



CITY COUNCIL WORK SESSION AGENDA

Work Session – Police Reform

COUNCIL MEETING WILL BE ONLINE ONLY

Due to the COVID-19 precautions, the Council Meeting will be held online and is planned to be cablecast on Verizon 21, Comcast 71 and 996 and streamed to www.greenbeltmd.gov/municipaltv.

Resident participation:

Join Zoom Meeting

[https://us02web.zoom.us/j/83571497931?](https://us02web.zoom.us/j/83571497931?pwd=S29wNGI5YW5mZzJNcGtJMElrUEw1UT09)

[pwd=S29wNGI5YW5mZzJNcGtJMElrUEw1UT09](https://us02web.zoom.us/j/83571497931?pwd=S29wNGI5YW5mZzJNcGtJMElrUEw1UT09)

OR

Join By phone: (301) 715-8592

Meeting ID: 835 7149 7931

Passcode: 398676

In advance, the hearing impaired is advised to use Video Relay Services (VRS) at 711 to submit your questions/comments or contact the City Clerk at (301) 474-8000 or email banderson@greenbeltmd.gov.

Monday, October 4, 2021

8:00 PM

Work Session Packet

Police Reform

Suggested Action:

Reference: PSAC Report and Recommendations

Appendix A - PSAC Report - General Orders

Memorandum - R. Bowers - 09.10.2021

Police Reform Policy - Mayor Byrd

Agenda

- Introductions
- PSAC Report
- Police Department Presentation
- Council Discussion
- Questions and Answers

- Other Items

[PSAC_05_05_2021_Report__Recommendation_to_Council_on_Reform_of_GPD_Police_Procedures_FINAL.pdf](#)

[Appendix_A_PSAC_05_05_2021_report_GPD_General_Orders_FINAL.pdf](#)

[Memorandum - R. Bowers.09.10.2021.pdf](#)

[Police Reform Policy - Mayor Byrd](#)

City Council Work Session Agenda Item Report

Meeting Date: October 4, 2021

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Police Reform

Suggested Action:

Reference: PSAC Report and Recommendations

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Attachments:

[PSAC_05_05_2021_Report___Recommendation_to_Council_on_Reform_of_GPD_Police_Procedures_1.pdf](#)

[Appendix_A_PSAC_05_05_2021_report_GPD_General_Orders_FINAL.pdf](#)

[Memorandum - R. Bowers.09.10.2021.pdf](#)

[Police Reform Policy - Mayor Byrd](#)

DATE: May 5, 2021

TO: Captain Mark Sagan, City Liaison to Public Safety Advisory Committee
Richard Bowers, Police Chief

FROM: Public Safety Advisory Committee
Dr. Laura Kressler, Chair
Members: Stan Zirkin, Peggy Higgins, Eunice Pierre, Cindy Comproni,
William James, Mary Thomas

CC: Greenbelt City Council
Nicole Ard, City Manager

RE: Greenbelt Public Safety Advisory Committee Report and Recommendation to
Council on Reform of Police Procedures for the Greenbelt Police Department

On September 18, 2020, Council asked for the Public Safety Advisory Committee's (PSAC) views on a slide presentation made by Mayor Colin Byrd, which anticipated a local ordinance to be entitled the Fair and Just Policing Act. It purports to regulate Greenbelt Police Department (GPD) procedures on a variety of topics, including de-escalation; use of force; duty to intervene; civil liberties; transparency; militarization; hiring; immigration; racial profiling; civilian accountability and stop and frisk. In order to address the timely and high-profile issues presented PSAC decided to meet twice a month instead of the usual monthly meetings.

Following the referral, we first met to discuss the subject on October 6, 2020 and thereafter met approximately twice a month through May 4, 2021. In attendance during the zoom meetings were members of PSAC; liaisons Mary Johnson and later Greenbelt Police Department Captain Mark Sagan; Greenbelt Police Chief Richard Bowers; Councilwoman Silke Pope and members of the public. We also obtained copies of the general orders of the GPD which addressed in detail most of the proposals by Mayor Byrd. Appendix A Table 1, comparing Mayor Byrd's proposals with the existing general orders, is attached to our report¹.

¹ General Orders are police department policies that govern day-to-day operations and actions. They are the rules and regulations that all police department personnel must follow in carrying out the mission of the department.

The first order of business was to consider whether a local ordinance was necessary or helpful to address the concerns raised. PSAC members expressed qualms as the general orders treated most of the issues raised by the Mayor with greater precision and clarity. Then in April 2021, the Maryland Legislature overrode Governor Hogan's veto and passed a series of bills addressing many of the issues proposed by the Mayor. Ultimately the Mayor asked us to suspend consideration of his proposal. However, since the withdrawal was not requested by the full council and we had identified recommendations for improvements in the general orders that were warranted, consistent with the April 2021 legislation, we decided to complete our report on the referral.

As an initial matter we note that the GPD has had few, if any, incidents which would create the type of consternation we have seen in other parts of the country as publicized by the Black Lives Matter campaign and the Chauvin trial. A scalpel rather than a sledge hammer is what is required here. To that end we have scrutinized the general orders and believe that some changes, consistent with the April 2021 legislation, are warranted to address concerns raised by some members of the public and PSAC members. Committee recommendations are in bold. These recommendations were unanimously affirmed by PSAC members on a 7 – 0 vote. Where no recommendations are made, PSAC believes the general orders we examined are sufficient.

Significantly, we note that the International Association of Chiefs of Police (IACP) has embraced in principle the types of changes in police procedures enacted by the Maryland legislature in April 2021 and the changes PSAC is recommending for the GPD on the local level as referenced below, Appendix B (IACP -- “It is Beyond Time”).

I. De-escalation

The Mayor's proposal would require officers to de-escalate situations through communication, maintaining distance, slowing things down and otherwise minimizing the need to use force. This is consistent with the April 2021 legislation. General Order

616-18 specifically states that de-escalation is the policy of the GPD and sets forth in detail how that is to be accomplished. Other general orders address different aspects of de-escalation including 618-02, 618-04, 618-08 and 411. **However, given the importance and overarching value of de-escalation in police/community interactions, particularly those for which use of force is being considered, it is recommended that a definition of de-escalation be added to the definition section of General Order 616-02.**

II. Use of Force

The April 2021 legislation included a use of force provision to be utilized by all Maryland police departments. It states that police “may not use force against a person unless, under the totality of circumstances, the force is necessary and proportional to prevent an imminent threat of physical injury to a person or effectuate a legitimate law enforcement objective.” To the extent that the GPD's general orders are not consistent with this language they must be modified. Specific general orders concerning use of force are referenced below:

1. The mayor's proposal seeks to limit the use of force, as does the April 2021 legislation and the general orders of the GPD. **However, again given the importance of de-escalation it is recommended that the language in General Order 618 should be modified 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."** 2016 through 2019 GPD data on use of force arrests show a significant number of individuals whose arrests included use of force were Black or Hispanic, (42 of 47); 5 were White. For further details on the demographics of use of force suspects, see Appendix C Table 1.
2. The mayor's proposal seeks to limit the use of deadly force as a last resort to stop an imminent threat of death or serious bodily injury to the officer. General Order 17(B)(4) is

almost identical to the mayor's proposal, but extends the danger to any human life, not just the officer.

3. The mayor's proposal seeks to ban neck restraints. The general orders already do that, 616-14.

4. The mayor's proposal seeks to prohibit shooting at moving vehicles. The general orders already prohibit this conduct unless the officer's life or the life of another person is in imminent danger or serious physical injury or death and no escape route is available. This qualification makes sense to us and is consistent with the April 2021 legislation.

5. The mayor's proposal seeks to prohibit pulling a gun on an unarmed civilian. General Order 616-17(B)(1) would appear to already prohibit this conduct since the only exception is where the officer reasonably believes that deadly force may become necessary. This is to be an objective standard under the new legislation.

6. The mayor's proposal seeks to prohibit hitting, verbally abusing or physically threatening a civilian who is in handcuffs or otherwise restrained. General Order 616-15 prohibits force against individuals in restraints, except as objectively reasonable to prevent escape or bodily injury and even then, only the minimal amount of force necessary shall be used. We believe that the exception listed in this general order is reasonable and consistent with the April 2021 legislation.

7. The mayor's proposal seeks to assure that there is a verbal warning before use of force is utilized. This is consistent with the April 2021 legislation. General Order 616(B)(4) requires that this be done unless doing so would place the officer or another person in jeopardy. This exception makes sense to us.

8. The mayor's proposal would require reporting by fellow officers of questionable use of force and threats of force. This is already required by General Orders 202-JJ and LL and 619-9. The April 2021 legislation also requires such reporting and gives the officer whistleblower protection.
9. The mayor's proposal would require each officer to take a sanctity of life pledge. This is already part of the officer's oath. See G.O.103-2.
10. The mayor's proposal would ban the use of chemical irritants to disperse a non-violent group of protesters. General Order 618-8(B)(3) already states that these means shall not be deployed when lesser force would accomplish the task, consistent with the April 2021 legislation.
11. The mayor's proposal would require officers to lessen restraints when there is respiratory distress. The general orders already require officers to take steps to render appropriate medical aid in such circumstances.
- 12. The GPD, in accordance with the April 2021 legislation, must establish a system to identify police officers who are considered likely to use excessive force and to retrain, counsel or if needed reassign them.**
- 13. Under the April 2021 legislation the GPD should Issue a general order requiring referral to the state's attorney office for investigation of any officer whose conduct results in a fatality.**

III. Duty to Intervene

The mayor's proposal would require a duty to intervene by other officers where it is perceived that excessive force is being used; to require a report to a supervisor and to ban retaliation for making such reports. General Order 202-KK requires such intervention and reporting but does not expressly ban retaliation. The April 2021

legislation gives whistleblower protection to such individuals. **The general orders must be modified to include such protections.**

IV. Civil Liberties

1. The mayor's proposal would ban no-knock warrants without exception. The April 2021 legislation limits the use of no-knock warrants, requiring that officers outline good reasons for not knocking and obtain written approval from both their supervisors and a state's attorney. **The general orders need to be modified to make them consistent with the legislation.**

Even so there are legitimate situations where forceable entry by officers is necessary. Those situations are enumerated in General Order 638-06. **It is recommended that the General Order specify that when forcibly entering a premise, officers loudly and clearly identify themselves as police officers.**

2. The mayor's proposal would ban violation of a civilian's constitutional rights. This is already required by General Order 625.

3. The mayor's proposal would ban detaining a civilian who is not suspected of a specific crime. **Although some of the language of the general orders we have examined implies that this practice should be followed, we recommend that a more precise general order be promulgated to cover this situation.**

4. The mayor's proposal would require that when children are suspects there should be notice to the suspect(s) parents and provision of an attorney for consultation. General Order 804-9 requires that officers notify parents/guardians whenever a juvenile is taken into custody and will advise the juvenile of his/her constitutional rights, including the right to remain silent and the right to an attorney, including the appointment of an attorney if the suspect cannot afford one. General Order 804-10(e) states that because a juvenile may not understand what is happening during the interview process, an

officer should explain what can be expected, and how the agency and juvenile justice procedures work.

On the other hand, the GPD retains a large amount of discretion in their handling of interrogation of juveniles. General Order 804-10(d) states that an "interrogation may be conducted without a parent/guardian, regardless of the circumstances...". Section 804-10(a) similarly states that there is no legal requirement that a parent or guardian be present when an officer questions a juvenile....". Section 804-10(e) states interviews are "not to exceed six hours" and are to be no longer than two-hour increments with 10 minute breaks in between. General Order 804 also sets forth exceptions to the general order that juveniles may not be fingerprinted or photographed. One exception is that fingerprints and/or photographs of a juvenile may be taken when: "juvenile's fingerprints and/or photograph may prove successful in solving a case or would serve a legitimate law enforcement purpose."

It is recommended that Council request GPD reconsider whether GPD interview procedures with juveniles fully meet 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 also recommends that a provision be added to General Orders 804 and 664 (concerning Student Resource Officers, identified in the General Order as first and foremost law enforcement officers) which requires that interrogations be conducted in a "fair, impartial and objective manner" as specified in General Order 105.II.

We further recommend that GPD submit data concerning juveniles arrested between 2017 and 2019; the race and gender of the juvenile charged; the nature of the charges; and how many of these arrests were conducted by the SRO.

We recommend this data be provided every six months for three cycles after which the recommendation will be re-visited regarding the frequency of reports regarding juvenile arrest data.

V. Transparency

1. The mayor's proposal would prohibit an officer from telling members of the public not to record video footage of police-civilian encounters. The April 2021 legislation prohibits officers from preventing recordings so long as the person is acting lawfully and safely. **The GPD should modify its general orders to be consistent with the legislation.**

2. The mayor's proposal would require that complaints and disciplinary records be made public and that expungement of these records be prohibited. The April 2021 legislation directly addresses this issue insofar as it allows the public to see some disciplinary and internal affairs records, including complaints a department ruled baseless. **The GPD should modify its general orders to be consistent with the legislation.**

GPD General Order 634 identifies and provides examples of both reportable complaints and non-reportable complaints as determined by the Department. The General Order states that complaints are accepted “when a citizen comes...and the complaint fits within the reportable realm as describe in this Order”. The Order of not reportable complaints are those where the action being complained about “is an accepted police practice and the officer’s actions were in accordance with Departmental policy” and/or the situation is “within the officer’s discretion...[and] in accordance with Departmental policy.” **It is recommended that the definition of a complaint be broadened so all complaints or concerns about an individual officer’s actions and/or Departmental policy can be documented and properly reviewed, even if the ultimate resolution is that the complaint has no merit.**

3. The mayor's proposal would require release of all body camera footage within three days of a request. State law mandates that 30 days is the deadline and 3 days is an impossible goal to meet. **As a compromise, we recommend that General Order 674 incorporate a tiered deadline process to allow for 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.**

4. The mayor's proposal would dictate when a body camera should be turned on and off. General Order 674-6(C) and 674-G spell out in detail when the camera should be turned on and off and to assure that all relevant encounters are covered. **PSAC strongly believes that the use of body cameras is the best deterrent to overreaching by a rogue officer and would recommend a provision in the general orders to the effect that if an officer fails to turn on his/her body camera and/or turns off the body camera without just cause the officer will be subject to discipline up to and including discharge.**

5. General Order 674-09(C) enumerates those incidents when "a supervisor shall review the Body Worn Camera System (BWCS) recording". **PSAC recommends that stop and frisk incidents based on suspicion be included on the list of incidents that the supervisor shall review.**

6. There is a provision in the mayor's proposal which has the topic heading "settlements". We assume that this means relaying to the public how much money was given in settlements to private citizens due to alleged police misconduct. **We recommend Council consider requiring GPD to make the terms of such settlements public on a yearly basis. Excluded from disclosure through redactions should be any terms in the settlement labelled confidential by the**

parties and otherwise ensuring privacy by excluding the names and addresses of the parties to the settlement.

7. In order to address transparency/accountability issues, it is recommended that a procedure be devised under which new general orders or modifications to existing orders be submitted to the Public Safety Officer/City Manager either before or after implementing changes to the general orders (as agreed to by these parties). After implementation, the City Manager or City Manager's designee are to forward the submission/s to PSAC within two weeks of implementation. Implementation of these changes is not and shall not be dependent upon PSAC comment.

VI. Militarization

The mayor's proposal would ban the use of military weapons by the GPD and require the return of a military vehicle currently in use. The military vehicle utilized by GPD has been re-purposed and has served useful functions, including saving lives. We do not recommend that the GPD dispose of this vehicle. **The April 2021 legislation puts limits on what type of military equipment police departments can obtain from DOD. The GPD has to follow this law.**

VII. Hiring

1. The mayor's proposal would ban the hiring of officers with a history of misconduct in previous departments. General Order 413-2 already requires a thorough investigation of a candidate's background which would include prior allegations of misconduct. The GPD needs discretion to make its own hiring decisions.

2. The mayor's proposal would mandate diversity in hiring and promotion. The general orders unequivocally adhere to the principles of equal opportunity. See General Orders 408-5 and 429-F. Notwithstanding the Department's commitment to diversity hiring there has been a marked continuing disparity between the racial demographics of

Greenbelt's sworn officers and the City of Greenbelt population. The racial demographics of Greenbelt's population are 26% White, 48% Black, 14% Hispanic, and 12% Other Race. GPD's racial demographics are 65% White, 23% Black, 10% Hispanic, and 4% Other Race, Appendix C Table 2.

Racial representation of officer workforce in proportion to the population has been a highlighted issue in CALEA's accreditation reports since 2009 and noted in the reports as an ongoing Department priority. Yet, 2015 – 2019 hiring data shows continued dominance in hiring of White officers, in GPD promotions and in its overall workforce. For more details on these issues see Appendix C Tables 3, 4, 5. **Accordingly we recommend that a specialist in law enforcement recruiting be hired by the Department to assist in improving these diversity statistics.**

IX. Immigration

The mayor's proposal would ban police cooperation with ICE on immigration enforcement matters. General Order 675-III(a) provides that GPD officers do not have the legal authority to enforce civil violations of immigration law. The City Council has already stated its position on cooperating with ICE.

X. Racial Profiling

The mayor's proposal would ban racial profiling. General Order 716-1 unequivocally bans this practice. Notwithstanding the Department's commitment to "unbiased, equitable treatment of all persons", GPD traffic warning vs citation outcome data from 2015 – 2019 shows a consistent disparity in outcomes for people of color, in particular black males. Black males received both a higher percentage and higher number of traffic citations than other race/gender groups.

In the five-year period, 2015 – 2019, Black males and Hispanic males received far more traffic citations, 5,581 and 2,119 respectively, than any other group. Black males received 12 times more traffic citations than White females (453). For detailed data on

the number of citations and warnings and the percentages of warnings vs citations for racial and gender groups see Appendix C Table 6.

Conscious awareness by officers of bias and implicit bias as well as the cultural sensitivity of traffic stops for minorities and “driving while black” (DWB) is essential in developing/enhancing the department's positive relationship with the community.

The majority of traffic violators contacted by police personnel are ordinary citizens who may form their entire opinion of the police department from one encounter on a traffic stop.

PSAC recommends ongoing training and attention first and foremost to officer and civilian safety as well as assuring the incorporation of de-escalation techniques and awareness of the influence of bias, conscious or unconscious.

Further, it should be assured 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 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.

It is recommended that GPD submit quarterly reports regarding traffic stops and traffic stop outcomes for ongoing review. After three cycles, the recommendation can be revisited regarding the frequency of reports regarding traffic stops and traffic stop outcomes.

X. Civilian Oversight

Under LEOBR, which the April 2021 legislation repealed, the police chief and, ultimately, trial boards made final decisions on disciplinary matters. Under the new legislation, a civilian majority board is to decide complaints against officers. The police chief can increase, but not decrease, the penalties recommended by the board. **The general orders must be consistent with the new legislation.**

XII. Stop and Frisk

The mayor's proposal would ban stop and frisk procedures. Yet, this is an important police tool when an officer has a reasonable suspicion that the subject is armed and has committed or is about to commit a crime.

Recommendations:

1) Definitions of reasonable suspicion, proactively patrol and aggressively patrol be added to General Orders 620 and that examples of suspicious person and circumstances be provided;

2) The General Order enumerate that the criteria for implementing the frisk of a suspect is the suspicion that the suspect is armed;

3) GPD 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, details of the reason for the suspicion and whether the person was subsequently arrested.

Following review of the initial data provided, a follow-up recommendation will be made as to the frequency of ongoing data regarding frisks based on suspicion.

4) That council direct GPD to reconsider its policy to retain photographs whom GPD suspects, based on “reasonable articulable suspicion”, may have committed

crimes but who are not arrested because of lack of probable cause. In PSAC's view privacy rights outweigh GPD's need to retain these photographs, currently determined by the General Order to be 7 years. If it is concluded that GPD has a compelling need to retain such photographs, it be required that the photographs be expunged after no more than one year.

Additional Recommendations:

New General Order

PSAC recommends that a new general order be developed emphasizing GPD's commitment to community policing/guardian mindset of "protect and serve" rather than a warrior "law and order" mindset. The new General Order would confirm the value GDP places on the collaborative nature of community policing and the integration of community policing concepts in all of its interactions with the community.

Council Endorsement of IACP police reform proposals

We recommend that the GPD subscribe to and participate in the National Use of Force Database and the National Police Officer Decertification Database if and when the IACP proposals on police reform are adopted and implemented. Finally, we recommend that Council consider endorsing some or all of the IACP police reform proposals as noted in Appendix B.

**Appendix A Table: Proposed Greenbelt Fair and Just Policing Act
juxtaposed with Police Department General Orders
as identified by Greenbelt’s Public Safety Advisory Committee**

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
1. De-escalation	
Requiring officers to de-escalate situations through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.	618-02 It is the policy of the Greenbelt Police Department to regulate the types of authorized less-lethal weapons officers are issued and permitted to carry and use, both on and off duty. It is imperative that the Department’s officers are properly trained and qualified in the use of all authorized weapons, and that proper inspections and maintenance are conducted to ensure that they meet minimum safety requirements. 618-04 AUTHORIZED LESS-LETHAL WEAPONS: The Department provides the following less lethal weapons to officers to ensure that they have options available to them. A. Less-Lethal Shotguns B. ASP Baton/Straight Stick/Flashlight C. Riot Baton D. OC Chemical Agent/Pepper Spray E. Pepper Spray Fogger F. Taser 616-18 DE-ESCALATION OF DEADLY FORCE: In situations where the officer must overcome an attack that the officer reasonable [sic] believes would produce serious injury or death to the officer or another person, the officer may use any methods necessary to overcome the attack, however, when time, circumstances and safety permit, officers shall constantly reevaluate a situation to determine if the actions are still objectively reasonable based on changing circumstances and should take steps to gain compliance and de-escalate conflict without using force [sic] physical force. Examples include:

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	A. The use of verbal advisements, warnings, and persuasion. B. Attempts to slow down or stabilize the situation so that more time, options and resources are available. C. Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or is caused by an inability to comply. 411-02(B) The Department recognizes that there are a variety of situations which may be resolved more suitably by exercising alternatives to arrest. 1. Officers are encouraged to make necessary or appropriate referrals to public and private agencies that can provide services to address or solve underlying problems that cause incidents. 2. Criminal/Civil/Juvenile citations in lieu of a custodial arrest may be the best course of action. 3. Referrals to the District Court Commissioner who are allowed to issue Criminal Summons as charging document for minor crimes. 4. Persons arrested pursuant to the Maryland Vehicle Law will be taken without unnecessary delay before a District Court Commissioner, unless arresting officers, in their discretion, release arrestees upon their written promise to appear for trial. 411-2(D) Officers may exercise the concept of written warnings (traffic and criminal) and verbal warnings (criminal) on those traffic and simple misdemeanor offenses where the facts indicate proper resolution of the incident can be achieved without formal charges. However, officers will not evade the responsibility of properly resolving incidents or situations.
2. Use of Force	
• Banning ○ Neck restraints	616-05 PROGRESSION OF FORCE: Officers will consider and, if possible, employ a progression of force. The progression of force may not be possible under all circumstances; however, officers will use only the level of force reasonably necessary to obtain a lawful objective. Levels of force are illustrated in the Use of Force Continuum, Addendum A. 616-14 USE OF CHOKE HOLDS AND LATERAL VASCULAR NECK RESTRAINTS: The use of choke holds and Lateral Vascular Neck Restraints are prohibited.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
- Banning - Shooting at moving vehicles	616-17(6) Officers will not discharge firearms at or from moving vehicles, or suspects fleeing in vehicles, unless the officer's life or the life of another person is in eminent danger of serious physical injury or death and no escape route is available.
- Banning - Pulling a gun on an unarmed civilian	616-17(B)(1) USE OF FIREARMS: The Department's policy concerning the use of deadly force and discharging firearms is as follows: 1. Officer will not unnecessarily draw or display any firearms, or carelessly handle a firearm. An officer may point a firearm at another person if he or she reasonably believes that deadly force may become necessary. An officer need not wait until the threat becomes imminent before pointing his or her firearm at a person. However, an officer must be able to articulate why he or she believes that deadly force may become necessary. Nothing in this section is intended to take away from an officer, the ability to defend him or herself or another person from serious bodily injury or death.
- Banning - Hitting, verbally abusing, or physically threatening a civilian who is in handcuffs or otherwise restrained	616-15 Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, another person, or property damage. In these situations, only the minimal amount of force necessary to control the situation shall be used.
Limiting use of force	202-03(S) USE OF FORCE: Sworn employees will only use the amount of force necessary to complete a lawful objective. 616-16 Intentional strikes to the throat or groin with the hands, feet, legs, elbows, knees, or implement is prohibited absent the need for deadly force.
- Last resort = deadly force (only to stop an imminent threat of death or serious bodily injury to the officer) - Verbal warning (before shooting, tasing, or pepper spraying)	616-17(6) Officers will not discharge firearms at or from moving vehicles, or suspects fleeing in vehicles, unless the officer's life or the life of another person is in eminent danger of serious physical injury or death and no escape route is available. 616-17(B)(4) Deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury. (4.1.2. It is important to note: a. If feasible, an officer will identify him or herself as a police officer and issue a verbal warning before using deadly force. A verbal warning is not required in a split-second situation or if the officer reasonably believes that issuing the warning would place the safety of the officer or another person in jeopardy. b. The officer must reasonably believe that all other means of effecting the arrest are futile; and,

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	c. The decision on whether the suspect poses an immediate threat, if not apprehended, must be based on information known to the officer at the time.
Reporting use of force and threats of force (e.g. pointing a gun at someone) by self or others.	202-02 POLICY: ...These rules are founded on the proposition that police have been given special trust by the people and have an equally special obligation to account for the exercise of that trust. 202-03(D1) Any misdemeanor or felony convictions shall be prima facie evidence of violation of this section, except when an officer is convicted by a court for the proper performance of his/her duties, while being exonerated by Departmental investigation. Departmental actions shall not be contingent upon placement of criminal charges or a conviction. 202-03(JJ) DUTY TO REPORT: Employees are required to expeditiously report direct knowledge of incidents involving excessive force, other unlawful acts, ethical violations, and violations of this General Order either directly to the Chief of Police, to the chief through the chain of command, or to the chief by some other supervisor personnel. There is a duty to report even if intervention prevented or reduced the violation. Examples of direct knowledge include, but may not be limited to, witnessing an event, receiving an admission, receiving a complaint, receiving information from a witness, or obtaining direct evidence of a violation. 202-03(LL) SUPERVISOR DUTY TO ACT: In addition to any other duty under rules herein, upon becoming aware of a violation(s) of the Rules, General Orders or other directives of the department, or of violations of local, state, or federal law, being committed by an employee or employees, supervisors shall have the duty to: 1. Ensure that any dangerous or illegal condition is abated as soon as possible. 2. Take corrective action with regard to an employee under his/her supervision when the supervisor knows or should have known of any form of neglect of duty or misconduct 3. Ensure that any report of the infractions are appropriately documented and forwarded either through the chain of command or to the responsible authority, 4. Ensure that victims/complainants are informed of their rights under law and the department's procedures. 616-09 SUBJECT MANAGEMENT REPORT: The Department will incorporate a Subject Management Report to document all reportable incidents involving the use of force by officers.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	Each officer utilizing a level of force, as outlined by this policy, shall complete a Subject Management Report as soon as possible, but no later than the end of the officer's tour of duty, unless incapacitated.
Sanctity of life pledge	103-02 As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality, and justice.
Banning the use of chemical irritants (e.g. tear gas) to disperse a nonviolent crowd of protesters	618-08(B)(3) Pepper Spray shall not be deployed under the following circumstances: a. When lesser force will accomplish the task. b. In an emergency room or the other places where people may be having breathing difficulty. c. When deployment could create a mass stampede evacuation. 618-08(C)(1) Pepper Spray is considered a low-level control and restraint technique that, when applied to the Use of Force Continuum, can be utilized whenever an officer is confronted with active resistance.
Requiring officers to loosen restraints and seek appropriate medical attention for any civilian who says, "I can't breathe" or who is otherwise visibly in respiratory distress.	616-04 INJURY OR ALLEGED INJURY: Any time there is an injury or an alleged injury as a result of a level of force used by an employee or during apprehension, the officer will render appropriate medical aide as quickly as reasonably possible by doing the following: (CALEA 4.1.5) A. Examine the injury and render first aid consistent with his or her training, if necessary. 616-05 PROGRESSION OF FORCE: Officers will consider and, if possible, employ a progression of force. The progression of force may not be possible under all circumstances; however, officers will use only the level of force reasonably necessary to obtain a lawful objective. Levels of force are illustrated in the Use of Force Continuum, Addendum A
3. Duty to Intervene	
- Excessive or unnecessary force (or threats of force) - Immediate reporting to supervisor	105-03 UNBIASED POLICING 04 PROCEDURES (B) COMPLIANCE 1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	3. All external complaints and internal complaints that cannot be resolved effectively and appropriately by supervisory personnel – or that are determined to be potentially serious in nature – shall be forwarded to the agency’s internal affairs office or other designated authority for investigation. 202-03(KK) Duty to Intervene: Each department member has the individual responsibility to intervene, attempt to stop, any other department member from committing an unlawful or improper act, including but not limited to, acts of excessive force, abuses of process, abuses of authority, and any other criminal acts or major violations of department rules and procedures. Successful intervention does not negate a duty to report. Each department member must intervene and notify appropriate supervisory authority if the observe another public safety associate engage in any unreasonable use of force or if they become aware of any violation of state, federal or local law. (Other public safety/criminal justice associates might include, but is not limited to, members of task forces with which the agency works, members from other agencies with shared or concurrent jurisdictions, agency volunteers, or representatives from support organizations within the broader criminal justice system.) When encountering unreasonable actions of other employees or public safety/criminal justice associates that could result in injury, death or violations of constitutional or civil rights, intervention must be immediate. 202-03(W) DISCRIMINATION AND HARRASSMENT: ...Employees shall not take nor contribute to any reprisal against any individual or group of individuals who have opposed discriminatory practices, or have participate or assisted in an investigation or proceeding brought under Department policy, or county, state or federal law.....The Chief of Police will cause an investigation to be conducted into all harassment complaints.
4. Civil Liberties	
• Banning ○ No-knock warrants	638-06 FORCIBLE ENTRY TO EFFECT ARRESTS: Except when the urgency of a situation demands immediate action, a supervisor must approve forcible entry of any premises made solely to effect an arrest. (CALEA 74.3.1) (A) Officers, in attempting to serve a confirmed arrest warrant and with probable cause that the person in the warrant is inside his/her own residence, may forcibly enter the residence to effect the arrest if: 1. Demand of entrance is made by the officer and consent to enter is denied by the occupant; or, 2. The person refuses to communicate with the officer who is present, indicating an implied denial of consent to enter.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	(B) In the absence of a valid search and seizure warrant, officers may not make forcible entry of any residence to effect the warrantless arrest of any person unless exigent circumstances exist. Exigent circumstances are limited to: 1. Fresh pursuit of a person whom an officer has probable cause to believe has committed a felony. 2. Arresting a person charged with a serious offense who has just escaped from the officer's custody. 3. When an officer has probable cause to believe a person is an immediate danger to him/herself, to others or to the property of others. 4. When an officer has probable cause to believe that a crime is in progress or when investigating a disturbance, which he/she may have heard from the outside. 5. To arrest a felon without a warrant or to prevent the commission of a felony when demand of entrance was made and entrance is denied.
• Banning ○ Violations of civilian's constitutional rights	625 COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS DURING CRIMINAL INVESTIGATION All officers, while conducting criminal investigations, will take every precaution to ensure that all persons involved are afforded their constitutional safeguards. Police officers will ensure that: 1. All statements or confessions are of a voluntary nature. 2. All persons are advised of their rights in accordance with this Order. 3. All persons arrested are taken without undue delay to a Court Commissioner for formal charging, and to have a bond and a court date set. 4. All persons accused or suspected of criminal violation for which they are being interviewed are given an opportunity to consult with an attorney. 5. Prejudicial partial publicity is avoided so as not to interfere with a defendant's right to a fair and impartial trial.
	105-04 UNBIASED POLICING (A)(1-3) FAIR AND IMPARTIAL TREATMENT 1. Biased policing is prohibited both in enforcement of the law and the delivery of police services. 2. Officers shall take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
• Banning ○ Detaining a civilian who is not suspected of a specific crime.	3. Officers shall not consider individual demographics when performing law enforcement duties or delivering police service except when such characteristics are part of a specific subject description. 620-03(D) Officers shall never stop individual(s) based solely on the person's race, gender, sex, national origin or sexual or religious preference. Officers will have articulable suspicion utilizing their training, knowledge and experience when stopping individuals suspected of suspicious activity. (CALEA 1.2.9.a) 716-03(B) Reasonable Suspicion: May also be referred to as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstance that would warrant a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observation of a police officer combined with that officer's training and experience, and/or reliable information received from credible outside sources. 716-05 (B) Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they may have committed, are committing or are about to commit an infraction. Each time a motorist/pedestrian is stopped, the officer shall radio to the Communications Specialist the location of the stop and the description of the person or vehicle involved.
• Regulating interrogations of children • Notice to parents	704-10 (D) Interrogation may be conducted without a parent/guardian, regardless of the circumstances, if the parent/guardian refuses to be present, is disruptive, or is not available, within a reasonable period of time. 704-10 (E)...The interview time should not be longer than two hours without a ten minute break and total time shall not exceed six hours...Because a juvenile may not understand what is happening during the interview process, an officer should explain what can be expected, and how the agency and juvenile justice procedures work (CALEA 44.2.3.a.&b) 804-08 (D) Supervisors may grant exceptions [to not fingerprinting and photographing a juvenile] for a good cause. Such circumstances include, but are not limited to: (1) The juvenile is a suspect of significant felony violations; (2) The juvenile is involved in multiple crimes, or (3) The juvenile's fingerprints and/or photograph may prove successful in solving a case or would serve a legitimate law enforcement purpose.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	804-09(A) Officers will notify parents/guardians whenever a juvenile is taken into custody. Officers will inform them of the circumstances and arrange for them to resume custody of the juvenile. Further, officers will explain to the juvenile and parent or guardian Department and juvenile justice system procedures. B. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. (CALEA 44.2.2.b) 804-10(A) There is no legal requirement that a parent or guardian be present when officers question a juvenile. However depending on the age of the juvenile and the offense being investigated, officers are encouraged to use their discretion in determining if a parent or guardian should be present.
- Regulating interrogations of children - Consultation with attorney	804-09(C) Advise the juvenile taken into custody of his/her constitutional rights, via Miranda, prior to any statement being taken. (CALEA 42.2.2.c)
5. Transparency	
Prohibiting an officer from telling a civilian not to record video footage of a police/civilian interaction.	678-03(c) Officers should not: (iii) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.
- Complaints and disciplinary records - Public	634 <i>Covers complaints but no mention of the records being made public.</i> 634-06 <i>provides examples of screening out what is deemed not to be a reportable complaint. Examples include a determination that “this is an accepted police practice...in accordance with Departmental policy” and an example of situations that are “within the officer’s discretion...[and] in accordance with Departmental policy”.</i> In these circumstances no complaint form is to be filled out. 634-07 When a citizen comes...and the complaint fits within the reportable realm as described in this Order...shall ensure that a Complaint Form is filled out. 635-03 A complaint is defined as “an allegation of misconduct, inappropriate performance, or violations of any law, Departmental police, procedure or directive that is made against any employee of the Department”.
Complaints and disciplinary records	635-10(D) Effective October 1, 2016 LEOBR requires hearing board are too be open to the public, unless the Chief finds a hearing must be closed for good reason.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
○ Banning the deletion of complaints and discipline issues from personnel file	635-13 ANNUAL PUBLIC REPORT AND PUBLIC INFORMATION A The Administrative Assistant to the Chief of Police will prepare an annual statistical summary of all complaints and dispositions. In addition, the Office of Professional Standards will conduct a statistical review of use of force and other relative incidents occurring annually to reveal patterns or trends that could indicate training needs, equipment upgrades and/or policy modifications. Copies of the review will be sent to the Chief of Police and all Division Commanders for dissemination to officers. B. Annually a statistical summary, based upon internal affairs records, will be prepared and made available to the public and agency employees. (CALEA 26.2.5) C. The Department will publish a brochure and publicize information on the Agencies website informing the public of the procedures to register a complaint against the Department of its employees. Copies of the brochure will be made available upon request, as well as kept in the lobby area of Headquarters. (CALEA 26.2.4)
• Body cameras ○ Releasing footage upon request within 3 days of the request	674-11(B) The Department shall ensure that all external requests for copies of recordings, including subpoenas and summonses, will be reviewed for compliance with applicable standards, including those imposed by law and provisions of this policy. The Department will maintain a log of all MPIO requests for BWCS recordings that it receives. (C) The release of recordings of an officer's death or injury shall not occur absent compelling law enforcement related reasons to release the recording or in situations where the release of these recordings are required by law. (D) Recordings will not be disseminated by an employee without receiving written permission under the authority of the Chief of Police.
• Body cameras ○ Automatically releasing footage online within 3 days of a use of force resulting in physical injury to civilian	

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
• Body cameras ○ Turning on before they exit car or otherwise begin interaction with civilian	<i>Zirkin – I have no other G.O.'s to add but I feel very strongly that this is the best deterrent to overreaching by a rogue police officer and would like to add a provision to the general orders to the effect that if an officer turns off his body camera without just cause he shall be subject to discipline up to and including discharge.</i> 674-06(C) The BWCS must be activated during all law enforcement related encounters and activities such as, but not limited to, the following examples; [sic] 1. At the initiation of a call for service or other activity that is investigative or enforcement in nature. 2. All enforcement and investigation related citizen contacts. 3. Documentation of evidence that can be used in the prosecution of criminal and traffic offenses. 4. Arrests and transports. 5. Traffic stops. 6. Priority responses. 7. Vehicle and foot pursuits. 8. Suspicious situations. 9. All searches (persons, vehicles, structures, effects), except strip searches. 10. Interviews and interrogations. 11. Mental health interventions. 12. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording. 674-06(D) Once the BWCS has been activated, officers will continue to record until:(41.3.8.b) 1. The officer has left the scene and anticipates no further involvement in the event; or 2. A supervisor has authorized that a recording may cease; or 3. The officer is no longer engaged in a related investigative or enforcement activity; or 4. The officer is entering an allied agency's facility whose policy requires deactivation of the camera; or 5. The event has concluded.
• Body cameras ○ Not turning off until the end	Also 674-06. See above.
• Body cameras ○ Making exceptions for cases which civilians request to not be recorded.	674-06(G) In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuse to do so while being recorded, officers will have the discretion to turn off the BWCS during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive. In these situations, officers may decide that obtaining the information is more important than recording the conversation. In such situations, the officer must record a brief verbal explanation for the deactivation prior to turning off the recording.
• Settlements	No general orders seem to relate to this topic.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
6. Militarization	
• Military Vehicles ○ Ban ○ Return existing	Zirkin – <i>No general orders that I saw but based on previous discussions I believe there was a consensus that this proposal should be rejected because the one military vehicle we have has been re-purposed and has served useful functions, including saving lives.</i> Higgins – <i>I am reserving judgement on this issue until we get information back from the Chief regarding the vehicle’s frequency of use and purpose over the last 3 – 5 years.</i>
7. Hiring	
• Banning the hiring of officers with a history of misconduct in previous department	413-02 PROCEDURES: A. A background investigation of each candidate will be conducted prior to appointment to probationary status. Whenever practical, the investigation should be done in person, and should include a home visit with the candidate and his/her family, as well as interviews with neighbors, employers and fellow employees. 1. The background investigation will include the following: a. Verification of the all candidate’s qualifying credentials, including:(CALEA 32.2.1.a) (1) Review of criminal history, if any; (CALEA 32.2.1.b) (2) Verification of at least three (3) personal references; (CALEA32.2.1.c) (3) Interviews with current and previous employers; (4) Educational achievement(s); (5) Age; (6) Citizenship; (7) Interviews with current and previous landlords; (8) Credit history; (9) Polygraph (10) Psychological assessment (sworn) Medical examination: (12) Drug screening; and, (13) Driving record review.
• Diversity ○ Hiring	408-02 It is the policy of the Greenbelt Police Department to maintain an efficient, effective and fair recruitment process that results in attracting and employing individuals who best possess the skills, knowledge, and abilities necessary, while maintaining a workforce representative of the population of the City.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	408-05(A) The City of Greenbelt has committed itself to be fair and impartial in all relations with employees and applicants for employment and to conduct all aspects of employment without regard to race, color, religion, gender, age, national origin or ethnic heritage. (B) The City of Greenbelt voluntarily established a recruitment plan to ensure that positive actions continue, and to emphasize the City's commitment to compliance with the various federal and state laws regarding recruitment and equal employment opportunities. Also referenced in 413-02 PROCEDURES above. 429-02 SELECTION PROCESS (approximately ten (10) days): F(1) When the number of acceptable applicants exceeds the number of vacancies a Selection Committee will be convened. At minimum, the Selection Committee will consist of the following individuals: a. City Human Resources Director or his/her designee; b. Chief of Police or his/her designee; and, c. Administrative Services Division Commander or his/her designee. 2. The Selection Committee will hear a verbal report by the Applicant Investigation Unit and review all relevant documents. 3. The Selection Committee will then rank the applicants 4. The results of the Selection Committee will be presented to the City Manager by the Human Resources Director and the Chief of Police for the final hiring decision. 429-03 Applicant Selection-Job Relatedness (CALEA 32.1.2): A. The selection process shared by the Department and Human Resources uses only those rating criteria or minimum qualifications that are job related and have been documented as having validity, utility and a minimum adverse impact. The elements of the selection process measure skills, knowledge, abilities and traits needed to perform that particular job. B. The validity of the selection process is determined in one or more of the following ways: 1. Criterion related validation (used most often); 2. Construction validation; and, 3. Content validation. NOTE: Criterion related validation is the process utilized by the Human Resources Department.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	The Human Resources Department does not conduct validation studies but utilizes results from the test companies. 429-04 Selection – Validation (All Employees) (CALEA 32.1.3): The selection process for all personnel is comprised of many elements. This may include a written test, background investigation, polygraph examination, psychological screening, physical examination and oral interview. All elements of the selection process will be administered, scored, evaluated and interpreted in a uniform manner within the classification.
• Diversity ○ Promotion	<i>GO 414 covers the topic of promotions but has no specific wording referencing diversity in promotions.</i> 414-05(A) The promotional potential of a candidate shall be based on length of service with the Department, related training, ability and past performance as documented on candidates Annual Performance Evaluation.
8. Immigration	
▪ Banning police cooperation with ICE on immigration enforcement.	675- III (A) Civil Immigration Order/Detainer/Warrant An administrative order or warrant issued by an immigration official for suspected civil violations of the immigration law, i.e. visa violations, illegal entry, or unauthorized arrival and those subject to deportation and removal. GPD officers do not have the legal authority to enforce civil violations of immigration law.
9. Racial Profiling	
▪ Banning racial profiling	716-01 The purpose of this Order is to state unequivocally that law enforcement activities, including traffic contacts, field contacts and asset seizure and forfeiture, which are the result of biased based profiling, are not condoned, are unacceptable, and will not be tolerated by the Greenbelt Police Department. Bias based profiling is unethical and illegal, and serves to foster distrust of all law enforcement by the community we serve. 716-08 A. The Department will monitor data concerning officers’ contacts with citizens and filed complaints to ensure that policies concerning bias based profiling are being followed. 716-09 Annually, the Department will conduct a documented administrative review of agency practices including any citizen concerns or complaints. The review will include electronically submitted demographic data, Field Observation Reports or electronic equivalent, and asset seizures and forfeitures.

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
Prohibiting an officer from stopping a perceived suspect who does not match the description provided in a service call beyond race and gender (e.g. “black male”)	105-IV (A)(1-3) Fair and Impartial Treatment 1. Biased policing is prohibited both in enforcement of the law and the delivery of police services. 2. Officers shall take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances. 3. Officers shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description. 620-03(D) Officers shall never stop individual(s) based solely on the person’s race, gender, sex, national origin or sexual or religious preference. Officers will have articulable suspicion utilizing their training, knowledge and experience when stopping individuals suspected of suspicious activity. (CALEA 1.2.9.a)
10. Civilian Oversight	

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
• Civilian police accountability board ○ Nine Greenbelt residents ○ Appointments by mayor and city council ○ Powers regarding complaints ▪ Information ▪ Investigation ▪ Examples of issues ▪ Excessive force ▪ Abusive language ▪ Harassment ▪ False arrest ▪ False imprisonment ▪ Discipline • Final decisions = binding • Review and make recommendations on: ○ Training ○ Policies ○ Procedures ○ Officers who have been the subject of repeated behavior-related complaints from civilians	<i>LEOBR was repealed and new legislation specifically deals with this issue.</i>
11. Stop and Frisk	
• Expressly ban it.	<i>Zirkin - See Terry v. Ohio, 392 U.S. 1(1968) where, by an 8-1 vote, the Supreme Court that stop and frisk is permissible even in the absence of probable cause where the officer has a reasonable suspicion that the subject has committed or is about to commit a crime and a reasonable belief that the subject may be armed and presently dangerous.</i>

Framework of proposed Greenbelt Fair and Just Policing Act	Relevant Greenbelt Police General Order
	620-03(D) Officers shall never stop individual(s) based solely on the person’s race, gender, sex, national origin or sexual or religious preference. Officers will have articulable suspicion utilizing their training, knowledge and experience when stopping individuals suspected of suspicious activity. (CALEA 1.2.9.a) 716-03(B) Reasonable Suspicion: May also be referred to as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with that officer’s training and experience, and/or reliable information received from credible outside sources. 716-05(E) All field contacts of confirmed suspicious persons will be recorded on a Field Observation Report or electronic equivalent.

Addendum:

THE RESISTANCE CONTROL CONTINUUM (Use of Force Continuum)

This Department subscribes to, and trains its employees, in the concept of controlling resistive behavior with techniques that have minimal chance of injury. As the level of resistance increases, so too will the level of control methods escalate along the continuum:

<u>Levels of Resistance</u>	<u>Appropriate Levels of Response</u>
Psychological Intimidation	Officer Presence
Verbal Non-compliance Refusal to submit to custody	Verbal Direction
Passive Resistance	Soft Empty Hand Control (Pain Compliance with Verbal Reinforcement), joint locks
Defensive Resistance	Hard Empty Hand Control, (Physically resists, non-assaultive) (Motor dysfunction, Oleoresin Capsicum Aerosol, etc.)
Active Aggression (Overt actions of assault)	Intermediate Weapons Soft: Taser, Less Lethal Bean Bag Weapon, Use of a firearm to gain tactical control of an individual and Hard Baton Strikes
Aggravated Active Aggression (Intent to cause death or serious physical injury)	Deadly Force

CITY OF GREENBELT, MARYLAND

POLICE DEPARTMENT

550 CRESCENT ROAD, GREENBELT, MD 20770



Richard Bowers
Chief of Police

Date: September 10, 2021
To: Nicole Ard, City Manager
CC: Timothy George, Assistant City Manager
From: Richard Bowers, Chief of Police
Subject: Council Reply for PSAC Report Dated May 5th, 2021

Ms. Ard,

At the May 5th City Council work session the Public Safety Advisory Committee presented their report on Mayor Byrd's fair and just policing act. The report outlined several areas where the committee recommended changes to current police policy. At the conclusion of the meeting Council requested the Police Department review the recommendation and supply feedback on which changes the department could implement.

Police Department staff have reviewed the report and supplied feedback for the recommendations. While the department waits for guidance from the State on the pending changes to the law there are some changes the department can make prior to that guidance.

I have attached a comparison chart for reference to the PSAC report.

Richard Bowers

Chief of Police

A NATIONAL HISTORIC LANDMARK

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PSAC Recommendation	Department Response
Page 3 de-escalation "The mayor's proposal seeks to limit the use of force, as does the April 2021 legislation and the general orders of the GPD " "However, given the importance and overarching value of de-escalation in police/community interactions, particularly those for which use of force is being considered, it is recommended that a definition of de-escalation be added to the definition section of General Order 616-02."	The department agrees with this recommendation and updates can be included after the current Commission on Accreditation for Law Enforcement Agencies (CALEA) review is complete in the fall of 2021. The department's assessment cycle runs from October 1st to September 30th of each year.
Page 4 use of force. "However, again given the importance of de-escalation it is recommended that the language in General Order 618 should be modified 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"	The Use of Force Policy is currently subject to CALEA assessment. Once assessment review is complete, it is the Department's intention to update the use of force policy. These updates are intended to ensure compliance with new State Law and CALEA standards. The Maryland Police Training Commission (MPTC) is tasked with providing guidance for new use of force policy standards.
Page 7 use of force "The GPD, in accordance with the April 2021 legislation, must establish a system to identify police officers who are considered likely to use excessive force and to retrain, counsel or if needed reassign them."	The department currently has a system in place to meet this standard. General order 431 Early Intervention Program is designed to identify issues. This policy was updated in June 2020 to incorporate new CALEA mandates. This policy will be updated again to ensure it is in compliance with new laws.
Page 7 use of force "Under the April 2021 legislation the GPD should Issue a general order requiring referral to the state's attorney office for investigation of any officer whose conduct results in a fatality."	The department is preparing a new policy to address the changes in the upcoming law. Guidance will be provided by the Attorney General's Office in conjunction with the Maryland State Police for the process of how these investigations will be handled.
Page 7 duty to intervene "The mayor's proposal would require a duty to intervene by other officers where it is perceived that excessive force is being used; to require a report to a supervisor and to ban retaliation for making such reports. General Order 202-KK requires such intervention and reporting but does not expressly ban retaliation. The April 2021 legislation gives whistleblower protection to such individuals." "The general orders must be modified to include such protections."	The department will make the changes to this order pursuant of the new State law. Currently the City provides "whistleblower" protections in City Code Sec. 13-234(b).
Page 8 civil liberties "Even so there are legitimate situations where forceable entry by officers is necessary. Those situations are enumerated in General Order 638-06. It is recommended that the General Order specify that when forcibly entering a premise, officers loudly and clearly identify themselves as police officers."	The department will be modifying the current policy to be consistent with the new State law. These changes pertain to the execution of "no-knock" warrants but will affect the entire policy.
Page 9 civil liberties	Current policy and practices are within CALEA, Federal

"The mayor's proposal would ban detaining a civilian who is not suspected of a specific crime. Although some of the language of the general orders we have examined implies that this practice should be followed, we recommend that a more precise general order be promulgated to cover this situation	and State standards. However, if a policy lacks clarity it could be updated. Additionally, a detained person can only to be held long enough to determine if there is criminal involvement or upon the completion of official law enforcement matter.
Page 10 civil liberties "It is recommended that Council request GPD reconsider whether GPD interview procedures with juveniles fully meet 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."	Department policy and practices meet national standards and are audited by CALEA. Furthermore, our policy and practices meet the State of Maryland standards.
Page 10 civil liberties "PSAC also recommends that a provision be added to General Orders 804 and 664 (concerning Student Resource Officers, identified in the General Order as first and foremost law enforcement officers) which requires that interrogations be conducted in a "fair, impartial and objective manner" as specified in General Order 105.II. "	The SRO must abide by all agency policies including general order 105. Therefore it would not be needed in a second location. Furthermore, the SRO is bound by additional policy and procedures that are developed by the Board of Education.
Page 10 civil liberties "We further recommend that GPD submit data concerning juveniles arrested between 2017 and 2019; the race and gender of the juvenile charged; the nature of the charges; and how many of these arrests were conducted by the SRO." "We recommend this data be provided every six months for three cycles after which the recommendation will be re-visited regarding the frequency of reports regarding juvenile arrest data."	The department can provide the data.
Page 11 transparency "The mayor's proposal would prohibit an officer from telling members of the public not to record video footage of police-civilian encounters. The April 2021 legislation prohibits officers from preventing recordings so long as the person is acting lawfully and safely. The GPD should modify its general orders to be consistent with the legislation."	The department will modify general orders to coincide with the State's codification of regulations.
Page 11 transparency "The mayor's proposal would require that complaints and disciplinary records be made public and that expungement of these records be prohibited. The April 2021 legislation directly addresses this issue insofar as it allows the public to see some disciplinary and internal affairs records, including complaints a department ruled baseless." "The GPD should modify its general orders to be consistent with the legislation."	The department will modify general orders to coincide with the State's codification of regulations.
Page 11 transparency "GPD General Order 634 identifies and provides	General order 635A requires investigation of all complaints, including anonymous ones. The department

examples of both reportable complaints and non-reportable complaints as determined by the Department. The General Order states that complaints are accepted “when a citizen comes...and the complaint fits within the reportable realm as describe in this Order”. The Order of not reportable complaints are those where the action being complained about “is an accepted police practice and the officer’s actions were in accordance with Departmental policy” and/or the situation is “within the officer’s discretion...[and] in accordance with Departmental policy.” “It is recommended that the definition of a complaint be broadened so all complaints or concerns about an individual officer’s actions and/or Departmental policy can be documented and properly reviewed, even if the ultimate resolution is that the complaint has no merit.”	is required to adhere to the mandate by CALEA standards. Additionally CALEA does not define the word complaint. Unless the State of Maryland defines the word “complaint” in its interpretation of the “Maryland Police Accountability Act of 2021 attempts to interpret could cause confusion with the State’s new process. The department is waiting for guidance from MPTC on policy updates to ensure compliance.
Page 12 transparency “The mayor's proposal would require release of all body camera footage within three days of a request. State law mandates that 30 days is the deadline and 3 days is an impossible goal to meet.” “As a compromise, we recommend that General Order 674 incorporate a tiered deadline process to allow for more speedily 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.”	The department acknowledges this policy needs updating and will do so upon MPTC releasing the State’s recommended policy or at the minimal codifying the new regulations. Whatever date is chosen needs to be obtainable. If the turnaround is unreasonable and the agency cannot meet the prescribed time identified in the policy, it could result a loss of public confidence and in a non-compliance issue for CALEA accreditation.
Page 12 transparency “The mayor's proposal would dictate when a body camera should be turned on and off. General Order 674-6(C) and 674-G spell out in detail when the camera should be turned on and off and to assure that all relevant encounters are covered. PSAC strongly believes that the use of body cameras is the best deterrent to overreaching by a rogue officer and would recommend a provision in the general orders to the effect that if an officer fails to turn on his/her body camera and/or turns off the body camera without just cause the officer will be subject to discipline up to and including discharge.”	The body camera policy sets out the practice and procedure which officers are to adhere to. The department does not include possible sanctions for policy violations in policy. All discipline and sanctions are outlined in general orders 202 and 401. The department conducts audits to ensure compliance to the policy and provides training, counseling and discipline as needed.
Page 13 transparency “General Order 674-09(C) enumerates those incidents when “a supervisor shall review the Body Worn Camera System (BWCS) recording”. “PSAC recommends that stop and frisk incidents based on suspicion be included on the list of incidents that the supervisor shall review.”	This would require research but could be considered during the general order modification to see if the request can be accommodated.
Page 13 transparency “There is a provision in the mayor's proposal which has	While there have not been any recent settlements. The City follows the guidance of its insurance carrier, Local

the topic heading "settlements". We assume that this means relaying to the public how much money was given in settlements to private citizens due to alleged police misconduct." "We recommend Council consider requiring GPD to make the terms of such settlements public on a yearly basis. Excluded from disclosure through redactions should be any terms in the settlement labelled confidential by the parties and otherwise ensuring privacy by excluding the names and addresses of the parties to the settlement."	Government Insurance Trust (LGIT) in these matters. LGIT will make professional recommendations but the final decision on lawsuits rest with City Management and City Council. Additionally legal settlements typically carry confidentiality agreements that may prohibit any public release.
Page 14 transparency "In order to address transparency/accountability issues, it is recommended that a procedure be devised under which new general orders or modifications to existing orders be submitted to the Public Safety Officer/City Manager either before or after implementing changes to the general orders (as agreed to by these parties). After implementation, the City Manager or City Manager's designee are to forward the submission/s to PSAC within two weeks of implementation. Implementation of these changes is not and shall not be dependent upon PSAC comment."	It would not be an issue to provide notice to PSAC when general orders are updated. When general orders are changed they are made available to the public through the city webpage.
Page 14 Militarization "The mayor's proposal would ban the use of military weapons by the GPD and require the return of a military vehicle currently in use. The military vehicle utilized by GPD has been re-purposed and has served useful functions, including saving lives. We do not recommend that the GPD dispose of this vehicle. The April 2021 legislation puts limits on what type of military equipment police departments can obtain from DOD. The GPD has to follow this law."	The department will modify any policies to come into compliance with State law once the anticipated State direction is provided. The department is currently exploring the process of returning the rescue vehicle to the State of Maryland due to maintenance issues.
Page 15 hiring "Racial representation of officer workforce in proportion to the population has been a highlighted issue in CALEA's accreditation reports since 2009 and noted in the reports as an ongoing Department priority. Yet, 2015 – 2019 hiring data shows continued dominance in hiring of White officers, in GPD promotions and in its overall workforce. For more details on these issues see Appendix C Tables 3, 4, 5." "Accordingly we recommend that a specialist in law enforcement recruiting be hired by the Department to assist in improving these diversity statistics"	The departments hiring process is closely monitored by City Human Resources and audited by CALEA. The department does recognize the need to have a workforce that is reflective of the city population. Anything that would help with this endeavor would be appreciated up to and including the hiring of a recruiter that could specialize in recruiting outreach programs.
Page 16 racial profiling "the officer to provide to each traffic violator receiving a citation, so that the traffic PSAC recommends ongoing training and attention first and foremost to officer and civilian safety as well as assuring the incorporation of de-escalation techniques and awareness of the influence of bias, conscious or	The State of Maryland District Court explains this information on the citation form DR-49E. This information has been reviewed and has been found by CALEA to be within national standards. The department should not create a separate set of directions that may cause conflict with the courts.

unconscious.” “Further, it should be assured 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 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 violator receives the information both verbally and in written form.”	The department provides additional resources for non-English speakers, with the use of a translator. This can be done either in person or via telephone on the language line.
Page 17 racial profiling “It is recommended that GPD submit quarterly reports regarding traffic stops and traffic stop outcomes for ongoing review. After three cycles, the recommendation can be revisited regarding the frequency of reports regarding traffic stops and traffic stop outcomes.”	The department would recommend that any reports be completed not more than yearly. The process of collecting, analyzing and publishing the data is time consuming and would prove to be taxing on staff as well as provide limited comparisons. Additionally, the department is contracting with the University of Maryland to conduct an analysis of several years of traffic data which will be available later in 2021.
Page 18 oversight “Under LEOBR, which the April 2021 legislation repealed, the police chief and, ultimately, trial boards made final decisions on disciplinary matters. Under the new legislation, a civilian majority board is to decide complaints against officers. The police chief can increase, but not decrease, the penalties recommended by the board.” “The general orders must be consistent with the new legislation.”	General order modification to coincide with the State’s codification of regulations.
Page 18 stop and frisk “Recommendations: 1) Definitions of reasonable suspicion, proactively patrol and aggressively patrol be added to General Orders 620 and that examples of suspicious person and circumstances be provided;”	The general orders provide definitions where possible, we can review and determine if needed.
Page 18 stop and frisk “2) The General Order enumerate that the criteria for implementing the frisk of a suspect is the suspicion that the suspect is armed;”	Officers are trained to adhere to the standards of Terry v Ohio when determining when to conduct a Terry stop. Any modification must conform to existing legal standards.
Page 18 stop and frisk “3) GPD 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, details of the reason for the suspicion and whether the person was subsequently arrested. “	The department captures data for all calls for service, about 24,000 per year. The system does not capture if the call involved a Terry pat down and the department would not be able to provide a break down by age, race and gender for all of those calls for service. The department does capture demographic data related to arrests including the criminal charge. The department is currently engaged in other data

	collection projects including a data analysis of traffic stops being conducted by the University of Maryland. A second long term project is underway collecting demographic data for all Uniform Crime Report (UCR) related incidents. Lastly the department does not engage in a program of stop and frisk similar to the NYPD program. Officers only engage with individuals based on specific facts or circumstances and that justifies stopping a person thought to be involved in criminal activity at the time. Officers do not stop and detain individuals when there is no reasonable belief that criminal activity is occurring.
Page 18 stop and frisk “4) That council direct GPD to reconsider its policy to retain photographs whom GPD suspects, based on “reasonable articulable suspicion”, may have committed crimes but who are not arrested because of lack of probable cause. In PSAC’s view privacy rights outweigh GPD’s need to retain these photographs, currently determined by the General Order to be 7 years. If it is concluded that GPD has a compelling need to retain such photographs, it be required that the photographs be expunged after no more than one year.”	Further research warranted, however photos have a compelling use during investigations. Detectives regularly use photos to identify individuals involved in crime.
Page 19 general order ““PSAC recommends that a new general order be developed emphasizing GPD’s commitment to community policing/guardian mindset of “protect and serve” rather than a warrior “law and order” mindset. The new General Order would confirm the value GDP places on the collaborative nature of community policing and the integration of community policing concepts in all of its interactions with the community.”	The department has policy that provides guidance in this area. General order 100 provides for the department’s mission statement. This mission statement can be reviewed and updated as needed. Further, City staff is bound by the City Community Pledge which promotes community values.
Page 20 reform “We recommend that the GPD subscribe to and participate in the National Use of Force Database and the National Police Officer Decertification Database if and when the IACP proposals on police reform are adopted and implemented. Finally, we recommend that Council consider endorsing some or all of the IACP police reform proposals as noted in Appendix B.”	The department regularly follows proposals made by organizations such as the IACP. Some the department’s current policies are based on IACP model policies. Additionally, in the event that any national databases are created CALEA would likely mandate their use.

Notes

Commission on Accreditation for Law Enforcement Agencies (CALEA)

Maryland Police Training Commission (MPTC)

International Association of Chiefs of Police (IACP)

Local Government Insurance Trust (LGIT)

Maryland Police Accountability Act of 2021 effective date of July 1, 2022

September 8th, 2021

Colleagues:

May this message find you in the best of health and spirit.

I thank the Public Safety Advisory Committee for its review of my proposed police reforms as well as those police reform policies that were adopted by the Maryland General Assembly in the 2021 state legislative session.

In consideration of their very thoughtful feedback -- as well as other related impassioned forums, town halls, and rallies held in Greenbelt over the last two years -- I am grateful to present the following set of police reforms for consideration by the city council.

Since the killing of individuals like George Floyd, Breonna Taylor, and even William Green, there have been calls nationwide and even in Greenbelt to defund or abolish the police, but, while such incidents have brought other jurisdictions to begin to consider such extraordinary measures, my view is that the Greenbelt Police Department and a multitude of its officers have done a lot of fine work over the course of its several decades of existence. The Greenbelt community has been extraordinarily fortunate to be served by many dedicated professionals that have put years into serving the department. And supporting the police department, including financially, should remain a top priority of city leadership as we work to make Greenbelt a safer community.

But the truth of the matter is that no police department is perfect, and we cannot ignore concerns, however frequent or infrequent they may be, that have been raised by some residents of and visitors to Greenbelt whose sense of fairness has, on occasion, been broken or whose sense of trust has, on occasion, been betrayed by officers that have strayed from the department's most noble ideals. They may be relatively few, but we cannot invalidate those experiences or turn a blind eye to those realities, however rare or common they have been in Greenbelt. And, in order to build even broader trust in the department and to promote even fairer treatment of Greenbelt residents of every background, we must take action to reduce the likelihood that our residents and visitors experience the worst in policing, while increasing the likelihood that our residents and visitors experience the best that the fine men and women of the Greenbelt Police Department have to offer.

Sincerely,

Colin Byrd
Mayor
City of Greenbelt

- Police reform policy related motion
 - I move that the city council direct city staff to take the following actions described below related to reforming policing in Greenbelt.

2021 Greenbelt police reform

- De-escalation and use of force
 - Add a definition of de-escalation to the definition section of General Order 616-02.
 - Modify the language of 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."
 - Establish a system to identify police officers who are considered likely to use excessive force and to retrain, counsel or if needed reassign them.
 - Issue a general order requiring referral to the state's attorney office for investigation of any officer whose conduct results in a fatality.
- Duty to intervene
 - Modify General Order 202-KK to include anti-retaliation and whistleblower protections.
- Civil liberties
 - Modify the general orders to limit the use of no knock warrants, in accordance with HB670 of the 2021 General Assembly.
 - Modify General Order 638-06 to specify that when forcibly entering a premise, officers must loudly and clearly identify themselves as police officers.
 - Ban the detention of a civilian who is not suspected of a specific crime.
 - Direct staff to reconsider whether GPD interview procedures with juveniles fully meet 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.
 - Have a provision added to General Orders 804 and 664 (concerning Student Resource Officers, identified in the General Order as first and foremost law enforcement officers) which requires that interrogations be conducted in a "fair, impartial and objective manner" as specified in General Order 105.II.
 - Require that GPD submit data concerning juveniles arrested between 2017 and 2019; the race and gender of the juvenile charged; the nature of the charges; and how many of these arrests were conducted by the SRO.

05/05/2021 8. This data shall be provided every six months for three cycles after which the recommendation will be re-visited regarding the frequency of reports regarding juvenile arrest data.

- Transparency
 - Modify general orders to prohibit officers from preventing civilians from recording police-civilian interactions so long as the person is acting lawfully and safely.
 - Have the definition of 'complaint' broadened so all complaints or concerns about an individual officer's actions and/or Departmental policy can be documented and properly reviewed, even if the ultimate resolution is that the complaint is determined to be 'unfounded' or 'unsubstantiated.'
 - 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 3 working days of a request for footage related to a use of force incident.
 - Add a provision to General Order 674-6 saying that, t if an officer fails to turn on his/her body camera and/or
 - turns off the body camera without just cause the officer will be subject to discipline up to and including discharge.
 - 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.
 - Require GPD to make the terms of such settlements public on a yearly basis.
 - Require that new general orders or modifications to existing orders be submitted to the city manager and city council. After implementation, the City Manager or City Manager's designee are to forward the submission/s to PSAC within two weeks of implementation. Implementation of these changes is not and shall not be dependent upon PSAC comment.
- Militarization
 - By January 2024, require that GPD assess the utilization of the department's existing military vehicle, and determine whether there is a compelling public safety need to retain the vehicle or whether there are other ways to satisfactorily meet the public safety interest currently being served by that military vehicle.
- Hiring
 - Require that a specialist in law enforcement recruitment diversity be hired by the Department by the end of Fiscal Year 2023.
- Training

- Require ongoing training and attention first and foremost to officer and civilian safety as well as assuring the incorporation of de-escalation techniques and awareness of the influence of bias, conscious or unconscious.
- Stop and frisk
 - Expressly ban all stop and frisk tactics that have been declared unconstitutional, including those tactics that were found unconstitutional in the case of *Floyd v. City of New York*.
- Other
 - 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 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.
 - Require that GPD submit quarterly reports regarding traffic stops and traffic stop outcomes for ongoing review. After three cycles, the recommendation can be revisited regarding the frequency of reports regarding traffic stops and traffic stop outcomes.
 - Require that GPD 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, details of the reason for the suspicion and whether the person was subsequently arrested.
 - Require GPD to reconsider its policy to retain photographs whom GPD suspects, based on “reasonable articulable suspicion”, may have committed 05/05/2021 14 crimes but who are not arrested because of lack of probable cause. If it is concluded that GPD has a compelling need to retain such photographs, require that the photographs be expunged after no more than one year.
 - Require that a new general order be developed emphasizing GPD’s commitment to community policing/guardian mindset of “protect and serve” rather than a warrior “law and order” mindset. The new General Order would confirm the value GDP places on the collaborative nature of community policing and the integration of community policing concepts in all of its interactions with the community.