



CITY COUNCIL WORK SESSION AGENDA

Work Session - Police Reform

This meeting will be held in-person and virtual.

**25 Crescent Road
Greenbelt, MD 20770**

OR

**Virtual Participation
Zoom Webinar Attendees:**

**During "Petitions and Requests," please submit your request in writing via email to
questions@greenbeltmd.gov**

<https://us02web.zoom.us/j/86897481806?pwd=c1liWVYvR2RjMTd6Uk8zM3dBNGQ5dz09>

Dial-in: 301 715 8592

Webinar ID: 868 9748 1806

Passcode: 784689

**Monday, December 19, 2022
7:30 PM**

Work Session Packet

Work Session - Police Reform

Suggested Action:

Agenda

- Introductions
- Council Discussion
- Questions and Answers
- Other Items

Police Policy Review work session December 19 v3 12-16-22.pdf
Res 2096-2.FINAL.pdf

City Council Work Session Agenda Item Report

Meeting Date: December 19, 2022

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Work Session - Police Reform

Suggested Action:

Agenda

- Introductions
- Council Discussion
- Questions and Answers
- Other Items

Attachments:

[Police Policy Review work session December 19 v3 12-16-22.pdf](#)

[Res 2096-2.FINAL.pdf](#)

Police Policy Review Work Session December 19, 2022

The remaining issues from the Council work session on December 10, 2021, are listed in a table format below. Each item is listed as the proposal from Council Member Byrd and the recommendation of PSAC.

C. Byrd's 10/11/21 Police Reform Proposal
Issue a general order requiring referral to the state's attorney's office to investigate any officer whose conduct results in a fatality.
PSAC PSAC recommendation same as Byrd proposal.
GPD Recommendation The State enacted legislation in 2021 to address this topic, therefore, Staff recommends that no additional action be taken on this item.

Background: The State enacted legislation in 2021 that requires the Attorney General's Office to investigate all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian occurring in the State of Maryland. This information is continued in general order 635 Section IV U

"The Maryland Office of the Attorney General's Independent Investigations Division ("IID") shall handle the investigation when there is a potential or actual police officer-involved death. The senior sworn member shall immediately notify the IID at (410) 653-4474 and follow IID Protocol."

C. Byrd's 10/11/21 Police Reform Proposal
Ban the detention of a civilian who is not suspected of a specific crime.
PSAC PSAC recommendation same as Byrd proposal
GPD Recommendation Covered in GG 602: Staff recommends that no additional action be taken on this item.

Background: General Order 602 provides the legal requirements to conduct the investigative detention of an individual. This states that Officers may stop individuals to conduct investigative detention only when there is reasonable and articulable suspicion to believe that a crime has been, is being, or is about to be committed.

C. Byrd's 10/11/21 Police Reform Proposal Direct staff to reconsider whether GPD interview procedures with juveniles fully met the “doctrine of parens patriae, where the State plays the role of the parent, rather than adversary, to the child” as noted in Section 05 of General Order 804.
PSAC PSAC recommendation same as Byrd proposal
GPD Recommendation Covered by State Law: Staff recommends that no additional action be taken on this item.

Background: The State Legislature passed the Child Interrogation Act in the last session. This requires that subject to a limited exception, prohibits a law enforcement officer from conducting a custodial interrogation of a child until the child has consulted with an attorney and the law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the child that the child will be interrogated.

This change will be reflected in general order 804, Juvenile interaction and general order 625, Limitation of Authority, and Constitutional Safeguards.

C. Byrd's 10/11/21 Police Reform Proposal Modify General Order 674 to require the release of all body camera footage within 7 working days of a request and within 3 working days of a request for footage related to a use of force incident.
PSAC Recommend that General Order 674 incorporate a tiered deadline process to allow for a more speedy release of body camera footage, upon request, of those incidents involving use of force, stop and frisk and other serious altercations. This recommendation may have to be modified where the State's Attorney becomes involved in a criminal proceeding involving camera footage.
J Davis Amendment Modify General Order 674 to require the release of all body camera footage within 7 working days of <u>any</u> request and within 3 working days of a request for footage related to a use of force incident.
GPD Recommendation The department would propose a 15-business day time frame for citizens' requests for body-worn camera video. Requests from attorneys, insurance companies, or other commercial entities would remain 30 days in accordance with Maryland law

Background: The department currently operates under the provisions of the State of Maryland MPIA law. The MPIA rules set forth time guidelines the city must adhere to when replying to requests. The department has ten days to either approve or deny the request and inform the requestor and 30 days to provide the information from the date of the request if approved.

C. Byrd's 10/11/21 Police Reform Proposal Add a provision to General Order 674-09(C) saying that stop and frisk incidents based on suspicion be included on the list of incidents that the supervisor shall review.
PSAC PSAC recommendation is the same as Byrd's proposal.
GPD Recommendation The department would propose that this review be linked to the requirement under general order 620 Field Investigation Report, section 07 Firearms Search report. The linking of the review to the requirement to complete the MSP 97 search report will allow the department to track when the review should occur and ensure that we can track the reviews.

C. Byrd's 10/11/21 Police Reform Proposal 1 - Expressly ban all stop-and-frisk tactics that have been declared unconstitutional, including those tactics that were found unconstitutional in the case of <i>Floyd v. City of New York</i>.
PSAC Recommend definitions of reasonable suspicion, proactively patrol, and aggressively patrol be added to General Order 620 and that examples of a suspicious person and circumstances be provided.
GPD Recommendation The department proposes that the language referring to aggressive and proactive patrol be removed from general order 620. A definition of reasonable suspicion can be found in General Order 602 section ten, Investigative Detention.

Background: General Order 625 addresses adhering to the constitution, including investigative detentions. The case of Floyd V City of New York addresses a department policy and practice of the NYPD. The GPD does not have a policy similar to the NYPD policy.

C. Byrd's 10/11/21 Police Reform Proposal Expressly prohibit stopping people solely based on race and gender.
PSAC Recommend the General Order enumerate that the criteria for implementing the frisk of a suspect is the suspicion that the suspect is armed.
GPD Recommendation Covered in GG 602: General order 620 already prohibits the stopping of a person based on race, gender, sex, national origin, or sexual or religious preference. No additional action is needed on this item.

Background: General Order 625 states that to conduct a “frisk” of a person, the officer must “fear that the individual may be armed and dangerous to him/her or others “

C. Byrd's 10/11/21 Police Reform Proposal RequireRequest that GPD <u>explore the feasibility of capturing</u> provide data on the number of all stops and frisks based on suspicion for the last three years, 2018—2020, including race, gender, age range of the person, [<u>Greenbelt residence status/city of residence/resident or non-resident/place of residence</u>], details of the reason for the suspicion and whether the person was subsequently arrested.
Delete this bullet until the Department obtains a new system that can provide this information. Its current system cannot. Require that GPD provide data on the number of all stop(delete—s) and frisks based on suspicion for the last three years, 2018—2020, including race, gender, age range of the person, details of the reason for suspicion and whether the person was subsequently arrested.
GPD Recommendation The department does not have the ability to create reports of this nature with our current software. Staff recommends that no additional action be taken on this item.

**C. Byrd's 10/11/21
Police Reform Proposal**

Require that at the time a citation is being issued, officers explain to each traffic violator receiving a citation that traffic court has the authority to dismiss or reduce the ticket and/or fine upon hearing a plea of not guilty or guilty with an explanation from the violator. In order to assure uniformity in the information provided, it is recommended that a card with this information be printed, English on one side Spanish on the other, for the officer to provide to each traffic violator receiving a citation, so that the traffic violator receives the information both verbally and in written form.

PSAC

PSAC recommendation same as Byrd proposal.

GPD Recommendation

Covered by State Law: Staff recommends that no additional action be taken on this item.

Background: The State of Maryland District Court explains this information on the citation form DR-49E. The department should not create a separate set of directions that may cause conflict with the courts.

Introduced: Ms. Davis
1st Reading: October 11, 2021
Passed: January 10, 2022
Posted:
Effective: January 10, 2022

RESOLUTION NUMBER 2096-2

A RESOLUTION TO PROVIDE DIRECTION TO THE CITY MANAGER TO DIRECT
MODIFICATION OF CERTAIN POLICE GENERAL ORDERS.

WHEREAS, the City Council desires to continue to build trust and transparency related to the practices of the Greenbelt Police Department, and

WHEREAS, the City Council directs staff to modify certain General Orders as described.

NOW THEREFORE, the police department will:

1. Add language to General Order 616 with a definition of de-escalation.
2. Add language to General Order 618 to include “The Department’s policy is to use only the reasonable force necessary to accomplish a lawful objective and to apply de-escalation techniques when possible.”
3. Maintain a system to identify police officers who are considered likely to use excessive force and to retrain, counsel or if needed reassign them as described in General Order 431.
4. Add language to the General Order 202 to include anti-retaliation and whistleblower protections.
5. Modify the general orders to limit the use of no knock warrants, in accordance with HB670 of the 2021 General Assembly and restrict the usage of such tactics for instances that are required for the preservation of life.
6. Modify the General Order 638 to specify that when forcibly entering a premise, officers must loudly and clearly identify themselves as police officers.
7. Add language to the general orders concerning School Resource Officers (SRO) that interrogations be conducted in a “fair, impartial and objective manner” as specified in General Order 105.
8. Produce semiannual reports on juvenile arrests data to include race, gender, charges and if the arrest was conducted by the School Resource Officer. This data shall be provided

every six months for three cycles after which the recommendations will be re-visited regarding the frequency of reports.

9. Produce the report described in number eight (8) for the calendar years 2017, 2018 and 2019.
10. Modify the general orders to prohibit officers from preventing civilians from recording police-civilian interactions so long as the person recording is acting lawfully and safely.
11. Modify the general orders to allow the public to see disciplinary and internal affairs records, including complaints determined to be baseless, to comply with Maryland MPPIA laws effective October 1, 2021.
12. Provide a definition under General Order 635 to broaden the definition of a “complaint” so all concerns about performance and policy can be documented and properly reviewed, even if the ultimate resolution is that the complaint is determined to be ‘unfounded’ or ‘unsubstantiated.’.
13. Add a rule under General Order 202 related to the proper operation of body worn cameras, instructing officers to assure that the officer has a working body camera before going out on patrol; to activate the camera at the beginning of their shift; and to keep the camera on during the entirety of all law enforcement related encounters in compliance with departmental policy. In addition, add a provision to the General Order 402 that if an officer fails to adhere to these requirements, the officer will be subject to discipline up to and including discharge.
14. Publicly disseminate the terms of settlements over police misconduct on a yearly basis, except those exempted by Local Government Insurance Trust (LGIT). Excluded from disclosure through redactions should be any terms in the settlement labelled confidential by the parties and otherwise ensuring privacy.
15. Provide notice of changes to general orders to the City Manager, City Council and Public Safety Advisory Committee.
16. Provide for, in conjunction with the City’s Human Resource Department, a specialist in law enforcement recruitment, promotion, and retention to assist in improving the diversity of the Greenbelt Police Department, as soon as practical.
17. Continue to provide ongoing training in de-escalation techniques and the awareness of the influence of bias, conscious and unconscious in policing.
18. Produce semiannual reports on traffic stops with data related to stop outcomes. The frequency of these reports will be evaluated after three reporting periods.

19. Conduct a review of the policy related to the retention of photographs of individuals who were stopped, but not charged with a criminal violation. The retention length is no longer than one year after the date of the stop.
20. Modify the relevant community policing general orders with an emphasis on the guardian policing model to protect and serve. The policy will address the collaborative nature of community policing and the integration of community policing concepts in the Department's interactions with the community.
21. Participate in national databases on police decertification and/or use of force if such national databases are created in the future.
22. Ensure that policies and practices are consistent with changes to Maryland law related to civilian oversight.

BE IT RESOLVED by the Council of the City of Greenbelt, Maryland

PASSED by the Council of the City of Greenbelt, Maryland, at its Regular Meeting of January 10, 2022.

Emmett V. Jordon, Mayor

ATTEST:

Shaniya Lashley-Mullen, Assistant to the City Clerk