

WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, July 14, 2021

**Discussions: Public Safety Advisory Committee (PSAC)
Reform of Police Procedures for the Greenbelt Police Department Report.**

Mayor Byrd started the meeting at 8:00p.m. The meeting held virtually via Zoom.

In attendance were: Councilmembers Judith F. Davis, Emmett V. Jordan, Leta M. Mach, Silke I. Pope, Edward V. J. Putens (8:03 p.m.), Rodney M. Roberts and Mayor Colin A. Byrd.

City Staff were Assistant City Manager, Tim George, Chief Richard Bowers, Captain Tim White, Lieutenant Jermaine Gullede, Detective Carl Roberson all representing Greenbelt Police Department, and Assistant to City Clerk, Shaniya Lashley Mullen.

Also present were: Dr. Laura Kressler, Stan Zirkin, Peggy Higgins, and Eunice Pierre, Public Safety Advisory Committee (PSAC) Bill Orleans, Michael Hartman, Mr. Zirkin and others.

Mr. Zirkin shared a PowerPoint presentation outlining the Public Safety Advisory Committee (PSAC) report on the recommended reforms of Greenbelt Police Department Procedures introduced to Council on May 5, 2021. He stated that (PSAC) met twice a month between the months of October 2020 – May 2021. In addition, Mr. Zirkin noted that (PSAC) reviewed the Police Department's current General Orders, the State of Maryland Legislation mandated procedures for the police on a statewide basis recently passed in April 2021, and the recommendations of the International Association of Chief of Police.

Mr. Zirkin explained that (PSAC) made three types of proposals; seek to deter police misconduct, encouraging fair and bias-free policing in the community, and data collection to discern if changes have occurred.

Transparency: Documentation of Interactions

Mr. Zirkin stated that (PSAC) concluded that the best-deterred overreach by a rogue officer is by wearing body-worn cameras. Therefore, (PSAC) recommended the following proposals: prohibit Police from interfering with members of the public taking videos; discipline if an officer fails to turn on the body-worn camera or turns it off without cause, including and up to discharge; mandatory review of body-worn camera footage where the use of force or stop and frisk incidents occur; and the tiered deadline for the release of footage where the use of force, stop and frisk or other serious altercations (currently 30 days).

De-Escalation

Mr. Zirkin stated that (PSAC) concluded that another adequate deterred police misconduct is an emphasis on police officer training on de-escalation and recommended to add the definition or similar language to other General Orders including Less-Lethal Weapons General Orders.

Use of Force

Mr. Zirkin stated that (PSAC) recommended that the General Orders are consistent with the April 2021 State of Maryland legislation and establish a system to identify police officers likely to use excessive force and promulgate preventative measures.

Duty to Intervene

Mr. Zirkin stated (PSAC) recommended modifying the General Orders to add whistleblower protections to officers that report other officers using excessive force.

Transparency: All Complaints Reportable

Mr. Zirkin stated (PSAC) recommended that the definition of a complaint is broadened in the General Orders, so all complaints are documented and properly reviewed, even if found to be without merit, and the State of Maryland April 2021 legislation provided the public to certain circumstances access to officer's employer's disciplinary and internal affairs records.

Mr. Zirkin stated (PSAC) concluded that a local ordinance would be unnecessary and counterproductive because the State of Maryland April 2021 legislation addressed most of the issues described in Mayor Byrd's Fair and Just Police Act PowerPoint. In addition, the General Orders have greater details and clarity. Finally, he pointed out that the General Orders can be changed promptly as court decisions clarify what's Constitutionally permissible verse amending the ordinance each time the laws have changed, which would be tiresome and time-consuming.

Civil Liberties

Ms. Higgins stated (PSAC) recommended that the General Order states officers identify themselves as police officers during forcibly entering a premise. She advised (PSAC) that recommended clarification is warranted regarding the SRO's role as a law enforcement officer and recognition of their unique relationships with students. (PSAC) recommends data regarding juvenile arrest and reviews juvenile interview procedures to assure interviews are performed in compliance.

Stop and Frisk

Ms. Higgins stated (PSAC) recommendations that the Stop and Frisk General Order provide definitions and examples of reasonable suspicion to warrant stopping of a civilian; specifically give a criterion for frisking, including reasonable suspicion that the suspect is armed. The policy of retaining photographs for no more than one year of persons not arrested and providing data regarding stop and frisk incidents and arrests.

Additional Transparency Recommendation

Ms. Higgins stated (PSAC) recommendations that the Chief of Police submit all new or modified General Orders to the City Manager and then, in turn, the City Manager is to forward them to (PSAC) within two weeks of implementation.

Bias-based Policing/Traffic Outcomes

Ms. Higgins stated (PSAC) recommended the Police Department provide quarterly reports on traffic outcomes; enhanced and ongoing training on de-escalation and awareness of bias, conscious or unconscious; and provide traffic offenders with a verbal appeal to the tickets in court and a written explanation in English and Spanish.

Bias-based Policing/Hiring

Ms. Higgins stated (PSAC) recommended that the City hire a specialist in law enforcement recruiting to improve diversity statistics.

Ms. Davis agreed with (PSAC)'s recommendations and stated that she wanted the officers to be safe, skilled in their job and protect all the public. She noted that the (PSAC) report was very detailed.

Mr. Jordan agreed with almost all of (PSAC)'s recommendations and stated Council needs to direct the City Manager to work with the Police Chief to adopt the recommendations. He requested that if the proposals couldn't be adopted, the City Manager needs to provide Council with an explanation or an alternative. Mr. Jordan advised that it would make sense to rewrite the General Orders to make sense logically.

Chief Bowers advised that any alleged misconduct against any officer is documented, and the complaint is investigated. He explained that the Police Department has an Early Warning System that tracks various information and identifies any trends of an officer early and often. Therefore, there is accountability for misconduct, and it is taken seriously in the Department.

About the traffic stop data, Chief Bowers noted you could not extrapolate one story from five years of data, and the Department is in the process of working with the University of Maryland to analyze the data.

About the training, Chief Bowers noted that the Department has accomplished a training program with the African American Museum in D.C. and has received other de-escalation training grants to complete.

Chief Bowers explained that policies are created by best practices for law enforcement officers, following the Commission on Accreditation for Law Enforcement Agencies (CALEA), and there is much careful thought into the policies.

Bob Rand, a Greenbelt resident, commented that the Fair and Just Policing Act of 2020 as a whole is meaningful and hope that Council considers it. He requested that the CALEA 2020 data be available to the public to compare to previous years. Mr. Rand appreciates (PSAC)'s consideration of Police Reform in the Greenbelt Police Department, and the report highlights the need for reform.

Based on a question asked by Mr. Roberts, Chief Bowers explained that there needs to be flexibility in policy, and provide an example of a court decision changes a policy, that policy needs to be changed instantaneously; instead to go through a legislative process to change. He

stated there are ramifications if the Chief changes the General Orders that would be malpractice and not good government.

Mayor Byrd thanked (PSAC) for their reportable and non-reportable complaint observation and thanked them for their recommendations. He also thanked the committee for their suggestions regarding transparency regarding body cameras and the review of body camera footage. However, Mayor Byrd indicated that the report doesn't specifically provide a deadline for the release of the footage. He suggested the Department should move away from Stop and Frisk, language, terminology, and substance. Mayor Byrd explained that there should be Police Reform Policy.

Mr. Zirkin stated that the General Orders needed to be updated to clarify that all complaints are reportable because, at present, it doesn't say that all complaints are reportable. He advised that (PSAC) wasn't dismissive of Mayor Byrd's ordinance and considered the pros and cons of having the ordinance on top of the State law and the General Orders. It would be better for the City not to have the ordinance. It would hurt the City rather than help. Mr. Zirkin explained that (PSAC) thought there needed to be a dialog between the Chief, the City Manager, and Council regarding the timeframe to release body-worn camera footage.

Ms. Davis advised Council needs another work session to determine what should be Legislation and what could be revised General Orders. She agreed with (PSAC's) recommendation regarding when a General Order is revised or change, it should be submitted to the City Manager, Council, and (PSAC) for review.

Based on a question asked by Ms. Davis, Chief Bowers answered that there are multiple deadlines in the State legislation and is currently waiting on guidance from the State to change the General Orders instead of making numerous changes. Ms. Davis inquired could some of (PSAC's) recommendations to add additional language be added to the General Orders for clarifications. At the next Command Staff meeting, the; Command Staff will review (PSAC's) suggestions to implement the changes to the General Orders. Chief Bowers explained the difference between a Terry Stop and a Stop and Frisk.

There was a discussion regarding traffic stops.

Mr. Jordan inquired there was any cost to subscribe and participate in the National Use of Force Database and the Police Officer Certification Database. Chief Bowers answered the Police Department's annual report to the Maryland Police Correctional Training Commission (MPCTC), including disciplinary severe and use of force offenses. A personnel action form is submitted to MPCTC on why an officer separated from the agency, and if the officer were flagged in the system, then MPCTC wouldn't recertify that officer.

There was a discussion regarding the provisions on the discloser of transparency regarding settlements. Based on a question asked by Mayor Byrd, Mr. Zirkin answered that there usually is a non-disclosure agreement (NDA) or a confidentiality agreement within the settlement so that all parties' names are confidential on both sides. He stated that if both parties don't have a problem disclosing their names, then (PSAC) doesn't have an issue.

Based on a question asked by Mayor Byrd, Chief Bowers answered that the Police Department is exploring options regarding the rescue vehicle. He advised that the rescue vehicle does have a

purpose and can be used in life-saving events, but there is maintenance and operations cost. Chief Bowers stated that he didn't want to have a policy saying that the Department couldn't have a vehicle to rescue residents.

There was discussion regarding diversity in the Greenbelt Police Department and Police in Greenbelt. Ms. Higgins explained that (PSAC) didn't use race as a factor on the issues and used the CALEA standard is that the Police Department should reflect the population.

Based on a question asked by Mayor Byrd, Mr. Zirkin answered that all (PSAC) meetings are open to the public via zoom, and the documents were placed on the screen, including the final report. So, there was input by the people, and it was a very transparent process.

Mr. Roberts asked why it was impossible to release body-worn camera footage within three days. Chief Bowers explains the process of redacting body-worn camera footage for release. Captain White added that determining the nature of the body-worn camera footage would require authorization from the State Attorney. Mr. Roberts suggested that footage should be sent to a neutral party that would redact the video.

Captain White stated that due to the State's privacy laws, certain information needed to be redacted from the footage and extended an invitation to Council and public to the Police Department to learn more about the program.

There was a discussion regarding the final report. Ms. Davis noted that the report isn't final until it is submitted to Council. Mayor Byrd indicated that if it's a document that is in the process of being voted on, that document should be available for the public to view and make comments. Dr. Kressler explained that the document wasn't a formed report until it was submitted to Council. She noted that there wasn't a physical document, and (PSAC) didn't share individual notes.

There was additional discussion regarding the release of body-worn camera footage. Chief Bowers explained the process of footage being released during an active investigation, which includes the State of Attorney Office dictating what footage could be released due to the evidentiary value. Captain White indicated seven days would be a reasonable time frame for releasing body-worn camera footage. However, he did provide exceptions that included what Chief Bowers stated previously regarding the State of Attorney Office's new guidelines.

Bill Orleans, a Greenbelt resident, suggested that Council adopt a policy in the future. All Boards and Committees publish a post and make available to the public the discussions. He added, the Police Department, Administration, and Information Technology should lend their support and then Council if additional support is necessary. Mr. Orleans requested that Council provide an update on the State of the Police Department after Council held a Closed Session.

Ms. Davis suggested that Chief Bowers review the report, list the changes that could be made before the State Legislation changes, provide a list to the City Manager, Council, and (PSAC). Chief Bowers explained that the General Orders are updated regularly, and the General Orders are always available on the City's website. Mr. Jordan requested a list of recommendations that are feasible and not possible to fulfill and would like to have alternative solutions. There was a discussion when the changes would be submitted to Council. Mayor Byrd requested that changes be submitted within the next two to three weeks.

Informational Items

On the City's website and social media, Mr. Jordan requested information on the upcoming vaccine site at Holy Cross Lutheran Church on Friday, July 16, 2021, from 4:30 pm until 6:30 p.m. He also asked the Police to aid with the traffic flow, if needed. Chief Bowers advised Lieutenant Gullledge had reached out to the Holy Cross Lutheran Church regarding traffic control.

Ms. Davis stated that Parkdale and Eleanor Roosevelt High soon will have mobile vaccine sites and need to be publicized in advance.

The meeting ended at 10:47 p.m.

Respectfully submitted,

Shaniya Lashley-Mullen

Shaniya Lashley-Mullen
Assistant to the City Clerk