

## **MEMORANDUM**

**To: Hyattsville City Council**

**From: The Police & Public Safety Citizens' Advisory Committee**

**Date: March 1, 2021**

The purpose of this memorandum is to respond to the Hyattsville City Council's inquiry on the package of police reform bills that are in front of the Maryland General Assembly this legislative session. The Police & Public Safety Citizens' Advisory Committee (PPSAC) would like to thank the Council for its solicitation of citizen input and would encourage the Council to reach out if further engagement or information would be helpful.

### **I. Police Reform and Accountability Measures**

Like the Council, the PPSAC also generally supports the provisions included in the Police Reform and Accountability Act of 2021 (HB 670). The Act creates critical legislative changes that would enact reforms for the purpose of enhancing trust, preventing excessive use of force, and supporting officer safety and wellness.

Repeal of the Law Enforcement Officer Bill of Rights: Maryland's current Law Enforcement Officer Bill of Rights has legislated protections for police officers that have stood in the way of accountability. The LEOBOR stands at odds with nationwide standards and has garnered Maryland national notoriety for its codification of enhanced police protections, including requiring internal affairs units to wait five full days before questioning officers charged with misconduct and disallowing civilian oversight in handling police misconduct claims. The PPSAC recognizes these special protections - which are not afforded to citizens - hurt accountability and police-community relations. The PPSAC received additional citizen input from community members expressing their support of repealment.

PPSAC recognizes, however, that repealment of current accountability practices without viable alternatives may be counterproductive. The need to increase accountability must be weighed against the interest of standardization across the state and certainty for both officers and police executives in the disciplinary process.

It appears that the General Assembly is currently coalescing around retaining trial boards (but adding civilian representation) to handle officer misconduct allegations. While it is positive to have a path forward, it does leave certain questions unanswered with respect to police accountability measures. For example, would the retention of trial boards allow a police chief or sheriff to immediately terminate an officer convicted of a crime? The PPSAC would encourage the Council to work with its delegation to discuss the merits of any proposed action.

Statewide Standards in Use-of-Force Policies: The PPSAC commends the Council for its support of statewide standards to better regulate use-of-force. For example, the requirement to institute a de-escalation policy and provide the duty to intervene are common sense reforms that can help save lives and prevent the need for a disciplinary

action. Additionally, the heightened requirements on “no-knock” warrants strike a better balance than current law to ensure their limited use.

Control of the Baltimore City Police Department: The PPSAC commends the Council’s support of its neighbors’ ability to have a meaningful say in the operations of their own police department. For far too long, Annapolis has retained control of the BPD in ways that impeded reform and, concerningly, compliance with its Department of Justice consent decree. Aside from baseline standards that should be applied statewide, local governments should be able to determine the policies and practices of their own police departments.

Body-Worn Cameras: The PPSAC generally agrees with Council’s recommendations with respect to body-worn cameras (BWCs). This specific provision in the Act underscores that the Hyattsville Police Department has been a leader in the state in promoting excellence and progressive policing reform, as BWCs have already been deployed in the department. Research does demonstrate that BWCs, when implemented successfully, can reduce instances of use-of-force.

It is worth noting, however, that body-worn cameras are not a panacea for trust, and must be implemented with careful attention to considerations like privacy, legal compliance, and cost. Council may consider asking its delegation to ensure that municipal governments are consulted in the forthcoming POST policy and that it aligns with national standards, such as the Bureau of Justice Assistance’s Body-Worn Camera Toolkit.

Additionally, this requirement of the Act appears to constitute an unfunded mandate at a time when county and municipal governments are struggling under the burden of an economic crisis due to the ongoing pandemic. While the costs of procuring cameras themselves may be a small, one-time investment, the ongoing costs associated with data storage for the volume of video BWCs produce can prove challenging for many departments. The costs of BWCs may therefore disallow a police department from pursuing other important initiatives, such as deescalation or implicit bias training.

Diversion of 9-1-1 Calls: The Act’s commission of a study to determine which 9-1-1 calls may be diverted to civilian agencies is a commonsense first step. It is the PPSAC’s hope that the study will create evidence-based research to assess what calls for service may be appropriate for diversion and what should be retained for law enforcement response.

Tuition Assistance: PPSAC again commends the Council’s support of this provision. Policing is an honorable profession that requires committed, young professionals who reflect their community. Recruitment and retention of officers is essential to achieving excellence in policing. Creative mechanisms like tuition assistance help widen the candidate pool and provide meaningful support to those who choose to serve.

## **II. Preventing Sexual Abuse in Policing**

Like the Council, the PPSAC supports legislation designed to prohibit sexual activity between law enforcement officers and victims, witnesses, and suspects. This prohibition

has been in place for corrections officers for years and makes sense to extend to law enforcement officers given the powers with which they are entrusted.

### **III. School Resource Officer (SRO) Reform**

Based on its current understanding, the PPSAC believes that school administrators, HPD, students, and community members consider the HPD SRO program mutually beneficial. This was verified through a community survey conducted by Prince George's County Executive Alsobrooks and her Prince George's County Police Reform Task Force, where 82% of community respondents reported positive interactions with SROs in schools.

We are fortunate in Hyattsville to have police executives who have taken seriously their mandate to put officers who are best positioned to work with youth in our schools. We have also benefited in Hyattsville from the General Assembly's prior standardization of SRO training in the *Safe to Learn Act* and subsequent statewide training program at the Maryland Center for School Safety, which emphasizes important topics like trauma-informed counseling, restorative justice practices, de-escalation, and disability/diversity awareness.

The measures put forth in SB245, therefore, seem too reactionary and restrictive for a city like Hyattsville where SROs' contributions are appreciated. SROs play a greater role than simply jumping into response mode in the event of a critical incident. SROs can serve as a friend, mentor, and ambassador helping to create positive relationships with police. While the provisions to limit SRO's role in school discipline and to think through uniform selection are well-intentioned, the overly broad prohibition of SRO access to school grounds goes too far.

However, that does not mean that there are no opportunities for improvement in the use of SROs. The placement of law enforcement officers in schools is a relatively novel practice in policing. Furthermore, the responsibilities of SROs are unique and require specialization, commitment to working with youth, and emphasis on soft skills like relationship-building. Events have captured national attention where SROs have been inappropriately called upon to exact school discipline. There should be a bright line between school discipline and criminal behavior. The PPSAC finds the language in HB327 helpful to affirm that SROs' role should not be to mete out discipline within the school system. And given the importance of that principle, it makes sense that SROs should also be trained on that prohibition.

However, the PPSAC would urge the Council to think holistically about other measures that may help reduce the "school-to-prison pipeline." For example, the Council should consider the role of non-sworn PGCPs employees (i.e., "security personnel") who have arrest powers. What specific standards for training and conduct govern them? And what is the role of "security personnel" in enforcing discipline? The PPSAC is concerned that community members may conflate interactions with security personnel with law enforcement, which may, in turn, color their perceptions and trust with law enforcement writ large.

#### **IV. Mental Health Support and Crisis Response**

Of all topics referenced in this memorandum, there has been none that has galvanized the PPSAC in its current term more than mental health support and crisis response. The officer-involved death of Leonard Shand in Hyattsville has proved a catalyst for ongoing reform occurring in this community, which can be further supported by the Maryland General Assembly.

For too long, communities have refused to tackle complex issues like mental health and simply called the police to fix the problem for them. Given the dearth of mental health resources available - particularly for lower income or disadvantaged communities - it is not surprising that individuals in crisis often come to the attention of police (which should be a last resort) as a first resort.

The PPSAC believes that one of best ways to support HPD officers is to provide them with access to mental health professionals with the knowledge, skills, experience, and training so that they are not expected to perform services outside of their comfort zone and professional responsibility. This requires responding to mental health crises with mental health professionals.

The PPSAC applauds the leadership of HPD in its focus and attention on this issue, specifically in the hiring of a Mental Health Programs Manager and its extensive research into best practices in Crisis Intervention Training (CIT) for smaller municipalities. The PPSAC stands ready to support the Council and HPD in its ambitious plan to pilot the first municipally-driven CIT program in Maryland.

Given its existing prioritization of this issue, the PPSAC commends the Council's support of HB537. If this community is going to enable civilian response to mental health crises, it is important to remove the legal barriers that stand in its way. Furthermore, it makes sense that the Maryland Department of Health would prioritize mobile crisis teams comprised of civilians in its grant program, as would be required in HB108.

With respect to HB977, the PPSAC feels that it has insufficient information to provide a recommendation at this time. The PPSAC would like to know the exact dollar figure (and what percentage) of the HPD's budget comes from the residential development fee. If reapportionment of those funds would significantly hamper HPD operations and reduce the number of sworn officers, that information would be important to understand in order to better gauge the community's perspective in weighing the costs and benefits.

#### **V. Enhanced Transparency and Accountability**

The PPSAC is in agreement with the Council's support of measures to amend the Maryland Public Information Act, including HB120 and SB178. The public is entitled to records related to prior misconduct of officers and has the right to understand if individuals sworn to serve the community have a long history or pattern of misconduct. Only through increased transparency can there be increased trust between law enforcement and the communities they serve.