

Presbyterians for Police Transformation
Takoma Park Presbyterian Church
December 2020



"We can open our doors to community conversations around what public safety could look like in our wildest dreams — in our most just dreams. We have the power to create and leverage community relationships to begin shaping that new reality."

Rev. Denise Anderson, coordinator, PCUSA Racial and Intercultural Justice Office

SUMMARY OF
OUR SIX PRIORITY ADVOCACY GOALS
FOR ACTION AT THE STATE, COUNTY, AND
MUNICIPAL LEVELS

- *Shift to Non-Police Crisis Intervention*
 - *Remove School Resource Officers*
- *Repeal the Law Enforcement Officers Bill of Rights*
 - *Ensure Data Collection, Analysis, Transparency, and Accountability*
- *Completely Ban Chokeholds and Strangleholds*
 - *Mandate Effective Anti-Implicit Bias and De-escalation Training*

GOAL 1: Shift to Non-Police Crisis Intervention

What is this goal about?

Shifting a portion of public funds now going to policing to non-policing services, i.e. other interventions that are less dangerous, particularly to people of color, and more successful at de-escalation and preventing violence. This would help prevent the criminalizing of non-criminal behavior and address the real causes of a safety situation such as mental illness, substance abuse, homelessness, etc.

Why do we need this?

Right now police are called upon to deal with many situations where another approach is called for– e.g. behavior caused by mental illness, substance abuse and domestic disputes. A big reason is inadequate funds for social service and medical systems to address these issues. This is true in our state. In the US people in a mental health crisis are more likely to interact with police than treatment providers. Yet incidences of violence and death are much more frequent in these police interventions. And too many people with serious mental illness and addiction end up in jail/prison. Police budgets now are a huge portion of city and county budgets. We need to move a portion of this money from policing to other approaches.

What takes the place of police intervention?

Bolstered emergency response and social/medical services have to be put in place in order to reduce the police role. Luckily there are existing models to learn from: For example:

- San Francisco has made a recent decision to try to remove police from most calls about disruptive behavior tied to mental illness and substance abuse, and use new street crisis response teams.
- Crisis Intervention Teams are another approach where police and crisis professionals collaborate with an emphasis on de-escalation and getting people services. CAHOOTS in Eugene Oregon is one such program that has operated successfully for decades.
- Anne Arundel County is combining the two, and also offering a “warm line” where the public can call for advice and referral. Other cities have alternative help call systems where people can find emergency help without triggering a police response.

Delegate Lorig Charkoudian from Takoma Park/District 20 is offering a bill in the 2021 Maryland legislative session to strengthen and increase funding for the state's existing Mobile Crisis Team program. At the county level, the Montgomery County Reimagining Public Safety Task Force is expected to recommend moving a portion of police funding to non-police crisis intervention services.

Additional Reading

[Re-imagining public safety amid calls to defund police \(PCUSA, Aug 2020\)](#)

[Innovative solutions to address the mental health crisis: Shifting away from police as first responders \(Brookings, Nov 23, 2020\)](#)

GOAL 2: Remove School Resource Officers

Background

While assigning police officers to schools began in the 1950s, there was a sharp increase after the 1999 Columbine shooting. Hundreds of millions of dollars were granted to law enforcement agencies to hire School Resource Officers (SROs), who are sworn officers employed by the police department. This means school boards do not have oversight of the officers. These officers usually do not receive additional training related to working in a school.

SROs are most likely to be found in schools with higher proportions of non-white students. The crime they are most likely to arrest a student for is disorderly conduct, which is a category that includes nonviolent offenses. Arrests are often used in place of school discipline.

Children of color are disproportionately arrested by SROs. In addition, there are countless examples of children of color being brutalized by SROs. Children are traumatized by the presence of SROs, as the threat of being arrested or abused is pervasive.

Why Is This Issue Important?

There is significant racial disparity across the country in the rate of arrests of children by SROs. The data below shows the disproportionate rate of arrests by race in Montgomery County.

- In MCPS, 460 students were arrested in the past three school years, according to data presented to the school board. Of those arrests, 382 (83%) were of Black and Hispanic students. Eleven percent of arrests were of white students during the same time period.
- MCPS' student population is about 27% white, 21% Black and 32% Hispanic, according to district data.

Children with an arrest record are more likely to drop out of school, harming their future opportunities. Those who do graduate may have difficulty being accepted to college. SROs do not prevent gun violence in schools. Out of 197 incidents of gun violence in schools nationwide, only three had successful intervention from a SRO.

Recommendations

Rather than prevent harm to students, SROs perpetuate it. There is a proposal in front of the Montgomery County Council to eliminate SROs from high schools and reinvest the funds into social services. Some oppose the bill because it comes in advance of a review the Board of Education is conducting. Superintendent Jack Smith is scheduled to recommend

changes to or elimination of the SRO program by January. We strongly support the bill to eliminate SROs in Montgomery County schools.

Additional Reading

[When Schooling Meets Policing \(The Atlantic, Sept 2015\)](#)

[How one city removed the police from schools, and why others should follow \(June 2020\)](#)

[Council Members Want to End MCPS School Resource Officer Program \(Bethesda Magazine, Nov 2020\)](#)

[Floyd Death Prompts MCSP to Explore Whether to Remove School Resource Officers \(Bethesda Magazine, June 2020\)](#)

GOAL 3: Repeal the Law Enforcement Officers Bill of Rights

What is the LEOBR?

The **Law Enforcement Officers' Bill of Rights** (LEOBR) is a set of principles originally formulated by the Fraternal Order of Police concerning how police officers can be investigated and/or prosecuted for misconduct. It affords police officers due process privileges not normally available to other citizens. It specifies standards for such things as how, when, where, and by whom an officer can be questioned, what information must be supplied to an officer under investigation, and prohibition of retaliation against an officer for exercising any of these privileges. In most cases, the LEOBR also provides for officers under investigation to continue to be paid, and to have the costs of their defense subsidized.

The LEOBR has been implemented in 16 states through legislation. Others have written it into contracts with police unions. Maryland was the first state to enact legislation implementing LEOBR, in 1972.

Impact of the LEOBR

LEOBR provisions have been used in many instances to allow police officers found guilty of misconduct to keep their jobs, even after multiple instances and even when they have been convicted of a felony. Police officers under investigation are, under LEOBR, allowed access to much more information about their case and their accusers than civilian defendants. Officers are also given a “cooling off period” (sometimes called the “get your story straight period”) of several or more days, before they can be questioned. LEOBR also offers a much higher level of protection against threats or intimidation during interrogation and investigation. Also, police officers can only be investigated or questioned by other police officers, and proceedings of investigations are typically kept private. No type of civilian review board or civilian oversight is allowed. The LEOBR is often cited as a major obstacle to achieving greater accountability, transparency, and discipline in policing, as a major impediment to relieving problematic officers of their duties, and as a major contributor to a culture of impunity among officers.

Current Movements for Change

The ACLU of Maryland has called for the full repeal of the LEOBR. The Speaker of the Maryland House of Delegates last summer formed a task force of lawmakers to study and make recommendations on police reform at the state level. The task force released its report this fall, along with 12 recommendations, one of which is the repeal of Maryland’s LEOBR law. Legislation has been introduced to do just that, and will be taken up in the upcoming state legislative session next January. Full repeal of the LEOBR law at the state level would leave in place a patchwork of local statutes that implement LEOBR principles in

various ways and to various degrees, some of them even more damaging than the state LEOBR. Thus, various efforts are underway to propose a replacement for LEOBR, some of which may erode the gains from its repeal in the first place.

A police reform work group formed by the County Executive in Prince Georges County has recommended substantial reform of the LEOBR in that county, if it is not repealed at the state level.

Additional Reading:

[The Police Officers Bill of Rights \(Wash Post, April 2015\)](#)

[House Police Reform Panel Recommends LEOBR Repeal, New Accountability Measures \(Maryland Matters, Oct 2020\)](#)

[PG's police reform group calls for more mental health resources, scrapping officer protections in misconduct investigations \(Wash Post, Dec 2020\)](#)

[Wikipedia on LEOBR](#)

[Maryland LEOBR statute](#)

GOAL 4: Ensure Data Collection, Analysis, Transparency and Accountability

Background

There are currently no national standards for data collection as it relates to police misconduct. Data, if it is kept at all, is tracked at the local level. Why is this a problem? If police officers have a history of using unnecessary force, displaying racist behavior, or enacting other problematic practices, that history will not follow them if they resign before they are charged or if they are fired, and they can continue to use their power in harmful ways. [Campaign Zero](#), a project of the non-profit organization We The Protesters, presents research and analysis of policing practices across the country in an effort to end police violence through the development of model legislation. One of the issues they advocate for is data collection. They also suggest that this information needs to be made public; Joanna Schwartz, a law professor at The University of California, Los Angeles, suggests that public databases could create pressure on agencies to independently better themselves, a situation that would in turn increase trust within communities.

It was on Campaign Zero's website that we learned about the [Citizen's Police Data Project](#) (CPDP), an impressive model of transparency in service of police accountability. CPDP takes records of police interactions with the public – records that would otherwise be buried in internal databases – and opens them up to make the data useful to the public, creating a permanent record for every Chicago Police Department officer. Created by the nonprofit journalism organization [Invisible Institute](#), in collaboration with The Intercept and the University of Chicago Law School's Mandel Legal Aid Clinic, it is a rich resource for understanding the scope and scale of the problems within Chicago's police department.

In reviewing records obtained through the Freedom of Information Act, litigation, and the police department itself, the Institute found that 1) the data reveals systemic racial bias in the department, 2) excessive force rarely leads to discipline, and 3) police abuse is patterned: 22% of the officers (from data recorded between 2000 and 2016) who have 10 or more complaints account for 64% of all complaints during that time. A sampling of data:

| Jerome Finnigan | | Willie Peoples | |
|---|----------------------|---|----------------------|
| Year of Birth: 1963 | Race: White | Year of Birth: 1979 | Race: Black |
| Sex: Male | Badge: 5167 | Sex: Male | Badge: 16091 |
| Rank: Police Officer | \$73,116 base salary | Rank: Police Officer | \$87,006 base salary |
| Unit: Special Functions Support Unit | | Unit: District 018 | |
| Career: DEC 5, 1988 — AUG 5, 2008 | | Career: SEP 25, 2006 — Present | |
| 175 Allegations (More than 99.9% of other officers) | | 9 Allegations (More than 79% of other officers) | |
| 6 Sustained; 2 Disciplined | | 2 Sustained; 2 Disciplined | |
| 1 Use of Force Report (More than 64% of other officers) | | 1 Use of Force Report (More than 47% of other officers) | |
| 0 Civilian Compliments; 0 Major Awards | | 8 Civilian Compliments; 0 Major Awards | |
| 1 Honorable Mention | | 17 Honorable Mentions (More than 80% of other officers) | |

Next Steps

Analysis of this nature is the first step in identifying problems and developing solutions. We were heartened by the research presented at Montgomery County Councilmember Will Jawando's September 10th Town Hall by Dr. Rashawn, showing that comprehensive data reporting leads to a 25% reduction in the use of force. He noted that de-escalation training adds another 15% to that decline. We have been advocating for standardized, transparent data collection at the county and state levels.

Montgomery County - The Office of Legislative Oversight (OLO) expects Bill [Bill 45-20](#) (introduced on November 17, 2020) to favorably impact racial equity by narrowing disparities in public safety. Sponsored by Councilmember Will Jawando, the bill would require MCPD to track demographics in relation to traffic stops, incidents, citations, etc. and to post that information on Montgomery Data for the public. According to [OLO's policing report](#), there were disproportionate police interactions by race and ethnicity. For example, African Americans represent 18 percent of the County's population but accounted for:

- 32% of the MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases in 2018

Maryland - There are 15 reform proposals that fall under the Maryland Police Accountability Act of 2021. [JPR2--Credibility of Witnesses and Misconduct Database](#) is sponsored by Senator Charles Sydnor. This draft bill requires "the compilation of, and specified availability of, records relating to (1) the credibility of law enforcement officers as witnesses and (2) formal complaints filed against officers. The records must be compiled by (1) the State's Attorney for each county (records relating to credibility) and (2) the chief of each law enforcement agency (records relating to formal complaints). The information must be transmitted to the Maryland Police Training and Standards Commission (MPTSC) to maintain in a database established and maintained by the commission, and the commission must adopt regulations establishing procedures for the transmission of the information." The State's Attorneys database records are viewable under the MD Public Information Act.

Federal Level It is heartening to hear that the notion of a national database, administered by the FBI or another Justice Department entity, is garnering [strong bipartisan support at the federal level](#). This would be the ideal for many reasons, not least of which is that failure to report could constitute grounds for cutting federal funding, thus enforcing compliance.

GOAL 5: Completely Ban Chokeholds and Strangleholds

Background

Neck restraints fall into two broad categories: a chokehold, which restricts the airway when pressure is applied to the front of the neck, and a stranglehold, which restricts blood flow to the brain when pressure is applied to the sides of the neck.

We watched the tragedy of Eric Garner, who died after being put in a chokehold by a New York City police officer in July 2014 for suspicion of selling a single cigarette. This year we watched George Floyd die as a police officer kneeled on this neck for 8 minutes and 47 seconds, following questioning about a counterfeit twenty-dollar bill.

But there are many others: James Thompson in Chicago. Allen Simpson in Dallas. Rodney Lynch in Gallup, N.M. Dustin Boone in Las Vegas. Roger Owensby Jr. in Cincinnati. Carl Glen Wheat in Amarillo, Texas. Gerald Arthur in New Orleans. Torris Harris in Chattanooga, Tenn.

Paul Butler, a former federal prosecutor and author of the book *Chokehold: Policing Black Men*, says part of the problem is a lack of accountability. "If we look at the ban in New York City, it's kind of like a rule in an employee handbook: 'Don't use a chokehold.' We shouldn't expect those kinds of light bans to work," he says.

Montgomery County Action

This summer in the wake of George Floyd's death, Montgomery County began steps to pass a Use of Force Bill. TPPC's subcommittee on police reform spoke with members of the county council to obtain information about the bill, learn who was in favor or "on the fence", share information with the church via our list serve, and communicate our support for the bill. Thirty-three members of TPPC signed a letter in support of Bill 27-20, and included suggestions regarding alternative approaches to responding to public safety calls, which you will hear about in detail in another section of this report.

The Montgomery County Council unanimously enacted Expedited Bill 27-20 on July 29, 2020, and the County Executive signed it into law on August 10, 2020. The bill requires officers to:

1. Use the least amount of force necessary;
2. Limit the use of no-knock warrants for certain crimes of violence;
3. Prohibit striking restrained individuals; and

4. Require an officer to intervene to stop another officer who is using excessive force.

The language in the bill regarding chokeholds says carotid restraints and neck restraints are prohibited in all circumstances, unless deemed necessary:

1. As a last resort to prevent imminent and serious bodily harm or death to the officer or another person;
2. It creates no substantial risk of injury to a third person; and
3. Reasonable alternatives to the use of such force have been exhausted.

Recommendation

TPPC Presbyterians for Police Reform continue to be in dialogue with legislators about how the bill will be enacted. It is seen as a temporary emergency fix. We are looking more closely at aspects of the bill, and we have joined AIM in that regard. We are in support of a letter submitted to the Montgomery Executive and County Council from The People's Community Baptist Church and supported by AIM. The letter identifies five categories of concern along with specific recommendations. **In the letter it has been recommended that chokeholds and strangleholds be permanently banned, and if used in violation of such ban, the police officer applying the restraint must appear before a citizen's review board and provide a reason for its use.**

GOAL 6: Mandate Effective Anti-Implicit Bias and De-escalation Training

Background

Research shows that even when people consciously embrace values of equality and fairness, we still unconsciously lean on implicit biases (stereotypes) to fill in blanks about people we don't know. These biases can influence almost everything, but can have the greatest impact in split-second decisions about a stranger. Given the authority and weapons police have, it is incumbent on them to overcome their biases in their responses.

It is also critical that their immediate response be one of trying to make a personal connection and to de-escalate the situation. To make this the default response there must be effective ongoing de-escalation training and practice. Otherwise, as we have seen all too often, even a non-threatening situation results in death.

Testing for implicit bias provides the needed information to know our biases—the first step in overcoming them by allowing us to work through the dissonance between our biases and the values we hold and espouse. Research is mixed on the effects of training; however training that is behaviorally based has been shown to have an impact in reducing implicit bias. Research also shows that effective de-escalation training can reduce use of force by 15%. Additionally the Police Executive Research Forum supports rewarding officers who de-escalate situations.

Recommendations

1. Require mandatory implicit bias testing for all police and police applicants.
2. Replace existing adversarial based training that is quasi-military with training that emphasizes recognizing the dignity and humanity of all (the God in each of us) and has been shown to effectively de-escalate situations and overcome implicit biases.

Current Movements for Change

Montgomery County: Current law requires “adequate training in de-escalation.” The Task Force for Reimagining Public Safety is working on training recommendations for police officers and supervisors that will bring about a change in culture. Councilmember Will Jawando supports increased de-escalation training.

Maryland: Requiring de-escalation training is one of District 20 legislators' 15 goals on policing that they will push for in the 2021 Maryland legislation session. Required anti-bias testing and training is included in 12 recommendations of the State House Work Group.

National: George Floyd Justice in Policing Act (2020) passed by U.S. House of Representatives seeks to end racial and religious profiling.

Additional Reading

[Local Policing Data and Best Practices \(Montgomery County, July 2020\)](#)

[Montgomery County Public Safety Briefing on Police Training \(Jan 2020\)](#)

[Is it Possible to Rid Police Officers of Bias? \(BBC, Aug 2020\)](#)

[Can Cops Unlearn Their Unconscious Biases? \(The Atlantic, Dec 2017\)](#)