AN ACT to:
(1) require the Montgomery County Police Department to make certain reports;
(2) require the Montgomery County Police Department to post certain datasets on Data Montgomery; and
(3) generally amend the law governing policing.

By amending
Montgomery County Code
Chapter 35, Police
Section 35-6A

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 35-6A is amended as follows:

35-6A. Community Policing.

* * *

(c) Reporting requirements.

(1) By February 1 each year, the Montgomery County Department of Police must report the following information to the Executive and Council for the prior calendar year:

(A) information about the demographic makeup of the Department, including:

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(B) the number of recruiting events the Department sponsored or participated in the County;

(C) the number of instances of use of force that resulted in an injury when the injury occurred as a direct result of an officer’s actions;

(D) the number of civilian complaints about the use of force by an officer;

(E) the number of civilian complaints regarding discrimination and harassment;

(F) the number of officers who were suspended with pay;

(G) the number of officers who were suspended without pay;

(H) the percentage of patrol officers who were assigned to neighborhood patrols;

(I) the number of youth under the age of 18 years referred to intervention programs by officers;

(J) data, in the manner prescribed by the Director of the Department of Health and Human Services, regarding the
number of calls for service involving substance abuse, the
responses to those calls, and the outcomes of those calls;

(K) data, in the manner prescribed by the Director of the
Department of Health and Human Services, regarding the
number of calls for service involving mental health issues,
the responses to those calls, and the outcomes of those calls;

(L) demographic information regarding individuals [detained]
stopped (including a stop and frisk that does not result in a
citation or arrest), searched, cited, arrested, or the subject of
a use of force incident by the Department, including:

(i) race;
(ii) ethnicity;
(iii) gender; [[and]]
(iv) age; and
(v) any other demographic information voluntarily
    provided by the detainee;

(M) demographic information regarding individuals subject to a
[[street stop or]] field interview, including:

(i) race;
(ii) ethnicity;
(iii) gender;
(iv) location; [[and]]
(v) age; and
(vi) any other demographic information voluntarily
    provided by the detainee;
a description of the Department’s training standards and practices, including training and practices related to de-escalation; [(and)]

[(N)] (O) a description of the Department’s community policing efforts, including community policing programs, participation in town hall meetings, and efforts to engage with schools, recreation centers, community centers, and senior centers;

(P) the number of officers subject to each type of officer discipline;

(Q) the number of violations of the use of force policy, and the number of officers found to have violated the use of force policy; [(and)]

(R) the number of investigations conducted by the Internal Affairs Division of the Department;

(S) with respect to civilian complaints, the number of complaints per police district, the number of officers against whom the complaints were made, and the outcomes of the complaints;

(T) the number of overtime hours worked per police district; and

(U) data, in the manner prescribed by the Director of the Department of Health and Human Services, regarding the number of service calls involving a homeless individual, the responses to those calls, and the outcomes of those calls.

(2) [(The Department must:]

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(A) for every dataset it maintains regarding interactions with individuals, collect race, gender, and ethnicity data; and

(B) post the data on the web portal identified in Article XIV of Chapter 2]] The Council annually must hold a public hearing regarding the report submitted under paragraph (1).

(3) Subject to state and federal law, the Department must maintain the following public datasets, to include race, gender, age, and ethnicity data, and data by police district, division, and bureau, on the web portal identified in Article XIV of Chapter 2:

(A) use of force incidents;

(B) field interview reports;

(C) juvenile citations;

(D) criminal citations, including trespassing citations;

(E) alcohol beverage violations;

(F) possession of marijuana violations less than 10 grams;

[[and]]

(G) smoking marijuana in public places;

(H) the pointing of a service weapon, taser, or pepper spray at an individual;

(I) the issuance of a stay-away order for trespass enforcement, and the location of property where the enforcement occurs;

(J) information identified under Section 5 of Chapter 59 of the 2021 Laws of Maryland regarding the activation, deployment, and results of the SWAT team;

(K) information identified under Section 1 of Chapter 62 of the 2021 Laws of Maryland regarding search warrants;
(L) arrests, including arrests on or immediately adjacent to school property;
(M) searches, including searches that result in arrest or the discovery of contraband;
(N) stops (including stop and frisks that does not result in citations or arrests);
(U) service calls related to mental health;
(V) service calls related to substance abuse issues;
(W) service calls related to homeless individuals; and
(X) service calls determined to be unfounded.

(4) If state or federal law prevents the Department from publishing a dataset under [[paragraphs (2) or]] paragraph (3), the Department must, in its report under paragraph (1), identify the dataset and explain the reason that the dataset is confidential.

(5) For the datasets published under paragraph (3), the Department must provide an explanation of terms used in the data, such as the term other to identify race or ethnicity, and guidelines regarding how to navigate the data.

(6) The Department must also provide the information reported under paragraph (1) to the Policing Advisory Commission established under Section 35-6.

(d) Annual survey.

(1) The Department annually must conduct an anonymous survey of residents and officers regarding police-community relations, including, at a minimum, the levels of trust communities have in the police.
(2) The survey must be administered to residents in multiple languages.

(3) The survey must contain demographic information, including racial, ethnic, age, gender, and geographic information, regarding respondents.

(4) The Department must post the survey results on the web portal identified in Article XIV of Chapter 2.

(e) The Department must designate an individual officer as the point of contact responsible for the data collection and transparency requirements under this Section.

(f) The Department must post online each written agreement it has entered into with a property owner regarding the enforcement of trespass laws.
Approved:

Tom Hucker, President, County Council 11/4/2021

Approved:

Marc Elrich, County Executive 11/15/2021

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council 11/16/2021