Task Force recommended that the FTO selection process require the candidate be given an extensive background check. The FTO selection process does include a check of the candidates past disciplinary history and job assignments. It also includes a review of their previous personnel evaluations and commendations. However, there is no FTO selection documentation reviewed that they use any form of "diversity" in the selection process. When asked, they stated that they consider this for all selections – but they should have it written into their criteria.
- 62)** Anecdotal proof that they consider diversity and gender in the selection process could be found during the site visit to the Academy. The Director stated that it is a challenge to find female psychomotor skills (firearms, etc.) instructors and that he had a plan already in place to recruit more females to this unit. He clearly recognized the need for diversity and the role model advantages to having a diverse staff.

## SUPERVISOR TRAINING

MCPD requires that all personnel attend a school designed to teach the necessary job-related skill sets for the following assignments: FTO, Sergeant, Lieutenant, and Executive (Command).

### POSITIVES: SUPERVISOR TRAINING

We reviewed all the calendars and some of the curriculum for the above listed schools and determined that the schools appear to provide the job task requirements for each assignment.

MCPD has a supervisory mentor program designed for Corporals and Police Officers III who are on the Sergeant's promotional list (candidates for promotion). They are allowed to ride in the field with experienced and respected Sergeants prior to their actual promotion. Corporals are already exposed to many supervisory activities at the District Police Stations, so they get to ride for approximately three weeks. Police Officers III ride for approximately five weeks.

When the candidates are promoted to Sergeant, they are required to attend a five-week Sergeant's School. They receive a nationally recognized three-week curriculum on leadership called the Leadership in Police Organizations (LPO). This leadership program is designed around 23 university-level behavioral science courses that teach topics such as equity and expectancy theories, conflict management, counseling, group development, etc., to name a few. It provides an excellent leadership baseline for new supervisors.

The last two-weeks of Sergeant's School is focused on teaching the job-related skills necessary to be successful as a Sergeant of Police on the MCPD.

### RECOMMENDATIONS: SUPERVISOR TRAINING

**63)** While the Sergeant's School does an excellent job teaching leadership and job-specific tasks, it has little curriculum in human relations training. Some training should be given on topics such as bias-free, Fair & Impartial Policing (FIP) model, and community policing.<sup>15</sup> This could be done by writing scenarios that enable the facilitators to discuss the human relations aspects built within the scenarios. Doing this would meet the Task Force recommendation that supervisors receive more training on community policing, leadership, and encouraging positive behavior amongst their subordinates.

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<sup>15</sup> Dr. Lorie Fridell, former Director of Research for the Police Executive Research Forum (PERF), developed this model.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- 64)** The Task Force also recommended more private sector training be adopted by MCPD. We discussed this with the Academy Director and he stated that they have received training from universities in the past, just not on a regular basis. We encouraged him to pursue better relationships with academic and business entities, especially at the supervisory level, to obtain training from them that gives a different perspective than typical law enforcement training.
- 65)** The Executive School has many training objectives that should be built into the Academy, FTO, Sergeant, and Lieutenant Schools. Objectives such as “how to use the mission, vision, and values of the Department to impact patrol operations” should be trained early in your career and not when you are a Captain of Police and a member of the Department for over a decade. The Academy should review the training objectives in their Executive School and write many of them into the curriculum of the other schools.
- 66)** Finally, the Code of Maryland Regulations (COMAR) regulations state that supervisory training needs to be completed within one-year of promotion to the rank of Sergeant. This is bad policy. Training should be provided prior to or directly after promotion to the rank of Sergeant. New supervisors who are not trained for months after their promotions can learn too many bad habits.

## DE-ESCALATION TRAINING

Many law enforcement agencies have been teaching the principles of de-escalation for decades although they have not always used this terminology in their written curriculum. MCPD understands that it is in their best interest to identify any aspects of de-escalation training and techniques and use this actual name in their written curriculum. This would make it easier to clearly reference this important training topic within the curriculum.

### POSITIVES: DE-ESCALATION TRAINING

The review of MCPD training documents revealed it does offer many training classes on topics that are generally associated with de-escalation such as Crisis Intervention Training (CIT), Crisis Negotiation Training (CNT), and conflict management and conflict resolution. They also reinforce training competencies associated with de-escalation such as improving communications skills and teaching how to understand and apply use of force options.

The Academy has 67 hours of curriculum on “conflict management and dealing with people.” They also require recruits to take an 8-hour Mental Health and Wellness class that has CIT topics embedded into the curriculum.

The Academy has recently agreed to provide training on Integrating, Communications, Assessment, and Tactics (ICAT) training that was developed by the Police Executive Research Forum (PERF). This training was specifically designed to teach de-escalation techniques and concepts to field personnel and will certainly help them to de-escalate high-risk situations.





## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

At the end of the FTO Program, probationary officers are required to complete the entire 40-hour State of Maryland approved and taught CIT course. The Task Force recommended that the CIT course be given in the Academy. ELE4A respectfully disagrees. CIT training should be given after the probationer has some real-world experience and is in a better position to understand and apply the CIT and de-escalation concepts. MCPD has mandated the CIT course in the correct place – after FTO completion and before the probationary officers become full-time police officers.

### RECOMMENDATIONS: DE-ESCALATION TRAINING

- 67)** MCPD has a 33-page lesson plan on UOF that lacks detail in de-escalation and should explain the Department’s “sanctity for life” philosophy in greater depth. The Academy is in the process of updated its UOF lesson plan. It will be reviewed to see if the above issues have been addressed.
- 68)** While the Academy teaches a tactical concept called “space, distance, and time,” they should consider incorporating even more de-escalation tactical techniques into their curriculum. There are several techniques that are easily taught and understood by recruits. One is the tactical concept of “distance + cover = time.” This formula instructs officers not to approach a person in a mental health crisis but to create distance between them, take cover behind an object (car, brick wall), and then use the time you gained getting additional resources, creating a plan, and communicating with the subject. More advanced tactical de-escalation models are also readily available to incorporate into curriculum (ICAT training will help this).
- 69)** The Academy needs to modify their reality-based scenarios and drills to require recruits and in-service officers to slow down the situation and use de-escalation tactical techniques to increase the probability of using no force or the minimal amount of force necessary. We observed a few de-escalation drills that appeared to be rushed to get all the officers in class through the drills due to time constraints. This was discussed with the Academy Director and he agreed.
- 70)** The Academy wants to create a new training cadre called the “Force Training Unit” that would require all its instructors to become Subject Matter Experts (SME) and obtain certification on all aspects of UOF, de-escalation, and force options training. This unit would then be responsible for curriculum development, teaching the above-mentioned classes, teaching less-lethal training (Tasers, etc.), and analyzing actual MCPD-UOF data for trends and patterns and then updating curriculum to handle these situations better.
- 71)** The Force Training Unit could also be utilized as de-centralized training entity that could go to District stations and provide scenario-based training on de-escalation with the goal to take the appropriate time to run slowed-down de-escalation scenarios and ensure de-escalation techniques are effectively used.
- 72)** MCPD should require that all officers be trained on Tasers and are required to carry the Tasers into the field daily. CIT training should not be a prerequisite and hold up deployment of Tasers to all field personnel.
- 73)** The Task Force recognized the significance of Tasers and encouraged MCPD to increase deployment. It is our understanding that this issue is in the collective bargaining process and all parties involved in this process should agree to speed up the deployment of Tasers.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

74) There are also organizational support entities that can assist in helping field officers respond to de-escalation situations. MCPD should consider expanding their co-responder (police officer and mental health practitioner) program, implement a call-center where mental health professionals can give advice to field officers, and have MCPD personnel work with mental health professionals to design plans to deal with persons who are constantly in mental health crisis and generate many calls for service.

### CULTURAL DIVERSITY & BIAS-FREE POLICING TRAINING

The Academy is required per Code of Maryland Regulations (COMAR) to provide “sensitivity to cultural and gender diversity” training to all recruits. They achieve this by teaching a 10-hour class on cultural diversity that includes discussions on policing in a multicultural society. Recruits also receive training on Fair and Impartial Policing (FIP) Model, Implicit Bias, Hate and Bias crimes, ethics, and are required to participate on field trips to the African American Museum and the Holocaust Museum.

#### POSITIVES: DIVERSITY & BIAS TRAINING

One Task Force recommendation is for the Academy to teach that legitimacy does not come from the law but from the community that they serve. The Academy Director embraced this and stated that they have always approached training from the perspective that we exist to serve the community and that the Department’s mission, vision, values, and motto of “PRIDE” supports this philosophy.

MCPD has an excellent pre-Academy training program for police candidates that not only prepares them physically, but also exposes the candidates to curriculum on bias free policing, cultural diversity, communications skills, and characteristics of a good police officer.

The Academy and CALEA mandate annual in-service training on bias-free policing and bi-annual training on ethics.

The DOJ’s FIP training for supervisors has several exceptional training objectives: inform and mentor subordinates on the fair and impartial policing model, identify bias policing in their subordinates, take corrective actions when they detect bias policing, assess their own behaviors and decisions in terms of their potential for bias, and communicate with community members and groups about bias policing.

The other fair and impartial policing model training classes for recruits and patrol officers have equally exceptional training objectives that are the focus of the training given.

We interviewed the lead instructor for cultural diversity training and reviewed all the scenarios that are used as learning activities in the class. The instructor explained that he wants the recruits to feel a little stressed while handling situations they may not have been exposed to in the past. The scenario training is given on the City Scape to mimic a real-world environment.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

In the cultural diversity class recruits are given same-sex domestic violence scenarios where a third person at the scene is a friend of the partners and the opposite sex. The scenario tests the bias of the officers as some of them assume the man and the women are the couple involved in the domestic violence situation. The instructor conducts in-depth debriefs of these scenarios and challenges the recruits to not let their personal bias impact their investigations nor the decisions that they must make as bias-free law enforcement officers.

### RECOMMENDATIONS: DIVERSITY & BIAS TRAINING

- 75) While the new Academy curriculum addresses cultural diversity and bias-free policing, most of the curriculum is still taught in a lecture-based format. Consideration should be given to creating more scenarios (and testing protocols) on human relations training topics.
- 76) The Task Force recommended that the Academy increase cultural diversity training from 10-hours to 12-hours. ELE4A concurs. Discussions with the Academy Director and the COP indicated an acceptance of this recommendation and the cultural diversity lead instructor was directed to begin curriculum development for the additional two-hours of training.
- 77) As previously discussed, the Academy should consider adopting the CAL-POST 8-Step traffic stop format or a similar one to prepare recruits to conduct these stops in a structured format that automatically has procedural justice (voice, respect, etc.) and bias-free tenants embedded into the curriculum. They should also teach the tenants of Listen, Explain, Equity, and Dignity (LEED) to the recruits during this training segment. This was also a Task Force recommendation that the Academy has embraced.
- 78) As discussed earlier, MCPD needs to create a more robust Annual Training Plan. They currently have brief descriptive documents that list the training mandates and electives that will be given to its personnel. It is simplistic, and efforts should be made to make it look more formal – a document that could be handed out in presentations and/or community meetings.
- 79) MCPD also needs to ensure that the training plan addresses human relations scenario training on an annual basis. They currently do a good job on tactical related scenarios but need to expand and teach more human relations scenarios. They should take the various topics that make up human relations training and ensure at least one scenario on these topics is taught each year.

## V. RECRUITMENT & HIRING PRACTICES

A police organization's success begins with its recruitment strategies. The success of the Department's recruitment efforts impacts every other function of the agency. Progressive and open-minded Departments ensure that their staff represents the communities they serve, including the underrepresented populations by race, religion, and gender.

Challenges for recruitment have become more complex in recent years due to several factors, including social, political, and economic forces. Recent well-publicized police use of force incidences have negatively impacted the public image of the police profession and have had a direct negative impact on hiring police candidates, nationwide. Scrutiny of police interactions with the public have led many young people to view a policing career in a different and more



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

unfavorable light than in preceding decades. Generational differences have also been a factor, with many millennials wanting careers with more flexible hours, relatively less stress, and with less structure. It is also more common for younger people to move from job to job, not seeking a lengthy career in one profession.

Nationally, many police agencies report problems with applicant quality and the inability to get applicants successfully through the background hiring process. Reductions in police budgets, normal attrition rates, and lengthy hiring processes with fewer qualified applicants often make it challenging for many Departments to maintain 100% of staffing levels.

**RECRUITMENT, DIVERSITY & INCLUSION.** Montgomery County has faced similar challenges in attracting candidates in the highly competitive Washington Metropolitan area. However, the Department is moving forward with adopting innovative recruitment methods and maintaining high standards for hiring police officer candidates, without any significant lowering of MCPD hiring qualifications and standards.

Diversity is a robust focus of the police Department's recruitment efforts, as MCPD seeks to reach out and connect with qualified applicants from all backgrounds, religions, races, and ethnic groups. More broadly, the Montgomery County Government publicly promotes, in public documents, that it values diversity and strives to achieve a diverse workforce through its recruitment practices. As the County population becomes increasingly diverse, all County Department leaders are expected to recognize the importance of hiring individuals who can serve a diverse community effectively and who reflect the diversity of the available labor pool and local residents.

A diverse workforce brings a wide variety of human capital, different experiences, skills, and viewpoints together to solve problems. Equity, diversity, and inclusion are essential to law enforcement operations and effectiveness. Diversity increases innovation, creativity, and strategic thinking because teams of people who come from different backgrounds can draw upon their unique experiences and wider range of knowledge to spark new, innovative ideas. Employees often feel more comfortable and happier in unbiased and inclusive environments and tend to remain longer in their professions. Diversity refers to the traits and characteristics that make people unique while inclusion refers to the behaviors and social norms that ensure people feel welcome. Inclusion is what connects people to the organization and makes them want to stay. The Department's leadership must continually promote "inclusion" as an integral part of its culture and value.

## HIRING SYSTEM

The authorized strength of the Department is 1304 sworn positions with 1277 filled at the time of this report. The professional staff authorized strength is 735 with only 644 non-sworn positions filled.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The police department's Recruitment Unit considers new and improved ways for recruiting, as witnessed on their website, described by their supervisors in recent ELE4A interviews, and as reviewed repeatedly in recruitment section progress reports. For example, it was reported that recruiting for diversity resulted in the July 2020 Academy class, Session 71, having the most diverse representation in the Department's history. Racial and ethnic minorities made up over 50% of that recruit class. However, the following class, starting in January 2021, included only a 30% minority representation.

According to the US Census Data from 2018, a demographic overview for Montgomery County is estimated to be: 43% white, 20 % African American, 20% Hispanic and 16% Asian. As of January 2020, MCPD's current demographics reflect: 74% white, 13% African American, 8% Hispanic, and 4% other.

Recruitment falls under the Management Services Bureau of the Personnel Division, and is staffed with three full-time female recruiters, two sworn officers and one Sergeant.

**MCPD RECRUITERS.** In 2019, the recruitment team added 41 police officers as decentralized recruiters. The decentralized recruiters are well trained in current recruitment information, they assist with career fairs and community events, and serve as mentors to police cadets. The team focuses efforts where they have been most successful and where MCPD previously found high quality applicants. However, one of their main and most important goals is to recruit police officers who are representative of the Montgomery County community.

To be assigned as recruiters, assigned officers must meet the qualifications set out in a position vacancy announcement, which includes key qualities and attributes such as– high-level communications skills, a strong background in community engagement, an excellent work history, satisfactory performance evaluations, and someone who is always seeking opportunities to market the Department and establish networking opportunities.

Department recruiters utilize a wide variety of outreach social media, including: Internet Advertising, Career and Job Fairs, Community Events, Recruitment Vehicles with vehicle display wraps, Billboard Advertisements, Targeted Recruitment Flyers, Surveys, Videos on Website, Lateral Entry advertisement, the Cadet Program, Special School-based Programs, and Conferences. The Section has a longstanding practice to attend career fairs at Historically Black Colleges and Universities (HBCUs) to include Bowie State University, University of Maryland Eastern Shore, Lincoln University, and Coppin State University. MCPD regularly presents about law enforcement career as a guest at Radio La Jefa, a Latino radio station.

**COMMUNITY PARTNERSHIPS & HIRING INITIATIVES.** The Department has built partnerships with educational institutions to enhance relationships with the youth in their community. They have an established relationship with all schools in the County and most student interaction is through the School Resource Officers and the Community Engagement team members. The Recruitment Unit has been able to foster a relationship with the professor for the criminal justice program at Thomas Edison High School. This has allowed them to make connections to those



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

students who have an expressed interest in joining law enforcement. Many colleges and universities transitioned to virtual career fairs during COVID-19.

The Department has a Veteran hiring preference, and applicants can substitute three years of active-duty military service, with an honorable discharge, for the required 60 college credits. In addition to other generally accepted military benefits, an officer can purchase up to four years military service toward MCP retirement, and the starting salary is increased based on years of military service. There is a similar Lateral Officer entry program, with a reduced 7-week Academy, when there are enough applicants interested in joining to make the program feasible. Lateral Program entries may exchange three years of full-time law enforcement experience in exchange for the educational requirement. All these broadly acceptable programs will assist the Department in adding additional candidates to the applicant pool. All of them must successfully complete a full background investigation before they are hired.

**CHALLENGES.** In recent years Recruitment Unit reports indicate a strong focus of recruitment in the Greater Washington Metropolitan area- a highly competitive region for police recruiting. The starting salary for a MCPD police officer candidate, of \$52,500, falls short of many starting salaries in the area. The Department requires an associate degree, or equivalent, at the time of application, or three years of active-duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by MCPD. Even though the starting salary is below some well-respected police departments in the area, the County relies on an excellent benefits package, first-rate training, a nationally accredited status, and a wide range of patrol and specialized duties to attract well-qualified candidates from in and outside the area.

Several years ago, the Montgomery County recruitment unit was averaging slightly more than 1,000 applications following announcements for new Academy sessions. To maintain applicant interest without interruption, the Department accepts applications year-round and processes them efficiently, generally within three-four months, for each upcoming class. Recently, the starting point for applications received was slightly less than 500 submissions. Once the entire background investigations are complete, the Department is frequently left with fewer than twenty-five eligible well-qualified candidates to hire.

Uncharacteristically for Montgomery County, all authorized and budgeted entry-level positions have not been filled in recent Academy sessions. The reduction in applicants can be linked to several possible influences, including: a lower entry salary for the region, the recent impact of COVID-19, heavy competition in the Metro area, competition for candidates from the business community, negative national media about law enforcement careers, a reduction in individuals leaving the military, and possibly, the negative local political climate.





**REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT**

Session	POCs Budgeted	Authorized # to Fill	Graduated/Hired
68	26		22
69	22	37	29
70	24	39	30
71	22	30	21
72	14	14	14
73	24		
74	34		

However, some in MCPD leadership positions sense they are not as “pinched” for applicants as in many other local Departments. They trust that the positive reputation of the Department, the availability of numerous specialized positions, career growth opportunities, professional core values, excellent training, and an overall good compensation package gives MCPD a competitive edge over other local Departments. Even though the Department has a robust media presence for recruitment, it reports “word of mouth” tends to be one of the greatest assets for recruiting qualified applicants to Montgomery County.

How a police Department is viewed in a community, especially minority communities, can be a barrier for potential applicants who lack support from family and friends. Therefore, improving recruitment should continue to be a broad, department-wide, effort involving steps to improve community relations and community engagement, increase transparency, and continue persistent efforts targeted at reaching under-represented populations.

**RETENTION.** Today more than ever, police administrators must focus efforts on learning why officers are leaving the Department, or their law enforcement careers. The cost of hiring and training a new police officer can exceed well over \$100,000 and take years before the officer functions fully and independently. Personnel turnover costs can include recruitment costs, selection costs, training and uniform costs and separation costs. In any Department, voluntary turnover can have a negative impact on employee morale and productivity. The Department understands the importance of monitoring these numbers in today’s social climate. As indicated in the below chart, Montgomery County has fared very well in its retention rate of sworn officers over the past six years.



**REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT**

Sworn	Jan 1 Count	Employed for Full Period	Retention Rate
<b>2020</b>	1299	1251	96.30%
<b>2019</b>	1292	1249	96.67%
<b>2018</b>	1278	1237	96.79%
<b>2017</b>	1246	1216	97.59%
<b>2016</b>	1254	1220	97.29%
<b>2015</b>	1266	1224	96.68%

**BACKGROUND INVESTIGATIONS**

The MCPD has made a concerted effort to increase communication with the community and with potential applicants through a more personalized recruitment and background investigation process. Recruiters and investigators are encouraged to be welcoming and supportive with applicants, and to provide a direct line of information throughout the hiring process. The Department understands that in this highly competitive environment, communication and regular contact can be critical to recruiting and hiring the best and the brightest candidates.

The background investigation is one of the most critical elements in the hiring process of new officers. Background investigators play an important role, not just in screening and evaluating candidates, but also in shaping the “culture” of an agency. Departments can receive thousands of applicants per year, often with less than one-third of the applicants reaching the background investigation stage. The entire employment process for potential MCPD police officers, from application to hiring, ranges from four to nine months.

The background investigation is a labor-intensive process, usually taking months and traditionally resulting in large quantities of paperwork. Currently, MCPD background investigators are using a paper system; however, they are actively exploring some cloud-based systems. Having remote access to files will help the team of background investigators and supervisors process applications in an improved, timely manner, for example, while working at the office or another location. Further, a more modern system benefits the Department by providing electronic review and transmission of information, especially during the COVID-19 pandemic and aftermath.



## OPPORTUNITIES FOR INNOVATION

Many agencies are increasingly using technology to streamline the recruitment and hiring process and ensure accuracy of recordkeeping.

### TECHNOLOGY

MCPD hiring should move to cloud-based technology, making it easier to securely connect applicants, references, and investigators. A cloud-based system also provides easy access for supervisory reviews and those making decisions on the final hiring decision. Most are agencies making the change to the digital age, and away from archaic systems with paper files, find it can dramatically cut the average time for conducting and completing background investigations.

These software packages also provide background investigators with additional tools to efficiently perform their jobs. One evident value is the capability to log in anywhere and review information in the background file from a desktop or mobile device. Clearly this is an improved process, rather than printing and sharing large paper files, or assessing cases one reviewer at a time.

Software systems make it easier to respond to applicants and to request additional information from applicants or references when needed. Applicants can quickly and easily submit information, and agencies can review and respond to that information rapidly, versus the existing system that relies on a need to wait for the applicant to e-mail the information or deliver the information in person.

A cloud-based system with a single access point allows supervisors to easily access files for progress, and assists background investigators in compiling and presenting a comprehensive file for each applicant, as well as having all the information in one place. The system can also track all activity on each background file and provide useful reporting and alerts for missing hiring elements or approaching deadlines. Finally, MCPD applicants may appreciate the ease of use and convenience that comes with using a digital system.

Today's job market moves at a fast pace, with positions often being filled in a matter of weeks, especially in the private sector. In response, the Department is looking to streamline recruitment and background investigation processes to get individuals hired faster, before they are offered other job opportunities. The current process requires the applicant to make at least three to five separate appointments. Therefore, the Department should always be looking for ways to streamline these processes.

### PROMISING PRACTICES

The Department has had success in reinstating the police cadet program. The cadet program was a successful program for many years in the 80's and 90's, and was renewed five years ago. Police cadet programs are designed to prepare young people, typically in their late teens and early twenties, to become police officers of the future. Cadets work in a paid civilian capacity for



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

the Department, undergo training, and are mentored by police officers. The Department has increased minority representation through this program, and the program has potential to continually bring greater numbers of local residents into MCPD's organization, promote diversity and to increase community knowledge within the officer ranks. In the past two years the Department has had eight cadets become police officers. During the life of the cadet program, seventeen cadets have become police officers and, of those hired, 76.5% are from diverse populations and 24% are women.

Many Departments, including Montgomery County, have progressed away from the traditional approach to police hiring – which was heavily toward the “warrior” aspects of the profession. Today the Department is focused on recruiting and hiring for the “guardian” role that police officers must be prepared to assume. The Department has identified an appropriate core set of personality traits, characteristics, and capabilities they are looking for in officer candidates, discussed in other sections of this report.

Applicants are encouraged to participate in ride-alongs with police officers. This helps the Department evaluate the skills of the candidate in relating to and communicating with community members, and it gives the candidate a realistic view of what police work entails.

Within the hiring and screening process itself, evaluating and measuring the desired qualities and traits of officer candidates are not simple tasks. There are behaviors uncovered in the background investigation process have been almost automatic disqualifiers for many Departments. The Department works with County personnel to review and update testing so that the process measures key personality traits needed for the job of police officer. The Department has updated scenario-based questions that address a “fair and impartial policing” approach and touch on a variety of human experiences, as opposed to more outdated roles of a police officer.

It is essential that the Department use the process to identify and screen out those candidates who do not possess the needed values and character traits for a policing career in Montgomery County, as well as those who are unethical, explicitly biased, or otherwise unfit to serve.

**COMMUNITY VALUES & SCREENING CONSIDERATIONS.** It is important that the Department hire candidates who share the values of the community and the Department. For example, for some departments today, an emerging challenge is how to screen out candidates effectively, whose performance would be impacted by past drug use or poor credit reports, without pushing out otherwise strong candidates who may have used marijuana recreationally in the past but whose performance would not be affected.

Another example of the importance in realizing community values is related to screening out other concerns, including bias. For example, explicit bias – attitudes and beliefs that exist on a conscious level and that control one's judgment and behavior toward certain people – must be an automatic disqualifier. Implicit bias refers to bias in judgment or behavior that results from subtle attitudes and stereotypes that usually exist below the level of conscious awareness and which the individual does not intentionally control. Background Investigators are taught to look to other sources of information that may uncover bias. For example, a candidate's biases often emerge



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

through their social media posts. The key to effective hiring is to weed out candidates who display explicit bias and work to acknowledge and provide training for implicit bias.

The Montgomery County Department leadership looks at each case independently to be able to distinguish between unfortunate circumstances and negligent or criminal activity when it comes to job applicants' personal finances. Until a few years ago, candidates who filed for personal bankruptcy, defaulted on a loan, or had other serious financial problems were often automatically disqualified from most Departments during the hiring process. At the time, it was thought that personal financial difficulties represented a failure to follow through on one's obligations and even posed a major integrity issue by making candidates susceptible to bribery. Following the recession in the late 2000s and the more recent COVID-19 pandemic, people are attempting to enter the workforce more frequently with a history of financial problems. Many police Departments have recently adjusted thinking on how personal financial problems should affect eligibility for hiring. Rather than treating these types of situations as automatic disqualifiers, agencies are now taking a more detailed look at the underlying issues, and their context. The Department should continue to consult with the community when identifying the desired traits, characteristics, and capabilities they are seeking in their newly hired officers.

Montgomery County uses a polygraph exam as part of the hiring process. The polygraph is in conjunction with a pre-polygraph personal information booklet. The polygraph is an investigative tool to establish a baseline against which the truthfulness of a candidate's answers can be measured.<sup>16</sup> Appropriately, the polygraph is not used as a sole disqualifier in the process. Psychological exams are standardized, validated, and normed for the position of police officer. The Department uses psychologists who are trained and qualified in the specialty area of public safety psychology to conduct examinations of applicants.

**ADVERSE IMPACT.** Police Departments are encouraged to regularly review their hiring processes to determine whether there is adverse impact at any stage in the hiring process. Adverse impact refers to employment practices that appear neutral but have a discriminatory effect on a protected group. Adverse impact may occur in hiring, promotion, training and development, transfers, or even performance appraisals. Adverse impact analyses provide a statistical review of employment decisions to determine whether discrimination is indicated in the decisions.

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<sup>16</sup> "OTO concluded that, while there is some evidence for the validity of polygraph testing...there is very little research or scientific evidence to establish polygraph test validity in large scale screening...[including]...pre-employment, [and] pre-clearance..." *Scientific Validity of Polygraph Testing: A Research Review and Evaluation. A Technical Memorandum.* Office of Technology Assessment (OTA). TM-H-15, 1983.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

The Department recently completed an adverse impact analysis, conducted for Police Officer Candidate Sessions 64-72, for the period April 2016 – January 2021. The report, dated May 2021, indicates the following:

- In aggregate data, there is disparate impact in the overall selection of several minorities: primarily black candidates, and to a lesser degree “Other” (two or more races)
- In a review of “overall data”, it appears that the most notable areas of contributing impact fall within the background phase, then within the area of the written testing
- In aggregate, there is not disparate impact in the written section, however some analyses show disparate impact for Asian, Black, Hispanic, Other, respectively
- While not an area that is considered for the impact analysis, it is important to note that in aggregate data the reported rate (scheduled but withdrew, no show, or no response) for Black candidates across all stages is the lowest of all groups, while black applicants represent the second largest group at 28% of total applications over the last five years.

The Department’s preliminary response to this data includes:

- Outreach: MCPD will continue to prioritize outreach to diverse applicants and look to develop new ways to engage diverse candidates
- Written Testing: in a response to an evaluation of our data, MCPD is responding by examining thresholds for the passing grade for the upcoming hiring process. The goal is to allow more candidates to enter the process and expose them to further review opportunities than may have been possible before.
  - Additionally, MCPD is continuing to evaluate the benefits /impacts from the change from in person to online testing that occurred within the two most recent police officer candidate hiring sessions as a potential contributing factor. COVID-19 necessitated a shift to remote testing. The test vendor also conducts adverse analysis on their test products.
- Follow Up: MCPD is following up with applicants that do not show up for testing to determine why they did not report and encourage applicants to continue with the process. The goal of this outreach is reaching the maximum number of applicants possible, and making follow up with black applicants a priority, as the data has directed.
- Evaluation: MCPD will continue to evaluate its hiring process to ensure that it continues to develop a diverse police department that is reflective of the community, while maintaining high standards to hire qualified and professional individuals for the position of police officer candidate.

The Department has become more flexible in how they schedule candidates for the different component parts that make up the hiring process. For example, rather than waiting for a full class of recruits to form before making offers to individual candidates, the Department makes offers and even hires highly qualified candidates in a civilian capacity.



## RECRUITMENT & HIRING RECOMMENDATIONS

The Department understands it must assess its hiring practices and outcomes continually to be competitive and successful in recruiting, hiring, and retaining the level of well-qualified candidates the Montgomery County community expects and demands. Recruiting, hiring, and retaining the right people are the critical first steps to achieving the larger goals of reducing crime and building relationships of trust with the community. MCPD should consider the following recommendations:

- 80)** Add a cloud-based technology as a streamlining measure and to increase effectiveness and efficiency for background investigators
- 81)** Reduce the amount of time it takes to process candidates using technology and combining processes when practical
- 82)** Review and analyze adverse impact analysis reports regularly for negative trends and adjust practices as warranted to reduce adverse impact at any stage, if indicated
- 83)** Consider increasing the starting salary for entry-level MCPD police officers to become more competitive in the Washington Metropolitan area
- 84)** Assess MCPD employee turnover continually, and reasons officers leave the Department
- 85)** Provide training and leadership guidance so that workplace “inclusion” becomes part of the everyday MCPD work-life culture

## COMMUNITY POLICING

The Academy’s curriculum on community policing and engagement is basic and traditional. While it has some exceptional classes on community policing, it does not teach a community policing model or actual philosophy. Further, while it briefly teaches Scanning, Analysis, Response, and Assessment (SARA) in the community policing curriculum, there is no follow up on this problem-solving model that would require recruits to solve scenarios using it in the Academy.

## POSITIVES: COMMUNITY POLICING TRAINING

The Academy does teach a 2.5-hour class led by the Director of the Academy on Ethics in Policing and 21<sup>st</sup> Century Policing. This class recaps the six key pillars in the Report on 21<sup>st</sup> Century Policing and “Mending Broken Trust: Police and the Communities they Serve,” by Chief of Police Charles Ramsey. This is an excellent class to inform recruits about expectations of a modern police officer including discussing future ethical dilemmas they may face.

MCPD is required to forward a report on the state of community engagement to MPTSC that provides a window to view how effective they are in community policing and engagement. MCPD is required to answer the following questions in the report (abbreviated): 1) how is community policing integrated throughout the agency; 2) how does top management emphasize and support community policing; 3) what is your current training on community policing and what future training on increasing interaction and problem-solving with the community will you conduct; 4) how can crime problems be identified and communicated to the community; 5) how do you



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

partner with the community to prevent crime and identify crime; and 6) how do you measure your effectiveness.

MCPD has a brochure called FAQ that looks like a Community Engagement Division (CED) handout for community meetings. This brochure is filled with frequently asked questions (FAQ) on several important topics like ways the Department focuses on community policing, goals of the CED, requirement to provide training on implicit bias and de-escalation, etc. The brochure provides Montgomery County residents with an important overview on how MCPD addresses key talking points asked of law enforcement agencies around the country.

MCPD has excellent youth programs, volunteer academies, many specific community forums where selected groups (African American, Hispanic, etc.) can discuss their issues with CED or local district MCPD personnel, one high school program that allows junior and seniors to focus on a possible law enforcement career, etc. They clearly have identified some best practices in community engagement programs nation-wide and implemented them in Montgomery County.

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### RECOMMENDATIONS: COMMUNITY POLICING TRAINING

- 86)** The Task Force stated that their top two recommendations were changing the existing MCPD culture to a “Guardian” culture and increasing community policing and problem-oriented policing. The Academy should strongly consider embracing the “Whole Officer” training philosophy, as it would require them to support the guardian culture and adopt a problem-solving model that could be used in the Academy and by patrol officers to solve community policing problems in the field.
- 87)** The Fraternal Order of Police (FOP) Lodge 35, which represents the rank and file of the MCPD, strongly recommended that MCPD change the way that they conduct community policing and go back to the way it taught and implemented it in the field years ago. According to the FOP-35, back then, field officers were taught a problem-solving model in the Academy that they had to use to solve real world community policing issues. Somehow, this model was discarded along the way and efforts should be made to re-teach this philosophy and require patrol officers to use it in the field.
- 88)** The report on the state of community engagement prepared by the Community Engagement Division (CED) to the MPTSC stated that MCPD reconstituted CED in 2016 after an approximate 7-year hiatus. It appears that MCPD has struggled to adopt a community policing and community engagement philosophy that they are comfortable with. They should consider taking site visits to other law enforcement agencies known for their strong community policing and community engagement programs and implement aspects that would work in Montgomery County into their community policing program.
- 89)** A review of the various training documents and policies shows a lack of commitment to community policing training. For example, COMAR does list crime prevention as a key topic but does not address community engagement, etc. The Academy’s overview document listed 18 critical areas of training (crime investigations, defensive tactics, etc.) with no mention of community policing. Finally, a review of the Sergeant and Lieutenant School’s calendars did not list community policing. It was, however, well covered in the Executive School for

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

command officers – which frankly is way too late in the training developmental process and should have been addressed in schools much earlier.

### VI. EARLY WARNING & INTERVENTION SYSTEM (EIS)

**90)** The MCPD should have an Early Intervention System to help identify struggling officers.

Having a system to help identify officers in need of assistance is a benefit to the officer, the officers working the same shift and duty assignment, the officer's supervisors, the police agency, and the community the officer serves. Implementing an Early Intervention Policy also provides direction for periodic reviews of officer performance. Further an EIS system and policy are important tools that provide considerable options to address a struggling officer's needs. Having an early warning & intervention system is a benefit to the officer, the Department, and the community. The more information the EIS can make available to the supervisor, the more effective the system will be and the more valuable it will be to the officers and the Department.

A well developed system, including key performance measures include initial costs, however, those costs may prove to be cost effective if the system is used to its full potential.

Costs can be saved several ways including:

- Department Efficiency - enhanced efficiency by identifying the high-performing officers and placing them in the right positions, which can result in producing better work with fewer personnel.
- Reduced Costs Related to Personnel Actions - early warning & intervention can identify officers who need assistance by providing their supervisors with an alert for significant incidents. Supervisors should be compelled to take employee actions and provide reports when they conduct their required quarterly review of data. Costs can be saved through fewer disciplinary cases, and addressing poor performance before the officer gets to a point of termination can save careers.
- Reduced Costs in the Community - EIS can identify troubled or poor-performing officers and ensure supervisors take corrective action to prevent expensive claims and lawsuits. Better performing officers also lead to better interaction with residents providing greater value.

#### RECOMMENDED EARLY WARNING & INTERVENTION SYSTEM DATA

This report provides only a basic explanation of key elements of a premier early warning & intervention system. Less inclusive systems can be nearly as effective but only if they contain the critical components needed to make effective decisions regarding both exceptional and troubled employees. In addition to the information needed to make knowledgeable assessments of employee performance, it's critical to know how to use the information and to incorporate comprehensive procedures to ensure the data isn't wasted. Proper training, documentation, and procedures are necessary for an effective EIS.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

To have a premier EIS, an agency would need to include all the following information in an EIS:

- Awards
- Promotions
- Arrests\*
- Discretionary Arrests (disorderly conduct, public intoxication, obstructing, interference with officer/administration of law)
- Traffic Stops\*
- Vehicle Pursuits\*
- Search/Seizure\*
- Subject Resistance\*
- Weapons Discharge (intentional and unintentional)\*
- Training records
- Transfers
- Secondary employment
- Officer injury
- Criminal investigations\*
- Civil Claims and Lawsuits\*
- Citizen Complaints\*
- Suspensions
- Disciplinary action
- Unauthorized leave
- Sick leave\*
- Vehicle collisions\*
- Mandatory counseling\*
- Missed court appearances\*
- Loss of Equipment\*
- Officer subject to restraining order\*

A Department may opt to include only portions of the above listed data. However, a Department should include the following (\*) as a minimum to identify officer performance problems. Each of these indicators can be indicative of an underlying crisis, especially when they are accompanied with other indicators in other performance measures.

This data can help identify struggling officers. Some studies have shown up to 25% of a Department's officers grapple with substance abuse. An officer experiencing this difficulty may also be experiencing financial problems and relationship problems that will affect the officer's performance. The supervisor, using an early warning & intervention system, may observe the officer's productivity has decreased in arrests and traffic stops while the officer has demonstrated an increase in sick leave, missed a court appearance, received a citizen complaint, had a vehicle collision, lost a piece of equipment, and been counseled by a supervisor. Although there may only be one instance or two in each of those areas, the culmination of alerts and the type of performance measures signaled can indicate substance abuse problems.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Other studies indicated many officers suffer from post-traumatic stress syndrome due to the nature of their work. Many of those officers and their supervisors fail to recognize PTSD and would not know how to get help for themselves or their subordinates even if they did recognize it. A Pew Research Center survey of officers published on March 9, 2017, found that nearly one in five officers (21 percent) were frequently angry and frustrated on the job. It also found those officers more likely to support more physical or aggressive policing. The anger, the frustration, the prospect of policing more physically and aggressively, and the excessive use of alcohol dramatically decrease the likelihood that an officer will have a successful career.

An officer experiencing anger management issues may be the subject of alerts for use of force, a restraining order, a criminal investigation, a lawsuit, a citizen complaint, excessive sick leave, and counseling by a supervisor. Although there may only be one instance or two in each of those areas, the culmination of alerts and the type of performance measures signaled can indicate anger management problems. Alerts in each of the areas listed above have the potential of identifying officers in need to intervention.

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### Access to Information

Only the supervisors in an officer's chain of command should have access to the performance measures of any officer. Each sergeant should have access to all EIS information for each subordinate. Each lieutenant should have access to each sergeant and all the officers or detectives reporting to those sergeants. This process should be continued through the chain of command until the chief of police has access to all Department personnel. This maintains the confidentiality of personnel information.

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### Peer Groups

For a supervisor to be able to decide whether an officer's performance is exceptional, normal or substandard, it is helpful for a supervisor to have a benchmark of the performance of all other officers performing similar duties in similar work environments.

The Department should determine which officers comprise a group conducting similar duties. This could be the officers on a shift in the same duty location or officers throughout the Department working the same type of job on the same shift (i.e. patrol on the PM shift or patrol on the night shift). Once the peer group has been determined, supervisors will be able to conform to the current Department requirement, "Unit assignment/function and geographic area of responsibility should be taken into consideration." The EIS will have already made those determinations and provided them to the supervisor for comparison.



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## Alerts

Alerts should be automatically delivered electronically to supervisors when actions in any of the performance measures exceed the thresholds established for those areas. The Department should determine the thresholds. Suggestions are listed in the following two groups of alerts.

Alerts should be provided in one of two categories, possibly identified as a “yellow” alert and a “red” alert. Yellow alerts should inform supervisors a threshold has been passed and a red alert should inform supervisors when a significant threshold has been passed.

For the first group of alerts, a yellow alert would notify a supervisor if an officer had one instance of any activity listed of any activity recorded in the first list during the prior quarter. Each of these incidents is important although they do occur occasionally. A red alert would notify a supervisor if an officer had two instances of the same type in any of the following during the prior quarter. It is unusual for an officer to have two instances of the same type in the prior quarter such as, weapon discharge, officer injury, criminal investigation, civil claim or lawsuit, complaint, unauthorized absence, vehicle collision, or mandatory counseling, missed court, disciplinary action or suspension, loss of equipment, or restraining order. Not all police activities should be measured by the number of incidents, such as arrests, traffic stops, or use of force. They cannot be indicated for an alert with one or two instances since many officers would be identified rendering the alerts meaningless.

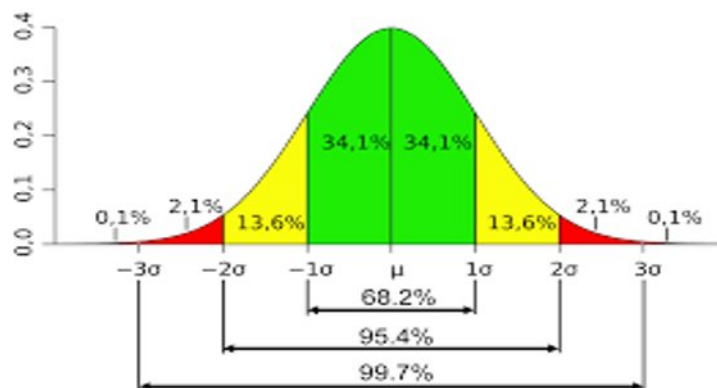
Some Departments establish a higher threshold they determine to be meaningful. However, determining a certain number such as 5 incidents of a use of force should prompt an alert may provide alerts for a significant number of officers working a particular duty location and/or shift, while officers working other duty locations or other shifts, when the type of police actions required are significantly different, would not be indicated by an alert.

Although the first group of incidents prompted alerts for either one or two incidents in a quarter, the second group of incidents should be determined by comparisons to the officers’ peer groups. Comparisons with peer groups ensure officers’ activities are only measured with other officers who work in similar environments. The best method to determine the officers who make more arrests, use force, and conduct more searches than their peer group is to make those determinations using standard deviations.

Standard deviations provide the best method to determine those officers who are involved in specific incidents when numbers would not provide the best assessment. Officer activities in a certain number of incidents that are one standard deviation above the norm would be indicated with a “yellow” alert while those incidents that are two standard deviations above the norm would be indicated by a “red” alert.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT



The bell chart listed would indicate approximately 13-14% of officers would be identified by a yellow alert while approximately 2% of officers would be identified by a red alert.

The second group of incidents prompting an alert by standard deviations would include:

- Arrests
- Discretionary Arrests (disorderly conduct, public intoxication, obstructing, interference with officer/administration of law)
- Traffic Stops
- Vehicle Pursuits
- Search/Seizure
- Subject Resistance
- Secondary employment
- Sick leave

Simply because an officer is the subject to an alert, or even several alerts, based on determined thresholds, does not indicate the officer was involved in any wrongdoing. Alerts are only intended to prompt supervisors to review an officer's performance. Some alerts should be expected including uses of force, searches/seizures, and sick leave since some officer must be one or two standard deviations above the norm.

A supervisor should review the information contained in each alert such as one for searches. If the officer's searches were appropriate and the incidents were properly documented, it may demonstrate the officer is one of the high performers in that area for the Department. The early warning & intervention system can be used to identify high performers as often, or even more often, than identifying troubled employees. The high performers may be considered for open assignments where they have demonstrated initiative, knowledge, and experience such as completing legal and effective searches.

## Reviews With MCPD Employees

It is important that supervisors meet with their subordinates when a supervisor encounters an alert or alerts when the supervisor determines a need to confer with the officer or following a quarterly review of all the information contained in the early warning & intervention system. Conferences with subordinates have shown to have an impact on their behavior and performance. For example, supervisors meeting with officers following more than one citizen complaint, many times, have shown a reduction in complaints received by the officer. The officer realizes a supervisor is monitoring the officer's performance and the meeting provides reinforcement that the supervisor is prepared to take appropriate supervisory action.

To help determine whether an officer's performance is exception, satisfactory, or substandard, supervisors should review the data from all police officer activities looking for patterns in officer actions that are specific to policing (i.e. citations, search, weapon discharge, etc.), administrative matters that are provided as officer background for a supervisor (i.e. training records, injury, awards, etc.), and officer actions that sometimes occur but are not beneficial to the officer or the Department (civil claims, complaints, suspensions, etc.). It is not expected that officers will have activity in these areas while performing their duties. Having activity in these areas, especially without significant activity in those performance indicators specific to policing, is an indicator of problematic employee performance.

## Interpreting EIS Data

The EIS provides the data to help supervisors assess their subordinates' performance. EIS cannot take the place of the many years of training and experience supervisors gained during their careers. However, supervisors must genuinely determine if the data provided to them indicates acceptable performance or indicates problematic performance. Failure to identify and reward positive performance tends to discourage the best performers while failure to identify and take appropriate action neglects the needs of those performing poorly, poses liability for the Department, and ignores the exceptional service the community expects.

Supervisors have options to recommend to their superiors by using the EIS data and their own training and experience to suggest the following actions.

- Award – If the supervisor genuinely is convinced the EIS data identifies superior performance and can explain those reasons, the supervisor should recommend some type of positive reinforcement such as a unit citation or Department commendation. Continued exceptional performance for several quarters should provide officer recognition as officer of the month/quarter/year or other accolade.
- No action necessary – If the supervisor determines the data identified acceptable performance, the supervisor should recommend no action is necessary.

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- Monitoring – If the supervisor is unable to determine if the data may indicate an officer experiencing difficulty, the supervisor should provide monitoring. Monitoring should be defined as an identified number of occasions the supervisor physically observes the officer’s performance whether it be as backup on a traffic stop, backup on a call for service, more periodic reviews of the EIS for the officer, or other deliberate actions to observe the officer’s performance. Specific direction as to the number of occasions should be provided to supervisors such as 20 or 30 incidents of monitoring in a three-month period.

All monitoring actions should be documented as indicating positive performance, normal performance, or poor performance. The monitoring document should be provided as demonstrating follow-up during a future command staff meeting designated to review EIS data and reviews just as crime statistics are reviewed to determine police deployments and investigations.

- Training – Recommendations may include additional training in areas such as:
  - Human relations
  - Cultural diversity
  - Verbal de-escalation
  - Defensive tactics
  - Driving
  - Department policy/procedures
- Counseling – Recommendations may include counseling in areas such as:
  - Employee Assistance Program
    - Personal or family counseling
    - Financial counseling
    - Drug/alcohol counseling/treatment
    - Anger management counseling/treatment
    - Physical exercise program/weight management
- Reassignment – Recommendations may include reassignment such as:
  - Temporary field training
  - Temporary reassignment to another duty location
  - Permanent reassignment to another duty location

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### Documentation

All supervisor/subordinate meetings should be documented and be considered when completing the quarterly reviews and when completing performance evaluations. Quarterly reviews should be documented on a Department form to be forwarded to the supervisor’s superiors and for presentation at a quarterly command staff meeting. The form should include specific information gleaned from the early warning & intervention system alerts and from the supervisor’s quarterly review. That review should explore whether a pattern was identified. The first part of the quarterly review document should include an account of any officers who were subject to monitoring or remedial action from the prior quarter as follow-up.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Another section of the report should list officers who have the greatest number of alerts along with a description of the supervisor's assessment. Other sections should include officers who are identified with red or yellow indicators in critical areas such as use of force, searches/seizures, citizen complaints, and indications of biased policing.

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### Training & Command Staff Meetings

Training should be provided to officers so they understand what the early warning & intervention system tracks and how the supervisors will use the system when the supervisors receive alerts and when they complete their quarterly reviews.

Supervisors should be provided a manual and receive training from the manual explaining how the supervisors should review and process alerts. In addition, they should be instructed how to perform quarterly reviews searching for patterns, how to document their review, and how to make proper recommendations according to their findings.

Managers should receive the same training as supervisors so they understand what the supervisors are analyzing and how they are expected to provide the managers with meaningful recommendations regarding officer performance. The managers will need to understand how the quarterly command staff presentations are conducted. They will also need to understand the reasons for the meetings which are to 1) inform all command staff members of the performance of employees they may be receiving, 2) to ensure there is consistency in addressing employee performance within the Department, and 3) for younger command staff members to learn from the experiences of more experience personnel and the chief.

Command staff meetings should be scheduled quarterly. There should be mandatory attendance by section/district commander or their delegate. The delegate should be prepared to present the quarterly report.

Just as a Department meets regularly to discuss criminal activity and efforts to reduce crime and solve the crimes that have occurred, there should be a presentation by each commander or each unit to discuss all of their subordinates identified by EIS. The presentation should also explain what actions were taken to reward high performers and those actions taken to address poor performance. Once the commander of a unit provides the presentation, other members attending should have to opportunity to ask questions and offer remarks.

The entire EIS will be only as effective as the dedication and professionalism demonstrated by command staff members at this meeting.

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### Bias-Free Policing & EIS

Biased policing is a grave concern for any Department. Agencies should take every effort to ensure they track and review all officer interactions that could lead to a claim of biased policing. All the following police actions should be documented and include the race and sex of the person stopped by each officer. The accumulation of data regarding sex and race can help the



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Department identify instances where the Department may want to take action and to provide evidence to the community that the Department considers bias-free policing serious enough to track, monitor, and address areas of concern: traffic stops, arrests, Discretionary arrests, Subject resistance incidents, Search and seizure incidents, Vehicle Pursuits, Weapons Discharge (intentional), Lawsuits, claims, and Citizen Complaints.

In the event a complaint of racial bias is received against any officer, any detective or supervisor assigned to investigate the complaint has access to a wide range of police actions to assist in determining if there is any indication of a history of actions taken by any officer against any particular group of citizens. Of course, that information can only be gauged if compared to the officer's peer group to ascertain if the percentages of each action, such as in arrests, is similar to the percentages of the officer's arrests.

## RECOMMENDED MCPD EIS PROCEDURES

Having the most comprehensive early warning & intervention system will not be useful unless the supervisors understand how to use it and procedures are in place to ensure there is proper follow through.

A complete EIS system should include procedures to ensure the data provided to supervisors has been viewed and appropriate recommendations were made. The best early warning & intervention systems ensure the following.

1. All data is provided to each officer's immediate supervisors and managers.
2. Peer groups have been identified for each officer assignment.
3. Thresholds have been established as to when a supervisor will be informed when a subordinate's activities exceed those of the subordinate's peer group.
4. Alerts are sent to an officer's supervisor when surpassing thresholds.
5. Training is provided for all supervisors to ensure they understand the early warning & intervention system, how to use it, and the benefit from using the system.
  - o All supervisors should be provided a manual during the training period for their retention and use when reviewing alerts, completing periodic (quarterly) reviews, and when completing performance evaluations. The manual should be all-inclusive.
6. There are immediate supervisor reviews including supervisor/subordinate conferences as determined by Department policy.
7. Quarterly reviews are completed including the following:
  - o There is supervisory review of all data,
  - o There are supervisor meetings with all subordinates to review EIS information to accomplish:
    - Corrections if information is incorrect,
    - Apprise officers their performance is being regularly reviewed,

## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

- Meetings are completed in conjunction with regular conferences with officers. The meetings should,
  - Update subordinates on their progress prior to the next performance evaluation, and to
  - Inform them of weaknesses and provide an opportunity to improve.
- 8. All periodic reviews should be documented and include the supervisors' recommendations with follow-up actions to their superiors.
- 9. The prepared quarterly report should be forwarded to the section manager/commander/captain for their review, approval and presentation at a quarterly command staff meeting specifically established to discuss the data, supervisors' findings, and their recommendations.
- 10. A regularly scheduled quarterly command staff meeting dedicated to discussing EIS data and performance/recommendations should be conducted to ensure all supervisors completed the quarterly reviews, documented them, and that there has been follow-through on recommendations.

## VII. MCPD ORGANIZATIONAL OVERVIEW

The MCPD experienced organizational change in 2019. Chief J. Thomas Manger retired after 15 years of service and Assistant Chief Russ Hamill succeeded him as Acting Chief of Police. Shortly thereafter, Chief Hamill was announced as the new Chief of Police for the Laurel (MD) Police Department and Chief Marcus Jones was announced as the Acting Chief of Police for the MCPD. Additional vacancies in MCPD leadership occurred when Assistant Chief Laura Lanham left to become Deputy Chief of the Rockville City Police Department and Assistant Chief Dave Anderson retired.

In November 2019, the Montgomery County Council confirmed Chief Marcus Jones as the official Chief of Police. Due to the COVID-19 pandemic, four new assistant chiefs were not confirmed until April 2020. They are Assistant Chief Ron Smith, Assistant Chief Tom Didone, Assistant Chief Willie Parker-Loan, and Assistant Chief Dinesh Patel.<sup>17</sup> The Department will also be adding a new administrative Assistant Chief of Police role.

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<sup>17</sup> Asst. Chiefs Smith and Didone have since retired.



## MCPD STRUCTURE

Chief Marcus G. Jones, who was sworn in on November 8, 2019, leads the Department, and has more than thirty years of experience on the Department.

MCPD is divided into four bureaus and the Office of the Chief. The four bureaus are the Patrol Services Bureau, Field Services Bureau, Investigative Services Bureau, and the Management Services Bureau. The Patrol Services Bureau contains the general policing districts and the Special Operations Division (SOD).

The SOD consists of the Canine Unit, Emergency Services Unit, Police Community Action Team, Special Events Response Team, and Tactical Unit. The Investigative Services Bureau consists of the Criminal Investigations Division, Auto Theft, Fraud, Family Crimes, Major Crimes, and Special Investigations Division. The Management Services Bureau is largely a civilian support bureau that consists of Emergency Communications, Budget, Personnel, Training, and other Support Services.

As evident through the four bureaus, MCPD provides countywide law enforcement services to the residents of the incorporated cities of Rockville, Gaithersburg, and Takoma Park. Other municipalities that fall within Montgomery County, and thus in MCPD's jurisdiction, are Barnesville, Brookeville, Chevy Chase, Friendship Heights, Garrett Park, Glen Echo, Kensington, Laytonsville, Poolesville, Somerset, and Washington Grove. However, Rockville and Gaithersburg maintain their own police Departments that are meant to complement MCPD. Furthermore, Maryland State Police patrol Interstate highways 495 (the "Beltway") and 270 and MCPD with investigations of major crimes. MCPD also assists the Metropolitan Police Department of the District of Columbia with its duties in neighboring jurisdictions. This includes the District of Columbia, Howard County, Baltimore City, and Prince George's County. This review focuses on the Montgomery County Police Department specifically.

The Montgomery County Police Department (MCPD) includes approximately 1,300 sworn officers and approximately 700 support personnel. The Department serves a diverse population of approximately 1,000,000 residents.

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## POSITIVES: ORGANIZATIONAL STRUCTURE

The assessment of the organization structure of the Department indicates the MCPD is well organized relative to Departments of its size, nationally. MCPD appears to have a unit or section for every imaginable occurrence or crime. The Assistant Chiefs and Captains of Divisions we interviewed for this review were all well-versed in processes and directives, professional, and intimately familiar with their Department functions, needs, and the progress and development of those units. All were forthcoming with information, articulate, and understanding of the need for and questions relating to this audit and review of the MCPD.



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**DISCUSSION: ORGANIZATIONAL STRUCTURE**

The stated Mission of the MCPD is to:

“Safeguard life and property, preserve the peace, prevent and detect crime, enforce the law, and protect the rights of all citizens and that they are committed to working in partnership with the community to identify and resolve issues that impact public safety”.

The Montgomery County Police Department is a nationally recognized, Commission on Accreditation for Law Enforcement Agencies (CALEA) accredited agency, having successfully completed their 8<sup>th</sup> re-accreditation on-site review in July 2020. Law enforcement accreditation is a voluntary process that demonstrates a Department’s commitment to professionalism and to maintaining current professional law enforcement standards. Since its creation over three decades ago, CALEA has awarded accredited status to approximately 600 agencies, just 3% of the nation’s 18,000 policing agencies.

The general requirements for entry-level police officer in Montgomery County greatly exceed the national average. A Bureau of Statistics study in 2003 found that 83 percent of all U.S. police agencies require a high school diploma. To join the MCPD, the general requirements for applicants include: an Associate degree (60 college credits) or equivalent, or three years of active duty military service with an honorable discharge, or three years of full-time law enforcement experience recognized by the MCPD. A very comprehensive background investigation is conducted for all potential hires. The hiring process includes a written examination, scored interview, polygraph examination, and psychological and medical examinations. To be promoted to the rank of Sergeant, or above, supervisors must have successfully completed a bachelor’s degree, at a minimum.

The Chief of Police, Marcus Jones, is responsible for administering the Department in accordance with applicable laws and regulations, and ensuring MCPD organizational goals are being met. The Internal Affairs Division, reporting directly to the Chief of Police, is responsible for ensuring the integrity of the Department by thoroughly and objectively investigating complaints of employee misconduct.

The Department is organized into the Office of Chief of Police and four bureaus: Patrol Services Bureau, Field Services Bureau, Investigative Services Bureau, and Management Services Bureau. Each of these bureaus is under the command of an Assistant Chief. All four bureaus are grouped by function under the control of the Chief of Police. The approved FY21 Operating Budget for the police Department is \$281,446,640, a decrease of \$13,880,689, or 4.70% from the FY 2020 budget. Personnel costs represent 83.04 % of the budget, with a total of 1,898.86 FTE’s. Operational expenses count for the remaining 16.96 % of the FY21 budget.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

**PATROL SERVICES BUREAU.** The Patrol Services Bureau is the largest of the bureaus and provides direct police service through patrol and investigative functions. The Department is served by six district stations: Rockville, Bethesda, Silver Spring, Wheaton, Germantown and Montgomery Village. In 2020, the Department reported responding to 727,500 calls for service. The Patrol Division includes: Administrative Support; the Community Engagement Division; Community Services and District Community Action Teams (DCAT); Patrol Investigative Units; plainclothes Special Assignment Teams (SAT); Traffic Squads and the Duty Commander who provides Field Supervision.

**FIELD SERVICES BUREAU.** The Field Services Bureau provides specialized police and community services through various functions of the Department, including: Administrative Support; Public Information Division; Security Services Division; Special Operations Division (Homeland Security, Emergency Services, Search Operations, and Special Events Response Team); Tactical Support Section (Canine, SWAT, Crisis Response and Support Section); and Traffic Division (Automated Traffic Enforcement, Schools Safety, Special Traffic Operations).

**INVESTIGATIVE SERVICES BUREAU.** The Investigative Services Bureau provides police service through investigative functions, including: the Criminal Investigations Division (Central Auto Theft, MCP Crime Lab, Forensic Services Section, District Investigative Sections and Financial Crimes); Major Crimes Division (Fugitive Section, Homicide Section, Missing Persons/Cold Case, Robbery Section and Victim Witness Assistance Section); Special Investigations Section (Criminal Enterprise and Gang Unit, Electronic/Technical Surveillance Unit, Repeat Offender Unit, Vice and Intelligence Unit, Digital Intelligence and Analysis Unit); Drug Enforcement Section (Drug Interdiction Team, Drug Investigative Unit, Firearms Investigative Unit, Major Offender/Conspiracy Unit, Pharmaceutical Unit); and the Special Investigations Division (Child Abuse/Sexual Assault, Child Exploitation, Domestic Violence/Elder Abuse, Sexual Assault, Missing Persons/Runaway Section, Polygraph Section).

**MANAGEMENT SERVICES BUREAU.** The Management Services Bureau provides staff support services for the patrol and investigative functions of the Department, including: Administrative Support, Communications Division; Employee Health and Wellness; Information Management and Technology (Crime Analysis Section, Field Services (desktop/laptop, Body Worn Cameras, mobile video systems, Interview Room recordings); Records Section; Records management Unit; Technology Section (Database and Cloud applications); Legal and Labor Relations; Management and Budget Division (False Alarm Reduction, Financial and Grants Management, Fleet Management, Procurement and Logistics, Vehicle Recovery); Personnel Division (Administrative Section, Background Section, Volunteer Resources Section); Policy, Planning and Quality Assurance Division (Policy Development, Planning and Research section, Accreditation and Quality Assurance Section); Training and Education Division (Field Training and Evaluation, Firearms Training, Leadership Development Institute, Training Development Section, Training Operations Section) and Capital Development and Facilities Section.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

**COMMUNITY ENGAGEMENT DIVISION.** The Community Engagement Division, located within the Patrol Division, provides resources and services to the Department and community to “strengthen relationships through open, transparent communication and proactive engagement. The Division focuses on building trust and relationships with partners and communities through awareness, education & prevention, outreach, and engagement.” The Department reported 2,090 community engagement events in 2019 and 2,004 events in 2020, during the COVID-19 pandemic.

**COMMUNITY RESOURCES BUREAU.** The MCPD embraces the concept of community policing as a philosophy and an organizational strategy. The Community Policing approach allows the police and the community to work closely together in creative ways to solve the problems of crime or fear of crime; address physical and social disorder; and advance the overall quality of life in the community.

The Department’s Vision Statement includes working in cooperation with the community they serve; working to enhance community relations; and building trust through transparency, accountability and strong leadership. Additionally, the Department strives to be a premier agency by employing a highly educated, diverse, and technical workforce that utilizes purpose-driven technology, and effectively balancing their resources to meet the Mission.

The Department intends to add a noteworthy and innovative new Community Resources Bureau, and recently advertised nationally for a new management position to lead this Bureau. A non-sworn, civilian employee is expected to provide leadership and oversight as the Assistant Chief of the Community Resources Bureau. The new bureau will be responsible for overseeing the Department’s Community Engagement Division, the Public Information Office, and the Policy and Planning Division.

The job announcement advertises,

“The individual should embody a commitment to building and sustaining community trust and productive partnerships that enhance public safety. This position will serve as a senior member of the Department’s leadership team responsible for innovation and creativity to take on contemporary challenges facing law enforcement”.

The County sees this position as a “unique opportunity to be a transformational force”. Montgomery County desires the ideal candidate to possess an openness to new information, different perspectives, and a willingness to consider new solutions to persistent public safety concerns.

The Assistant Chief overseeing the Community Resources Bureau is expected to manage a large organizational unit by assigning work priorities to subordinate units. The new position, among other administrative duties, will represent the County government and the Chief of Police in various forums concerning controversial and sensitive police matters by explaining goals and objectives, by responding to questions, misunderstandings, and apprehension, and by gaining the support of groups being addressed/bridging the gap between the police and the community. The process for hiring the new Bureau Chief is well underway and, at this writing.



## INTERAGENCY PARTNERSHIPS

The Department has interagency cooperative relationships with the Montgomery County Sheriff's Office, the Gaithersburg Police Department, the City of Rockville Police Department, the Maryland State Police, the City of Takoma Police Department, the Chevy Chase Village Police Department, and the Maryland National Capital Park and Planning Commission Police Department. These agencies have signed Memorandums of Understanding (MOUs), when appropriate, and the level of cooperation while delivering service to the residents of Montgomery County is exceptional. Dependent on the size of the Department in the cooperative relationship with Montgomery County, the Memorandums of Understanding are unique to each agency.

### POSITIVES: INTERAGENCY PARTNERSHIPS

The County enjoys remarkable, mutual relationships with outside agencies and has for many decades. Leadership throughout the County and in municipalities works closely, in a relatively seamless fashion. Most of the agencies are nationally accredited and there is a high level expectation for professionalism – which is demanded and expected by the Montgomery County community.

### DISCUSSION: INTERAGENCY PARTNERSHIPS

In Montgomery County, the Sheriff's Office serves as the arm of the Court and performs court-enforcement activities such as: court security, warrant service, civil service, evictions, emergency petitions, prisoner transportation, extraditions, attachments and child support enforcement – to name the major activities. The deputies are uniformed and in marked cars, and on occasion they do make traffic stops and perform “back up assistance” to Montgomery County officers. Generally, Deputy Sheriffs do not respond to calls for service.

**GAITHERSBURG & ROCKVILLE CITY.** The two largest Departments working closely with MCPD include the Gaithersburg Police Department and Rockville City Police Department. These municipalities have chosen to employ their own Departments for providing added service and protection over and above what Montgomery County services. City and County Police officers have concurrent authority and responsibility for the enforcement of all applicable City, County, and State laws within their geographical boundaries.

This unique relationship has been demonstrated as effective and successfully operational over many decades. It is expected, and written in the MOU's, that the County Police shall provide services within each City to the same extent and degree as services performed and furnished in other areas of the County. While this is a long-standing agreement, it is clear that if the City Departments, each with approximately 60 sworn employees, chose to eliminate their respective Departments, Montgomery County would have difficulty maintaining the same level of service without adding additional personnel.



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

City officers respond to calls for service on the Montgomery County dispatch channel and write police reports in the County's Report Management System (RMS). All of these Departments have been accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) since 1993, and all are committed to the Community Policing philosophy.

**OTHER MUNICIPALITIES.** Takoma Park is another municipality within Montgomery County. The City of Takoma Park and Montgomery County also have a unique relationship. They both acknowledge that while the County has "territorial" law enforcement jurisdiction over the entire County, including the City, the County has agreed and practiced for over 65 years not to exercise this jurisdiction within the City limits. Since 1949, Takoma Park Police have been responsible for providing police protection throughout their entire corporate limits. Takoma Park operates its own Communications and Records Division but shares appropriate reporting information with Montgomery County.

The Village of Chevy Chase is a smaller municipality of approximately over 700 homes, in just under one-half square mile, abutting the Washington, DC boundary. The Department of eleven sworn positions maintains its own 24-hour communications division, and works closely with the MCPD, monitoring calls and responding to community needs. The Chevy Chase Village Police Department is also a nationally accredited agency. The Village maintains the Department to provide an extra level of service for their residents, including vacant house checks while community members are away from home.

### DEPARTMENT RULES (CODE OF CONDUCT- CONFORMANCE TO LAW)

The overall policy of the Department is to ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees and the community. Department rules are designed to cover situations in which no deviation or flexibility is permitted. The policy includes acceptable and customary language for Department rules and expectations of a proper code of conduct.

### POSITIVES: MCPD CODE OF CONDUCT RULES

MCPD policy includes standard policy language on code of conduct, expected of police departments implementing 21<sup>st</sup> century policing. The reviewed MCPD Function Code 300 is thorough and exhaustive. It was recently updated in June 2020, most likely to ensure the Department is meeting all expectations of the community in relation to current events and the need for well-defined direction and transparency.

### DISCUSSION: MCPD CODE OF CONDUCT RULES

Some of the more pertinent policy language to our audit of the MCPD includes the following areas below.





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## Conformance to Law

MCPD policy states,

“Employees are required to adhere to Departmental Rules and Regulations, Departmental Directives and Memoranda, Montgomery County Personnel Regulations, County Administrative Procedures, Executive Orders, Montgomery County Code, and to conform to all laws applicable to the general public.”

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## Abuse of Authority

MCPD policy states,

“The lawful authority entrusted to police officers will not be used improperly to interfere with the lawful conduct of anyone. All officers must carry out their duties in a nondiscriminatory manner.”

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## Use of Force

MCPD policy states,

“Officers will use force only in accordance with law and Departmental procedures and will not use force more than is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, or in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm, or death. No officer will use force in a discriminatory manner”.

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## Duty to Intervene

MCPD policy states,

“It shall be the duty of every officer present at any scene where physical force is being applied to either stop, or attempt to stop, another officer when force is being inappropriately applied or is no longer required”.

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## Carrying of Credentials & Identification

MCPD policy states,

“Credentials will be displayed upon request. Employees will furnish their full name and identification number to all persons who request same when the employee is acting in an official capacity.”



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## Conduct Unbecoming

MCPD policy states,

“No employee will commit any act that constitutes conduct unbecoming an employee of the Department. Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct.”

This section adds these comments:

“As county employees, we are constantly being observed and judged by the community we serve. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the Department.

“Conduct unbecoming” is a highly controversial regulation and often viewed as a “catch all” offense. Although non-specific, “conduct unbecoming” has been upheld in court for certain acts committed by police officers both on and off duty. The following examples of “conduct unbecoming” have been upheld by various state and federal courts throughout the country: speeding, placing an unauthorized poster in a squad room, lying in a Departmental investigation, excessive absenteeism, profane language in public, barroom fighting off duty, ticket fixing, assault on a fellow officer, annoying and/or molesting bar patrons off duty, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a superior, and the failure to cooperate with an internal affairs investigation.

The following examples of conduct that the courts have found to be unbecoming include embarrassing the Department by neglecting “discretion” and vigorously enforcing municipal ordinances; disrespectful, but private, language to the Chief of Police while under emotional stress; and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty. Although these court cases have involved police officers, no employee will commit any act which would reflect unfavorably on the Department or the county government.”

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## Untruthful Statements

MCPD policy states,

“Employees will not make untruthful statements, either verbal or written, pertaining to official duties.

## Courtesy

MCPD policy states,

“Employees will be courteous and discreet to members of the public. Employees will maintain proper decorum and command of temper, and avoid the use of violent, insolent, or obscene language”.

## Discrimination/Harassment & Use of Derogatory Language

MCPD policy states,

Employees of the Department will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by county, state, and federal law.

Employee will not take nor contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation, or proceedings brought under Department policy, or county, state, or federal law.

Supervisors and/or managers of the Department will conduct a prompt and candid inquiry into any instance of alleged discrimination or harassment that comes to their attention. All information regarding such allegations will be documented and forwarded to the Internal Affairs Division.

The Montgomery County Department of Police will continue to prohibit officers from exercising police powers in a manner that unlawfully discriminates against individuals based on race, national origin, gender, religion, or ethnicity. In addition, except in the situation described below, officers will not, to any degree, use the race or national or ethnic origin of drivers or passengers in deciding upon the scope or substance of any action in connection with a traffic stop or a checkpoint or roadblock stop. Where officers are on the lookout for, or are seeking to stop, detain, or apprehend, one or more specific persons who are identified or described in part by race or national or ethnic origin, officers may rely in part on race or national or ethnic origin in taking proper action.

## WRITTEN DIRECTIVE SYSTEM

The MCPD has an elaborate written directive system made up of Rules, Function Codes, Headquarters Memoranda, Training Bulletins, Training Modules and Procedural Manuals. There are rules that prohibit specific behavior and rules that require the performance of certain duties. Function Codes contain policies and procedures that the Department has established in order to operate effectively. Policies are general statements guiding the organization toward attainment of its goals. Procedures are specific guidelines to assist employees in handling a wide range of tasks. Headquarters Memoranda are used to provide a means of relaying information of a specific nature



## REVIEW OF THE MONTGOMERY COUNTY, MARYLAND POLICE DEPARTMENT

Department-wide and may be utilized for interim implementation of policy and procedural changes. There are also Entrance Level Training Rules and Regulations used to prepare police officer candidates.

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### POSITIVES: WRITTEN DIRECTIVES

The written directive system is well designed, with many reviews and signoffs at the appropriate levels. Even though many policies were issued many years ago, even decades ago, the content of each is reviewed annually for any necessary changes. There is a complete review system for implementations, including signoffs from SMEs, legal advisors, union contract representatives and several Executive-level officers.

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### DISCUSSION: DIRECTIVES

The MCPD has been accredited every 3-4 years since 1993 through independent assessors representing the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). While CALEA does not normally do “deep dives” into analyzing statistics and case file investigations, these assessors do examine a wide range of critical policies and practices to insure they meet national standards. The Department has had many favorable reviews more than two decades. The MCPD was most recently re-accredited for the 8<sup>th</sup> time in July 2020 with favorable remarks by the independent CALEA assessors.

Training bulletins are developed by the Training and Education Division and issued to employees to introduce new legislation recently passed by the state legislature or on other pertinent training subjects. Training modules are developed to meet mandated training needs of the Department. Procedural Manuals provide more lengthy explanations for tasks requiring in-depth instruction. Examples of Procedural Manuals include the Field Report Manual and the Citation Manual.

All written directives are issued by the Chief of Police and researched and reviewed by a wide-range of Subject Matter Experts, the Policy and Planning Division and the Department’s Legal Section. Each component of each Bureau is responsible for keeping apprised of current laws and best practice trends relating to their respective policies. Policy changes are sent to the FOP in draft form and either agreed upon or both parties go before a permanent umpire for final resolution as to whether the changes are bargainable. All policies are entered into the Power DMS system where officers are responsible for signing off that they have read and understand each policy.



## VIII. MCPD AUDIT NEXT STEPS

This preliminary report covers or initial review of the organizational structure of the Montgomery County Police Department, its internal affairs system including approaches to handling uses of force, mental health response, recruitment & hiring, and assessment of the training Academy. This preliminary report is a draft; the MCPD audit is still underway. A final report is expected to be released in the Fall. Our team is currently continued the review of MCPD, and our final report will include additional findings and observations related to Community Policing & Engagement, MCPD Operations & Management, and MCPD Systems & Technology. Finally, during the course of the MCPD audit, there has been active state law, CBA, police union, and local legislative activity that will be relevant to the path forward for enhancing 21<sup>st</sup> century, bias free policing in Montgomery County, MD.

