



ADVISORY COMMISSION ON POLICING

June 29, 2026

Natali Fani-González, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Council President Fani-González:

I am pleased to submit to the County Council the Annual Report of the Advisory Commission on Policing (ACP), summarizing the work of the commission since June 26, 2025.

ACP commissioners are unpaid volunteers, whose work is grounded on the belief that Montgomery County Police Department (MCPD) officers are members of the public who are paid to give full-time attention to duties in the interest of community welfare. We respect their call to service and honor their readiness to protect their fellow citizens, even if it requires the sacrifice of life or limb. We agree with you “that fairness only endures when there is one system of justice for everyone.” Ensuring due process for all residents, regardless of social status, race/ethnicity, ability, religion, gender, or sexual orientation, is essential to public safety. We also believe that the responsibility for public safety is not limited to MCPD but is shared by every resident in the county. As you said, “we must fight crime together; we must listen to our residents in their neighborhoods.”

In selecting us to serve on the commission, the County Council ensured that collectively we represent the diversity of our community. Our work and the advice we provide is shaped by our diverse backgrounds, expertise and perspectives, as well as our commitment to explore issues with an open mind and dispassionate research, analysis and logic.

During our second year in the ACP, we met quorum requirements for our scheduled public sessions, held forums to elicit input directly from the public and provided the County Council with our advice on policing issues, such as the encryption of police dispatch communications, and related legislation, such as Bill 5-26 - The Unmask ICE Act. We provided Montgomery County Police Department (MCPD) Chief Marc Yamada with extensive comments and recommendations on key departmental policies under review,

including on Mission and Values, Use of Force, and Public Media Relations. We also welcomed the opportunity to testify before the County Council's Public Safety Committee (PSC), and we were gratified by the positive feedback we received from the three members of the PSC.

The internal committees we created last year enhanced our collaboration and enabled us to explore issues with greater depth. For example, as a result of the Data Committee's work, the ACP provided the Council with suggestions on how to streamline and improve MCPD reporting. This committee is also looking at how a new Records Management System can improve police operations and transparency with the public. The committee on Compliance and Police Reform has commenced consultations with MCPD regarding its initial findings on the implementation of police reform efforts. The Public Schools Committee has conducted extensive research of the academic literature and has met with multiple stakeholders regarding the role of police in providing a safe environment for public school students. The goal is to contribute constructively to the public conversation on this issue. An additional committee is looking into the role of police in the probable cause and pretrial release decisions of District Court Commissioners.

We agree that "we must coordinate the work of each County agency in our common goal to keep our communities safe," and over the last year we have started the practice of sharing our findings and advice with other relevant boards and commissions, such as the Police Accountability Board (PAB) and the Criminal Justice Coordinating Commission (CJCC), as appropriate.

In July 2025, we welcomed a new member to the Commission, Lauren Cotton, who replaced Petros Bein as the Young Adult Commissioner designated by the County Executive. At our June 8 meeting, the commissioners elected Eva Quittman to serve as Chair and Francisco Javier González and John Stephenson to serve as Co-Vice Chairs for the last year of our three-year tenure in the ACP.

This has been a productive year, and we hope our work contributes to helping make Montgomery County safer and more welcoming for all. Looking forward to the final year of our three-year term, we do so with a renewed commitment to ensuring that all residents who come before the law, including those who are most disadvantaged, are treated as fairly and equitably as our most privileged neighbors. We will build on what we have learned and our work over the last two years, as we continue to provide our best advice to the County Council. Also, we will endeavor to conclude the tasks we have set for ourselves, so our successors in the ACP will have a solid foundation upon which to continue the work of the commission.

We would like to take this opportunity to express our deep appreciation for the excellent support that Senior Budget and Policy Analyst Susan Farag and Legislative Analyst Logan Anbinder provided throughout the year. Our work could not have been accomplished without their outstanding and steadfast help and advice. We also appreciate the MCPD's

responses to our information requests, as well as the participation in our meetings of MCPD, police union representatives, and the public.

With best wishes,

Rev. Brian Bellamy,
Chair, Advisory Commission on Policing

CC: Marc Yamada, Chief, MCPD
Sidney Katz, Chair, Public Safety Committee
Dawn Luedtke, Chair, Criminal Justice Coordinating Commission
Bishop Paul L. Walker Sr., Chair, Police Accountability Board
Hon. William England, Chair, Commission on Human Rights

Advisory Commission on Policing

2026 Annual Report



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COMMISSION BACKGROUND

The Policing Advisory Commission (PAC) was created by the Montgomery County Council in December 2019 (Bill 14-19) to increase community involvement in matters of public safety at a time when other efforts to examine and reform police practices were taking place in the County and the State. Enactment of the Police Accountability Act of 2021 (HB 670) led to the creation of a Police Accountability Board (PAB) by the Montgomery County Council in May 2022. In turn, this led to a discussion on the future of the PAC and, as a result of those discussions, the Council passed Bill 32-23E in 2023, modifying some aspects of the commission and renaming it as the Advisory Commission on Policing (ACP). The current members to the ACP were designated on or after February 13, 2024.

The mission of the ACP is to advise the County Council on policing matters and recommend policies, programs, legislation, or regulations with regards to policing. As defined in Montgomery County Code Section 35-6, its duties include:

- advise the Council on policing matters;
- provide information regarding best practices;
- recommend policies, programs, legislation, or regulations;
- comment on matters referred to it by the Council;
- conduct community outreach for community input;
- accept correspondence and comments from members of the public; and
- by July 1 each year, submit an annual report on its functions, activities, accomplishments, and plans and objectives.

STRUCTURE AND DEVELOPMENT

The Commission is composed of 13 public voting members, who serve three-year terms, as well as two non-voting, ex-officio members. Of the 13 public members, 11 are nominated by individual Councilmembers and two are nominated by the County Executive. The latter two are selected to represent youth: one must be 25 years of age or younger at the time of appointment, and the other must be between the ages of 26 and 35 at the time of appointment. The two ex-officio members are: the Police Chief and the president of the employee organization representing police officers. (See Appendix A, Membership)

During its June 8 meeting, the members continued the tradition of electing a Chair and Vice-Chair for one-year terms. The ACP elected Eva Quittman to serve as Chair and Francisco Javier González and John Stephenson to serve as Co-Vice Chairs for the last of year of their three-year tenure.

MEETINGS

The ACP is required to meet a minimum of six times per year but, since their initial meeting in March 2024, the commissioners have decided to meet monthly. Since our last annual report, the ACP has met six times in 2025, including an in-person public forum held last September, and six times in 2026, including a virtual public forum held on March 9. Subcommittees meet separately and on an as-needed basis.

ACP plenary meetings are held virtually at 6:30pm on the second Monday of the month. They are open to the public and always conducted in accordance with the state's Open Meetings Act. Agendas, minutes, and video recordings for meetings can be found at the ACP website: <https://www.montgomerycountymd.gov/government/legislative-branch/county-council/committees/council-appointed-boards-committees-commissions/advisory-commission-policing>

WORK PLAN

In 2024 the ACP commissioners developed a work plan to help guide their collective work. That work plan focused on the priorities the Council set for the ACP in its letter of May 9, 2024, including the importance of MCPD serving our marginalized communities as fairly and effectively as our more affluent communities.¹ In June 2025, the work plan was revised, and the ACP created four standing committees to dive deeper into specific subjects. At its June 8 meeting, the commissioners again reviewed, revised and adopted a work plan to guide its work during the last of year of its three-year term. (See Appendix B, Work Plan)

¹ See: https://www.montgomerycountymd.gov/archival-document?document=https%3A%2F%2Fassets.montgomerycountymd.gov%2Ffiles%2FCouncilResponseACP_May2024.pdf&title=Council+Response+to+ACP+-+May+9%2C+2024

PUBLIC OUTREACH AND COMMUNITY INPUT

To help the members of the County Council better understand how county residents feel about public safety, the Commission seeks direct input from a diverse group of community members. Besides accepting direct input via the ACP website's "Suggestions" portal, over the last year the ACP also held two public forums, one in-person on September 8, 2025, and the other virtually on April 13, 2026. Also, five Commissioners participated in the Police Academy's Community Informed Law Enforcement Seminar (CILES) on January 7. Additionally, the ACP Chair and Co-Vice Chairs had the opportunity to discuss the work of the commission with the Council's Public Safety Committee (PSC) at a public hearing held on December 8, 2025.

September 8 in person public forum:

At the September 8, 2025, in-person public forum, the ACP commissioners heard a wide range of perspectives on public safety from community members that will help shape their advice to the Council. Some participants expressed concern about police staffing gaps or constraints on officers, while others highlighted practices they viewed as biased or unhelpful. Parents spoke both about threats to their children in schools and the potential harms of overreliance on police. Other participants emphasized that public safety is closely linked to social services, mental health resources, and other county programs, underscoring the importance of coordinated approaches. While the concerns reflect different viewpoints, they highlight multiple dimensions of public safety that can be addressed together. These issues intersect with multiple areas of Council work including public safety, social services, public health, housing, and education, where alignment of priorities and resources, including investments in County services, is essential. (Appendix D)

December 8 ACP testimony before the Public Safety Committee (PSC):

At the invitation of PSC Chairman Katz, ACP Chair Bellamy, as well as Vice Co-Chairs González and Quittman testified on the work of the commission and answered questions at a public hearing on December 8.² The hearing was useful in addressing members' questions and getting a sense of the most current issues of concern for the County Council.

² See: <https://www.youtube.com/live/uwoC7B-l53I?si=U3Ad5Rj9GOiCLKBY>

Councilmembers praised the substantive body of work produced by the commission. We also agreed to work with ACP staff to improve the “Resources” portal of the ACP website to help the transition with our successors in the commission and help the new commissioners get up to speed faster on the issues and past work of the commission.

Community Informed Law Enforcement Seminar (CILES):

At the invitation of Dr. Eric Reist, Deputy Director of Academic Instruction at MCPD’s Public Safety Training Academy (PSTA), on January 7, five ACP commissioners participated in a session of the Community Informed Law Enforcement Seminar (CILES). The seminar was designed as an opportunity for the new recruits to learn about the ACP, its mission, and the community perspectives the ACP provides to the County Council. It was also an opportunity for ACP members to learn about the perspectives of recruits regarding policing, their training and expectations. The Commissioners noted significant diversity among the officers. Also, when polled, about 75% of the new recruits said they resided in Montgomery County, which is important. Currently only about 50% of the MCPD force is composed of County residents, but we believe there is great value in police officers having strong ties to the community they serve.

April 13 virtual public forum:

At the virtual public forum held April 13, the commissioners provided a brief overview of the ACP and its work. This was followed by testimony from members of the public, which reflected widespread concerns about security in the county’s public schools. Some argued that safety had worsened since the School Resource Officer (SRO) program, which posted officers at high schools, was replaced by the Community Engagement Officer (CEO) program, whereby police officers are assigned to clusters of schools but are not posted at schools. There were calls for a return to the SRO program, and a retired teacher said that her experience had been that SROs were a positive presence in schools and served as mentors for students. But other members of the public argued against such a move. One witness cited research suggesting that police officers in schools occupied themselves disproportionately with Black and brown students, as well as research finding a higher mortality rate from school shootings when an armed officer was present. Another suggested

that, if the county returns to the SRO program, officers should be involved in the school community outside of their policing role to build relationships.³

The commissioners empathized with the visceral concern of parents for the safety of their children in school, especially under the current proliferation of guns and gun incidents in schools. They also heard those who argue that the preponderance of studies suggests that, rather than promoting safety, posting police officers in schools results in increased referrals to law enforcement for crimes of a less serious nature and criminalizing of students. The ACP has not arrived at a common position on this issue, but they are committed to contributing constructively to the public conversation on this issue with facts, reason and practical recommendations.

MCPD POLICY REVIEW

Under Chief Yamada, the Montgomery County Police Department (MCPD) began a comprehensive review of its written policies in 2025 and offered the public the opportunity to weigh in with recommendations via its website. We welcome Chief Yamada's important initiative. Our review of three key policies showed that, as currently written, these policies provided vague and confusing guidance. If properly executed to remedy current deficiencies, this policy review could represent an important and positive development, as clear written policies are essential to aligning daily operations with organizational goals, promoting consistency, and mitigating risk. Also, by clearly defining expectations, written policies protect both the department and its employees from legal liabilities, while ensuring a fair, safe, and productive workplace. We also applaud the department's stated willingness to incorporate public input and ensure that its policies align with the needs and expectations of our community. In that spirit, we offered recommendations on three key policies under review.

MCPD Policy FC 210, Mission and Values:

In an August 14 letter, we recommended that MCPD make explicitly clear that this is a foundational policy that frames MCPD's organizational culture and informs other departmental policies. We urged the department to frame its law enforcement objectives in the context of the broader goal of public safety. This is a goal that MCPD can advance as

³ See video recording of this virtual public forum at:

<https://www.youtube.com/watch?v=7LpRWWhA9zDk&list=PLvk-7RcdeRpR5G5YOXbjnDE5KE1AL-nGy&index=2&pp=iAQB>

part of a whole-of-county-government approach and in coordination and collaboration with other county agencies. We also urged the department to explicitly link the organizational values to the core principles of Policing by Consent and Community Policing, promoting the role of police officers as protectors, and prioritizing the safety and well-being of citizens, including those most vulnerable. (Appendix D)

FC 131, Response to Resistance and Use of Force:

The ACP provided extensive comments and suggestions on August 14 regarding this critical policy with a view toward more closely aligning the policy with MCPD leadership's own public rhetoric and the expectations of the community. Another key driver was the need to ensure that our police officers have the clear guidance they need to avoid unsafe outcomes for both themselves and others, especially considering the potentially volatile situations they can encounter on their work.

An overarching ACP concern with the policy as was written was that important sections were vague, inviting multiple interpretations and confusion. Also, certain parameters of behavior were overly broad. Even high-performing officers are human and may exceed a parameter in error, out of misunderstanding or when perceiving exigent circumstances. Therefore, departmental policy should draw the line short of the ideal to avoid unnecessary negative outcomes for the mission, the organization, and its members. Also, parts of FC-131 weakened other elements of the policy or omitted broader public safety considerations. For example, paragraphs explicitly empowered officers to ignore training or to shoot from a moving vehicle, deemphasized the importance of de-escalation tactics, or listed factors for consideration without explaining how they should affect an officer's calculus. Specific recommendations included:

- Adding a statement that “a police officer shall intervene to prevent or terminate the use of force by another police officer beyond what is objectively reasonable under the circumstances.” This is needed to be in full compliance with the “need to intervene” requirement in Maryland’s Police Accountability Act (MPAA).
- Adding a statement that an officer should prioritize other alternatives to force, such as communication, persuasion, and de-escalation whenever possible. This is essential to reflect the importance that modern policing in this country and the community places on de-escalation.
- Adding a statement that police shall not “create the need to use force” or intentionally “escalate a situation.”

- Clarifying that observable behaviors such as state of mind, medical condition or potential physical threat, do not by themselves justify the use of force.
- Deleting the words “regardless of their training” in Paragraph L of the policy, as explicitly enabling officers to disregard training, even under exigent circumstances, could lead to inconsistent actions by patrol officers, compromising safety and potentially making situations worse.
- Prohibiting the high-risk tactic of shooting from a vehicle unless patrol officers receive specialized training and are tested for qualification.
- Making it clear that less-lethal devices could also cause death or serious injury under certain circumstances.
- Similarly, making it clear that a trained canine can cause severe injury or death under certain conditions, as has happened in the past in Montgomery County.

(Appendix E)

Excited Delirium:

In our August 14 letter to MCPD Chief Yamada regarding the use of force policy, we also welcomed MCPD Memorandum 25-02, indicating that department policy will be adjusted to reflect the determination of the Maryland Institute for Emergency Medical Services Systems (MIEMSS) that the term Excited Delirium was no longer considered valid or clinically appropriate. "Excited delirium" (also called agitated delirium) is a controversial and widely rejected concept used to describe a state of extreme agitation, aggression, and perceived super-human strength, often linked to substance use or mental illness. Major medical and psychiatric organizations disavow it as a diagnosis because it lacks scientific validity and has historically been disproportionately used to rationalize in-custody deaths. (Appendix E)

FC-1411, Police/Public and Media Relations:

To avoid misperceptions, we strongly urged in an August 14 letter that the revised guidance prohibit the inclusion of photos of persons in press releases except when MCPD is seeking the help of the public in identifying or finding the suspect of a crime, or in identifying additional victims of other possible crimes related to a suspect. Besides these two exceptions, we see no public benefit in the inclusion of mug shots in these releases.

As written, the policy provided vague guidance, merely allowing the inclusion of photos in MCPD media releases. This is problematic, because MCPD press releases rarely, if ever, include what the public has come to know as “mug shots,” which are made in accordance with specific criteria. Only the Montgomery County Department of Correction and Rehabilitation takes these official mug shots, and there appears to be no mechanism that allows MCPD to use them in their releases. Instead, the photos MCPD normally uses in its releases come from video capture or informal photos taken by police officers using their phones. This injects extraneous subjective elements into what should be an official and objective document, and members of the community have conveyed to us their perception that the MCPD releases include photos more often when they are people of color than when they are white.

We also recommended that official booking “mugshots” made by the Department of Corrections should be released upon request of media organizations. (Appendix F)

OTHER ISSUES

Encryption:

Last summer we learned that MCPD had begun encrypting its dispatch radio communications. The Department argued that this was needed to comply with privacy concerns, requirements of the Health Insurance Portability and Accountability Act (HIPAA), Personally Identifiable Information (PII), and recommendations of the Federal Partnership for Interoperable Communications (FPIC). It was also intended to prevent media and public interference, as well as to keep bad actors from monitoring police responses during the planning and commission of crimes, including the ambush of police officers.

While some of these arguments did not strike us as persuasive, encryption of police radio dispatch calls could help protect witnesses and victims, prevent bad actors from taking advantage of open radio dispatch communications, and promote interoperability with neighboring agencies that already encrypt, or will encrypt, their own communications soon. However, we remain concerned that loss of transparency resulting from the encryption runs counter MCPD’s stated commitment to Community Policing, transparency and accountability.

Unaddressed, this lack of transparency would also run counter MCPD’s own public commitments, as well as reform efforts over the last half-decade. Our concerns are not

driven by community sensibilities alone, they are also driven by our support of MCPD's own efforts to promote public trust and collaboration. Though MCPD sees itself as being in the best position to provide accurate information to the public on law enforcement matters, in placing itself in the position of being the only source of information to the public, its intentions could easily backfire. In today's environment, rife with conspiracy theories, hard-earned efforts to build community trust over the years could be undone by a single unanticipated incident. Consequently, in our letter of October 13, 2025, we urged the County Council to:

- Require that MCPD establish a delayed feed mechanism that would allow the press, public advocates and the public access to redacted police radio dispatch communications.
- Provide the funding required for the purchase of the necessary equipment, tools and staffing needed to redact health and personally identifiable information protected by law, as well as other information needed to protect witnesses and victims.
- Work with MCPD and public advocates to develop redaction rules that reasonably balance the public's need to know with the need to protect police operations and tactics, as well as the privacy of witnesses and victims.

The commissioners understand that the additional financial and staffing resources needed to fund such delayed streaming would add to the fiscal burden in today's restricted budgetary environment, but they also believe this investment is crucial to safeguarding the transparency of, and public trust in, our police department. Public safety is not the sole responsibility of MCPD. Rather, it is a responsibility that all residents share with the ACP, the county government, and MCPD. Mechanisms that allow members of the media to be credentialed and gain access through licensed equipment are too restrictive and pose an unreasonable burden on already strained local media organizations. (Appendix G)

MCPD Reporting Requirements:

In its letter of October 13, the ACP endorsed and sent to the Council the Data Committee's recommendations to streamline reporting requirements in a manner that would improve both efficiency and transparency, including amending Sec. 35-6A of the County Code to:

- Eliminate the requirement that MCPD "annually 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." Community surveys help to objectively evaluate MCPD's constitutional policing practices, the effectiveness of its Community Policing strategy, and the community's satisfaction with MCPD services.

But MCPD should not be put in the position of evaluating how the community perceives it. To ensure impartiality, such a survey should be conducted either under the auspices of the County Executive or the Council, or by an independent polling entity. A low-cost alternative would be to include relevant questions in the Public Safety portion of the annual National Community Survey “livability” survey.

- Change the due date of the mandatory reporting requirements from February 1 to April 15. The February 1 deadline does not allow the department sufficient opportunity to cull and verify the previous calendar year’s data, resulting in an annual Police Statistical Data Report that contains imperfect data and conflicts with the more accurate data included in subsequent MCPD reports.
- Add disaggregated demographic data on crime victims to the required data sets of the annual Police Statistical Data Report. Demographic data on crime victims is necessary to evaluate the services provided by MCPD to the sectors of our community most impacted by crime and police practices. As the Law Enforcement for All (ELEFA) audit noted, such data is essential “for understanding crime trends across demographic groups and for informing public policy decisions.” This added requirement should not impose an additional burden on MCPD, as Council staff reports that MCPD has readily provided victimization data on multiple occasions upon request.

The ACP also encouraged consolidating into one report and making public the data currently published in MCPD’s annual Police Statistical Data Report and Annual Report on Crime and Safety. We also recommended the requirement that MCPD report racial and ethnic demographic data in the same manner as the Census and Maryland’s Race-Based Traffic Stop Data Dashboard, i.e.: Asian, Black, Hispanic, White, and Other. Currently, MCPD’s Annual Report on Crime and Safety reports racial and ethnic data separately, which is confusing.

(Appendix I)

Guns Seized as a Result of Vehicular Consent Searches:

At the September 8 forum, a member of the public asked the commissioners if they agreed with State’s Attorney McCarthy’s remark that 80 percent of all guns recovered from Montgomery County were the result of vehicular consent searches. Mr. McCarthy had made that claim at an ACP public forum six months earlier, but the information available to us from MCPD indicates that out of the more than 1,000 firearms recovered in the County in 2023 only 73 came from traffic stops. And, of those, only 13 were seized because of consent searches. In other words, the proportion of firearms taken off the streets because of

vehicular consent searches is about one percent of all firearms recovered and 18 percent of firearms recovered during traffic stops.

We believe that each gun taken off the streets is important, but it is also important that we all share accurate information to properly inform the public conversation on policing and, in this case, consent searches. Therefore, on October 15, 2025, we requested the State's Attorney to clarify his remarks, and in his letter of March 19 he indicated that what he should have said was that seventy-seven percent (77%) of guns seized from cars in the previous 12 months were the result of "consent searches and the odor of marijuana." Since then, the public discussion on vehicular consent searches has benefitted from relevant statistical data included in the inaugural edition of MCPD's Statistical Data Annual Report on Consent Searches.⁴ (Appendix H)

LEGISLATION

Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act):

Bill 5-26 sought to ban federal, state, and local law enforcement officers from wearing masks or face coverings while on duty in the County, with certain exceptions. In its letter of March 9, the ACP welcomed the bill's intent to enhance transparency and accountability in public safety, as well as ensuring that residents can clearly identify law enforcement officers. Despite the bill's potential benefits, however, some Commissioners expressed concerns regarding its timing and effectiveness. At the time, there was a similar initiative underway in the state legislature and the bill's provisions related to federal agents may not be enforceable.

Nonetheless, the consensus was that the use of face coverings intended to hide a law enforcement officer's identity or to intimidate the public is a sharp break with the American historical tradition in policing and has no place in law enforcement today. In this context,

⁴ See MCPD CY2025 Statistical Data Annual Report - Consent Search at https://www.montgomerycountymd.gov/archival-document?document=https%3A%2F%2Fassets.montgomerycountymd.gov%2Ffiles%2F2026-03%2F2025+Consent+Search+Annual+Report_0.pdf&title=MCPD+CY2025+Statistical+Data+Annual+Report+-+Consent+Search

the ACP made the following recommendations to enhance the positive outcomes expected from *Bill 5-26*:

- That the bill explicitly define the face coverings being proscribed.
- That the bill explicitly articulate its purpose to ban the use of facial coverings used to intimidate or hide an officer's identity.
- We also suggested modifying Section 2 "Short Title" to ensure an emphasis on transparency and accountability in law enforcement.
- That the following exceptions be added to Section 1(e):
 - Law enforcement officers working in authorized undercover operations.
 - Garments worn for religious purposes.
 - Face shields designed to protect the wearer's face.
 - Helmets worn by officers utilizing a motorcycle or other vehicle that requires a helmet for safe operations.
 - Any other item worn in accordance with applicable laws on occupational health and safety or reasonable workplace.
- That the bill convey the expectation that law enforcement agencies consider the use of masks for prohibited purposes as a serious violation and treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.

We also encouraged MCPD to include in its regulations the explicit requirement that all uniformed officers, including Special Weapons and Tactics (SWAT) members, wear an MCPD badge, name tag, and identification (ID) number on their uniform. Finally, the commissioners are concerned that the use of "police" labels by Department of Homeland Security and other federal agents will create confusion and undermine the trust MCPD officers are working hard to build among residents in the county. (Appendix J)

Committee Work:

Last year, the ACP established four committees composed of several commissioners each to work on specific issues to enable the commission to delve deeper into more issues. The committees meet separately, report to the ACP plenary during its monthly public meetings and provide recommendations to the ACP.

Data Committee:

The Data Committee was formed to take the lead on one of the County Council priorities: “Continue to review the Department's ability to collect, analyze, and use data in its work to provide effective, responsive, and equitable policing.”

Last October, the Data Committee developed the recommendations mentioned earlier in this report regarding MCPD reporting requirements mandated by Sec. 35-6A(c) of the Montgomery County Code.

The Committee also met with MCPD representatives to discuss the databases maintained by the department, as well as the challenges it faces related to data management. For example, MCPD relies on an automated records management system (RMS) that is outdated. After a failed attempt to procure a modern system a few years ago, MCPD is now working on a new request for proposals and hopes to acquire a new RMS by next year. The Data Committee will continue looking into how a new RMS could best address the needs of MCPD, as well as how the department may be able to streamline its reporting to maximize transparency, while reducing unnecessary or duplicative work.

Compliance and Police Reform Committee:

This committee was formed to take the lead on another of the priorities articulated by the County Council: “Work with the Police Department to better understand how certain aspects of police reform have been working, specifically focusing on the State Police Accountability Act of 2021.”

The members of this committee have reviewed the hundreds of recommendations of three major reform efforts listed in the County’s Reimagining Public Safety Dashboard:

- Reimagining Public Safety Task Force, February 2021.
- Maryland Police Accountability Act (MPAA) - Maryland State Law requiring action by the County to implement a Police Accountability Board and other Internal Affairs and Oversight Capabilities, July 2022.
- Effective Law Enforcement for All (ELE4A) Montgomery County Police Department Audit, November 2022.

The committee shared with MCPD and the Police Accountability Board (PAB) an initial report on its findings regarding the MPAA requirements and will be meeting in July with MCPD representatives to better understand how the requirements are being implemented. The committee is also working to complete similar processes for the two other reform efforts.

Public School Committee:

This committee was formed to help the ACP contribute to the ongoing discussion regarding public safety in schools, including the presence of police officers in the County's public school system. The work of the committee has been informed by comments from the public, both in writing and at ACP public forums. Based on this input, the committee seeks to develop recommendations that help address the concerns of those parents who fear for the safety of their children in school, as well as those who fear that posting police officers in schools will result in children being referred to the criminal justice system rather than to the social services they need. Over the last year, the committee has met with MCPD and Montgomery County Public Schools (MCPS) representatives and attended relevant presentations before the County Council.

On October 15, 2025, the committee met with MCPD captains Kathy Estrada and Jeffery Innocenti to get a better understanding of the now defunct SRO and the current Community Engagement Officer (CEO) programs worked. The latter assigns police officers to school "clusters." CEOs are selected from the pool of officers applying to the program. They receive specifically customized for school support and reevaluated annually. The committee also reviewed the Memorandum of Understanding (MOU) between MCPS and MCPD governing the CEO program, which was modified in 2023.

Members of the committee listened to the April 20 County Council hearing in which the Department of Health and Human Services described initiatives to keep targeted youth prevention programs designed to mitigate security issues before they reach school grounds, including the Youth Resilience Initiative, the Street Outreach Network, and the Safe Space program. Under the Maryland Code, county school boards must design discipline policies that are "rehabilitative, restorative, and educational" rather than purely punitive. MCPS and MCPD also discussed crisis-stabilization plans and coordinated responses to recent incidents.

The committee is also reviewing several evidence-based, peer reviewed articles regarding the efficacy of police in schools, including one that shows with high reliability that police are not as effective in enhancing security in schools as is commonly assumed.

Pre-Trial Release Committee:

A committee was formed to follow up on the recommendation of the previous ACP and review the role of police in the probable cause and pretrial release decisions of District Court Commissioners. The committee has met with experts on the matter and reported to the ACP

on June 8. The commissioners agreed that they needed more information on this issue and decided that the committee should continue its work.

APPRECIATION

The ACP is extremely grateful to its staff from the County Council. Senior Budget and Policy Analyst Susan Farag is a treasured resource for the Commission, the Council, and the County at large. Legislative Analyst Logan Anbinder continues to provide essential help to the ACP. Without their generous and expert support, the work of the ACP could not have been accomplished. The commissioners also appreciate the information MCPD provides in response to ACP questions, as well as the participation of MCPD representatives, Captain Jordan Satinsky, Captain Kathy Estrada, and Captain Gerald McFarland, as well as FOP representative Sergeant Cate Brewer.

CONCLUSION

Over the last year, the commissioners have been able to leverage past training efforts, research and standing committees to more effectively develop practical advice and recommendations to assist the County Council in its efforts to promote our shared interest in a more secure and equitable community. In contributing to this work, each commissioner has drawn on individual experiences and expertise, as well as research, presentations, discussions and public input through our own contacts, as well as through public forums.

Looking forward, we will continue to make use of committees to get additional work done in support of our monthly meetings. We realize that we have entered the last year of our three-year tenure and have renewed our commitment to continue our work and finish uncompleted tasks. Our goal is also to leave behind the resources that will facilitate the transition to our successors, as well as a solid base of work upon which they can continue the work of the ACP and build their own contributions.

Appendix A – Current Membership – 2026

Council Designated Commissioners

(effective February 13, 2024, unless otherwise indicated)

- Reverend Brian Bellamy, Chair
- C. Arthur Blair
- Cherri Branson
- Kristy Daphnis
- Christina DeLane
- Sony George (since October 2024)
- Francisco Javier González, **Co-Vice Chair**
- Henry Mulzac (since December 2024)
- John Stephenson, **Co-Vice Chair**
- Dr. Teresa Walsh
- Sean Watson

County Executive Designated Commissioners

- Eva Quittman, Youth, 25 or younger, **Chair**
- Lauren Cotton, Young Adult, age 26-35 (Since July 2025)

Ex-Officio Members

- Captain Gerald McFarland, Director Crisis Response and School Resources Division, MCPD (Chief's Designee, since March 2026)
- Sergeant Cate Brewer, MCPD (Fraternal Order of the Police Lodge 35 Designee)

Leadership Team

- Chair: Eva Quittman
- Co-Vice Chair: Francisco Javier González
- Co-Vice Chair: John Stephenson

Appendix B – Workplan



Montgomery County Advisory Commission on Policing 2026 Work Plan

Note: This workplan was reviewed, modified and adopted on June 8, 2026. It will be reviewed and revised on an annual basis, or sooner if circumstances require.

The Advisory Commission on Policing (ACP) was created in 2019 by the Montgomery County Council in response to the public dialogue around policing practices and to increase community involvement in matters of public safety. Its mission is to advise the Council on policing matters and recommend policies, programs, legislation, or regulations with regards to policing.

Montgomery County Code Section 35-6 establishes the 15-member Advisory Commission on Policing. The ACP's duties are to:

- Advise the Council on policing matters;
- Provide information regarding best practices;
- Recommend policies, programs, legislation, or regulations;
- Comment on matters referred to it by the Council;
- Conduct community outreach for community input; and
- Accept correspondence and comments from members of the public.

Goal: To help the County Council identify data-driven and community-centered solutions that improve public safety and the delivery of fair, effective, and equitable policing services to Montgomery County residents and ensure that the evolving needs, expectations, and values of the County's diverse communities are addressed.

Objectives: To provide feasible, pragmatic, and evidence-based recommendations to the County Council concerning policing, including policies, programs, legislation, or regulations pertinent to the Montgomery

County Police Department's (MCPD's) policing and efforts to cultivate community engagement, trust, transparency, accountability, and public service.

Strategies: The following strategies will inform the work of the Commission over the next twelve months:

1. Proactively gather data and insights from a variety of sources, including through research and public outreach, with particular attention to marginalized groups and those who live and/or work in areas disproportionately impacted by crime and policing. (Ongoing)
2. Work with MCPD to better understand how certain aspects of police reform are being implemented, including recommendations and findings of:
 - a. Reimaging Public Safety Task Force
 - b. Effective Law Enforcement for All (ELE4A)
 - c. Montgomery County (MD) Office of the Inspector General
 - d. Maryland Police Training and Standards Commission
 - e. Office of Racial Equity and Social Justice (ORESJ)
 - f. Maryland Police Accountability Act of 2021
 - g. Commission on Accreditation for Law Enforcement Agencies (CALEA) MCPD's efforts should exceed these requirements and recommendations, as well as meet the expectations and demands of Montgomery County's diverse communities. (Compliance and Police Reform Committee)
3. Access, evaluate and provide feedback on the Montgomery County Department of Police Strategic Plan for 2026–2030. (Planning Committee)
4. Examine MCPD community policing outcomes to ensure that these efforts address the expectations of the community and incorporate community-centric approaches to build public trust and promote collaboration between the community and the police. (Ongoing)
5. Review MCPD's data collection, analysis, reporting, as well as automated record management systems and practices to ensure they meet internal policy and legislative requirements, advance transparency and accountability to support the department in providing effective, responsive, and equitable policing. (Data Committee)
6. Provide written recommendations on all pending legislation that impacts policing. This work should focus on communities of color that have been historically overpoliced, and that these same communities are also disproportionately victims of crime and have a real need for effective public safety services. (Ongoing)
7. Continue reviewing the role of police in the probable cause and pretrial release decisions of District Court Commissioners. (Pretrial Release Committee)

8. Contribute to the ongoing discussion regarding public safety in schools, including the presence of police officers in the County's public school system and avoiding the school to prison pipeline. (Public Schools Committee)
9. Prepare and submit reports and recommendations to the County Council in a timely manner, including an annual report by July 1 on its functions, activities, accomplishments, plans, and objectives. (Ongoing)

Appendix C - Letter to Montgomery County Council Summarizing September 2025 Public Forum - December 11, 2025



ADVISORY COMMISSION ON POLICING

December 11, 2025

The Honorable Natali Fani-González, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: Public Forum Held on September 8

Dear President Fani-González and Members of the County Council:

Congratulations, President Fani-González, on your election as Montgomery County Council President, and congratulations to Vice President Balcombe on your election as Council Vice President! Your leadership brings a renewed opportunity to strengthen collaboration between the Council and the Advisory Commission on Policing (ACP, "the Commission"). We look forward to working closely with both of you and with the full Council to advance thoughtful, equitable approaches to public safety and to support policies that reflect the needs and priorities of the entire community.

Pursuant to one of the priorities outlined in the Council's letter to the ACP on May 9, 2024, the Advisory Commission on Policing held a public forum on September 8 in the County Council Hearing Room. This in-person event provided an opportunity for community members to share their concerns regarding public safety and contributed meaningfully to the broader conversation on policing in our County. The input we received at the forum, along with comments submitted

through our website, continues to inform our work. We've attached the excellent report on the proceedings prepared by the legislative staff assigned to the Commission.

The ACP heard a wide range of perspectives from community members. Some participants expressed concern about police staffing gaps or constraints on officers, while others highlighted practices they viewed as biased or unhelpful. Parents spoke both about threats to their children in schools and the potential harms of overreliance on police. Many participants emphasized that public safety is closely linked to social services, mental health resources, and other County programs, highlighting the importance of coordinated approaches that address underlying needs and strengthen community well-being.

The Commissioners greatly appreciated these contributions. While the concerns reflect different viewpoints, they enhance one another, highlighting multiple dimensions of public safety that can be addressed together to build trust and well-being across Montgomery County. We recognize that these issues intersect with multiple areas of Council work including public safety, social services, public health, housing, and education; thus, benefit from coordination across committees, departments, and community partners. These issues also arise in the operating and capital budget processes, where alignment of priorities and resources, including investments in County services, is essential. This work is especially important at a time when many community members continue to feel fear or mistrust toward the police, making open dialogue and careful policy consideration even more critical.

We are grateful to the Council members who supported our public forum through attendance or participation of staff. Your engagement was meaningful to both the community members who spoke and to the Commission.

As you know, the Commission is tasked with providing guidance and thoughtful insights to the Council on matters of police policy and emerging issues in policing. We welcome opportunities to serve as a collaborative resource on any questions, priorities, or cross-committee matters, including those related to social services, operating and capital budgets, and other County programs that intersect with public safety.

We look forward to continuing our partnership to ensure that public safety policies are effective, equitable, and responsive to the needs of all Montgomery County residents, especially at a time when building trust and confidence in policing is more important than ever.

Sincerely,

Rev. Brian Bellamy, Chair, Advisory Commission on Policing

CC: Dawn Luedtke, Chair, Criminal Justice Coordinating Commission

Michael Jimenez, Chair, Commission on Children and Youth

Hon. William England, Chair, Commission on Human Rights

Encl: Sept. 8, 2025 Public Forum Discussion Detail



ADVISORY COMMISSION ON POLICING

Discussion Detail

Call to Order and Attendance

- Ms. Farag provided some preliminary opening remarks. She recognized Councilmembers in attendance – Council President Stewart and Public Safety Chair Katz, as well as representatives from offices of CM Alborno, CM Friedson, and CM Sayles.
- Chair Bellamy called the meeting to order at 6:32PM. A quorum of ACP members was present. He introduced Vice Chairs Mr. González and Mx. Quittman.

Background

- Vice Chair González provided some background on the ACP. This included information about the history, composition, mission, responsibilities, and priorities, as well as a review of the ACP's work to date. This information is available in the slides available in conjunction with these minutes.
- Vice Chair González indicated that two members of the ACP have previous experience working as members of law enforcement, six members have completed the MCPD Citizens Academy, and a number of members have participated in ride-alongs with MCPD.
- Members of the ACP, including ex-officio members, introduced themselves.
- Vice Chair González clarified the distinction between the ACP and the Police Accountability Board and Administrative Charging Committee.

Listening Session

- Vice Chair Quittman moderated the public listening session.
- Mr. Elwood Gray spoke in favor of the institution of an Officer Friendly program within MCPD.
- Mr. Rob Landau spoke representing Silver Spring Justice Coalition (SSJC). SSJC is particularly impressed with some of the ACP's comments regarding MCPD policies, especially on the use of force and community policing. Mr. Landau spoke in favor of a comprehensive legislative approach to surveillance technology in the County, including guarding against its potential misapplication and misuse. He spoke in favor of Bill 4-25 as such an approach.
- Ms. Robin Yasnow spoke, also representing SSJC. She noted that there will be seven concurrent mobile crisis teams up and running within the County during peak hours. She urged the ACP to support the dispatch of mobile crisis teams to all incidents in which an

individual is known or suspected to have a mental health condition, even when the individual has a weapon, and to support the involvement of MCPD officers only when necessary. She expressed that responders should speak the primary language of the individual to whom they are responding. Ms. Yasnow expressed concerns about the pilot co-response team.

- Vice Chair Quittman indicated that the ACP may have more information regarding the areas spoken to by representatives of SSJC in the months to come.
- Mr. Mark Disler spoke in favor of identifying ways to increase police staffing in the County. He urged the ACP to rescind its letter of support for the Freedom to Leave Act and suggested that the ACP advise MCPD to repeal some of its new policies regarding consent searches, especially in light of State's Attorney McCarthy's comments regarding the high proportion of illegal weapons retrieved through consent searches.
- In response to Mr. Disler's comments, Vice Chair Quittman indicated that the ACP had reviewed data indicating that other jurisdictions in the country had eliminated consent searches and that violent crime had not significantly increased in the County over the past two years.
- Ms. Branson expressed appreciation for Mr. Disler's comments regarding the need for increased staffing. She further noted that the Freedom to Leave Act did not pass the Council despite the ACP's support.
 - Mr. Disler subsequently responded to indicate that while the bill did not pass, his view is that the ACP played a role in MCPD's adoption of a policy limiting consent searches.
- Ms. Daphnis added her view that MCPD should engage in recruitment tactics that engage in an atmosphere of community policing.
- Mr. Blair noted evidence of systemic racial bias in application of consent searches and suggested that this indicated a larger problem with the practice of consent searches.
- Mr. George noted that there is a recruitment swell in policing for the first time since 2020.
- Mr. Aaron Droller from Silver Spring spoke in favor of reinstituting the School Resource Officer (SRO) program. He expressed his view that the replacement program, the Community Engagement Officer (CEO) program, is inadequate. He expressed concern that children who attend private schools experience a greater level of security than individuals who attend public schools.
- Ms. Walsh indicated that the ACP is seeking balance between different viewpoints on the SRO issue and expressed her appreciation for Mr. Droller's comments.
- Vice Chair Branson indicated that the ACP has continued to have good conversations with representatives of MCPD, including Lt. Innocenti, who runs the CEO program. She noted that violence has not increased in schools.
- Mr. Droller responded that SROs could address counterfactual concerns in the event of mass violence in schools.
- Dr. Sheryl Brissett Chapman of Silver Spring spoke regarding juvenile justice. She expressed appreciation for the ACP's initiative regarding safety in schools. She expressed concern about African American males' safety in schools and emphasized racial justice in the definition of public safety. She asked the ACP to do an impact analysis on how each decision or recommendation would impact Black male children.
- Several ACP commissioners either welcomed or expressed support for Dr. Chapman's comments.

- Ms. Valerie Davis, the convener of the Black Coalition for Excellence in Education, spoke. She associated herself with Dr. Chapman's comments. She requested: (1) that the ACP look at the culture and climate survey results that were released by MCPS; (2) that the ACP oppose MCPS's daily searches of students without cause; (3) that the ACP ask that the Chief of Safety & Security at MCPS follow the memorandum of understanding (MOU) of the CEO program and seek to revise the MOU; (4) that the ACP support the Coalition's first responder program; (5) that the ACP support an investment in restorative justice in MCPS.
- Ms. Andrea Kronzek provided comment. She noted that there may be some additional context to statistics regarding officer-involved shootings, and that not all emergency calls are immediately identifiable as mental health calls. She complemented MCPD's response to calls involving children with autism. She noted that some MCPD officers can be mentors to children in schools. The speaker expressed her support and appreciation for officers of the MCPD. She challenged what she characterized as the ACP's preconceived notion of police. She further spoke in defense of officers who use force in the line of duty. She expressed a belief that commissioners should be required to participate in ride-alongs, attend the Citizens Academy, and view all Public Safety Committee worksessions.
- Mr. Elias Baylor spoke representing Fox 5 in Bethesda. He inquired regarding the encryption of police radio communications. Ms. Branson indicated that the ACP was concerned about the encryption practice because press would not have access to police communications. Vice Chair González indicated that the Commission is in the process of finalizing their position on this issue.
- Ms. Davis spoke again to encourage the ACP to advise the County's elected leaders to object to the federal government's targeting of Black youth.

Adjournment

- Chair Bellamy thanked the public for participating in the public forum. He thanked Council staff for their support and noted that individuals can leave additional comments via the public comment form on the ACP website.

The meeting was adjourned at 8:00PM.

Appendix D - Letter to Chief Yamada commenting on MCPD Policy FC 210, Mission and Values - August 14, 2025



ADVISORY COMMISSION ON POLICING

August 14, 2025

Chief Marc R. Yamada
Montgomery County Police Department
J. Thomas Manger Public Safety Headquarters
100 Edison Park Drive Gaithersburg, MD 20878

Re: Recommendations for Revising FC-210, Department Mission and Organizational Values

Dear Chief Yamada:

The Advisory Commission on Policing (ACP) applauds your initiative to revise outdated department policies and incorporating public input to ensure that MCPD policies align with the needs and expectations of our community. In that spirit, we offer the following comments regarding FC-210.

FC-210 was last updated well before Montgomery County efforts to align local policing with the County's aspirations for racial equity and social justice.ⁱ Therefore, FC-210 should be revised to establish Policing by Consent, the concept that informs policing in modern democracies, as the philosophical underpinnings for the department's organizational culture. In Policing by Consent, police officers understand that they exercise their powers to police their fellow citizens with the implicit consent of the community they serve, and their legitimacy in the eyes of the public is based upon a consensus of support that follows from transparency about their powers, their integrity in exercising those powers, and their accountability for doing so.ⁱⁱ In other words, the police are "citizens in uniform;" that the primary duty of the police is to the public; and that the use of force is a last resort.

The principal manifestation of Policing by Consent in the United States is Community

Policing, which dates back more than three decades ago and has been etched in the Montgomery County Code.ⁱⁱⁱ The US Department of Justice Office of Community Oriented Policing defines it as a "philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety."^{iv} Community policing started with an emphasis on tactics, such as foot patrol, neighborhood watch, and community meetings or newsletters, but evolved to include collective efficacy and empowerment; procedural justice and legitimacy; and efforts to increase police accountability through citizen review boards, body-worn cameras, and improved complaint processes.^v This means that, to be effective, Community Policing cannot be implemented unilaterally. Rather, it has be part of a collaborative effort that reconciles MCPD efforts to change the public's perception with the community's desire to change police behaviors.^{vi}

The proliferation of high-powered, semi-automatic guns and terror attacks in recent decades, however, led police departments across the country to put a premium on tactical skills, SWAT teams, and military equipment. Though not formally taught, the "Warrior" mindset became ingrained in the culture of police departments through training that overemphasized hypervigilance and potential threats over relationship building and public safety. To the detriment of community policing efforts, officers were increasingly perceived as more of an occupying force than fellow citizens empowered by the community to protect the public. At the beginning of the decade, communities pushed back, and to meet this expectation MCPD must actively seek to divest itself of any vestiges of the "Warrior" mindset within its ranks and promote a "Guardian" culture that restores the balance between officer safety and relationship building, law enforcement and public safety.^{vii}

SPECIFIC COMMENTS/SUGGESTIONS:

Policy: FC-210 policy should make clear that MCPD's mission, vision, and organizational values articulate the expectations of the department and the community it serves. It is a foundational policy and a guide that frames MCPD's organizational culture and informs other MCPD policies detailing expectations for the behavior of all department members.^{viii}

Mission Statement: The mission statement should frame its law enforcement objectives in the context of the broader goal of public safety. This means that MCPD implements its mission in coordination and collaboration with other county agencies as part of a whole-of-county-government approach to advance the well-being of the general public.^{ix}

Organizational Values: The articulation of MCPD organizational values, those fundamental principles and beliefs that guide MCPD's behavior and shape its culture, should explicitly reflect the core principles of Policing by Consent and Community Policing, promoting the role of police officers as defenders, protectors, and keepers of the community, prioritizing the safety and well-being of citizens, including those most vulnerable.^x

We hope you find our input useful and look forward to seeing the revised policy.

Sincerely,

Rev. Brian Bellamy
Chair, Advisory Commission on Policing
CC: Montgomery County Council
 Criminal Justice Coordinating Commission

ⁱ See Reimagining Public Safety Task Force (RPSTF) report at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendationsreport.pdf>, Police Accountability Act (PAA) at <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0670/?ys=2021rs> And Effective Law Enforcement for All (ELEFA) at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/ELEFA-MCPD-FullReport-v7.pdf> ⁱⁱ For a more complete explanation of Policing by Consent see Government of the United Kingdom, Definition of policing by consent, December 10, 2012, at <https://www.gov.uk/government/publications/policing-byconsent/definition-of-policing-by-consent>, see also Watts, Dom, What is Policing by Consent? at <https://ministryofjustice.co.uk/what-is-policing-byconsent/#:~:text=Policing%20by%20consent%20is%20a,Rowan%20and%20Sir%20Richard%20Mayne>). ⁱⁱⁱ See Community policing guidelines in Montgomery County Code, Chapter 35-Police; Section 35-6A (b). ^{iv} U.S. Department of Justice, Office of Community Oriented Policing Services, Community Policing Defined, 2014, <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>

^v While there are different conceptualizations of community policing, some common elements emerge from the literature:

An emphasis on partnerships: Community policing posits that the police can rarely solve public safety problems alone; therefore, law enforcement should develop partnerships with community stakeholders (e.g., other government agencies, community members, nonprofit organizations/service providers, businesses, and the media) to develop solutions to problems and promote trust in police.

Citizen input: Under community policing, law enforcement should engage the public in making decisions about public safety priorities, addressing identified problems, and making decisions about how their communities should be policed. In addition, the police should carefully consider citizen input when making policy decisions that affect the community.

A focus on prevention and problem solving: Community policing promotes proactive efforts to address conditions that are contributing to public safety problems rather than responding to crime after it occurs. One of the more commonly cited problem-solving models in the community policing literature is SARA (scanning, analysis, response, and assessment). Scanning involves identifying and prioritizing problems. Analysis involves researching what is known about the problems. Response includes developing solutions to permanently reduce the number and extent of the problems. Assessment involves evaluating the success of the response to the identified problems.

Officer assignments: One of the key tenets of community policing is a focus on long-term geographic assignments. This means assigning officers to a place (i.e., a specific beat) for an extended period of time to facilitate interactions between the officers and residents and foster a sense of mutual accountability for what happens in the neighborhood.

Fostering positive interactions: Policing involves some negative or coercive interactions with members of the public, such as making arrests, issuing tickets, stopping people based on reasonable suspicion, or ordering people to desist disruptive behavior. As such, under community policing law enforcement also works to develop ways to

have positive interactions with the public. The theory is that positive interactions can help offset the negative interactions, foster a sense of familiarity and trust, and allow police officers to become more knowledgeable about people and conditions on their beat.

Organizational change: Community policing emphasizes the need for flatter organizations (i.e., reduced layers of hierarchy) and decentralized authority. These changes are necessary so that officers can act more independently, be more responsive to their communities, and take responsibility for their roles in community policing. In addition, management should empower officers to be proactive and creative in solving public safety problems and developing relationships with the community. Community policing also places an emphasis on organizational culture, mission, and values, and less emphasis on rules and policies, with the idea that if officers are instilled with certain values they will generally make good decisions. Evaluations of officers' performance should be based on the quality of their community policing and problem-solving activities instead of traditional performance indicators (e.g., tickets issued, arrests made, calls handled). *Access to information:* Community policing relies on collecting and producing data on a range of police functions—not just enforcement and call-handling activities—as a means to developing solutions to community problems and providing citizen-focused services. Community policing also emphasizes the need for police to conduct crime analysis at a more localized level (e.g., a neighborhood) so that officers can identify and respond to problem hotspots.

National Academies of Sciences, Engineering, and Medicine, *Proactive Policing: Effects on Crime and Communities* (Washington, DC: National Academies Press, 2018), p. 64-65

vii Stoughton, Seth, "Law Enforcement's 'Warrior' Problem" in *Harvard Law Review*, Volume 128 Issue 6, April 2015 at <https://harvardlawreview.org/forum/vol-128/law-enforcements-warrior-problem/> Researchers found that the warrior mentality often leads to more use of force, making it more likely that the officer or the citizen gets injured. Officers who scored higher on the guardian measure were more likely to value communication, while higher scores on the warrior measure revealed greater importance of physical control and more favorable attitudes toward excessive use of force. See Florida State University. "Data-driven evidence on warrior vs. guardian policing." *ScienceDaily*, 26 February 2019. At www.sciencedaily.com/releases/2019/02/190226155011.htm

viii See University of North Texas University Policy Office, "The Purpose of Policies," at <https://policy.unt.edu/purpose-policies>

ix Public safety refers to the well-being and security of the general public, encompassing protection from various threats, such as like crime, accidents, health emergencies, and natural disasters. It is primarily the responsibility of governmental agencies, such as law enforcement, fire departments, emergency services, and public health officials, to ensure the safety and security of communities. ^x Organizational values are the fundamental principles and beliefs that guide an organization's behavior and culture, shaping its decision-making and actions. They serve as a moral compass, defining what the organization stands for and how it operates, both internally and externally.

Appendix E - Letter to Chief Yamada commenting on MCPD Policy FC 131, Use of Force - August 14, 2025



ADVISORY COMMISSION ON POLICING

August 14, 2025

Chief Marc R. Yamada

Montgomery County Police Department J. Thomas
Manger Public Safety Headquarters

100 Edison Park Drive Gaithersburg, MD 20878

Re: Recommendations for Revising FC 131, Response to Resistance and Use of Force

Dear Chief Yamada:

The Advisory Commission on Policing (ACP) welcomes your initiative to revise outdated department policies and applauds your willingness to incorporate public input. In that spirit, we offer the following comments and suggestions regarding FC-131.ⁱ

FC-131 was updated in 2022, and some of its revisions were modified in response to Montgomery County efforts to align local policing with the County's aspirations for racial equity and social justice.ⁱⁱ For example, the policy notes that force is to be used "*when no other peaceful resolution exists,*" and the paragraphs on drawing a firearm are particularly clear and on point. We also welcome Headquarters Memorandum 25-02, indicating that

MCPD policy will be adjusted to reflect the determination of the Maryland Institute for Emergency Medical Services Systems that the term "Excited Delirium" is no longer considered valid or clinically appropriate.ⁱⁱⁱ The term has no place in a Use of Force policy, as it is a widely rejected pseudoscientific diagnosis that has typically been used to suggest that preventable in-custody deaths are inevitable outcomes.^{iv}

However, FC-131 contains parts that need to be aligned more closely with the expectations of the community and provide clearer guidance that helps police officers to better safeguard the community and themselves. An overarching concern is that portions of this policy grant excessive leeway to officers for the use of force under tense and difficult circumstances. For example, it explicitly allows shooting from a vehicle, as well as disregarding training, under certain circumstances. Organizational policy articulates expectations and establishes parameters of behavior for its members. But humans are not infallible and, cognizant that even high-performing individuals may exceed guidelines unintentionally or by mistake, prudent organizations err on the side of caution. Other parts of FC-131 omit broader public safety considerations or de-emphasize "de-escalation" in a manner that undermines the credibility of the department's embrace of Community Policing, list factors for consideration without explaining how they

should affect an officer's calculus, or are vague or contradictory. To help you remedy these defects, we offer the following specific comments and suggestions

MAJOR CONCERNS

Section I. Policy: This foundational section must clarify that the department, as well as the community, rely on the officer's judgment and discretion to employ force proportionally and with the safety of the public in mind, when necessary, under the totality of the circumstances of each situation. This section should also underscore a clear expectation that *"a police officer shall intervene to prevent or terminate the use of force by another police officer beyond what is objectively reasonable under the circumstances,"* as required in the Maryland Police Accountability Act.^v Currently, FC-131 has no requirement to intervene, and the only mention of intervention is in Section VIII, Reporting Requirements.

Omission of this fundamental duty would undermine the department's Community Policing efforts.^{vi}

Section III. Force Options

Paragraph A: Must convey the clear expectation that, while some situations may require the application of force, an officer should prioritize other alternatives, such as communication, persuasion, and de-escalation, whenever possible.^{vii} Also, when force is necessary, officers are expected to leverage training, judgment and experience to resolve the situation with the least amount of force necessary to protect themselves and others.

Paragraph D: Needs to make clear that, while officers may need to use force or escalate the level of force to handle a dynamic situation, they shall not create the need to use of force or intentionally escalate a situation. The current text suggests a misunderstanding of

"de-escalation," and we cannot conceive a lawful purpose for intentionally escalating a situation.^{viii}

Paragraph I: While the actions and observations listed in subparagraph 1 might be indicators of a state of mind, medical condition, or potential physical threat, the policy needs to make clear that these observable behaviors do not by themselves justify the use of force.

Paragraph L, Authorized Use of Less Lethal Force: Delete the words *"regardless of their training."* Explicitly enabling officers to disregard training, even under exigent circumstances is problematic because it undermines the importance of Police Academy and in-service training. It opens the door to the perception that adherence to training is optional, and could lead to inconsistent actions by patrol officers, compromising safety or potentially making situations worse, creating an avenue for officers to avoid disciplinary action or prosecution, and increasing the county government's tort liability risk.

Subparagraph 4: The high-risk tactic of shooting from a vehicle must be prohibited unless patrol officers receive specialized training and are tested for qualification. Even so, we remain highly skeptical that the potential benefits would outweigh the risks, even in circumstances that would justify the use of deadly force. Among the likely consequences that the department must consider before allowing this high risk tactic include: the extreme difficulty of aiming and shooting accurately from a moving vehicle; the investment of time and resources on training for an the extremely remote likelihood of such a scenario; the risk of injuring or killing innocent bystanders; the risk of officer losing control of the vehicle, resulting in serious injury to the officer and bystanders; and the potential for an increase the county government's tort liability risk.

Section VI, Less-Lethal Devices: This section should be revised to make clear that, as noted above, less lethal devices can cause death or serious injury under certain circumstances. The current text implies that less lethal weapons are non-lethal, which is a grave misconception that invites unsafe outcomes.^{ix}

Headquarters Memorandum 24-01, Use of Force Involving Trained Police Patrol Canines: Should be revised to explicitly acknowledge that, as with other less than lethal weapons and uses of force, a trained canine can cause severe injury or death under certain conditions. Canine officers must be cognizant that even trained police canines have the capability to kill or maim and cannot be controlled to the same degree as other less than lethal weapons, especially when there is a significant distance between canine and handler, or when the canine is out of the handler's sight.^x

OTHER COMMENTS/SUGGESTIONS:

Section I. Policy

Paragraph A: Contains vague language about obligations and should be revised to track closely with the Maryland Police Accountability Act (MPAA) to emphasize up front that: *"A police officer may only use the force that is objectively reasonable and appears to be necessary under the circumstances in response to the threat or resistance by another person."*^{xi}

Paragraph C: Replace *"when feasible and safe to do so"* with *"whenever possible"* or *"absent exigent conditions."* De-escalation has been prioritized by the State of Maryland,

County leaders and the community, and MCPD needs to make clear the expectation that *"de-escalation"* is the preferred means of resolving a tense situation.^{xii} "Feasibility" is not defined in the policy and subject to misinterpretation, while *"safe to do so"* is unnecessary as it immediately precedes *"to safely resolve a situation."* The double qualifiers deemphasize de-escalation as a useful police tactic and echo the false argument that deescalation and other alternatives to force are inherently dangerous to officers. Evidence from multiple studies and real-world implementation suggests that de-escalation techniques can significantly reduce use-of-force incidents, leading to fewer injuries for both civilians and officers.^{xiii}

Paragraph H: The text in this paragraph is more appropriate in Section III, Force Options, paragraph O, Factors to Consider when Employing Force. Also it should be modified to include reasonable expectations as to what officers should know or consider in deciding whether and what force to use, e.g., situational awareness, etc. For example, should officers not be expected to consider the possibility that the use of force in front of an already hostile crowd could further inflame an already tense situation?^{xiv} While use of force decisions may have to be made fast and under trying circumstances, the phrase *"officers are not expected to possess all knowledge of every aspect of the interaction, or to act at the time of the interaction as if they had the benefit of perfect hindsight"* combined with the omission of any expectation as to what an officer should know or consider could be interpreted as intended to facilitate excuses for a *post facto* review of an officer's use of force.

Section II. Definitions

Paragraph G: Rewrite the definition of Exigent Circumstances to more closely track with

United States v. McConney, 728 F.2d 1195, 1199 (9th Cir.), cert. denied, 469 U.S. 824 (1984), such as the definition of exigent circumstances used by the International Association of Police Chiefs (IACP): *"those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts."*^{xv}

Paragraph H: Less Lethal Force: Rewrite as force that is neither likely nor intended to cause serious injury or death, which tracks closely with the text of the MPAA.^{xvi}

Paragraph O Proportional: This definition should track more closely with the Maryland Attorney General's clarification of the principle of proportionality in the use of force by police.^{xvii} Also, the current wording in FC-131 implicitly allows the use of force for a purpose other than a legitimate law enforcement objective.

Paragraph P Protective Instruments: Recommend a revision that tracks closely with the

Maryland Police and Correctional Training Commissions (MPCTC) Best Practices for Use of Force Policy & Training.^{xviii} Also, the term "*protective instruments*" is a confusing euphemism, which would normally be understood to mean instruments designed to protect the officer from threat, such as Protective Body Armor or helmets. Use "*less lethal weapons*" instead of "*protective instruments*."

Section III. Force Options

Paragraph M, Authorized Use of Deadly Force: Replace "when practical" in subparagraph 3 with "absent exigent circumstances." Practicality is not defined in FC-131 and is subject to misinterpretation, whereas exigent circumstances is a well-established concept in law enforcement that is included in the definitions section of FC-131.^{xix}

Paragraph N, Unauthorized Use of Force: Subparagraph 2: Should make clear that an officer may not discharge a firearm at a moving vehicle unless: (1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or (2) the vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other objectively reasonable means of defense appear to exist, which includes moving out of the path of the vehicle. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle, which is rarely effective in stopping the vehicle, and a disabled vehicle could careen out of control and endanger bystanders.^{xx}

Paragraph O, Factors to Consider when Employing Force: Subparagraph 2 belongs more properly in training manuals. However, if it were to remain in the policy, at a minimum it should be revised to provide a list of prioritized factors that officers should consider and how each factor should weigh on officers' calculus. For example, officers should be clearly instructed to consider the likelihood that a use of force could further inflame an already hostile crowd.^{xxi} The current list of 18 factors, including "*any other exigent circumstances*" to be considered during "*the evaluation and articulation of the totality of circumstances of each encounter*," lacks any guidance as to how an officer is expected to interpret or respond to these circumstances and, as currently written, could be interpreted as aiding an officer's *post facto* justification for the use of force.

Section IV. Firearms, Paragraph B:

Subparagraph 1: Delete the words "*reasonable*" and "unnecessarily." Caution is what the officer must exercise, and it is up to supervisors and reviewers to determine if the degree of caution was reasonable. We have trouble conceiving a practical situation in which an officer must intentionally endanger the lives of others. Such implied scenarios are highly speculative and are more appropriate for training than policy. In the context of policy, they echo the "warrior" mindset, in which enforcement of the law is prioritized over the safety of bystanders and other members of the community.^{xxii}

Delete "*when possible*" from subparagraph 2 or replace "*should*" with "*must*." The combination of two weak qualifiers unnecessarily dilutes the requirement that officers exercise caution to avoid endangering bystanders, as well as the importance of situational awareness.

We hope that our contributions help you align policy FC-131 more closely with the needs and expectations of our community and provide the practical guidance to help our police officers serve our community and

safeguard themselves and others. Feel free to contact our commission if you have any questions or need any clarification.

Sincerely,

Rev. Brian Bellamy

Chair, Advisory Commission on Policing,

Cc: County Council
Police Accountability Board

ⁱ See: FC 131 Policy on Response to Resistance and Use of Force (FC-131) <https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/100/FC131.pdf>, <https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/0100/HQM%2024-01.pdf>, and <https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/0100/HQM%2024-01.pdf> ⁱⁱ See Reimagining Public Safety Task Force (RPSTF) report at

<https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendationsreport.pdf>, Police Accountability Act (PAA) at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0670/?ys=2021rs> And Effective Law Enforcement for All (ELEFA) at

<https://www.montgomerycountymd.gov/rps/Resources/Files/reports/ELEFA-MCPD-FullReport-v7.pdf>

ⁱⁱⁱ See Headquarters Memo 25-02, Excited Delirium References dated July 28, 2025, at https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/0100/HQ%20Memo%2025-02%20Excited%20Delirium%20References_2.pdf

^{iv} See American College of Medical Toxicology, Position Statement: End the Use of the Term “Excited Delirium,” May 1, 2023 at https://www.acmt.net/wp-content/uploads/2023/05/PS_230501_End-the-Use-of-the-Term-Excited-Delirium.pdf

^v Maryland Code, Public Safety, Use of Force, § 3-524 (e)(2) at [https://govt.westlaw.com/mdc/Document/N6CC3C7A0C7DA11EB88F8EE2420A80AB2?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N6CC3C7A0C7DA11EB88F8EE2420A80AB2?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)), as well as Section 3-524(c)(3)(ii) Maryland Police Reform and Accountability Act of 2021 at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0670/?ys=2021rs> ^{vi} For a definition of Community Policing, see <https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p136-pub.pdf>.

^{vii} See paragraph 3 under section “Identified Use of Force Training Concepts and Best Practices” in MPTSC Best Practices for Use of Force Policy & Training Development, Maryland Police and Correctional Training Commissions (MPCTC), dated May 4, 2022, at https://mpctc.dpscs.maryland.gov/pdf/UOF_Best_Practices.pdf ^{viii} See Montgomery County Code, Chapter 35-Police; Section 35-6A(b)(5), as well as “DE-ESCALATION: Guidelines for how to begin evaluating your agency’s de-escalation practices” by IACP, September 2020, p. 1 at <https://www.theiacp.org/sites/default/files/Research%20Center/Combined%20v3.pdf>

^{ix} See Reese Dunklin et. al, “Why did more than 1,000 people die after police subdued them with force that isn’t meant to kill?,” Associated Press, March 28, 2024, <https://apnews.com/article/associated-pressinvestigation-deaths-policeencounters-02881a2bd3fbeb1fc31af9208bb0e310>, as well as Reuters, “A

Reuters Examination of 1,081 Deaths Involving Tasers,” 2019, <https://www.reuters.com/investigates/specialreport/usa-taser-database/>

^x In *Robinette vs. Brown* an Appeals Court found in a narrow decision that deadly force was not used in a specific case in which a police dog killed a suspect, noting that “*the mere recognition that a law enforcement tool is dangerous does not suffice as proof that the tool is an instrument of deadly force.*” See: <https://law.resource.org/pub/us/case/reporter/F2/854/854.F2d.909.86-6135.html> Though rare, fatal attacks by police canines have been documented. See Polsky, Richard H., in *Dog Bite/Animal Behavior Expert Witness* at <https://www.dogexpert.com/police-k9-fatal-dog-attacks/#:~:text=Four%20cases%20are%20noted%20in,resulting%20in%20a%20quick%20death> See also Brown, Melissa, “Joseph Pettaway death: Rare in U.S. for police dogs to kill,” *The Montgomery Advertiser*, July 31, 2018, at <https://www.montgomeryadvertiser.com/story/news/crime/2018/07/31/how-many-times-has-k-9-police-dog-killed-suspect-country-montgomery-joseph-pettaway-death-one-few/849017002/> ^{xi} Page 17 Police Accountability Act (PAA) at: <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0670f.pdf> ^{xii} See paragraph 6 under section “Identified Use of Force Training Concepts and Best Practices” in MPTSC Best Practices for Use of Force Policy & Training Development, Maryland Police and Correctional Training Commissions (MPCTC), dated May 4, 2022, at https://mpctc.dpscs.maryland.gov/pdf/UOF_Best_Practices.pdf

^{xiii} The MPAA requires MCPD to develop its own de-escalation policy, and we see the language in the MPAA as reflecting minimum requirements, while FC-131 should meet the higher expectations of the community. See “De-Escalation in Everyday Police Operations” in *Police Chief Magazine*, International Association of Chiefs of Police (IACP), <https://www.policechiefmagazine.org/de-escalation-everyday-police-ops/#:~:text=8,police%20officers%20and%20community%20members>, as well as National Consensus Policy and Discussion Paper on Use of Force, IACP, revised 2020, p. 3, paragraph IV B De-Escalation at https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf

^{xiv} “Proportionality requires officers to consider if they are using only the level of force necessary to mitigate the threat, and whether there is another, less injurious option available that will safely and effectively achieve the same objective. Proportionality also requires officers to consider how their actions will be viewed by their own agencies and by the general public, given the circumstances. This does not mean that officers, at the exact moment they have determined that a use of force is necessary to mitigate a threat, should suddenly stop and consider how the public might react. Rather, it is meant to be one factor that officers should consider long before that moment, and throughout their decision-making on what an appropriate and proportional response would be.” Page p. 38 of “Guiding Principles on the Use of Force” in *Critical Issues in Policing Series*, Police Executive Research Forum at <https://www.lexipol.com/resources/blog/responsescommon-arguments-police-use-deadly-force/>

^{xv} See National Consensus Policy and Discussion Paper on Use of Force, IACP, revised 2020, p. 11: *Exigent circumstances are “those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.”* ^{xvi} Maryland Police and Corrections Training Commissions defines Less Lethal Force as “*Officers may be issued less lethal weapons that may assist them in controlling resistant or assaultive behavior. “Less lethal weapons” are those weapons that are expected to create less risk of causing serious injury or death, such as, ECD, OC Spray.*” See Identified Use of Force Training Concepts and Best Practices in MPTSC Best Practices for Use of Force Policy & Training Development, May 4, 2022, at https://mpctc.dpscs.maryland.gov/pdf/UOF_Best_Practices.pdf

^{xvii} See Frosh, David, Attorney General of Maryland,” *Police Officers – Use of Force Statute – Meaning of The Requirement That Force Used by Officers Must be ‘Necessary’ and ‘Proportional’* February 25, 2022, at <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2022/107oag033.pdf>: “*...even when the use of some force is necessary, the degree and amount of force must be ‘proportional,’ that is, it must correspond to, and be appropriate in light of, the severity of the threat or resistance confronting the officer or the objective that the officer aims to achieve. Put another way, an officer may use no more force than is reasonably required under the circumstances to prevent an imminent threat of physical injury to a person or to*

effectuate another legitimate law enforcement objective. Third, the proportionality requirement further prohibits an officer from using force if the harm that is likely to result from that degree and amount of force is too severe in relation to the value of the interest that the officer seeks to protect. For example, even if deadly force is the only feasible way to prevent the mere destruction of a piece of property, an officer may not use such force, because the harm likely to result is not proportional to the officer's legitimate interest in protecting property. Instead, an officer may use lethal force only in response to an apparent imminent threat of death or serious bodily injury to a person."

^{xviii} See paragraph 6, Identified Use of Force Training Concepts and Best Practices in MPTSC Best Practices for Use of Force Policy & Training Development, May 4, 2022, at https://mpctc.dpscs.maryland.gov/pdf/UOF_Best_Practices.pdf ^{xix} See endnote xv above for a definition of exigent circumstances. ^{xx} Wallentine, Ken, "Officer Not Entitled to Qualified Immunity for Shooting into Car," in Lexipol, February 21, 2021, <https://www.lexipol.com/resources/blog/officer-not-entitled-to-qualified-immunity-for-shooting-into-car/#:~:text=In%202014%2C%20the%20Supreme%20Court,emphasis%20added>) See also Griffiths, David

"Police vs. Cars," pp 56-58,60,62-63,64 in Police: The Law Enforcement Magazine, Volume: 29, Issue: 6, Dated: June 2005, at <https://www.policemag.com/patrol/article/15349384/cops-vs-cars> ^{xxi} See endnote xiv above. ^{xxii} See p. 231 in Stoughton, Seth, "Law Enforcement's "Warrior" Problem" in 6 Harvard Law Review Forum, Volume 128, Issue 6, April 2015 at <https://harvardlawreview.org/forum/vol-128/law-enforcements-warriorproblem/> *"Both Warriors and Guardians seek to protect the communities they serve, of course, but the guardian mindset takes both a broader view and a longer view of how to achieve that goal. Put simply, the guardian mindset prioritizes service over crimefighting, and it values the dynamics of short-term encounters as a way to create long-term relationships. As a result, it instructs officers that their interactions with community members must be more than legally justified, they must also be empowering, fair, respectful, and considerate. The guardian mindset emphasizes communication over commands, cooperation over compliance, and legitimacy over authority. And in the use-of-force context, the Guardian emphasizes patience and restraint over control, stability over action."*

Appendix F - Letter to Chief Yamada commenting on MCPD Policy FC 1411, Police/Public Media Relations - August 14, 2025



ADVISORY COMMISSION ON POLICING

August 14, 2025

Chief Marc R. Yamada

Montgomery County Police Department J. Thomas
Manger Public Safety Headquarters

100 Edison Park Drive Gaithersburg, MD 20878

Re: Recommendations for Revising FC-1411, Police/Public Media Relations

Dear Chief Yamada:

The Advisory Commission on Policing (ACP) welcomes your initiative to revise outdated department policies and applauds your willingness to incorporate public input. In that spirit, we offer the following comments regarding FC-1411, Police/Public Media Relations.ⁱ

Members of the community conveyed to us their perception that the Montgomery County Police Department (MCPD) releases to the public photos of persons who have been arrested or charged more often when they are people of color than when they are white. We looked at 51 press releases this year regarding persons charged or arrested (not including those pertaining to minors or those in which MCPD seeks to identify or locate a suspect), and by our count, 24 of these included photos of the subjects who appeared to be: Black in 11; Hispanic in eight; and White in two. One press release included a photo each of a White and a Black suspect, and two releases included photos or videos of persons whose race or ethnicity was not readily apparent. None of the photos appeared to be official booking “mugshots.”

MCPD policy FC-1141 was last revised in 2013, before the Montgomery County sought to align local policing with the County’s aspirations for racial equity and social justice, and we see no law enforcement purpose served by these photos.ⁱⁱ As currently written, the policy provides very wide discretion to department officials as to whether or not to include photos of the subject(s) in MCPD press release regarding persons arrested or charged.ⁱⁱⁱ

SPECIFIC COMMENTS/SUGGESTIONS:

To avoid misperceptions, we strongly urge that the revised guidance prohibit the inclusion in MCPD press releases of photos of persons arrested or charged, except when MCPD is:

1. Seeking the help of the public in identifying or finding the suspect of a crime, or
2. Seeking the help of the public in identifying additional victims of other possible crimes related to the suspect.

This prohibition should apply only to MCPD press releases. Official booking “mugshots” should be released upon the request of a media organization.

We hope you find our input useful and look forward to seeing the revised policy.

Sincerely,

Rev. Brian Bellamy Chair,
Advisory Commission on Policing

CC: County Council

ⁱ See: FC 131 Policy on Response to Resistance and Use of Force (FC-1141), https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/1100/FC1141_PolicePublic%20Media%20Relations.pdf.

ⁱⁱ See Report of the Reimagining Public Safety Task Force, February 2021, at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendationsreport.pdf>, as well as Effective Law Enforcement for All (ELE4A), Montgomery County Police Department Audit report, November 2022, at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/ELEFA-MCPD-FullReport-v7.pdf> ⁱⁱⁱ FC-114, IV, E, 4, c states that “Mugshots maybe released, as they are public records. A mugshot of anyone under the age of 18 years of age will not be released.” While paragraph IV, E, 5, Suspect Information, states that: “After apprehension and prior to being charged, a description of the suspect may be released without name or race (e.g., a 40 year old Silver Spring man is in custody.”

Appendix G - Letter to Montgomery County Council, Kate Stewart on Police Radio Encryption



ADVISORY COMMISSION ON POLICING

October 13, 2025

The Honorable Kate Stewart, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: Police Radio Encryption

Dear President Stewart and Members of the County Council:

Pursuant to the charter of the Advisory Commission on Policing (ACP), this letter provides the ACP's advice regarding Montgomery County Police Department's (MCPD) encryption of its radio dispatch communications.

We urge the County Council to:

- 1) Require MCPD to establish a delayed feed mechanism that would allow the press, public advocates, and the public access to redacted police radio dispatch communications.
- 2) Provide the funding required to purchase the necessary equipment, tools, and staffing to redact health and personally identifiable information protected by law, as well as other information needed to protect witnesses and victims.
- 3) Work with MCPD and public advocates to develop redaction rules that adequately balance the public's need to know with the need to protect police operations and tactics, as well as protecting privacy, witnesses and victims.

This letter pertains only to the encryption of radio dispatch communications, as MCPD has already been encrypting for years multiple talk groups, including tactical talk groups. MCPD states that encrypting radio dispatch communications addresses compliance requirements with the Health Insurance Portability and Accountability Act (HIPAA), Personally Identifiable Information (PII), and recommendations of the Federal

Partnership for Interoperable Communications (FPIC); privacy concerns of witnesses, victims, and

suspects; as well as preventing media and public interference, and bad actors from monitoring police responses during the planning and commission of crimes, including the ambush of police officers.¹

While some of these arguments do not strike us as persuasive, encryption of police radio dispatch calls could help protect witnesses and victims, prevent bad actors from taking advantage of open radio dispatch communications, and promote interoperability with other agencies that already encrypt, or will encrypt, their own communications.⁵ However, we are concerned about the major loss of transparency resulting from the encryption of dispatch radio communications that used to be available to the press and the public through scanners or apps.

Unaddressed, this loss of transparency would run counter MCPD's stated commitment to Community Policing and willingness to promote transparency and hold itself accountable. It would also run counter the County government's reform efforts over the last half-decade to ensure a more effective and equitable policing for all. In short, it would be a significant step backwards in developing the kind of public safety that meets the aspirations of County residents.

Our concerns are not driven by community sensibilities alone, they are also driven by an interest in supporting MCPD and helping the police officers serving our community. Though MCPD sees itself in the best position to provide accurate information to the public on law enforcement matters, the lack of transparency generated by encryption cannot be remedied solely by a proactive Public Information Office (PIO) or by timely and complete responses to Maryland's Public Information Act (MPIA) requests. In placing itself in the position of being the source of information to the public, MCPD's intentions could backfire, generating unnecessary suspicion and distrust. In today's environment, rife with conspiracy theories, hard-earned efforts to build community trust over the years could be undone by a single unanticipated incident.

Our concerns are not unique. Colorado passed a law in 2021 that requires any police department that fully encrypts its communications system to adopt a "communications access policy" allowing media

⁵ Note: HIPAA specifically applies to "health care workers" and "health plans," and it is not clear to us whether this federal law also applies to MCPD communications. Similarly, we are not aware of any PII law applicable to MCPD radio dispatch communications. Regarding compliance with FPIC recommendations, the Cybersecurity and Infrastructure Security Agency (CISA) website notes that the "*Federal Partnership for Interoperable Communications (FPIC) as a body has been sunset in order to streamline efforts that support public safety communications. The removal of this material eliminates redundancy and enhances the mission critical role of SAFECOM as a principal coordination mechanism authorized in statute.*" See <https://www.cisa.gov/safecom/fpicproducts>. Finally, MCPD has not provided any examples of interference with police operations by member of the press or of members of the public endangering themselves or escalating a situation because of access to police radio dispatch communications. These strike us as speculative scenarios.

¹ See p. 3, in Susan J. Farag, Response to Council Questions in Briefing: Police Radio Encryption, Staff Report for the July 7, 2005 Public Safety (PS) Committee work session on Police Radio Encryption.

https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16537&meta_id=198855

access to primary dispatch channels via scanners or other technology and should include provisions like media credential verification and fees to cover costs of equipment access.⁶ New York state lawmakers have passed a bill to preserve media access to police radio feeds, requiring police departments to grant journalists access to their encrypted radio communications. Other jurisdictions, like Baltimore City, have entered an agreement with *Broadcastify*, an online scanner service, to delay its dispatch feeds for 15 minutes.⁷

We believe that public safety is not the sole responsibility of MCPD. Rather, it is a responsibility that we share with the community, county government and MCPD. We are also cognizant that general mandates, especially those that are unfunded, are ineffective. Moreover, mechanisms that allow members of the media to be credentialed and gain access through licensed equipment are too restrictive and pose an unreasonable burden on already strained local media organizations.

Therefore, we urge the Council to mandate and fund a mechanism to enable public access to redacted streaming of police radio dispatch communications on a time-delayed basis. The Council should, in consultation with MCPD and public advocates, develop rules governing what can and cannot be redacted. The additional financial and staffing resources needed to fund such a delayed streaming may be significant, especially in the current fiscal environment, but we believe they are essential to safeguarding the transparency of our police department.

We hope you find this letter useful. Please feel free to contact us if you have any questions regarding this matter.

Sincerely,

Rev. Brian Bellamy
Chair, Advisory Commission on Policing,

⁶ See McNeil, Zane, "Police Are Increasingly Encrypting Their Radios to Block Scrutiny by Journalists," in Truthout, <https://truthout.org/articles/police-are-increasingly-encrypting-their-radios-to-block-scrutiny-by-journalists/>

⁷ According to its website, *Broadcastify* has streaming agreements with eight law enforcement agencies in Maryland, including: Baltimore City Police, Carroll County Law Enforcement, Charles County Law Enforcement, Frederick County Sheriff, FCSO Dispatch, Frederick County Fire and EMS, State Police, Howard County Police, Fire and EMS, Maryland State Police Barracks I, Talbot County, Worcester County Fire and EMS, State Police and Highway. See: <https://www.broadcastify.com/listen/std/24>

CC: Marc Yamada, Chief, MCPD

Dawn Luedtke, Chair, Criminal Justice Coordinating Commission

Bishop Paul L. Walker Sr., Chair, Police Accountability Board

Hon. William England, Chair, Commission on Human Rights

Appendix H: Exchange of Letters with Montgomery County State's Attorney John McCarthy on Recovered Firearms from Vehicular Consent Searches



ADVISORY COMMISSION ON POLICING

October 15, 2025

The Honorable John McCarthy
State's Attorney, Montgomery County
50 Maryland Avenue
5th Floor, North Tower
Rockville, MD 20850

RE: Recovered Firearms from Vehicular Consent Searches

Dear State's Attorney McCarthy:

Thank you for your participation in our March 10 virtual public forum regarding the Montgomery County Police Department's (MCPD) new policy on consent searches during traffic stops. These public forums help us elicit direct feedback from members of our community and inform the county's conversation on public safety.

During the forum, you said that 80 percent of all guns recovered from Montgomery County were the result of Consent searches.¹ Members of the public noted your remarks and referred to them at our most recent public forum, held on September 8.

However, as consent searches are requested only in a very small portion of all traffic stops, the 80 percent estimate seems implausible.² The information we have from MCPD suggests that out of the more than 1,000 firearms recovered in the County in 2023, only 73 came from traffic stops, and of those, only 13 were seized as a result of consent searches.³

¹ Minute 12:14 of Advisory Commission on Policing Webinar on the Consent Search Policy, YouTube, March 10, 2025, at <https://www.youtube.com/watch?v=aDosS6rLvqA&list=PLvk-7RcdeRpR5G5YOXbjnDE5KE1ALnGy&index=5&t=762s>

² According to MCPD, there were approximately 83 requests to search during the 37,103 traffic stops conducted in CY 2023. Page 4, Police Accountability Board (PAB) Meeting Minutes, Freedom to Leave Act Meeting, July 2, 2024, at https://www.montgomerycountymd.gov/pab/Resources/Files/minutes/PAB_July2_2024_minutes.pdf ³ In recent years, the number of firearms taken off the streets in Montgomery County from all sources, including turn-ins and through other agencies, ranged from a low of 826 and a high of 1,245. In 2023, the last full year before MCPD revised its consent search policy, the number was 1,010. Page 44, Montgomery County Police Department, 2024 Annual Report on Crime and Safety, at <https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/CrimeandSafety/2024%20MCPD%20Annual%20Report%20on%20Crime%20and%20Safety.pdf>. In 2023, MCPD reported 73 Firearm Offenses from Traffic Incidents. Page 2, Farag, Susan J., Briefing: Montgomery County Police Department – Consent Search Policy, December 9, 2024, at https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17696&meta_id=187185#:~:text=might%20otherwise%20remain%20undiscovered%2C%20aiding,other%20weapons. MCPD reports that 13 guns were recovered as a result of nine vehicular consent searches in 2023. Pages 5-6, Police Accountability Board (PAB) Meeting Minutes, Freedom to Leave Act Meeting, July 2, 2024, at https://www.montgomerycountymd.gov/pab/Resources/Files/minutes/PAB_July2_2024_minutes.pdf

In other words, the proportion of firearms taken off the streets as a result of vehicular consent searches is about one percent of all firearms recovered and 18 percent of firearms recovered during traffic stops.

We hope you would agree that accurate information is important to properly inform the public conversation on policing. Therefore, we would appreciate if you could clarify at your earliest convenience your March 10 remarks regarding the seizure of firearms from vehicular consent searches.

Sincerely,

Rev. Brian Bellamy
Chair, Advisory Commission on Policing

CC: County Council



ADVISORY COMMISSION ON POLICING

March 17, 2026

The Honorable John McCarthy
State's Attorney, Montgomery County
50 Maryland Avenue
5th Floor, North Tower
Rockville, MD
20850

RE: Follow up request regarding public safety statistics

Dear State's Attorney McCarthy:

This is a follow up to the letter that the Montgomery County Advisory Commission on Policing (ACP) sent you in October 2025.¹ The purpose of that letter was and remains to resolve the apparent discrepancy between the figures you cited at a public forum on March

10, 2025, and the figures we have from the Montgomery County Police Department (MCPD). Since we have yet to receive a response to our letter, we are compelled to reiterate our request.

Shared facts in public discussion are essential for establishing a common foundation, allowing for informed decision-making, problem-solving, and meaningful debate. Conversely, conflicting facts foster misinformed perspectives and hinder the constructive conversation needed to build public consensus around pragmatic approaches to public safety challenges.

At the March 2025 forum, you said that 80% of the firearms recovered by Montgomery County were the result of vehicular consent searches.² However, the information we have from the Maryland County Police Department (MCPD) indicates that the proportion of firearms recovered as a result of vehicular

consent searches is about one percent of all firearms recovered and 18 percent of firearms recovered during traffic stops. ⁸

¹ [See previous correspondence](#)

² [See video of March 2025 forum](#)

At a subsequent public forum held in September of last year, a member of the public asked whether the ACP agreed with what you had said at the March 2025 forum. Rather than express public disagreement with the estimate you cited, we opted to ask you first for clarification. Our objective is to better understand what you said and resolve any possible misunderstandings about MCPD statistics.

We hope you agree that accurate information is essential for an informed public conversation on policing, and we look forward to receiving your response soon.

Sincerely,

Rev. Brian Bellamy

Chair, Advisory Commission on Policing

CC: County Council

⁸ In recent years, the number of firearms taken off the streets in Montgomery County from all sources, including turn-ins and through other agencies, ranged from a low of 826 and a high of 1,245. In 2023, the last full year before MCPD revised its consent search policy, the number was 1,010. [Page 44, Montgomery County Police Department, 2024 Annual Report on Crime and Safety](#). In 2023, MCPD reported 73 Firearm Offenses from Traffic Incidents. [Page 2, Farag, Susan J., Briefing: Montgomery County Police Department – Consent Search Policy, December 9, 2024](#). MCPD reports that 13 guns were recovered as a result of nine vehicular consent searches in 2023. [Pages 5-6, Police Accountability Board \(PAB\) Meeting Minutes, Freedom to Leave Act Meeting, July 2, 2024](#).

State's Attorney for Montgomery County

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DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

March 19, 2026

Reverend Brian Bellamy
Chair, Advisory Commission on Policing
100 Maryland Avenue
Rockville, Maryland 20850

Dear Reverend Bellamy,

Your question relates to testimony I gave twelve months ago. While your question relates to a Montgomery County hearing, many of the same issues were raised relative to State legislation, then pending in Annapolis.

As a result of questions raised at the State level, I had my office conduct a case-by-case study of guns recovered from cars as a result of consent searches and the odor of marijuana. That study revealed that seventy-seven percent (77%) of guns seized from cars in the immediately preceding twelve months fit that criteria.

As I noted in my testimony, public safety is always my primary concern, and removing illegally possessed guns from the community was my primary concern then and now.

Further, as I noted in my testimony, the entire encounter during a traffic stop is captured on body-worn camera. I have a full-time Circuit Court judge and law professor from American University Law School who teaches constitutional law at the police academy. I fully support the constitutional protections afforded to every citizen. I have a staff of eleven employees who regularly monitor body-worn camera footage of police encounters that result in arrest or citation.

Sincerely,

John J. McCarthy
State's Attorney for
Montgomery County, Maryland

Appendix I: Letter to the President of Montgomery County Council on MCPD Reporting Requirements of Sec. 35-6A(c) of the Montgomery County



ADVISORY COMMISSION ON POLICING

October 13, 2025

The Honorable Kate Stewart, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

RE: MCPD Reporting Requirements of Sec. 35-6A(c) of the Montgomery County

Dear President Stewart and Members of the County Council:

Pursuant to the charter of the Advisory Commission on Policing (ACP), this letter provides the Commission's advice regarding the Montgomery County Police Department (MCPD) reporting requirements of Sec. 35-6A(c) of the

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Montgomery County.

Community Survey: We recommend that the County Council amend Sec. 35-6A(d) *Annual survey* of the Montgomery County Code by eliminating the requirement that MCPD “*annually 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

We agree that community surveys are essential to objectively evaluate the MCPD's constitutional policing practices, the effectiveness of its Community Policing strategy, and the community's satisfaction with MCPD services. But no funding has been provided for this survey for the fiscal years 2024 through 2026. We also believe that MCPD should not be put in the position of evaluating how the community perceives it. To ensure impartiality and effectiveness, such a survey should be conducted either under the auspices of the County Executive or the Council, or by an independent polling entity

contracted by the County. A low-cost alternative would be to include relevant questions in the Public Safety portion of the annual the National Community Survey “livability” survey.³

Timing and Consolidation of Mandatory Reports: We recommend that the Council amend subparagraph 1 of Sec. 35-6A(c) *Reporting Requirements* of the Montgomery County Code by changing the due date of the mandatory reporting requirements from February 1 to April 15. We also encourage consolidating into one report

¹ See Montgomery Code, Sec. 35-6, Advisory Commission on Policing, as well as Sec. 35-6A (c), Reporting requirements ² See Montgomery Code, Sec. 35-6A, Community Policing, paragraph (d) Annual Survey.

³ See 2024 National Community Survey at:

<https://www.montgomerycountymd.gov/OPI/survey2024.html>. We note that previous surveys delved more deeply into public service matters. See 2021 National Community Survey at: <https://www.montgomerycountymd.gov/countystat/qls.html>

and making public the data currently published in MCPD’s annual *Police Statistical Data Report* and *Annual Report on Crime and Safety*.

The February 1 deadline does not allow the department sufficient opportunity to cull and verify the calendar year’s data, resulting in an annual *Police Statistical Data Report* that contains imperfect data that conflicts with the more accurate data included in subsequent MCPD reports.⁹ In turn, the conflicting data generates unnecessary confusion, hinders Council oversight, and undermines efforts to promote MCPD transparency with the public. An April 15 due date would give MCPD time to ensure that it has culled and verified as correct the mandatory reporting data, eliminating conflicting data, and facilitating transparency. The data required under Sec. 35-6A(c) *Reporting Requirements* of the Montgomery County Code is reported to the County’s Executive and Council in the *Police Statistical Data Report*, but it is not published publicly. This data is not particularly sensitive and much of it is published publicly in MCPD’s *Annual Report on Crime and Safety*. Therefore, consolidating these two reports would reduce duplication of effort and waste, as well as promote confidence in the data provided by MCPD.

Data on Crime Victims: We urge the Council amend Sec. 35-6A(c) *Reporting Requirements* of the Montgomery County Code to add disaggregated demographic data on crime victims to the required data sets of the annual *Police Statistical Data Report* and the *Annual Report on Crime and Safety*.

Demographic data on crime victims is necessary to evaluate the services provided by MCPD to the sectors of our community most impacted by crime and police practices. As the Law Enforcement for All (ELEFA) audit of the police department noted, such data is essential “for understanding crime

⁹ See <https://www.montgomerycountymd.gov/pol/data/crime-reports.html>

trends across demographic groups and for informing public policy decisions.”¹⁰ This added requirement should not impose an additional burden on MCPD, as Council staff reports that MCPD has readily provided victimization data on multiple occasion upon request, but it is not included in the required data that MCPD must report to the County’s Executive and Council.

Uniformity of Demographic Data: We recommend that the Council require MCPD to report racial and ethnic demographic data uniformly with the Census and Maryland’s *Race-Based Traffic Stop Data Dashboard*, i.e.: Asian, Black, Hispanic, White, and Other. Currently, MCPD’s *Annual Report on Crime and Safety* reports racial and ethnic data separately, which is confusing and understates the impact of certain police practices on underprivileged members of our community.

We hope you find this letter useful. Please feel free to contact us if you have any questions regarding this matter.

Rev. Brian Bellamy, Chair

CC:

County Council
CAO Richard Madaleno
ACAO Dr. Earl Stoddard
MCPD Chief Marc Yamada
Dawn Luedtke, Chair, Criminal Justice Coordinating Commission

¹⁰ See page 38, Effective Law Enforcement for All (ELEFA) Review of the Montgomery County, MD Police Department (MCPD), 2022, at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/ELEFA-MCPD-FullReport-v7.pdf>

Appendix J: Letter to the County Council with Analysis and Recommendations on Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)



ADVISORY COMMISSION ON POLICING

March 9, 2026

The Honorable Natali Fani-González
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Subject: Advisory Commission on Policing (ACP) Analysis and Recommendations on
Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

Dear Council President Fani-González and Members of the County Council:

Pursuant to its charter, the Advisory Commission on Policing (ACP) would like to convey our analysis and advice regarding Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act).¹¹

The ACP welcomes the bill's intent to enhance transparency and accountability in public safety, as well as ensuring that residents can clearly identify law enforcement officers. Despite the bill's potential benefits, some Commissioners expressed concerns regarding its timing and effectiveness, as there is a similar initiative already underway in the state legislature and the provisions related to federal agents may not be enforceable. Nonetheless, the consensus is that the use face coverings intended to hide a law enforcement

¹¹ For text of the bill see:

[https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

officer's identity or to intimidate the public is a sharp break with the American historical tradition in policing and have no place in law enforcement.¹²

In this context we make the following recommendations to enhance the positive outcomes expected from the bill, we recommend:

-
- *That Bill 5-26 be modified to explicitly define the items being proscribed.*
 - *That the bill explicitly articulate its purpose to ban the use of facial coverings used to intimidate or hide an officer's identity in order to ensure transparency and accountability in law enforcement. We also suggest modifying Section 2 "Short Title" to ensure an emphasis on transparency and accountability in law enforcement.*
 - *That the following exceptions be added to Section 1(e):*
 - *Law enforcement officers working in authorized undercover operations.*
 - *Garments worn for religious purposes.*
 - *Face shields designed to protect the wearer's face.*
 - *Helmets worn by officers utilizing a motorcycle or other vehicle that requires a helmet for safe operations.*
 - *Any other item worn in accordance with applicable laws on occupational health and safety or reasonable workplace.*
 - *That the bill convey the expectation that law enforcement agencies consider the use of masks for prohibited purposes as a serious violation and treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.*

Apart from Bill 5-26, we encourage MCPD to include in its regulations the explicit requirement that all uniformed officers, including Special Weapons and Tactics (SWAT) members, wear an MCPD badge, name tag, and identification (ID) number on their uniform.

We also encourage the Council to urge our Representatives and Senators in the U.S.

Congress to advance legislation prohibiting federal law enforcement officers from wearing "police" insignias or labels and requiring them to use agency identifiers (such as FBI, ICE or the more generic "Law Enforcement").

Bill Overview

Bill 5-26 seeks to ban federal, state, and local law enforcement officers from wearing masks or face coverings while on duty in the County, with certain exceptions, such as:

¹² On February 3, 2026, the Maryland Senate passed SB-1 prohibiting law enforcement officers from wearing a certain face covering while in the performance of duty in the State. The bill is now with the Maryland General Assembly. See: <https://www.billtrack50.com/billdetail/1926209>

- Medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- Masks designed to protect against exposure to smoke during a fire;
- Masks that are necessary to perform duties during a water rescue operation;
- Masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- Masks designed to protect against exposure to cold during a declared weather emergency; or
- Agents on a SWAT team.³

Bill Analysis

Though the sponsors of Bill 5-26 cite the tactics used by federal agencies to enforce immigration laws, our analysis and recommendations are focused on policing and the County's public safety goals.

The use by federal agents of face masks or coverings to intimidate or hide an enforcement officer's identity undermines the progress Montgomery County has achieved in building trust between law enforcement and the public. It harkens back to the extra-judicial vigilantism of centuries past and is inimical to the historical tradition of policing in America. Moreover, the use of masks engenders in the wearer a sense of anonymity and impunity that is antithetical to longstanding policing practices, including Policing by Consent and Community Policing.⁴

The use of masks by law enforcement personnel has been justified by generalized concerns for officer's safety, including doxing, but we find this argument to be unpersuasive.¹³ Though some specialized units in countries wracked by organized crime or

³ For text of the bill see:

[https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

⁴ See Peelian principles: "To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every

¹³ Doxing (or doxxing) is the malicious act of researching and publicly releasing an individual's personally identifiable information (PII)—such as home address, phone number, or private emails—online without consent. It is used to intimidate, harass, shame, or threaten victims. Doxing victims in the U.S. are frequently journalists, public officials, activists, and individuals involved in, or targeted by, intense political/ideological debates. Women, particularly women of color and those in the LGBTQI+ community, are disproportionately targeted for harassment. Victims also include minors, cryptocurrency users, and individuals involved in public controversies. [https://www.naag.org/attorney-general-journal/the-escalating-threats-of-doxing-andswatting-an-analysis-of-recent-developments-and-legal-](https://www.naag.org/attorney-general-journal/the-escalating-threats-of-doxing-andswatting-an-analysis-of-recent-developments-and-legal-responses/#:~:text=More%20recently%2C%20doxxing%20has%20become,coordinated%20form%20of%20digital%20persecution.)

[responses/#:~:text=More%20recently%2C%20doxxing%20has%20become,coordinated%20form%20of%20digital%20persecution.](https://www.naag.org/attorney-general-journal/the-escalating-threats-of-doxing-andswatting-an-analysis-of-recent-developments-and-legal-responses/#:~:text=More%20recently%2C%20doxxing%20has%20become,coordinated%20form%20of%20digital%20persecution.)

citizen in the interests of community welfare and existence,” in <https://ministryofjustice.co.uk/what-is-policing-by-consent/>. Community policing and police officer anonymity are fundamentally opposing concepts in modern law enforcement. While community policing relies on transparency, mutual trust, and personal connection, anonymity often serves as a barrier to these goals by reducing accountability and fostering public distrust. See <https://www.theiacp.org/topics/community-police-engagement#:~:text=Trust%20and%20transparency%20between%20law,solid%20foundation%20for%20th a t%20trust>.

terrorism wear face masks during high-risk operations, police officers in Colombia did not lords who placed bounties on police officers’ heads.¹⁴

The wearing of masks or facial coverings for the purpose hiding the officer’s identity or to intimidate the public poses a significant potential harm to the County’s public safety goals, but some Commissioners noted that Bill 5-26 contains no enforcement provisions. We believe that the intentional use of masks for these prohibited purposes should be considered more serious than a mere uniform violation and that any legislation on the subject should convey the expectation that law enforcement agencies operating in the county should treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.

In effect, Bill 5-26 seeks to dictate what local police, as well as state and federal agents, may or may not wear in the performance of their duties. This may conflict with federal authority, raising issues under the U.S. Constitution’s supremacy clause, and may not be enforceable, as the Maryland Attorney General’s office has opined regarding the similar bill under consideration by the Maryland State legislature.¹⁵ Indeed, by including Section 1 (e) “Severability,” the drafters of Bill 5-26 signal an expectation that the bill may be challenged in court and that some of its provisions could be “found unconstitutional or otherwise invalid by a decision of a court of competent jurisdiction.”¹⁶

Additionally, some Commissioners expressed doubts about the wisdom of advancing Bill 5-26 while the Maryland state legislature is considering similar legislation, which would supersede the County’s bill. If passed into law, the state bill might require that the county modify its legislation to resolve any conflicts between the county and state versions. In any case, we believe others are better positioned to judge the timing of Bill 5-26 or whether including state and federal law enforcement officers is a legally sound approach, has merits as an aspirational statement reflecting the county’s values, or is useful in testing relevant issues in the courts.

¹⁴ Pablo Escobar offered bounties of about \$1,000 for killing police officers in the 1990s as a retaliatory measure against police operations.

¹⁵ Letter from Bilbrough, Nataly R., Assistant Attorney General of Maryland, to Williams, Nicole A., Delegate, Maryland General Assembly (January 21, 2026).

¹⁶ Section 1 (e):
[https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

Police Operational Considerations

The Commission on Accreditation for Law Enforcement Agencies (CALEA) standards regarding police identification are part of a broader framework to hold personnel accountable and ensure professional conduct. Key standards (specifically under 1.1.7) mandate that agencies establish policies for employee identification, including badges, ID cards, and uniform, which help foster public trust.¹⁷

We have no indication that MCPD officers wear masks to hide their identities or intimidate the public. On the contrary, current MCPD practice is for officers to wear identifying badges, names and identification number on their uniform.¹⁸ The Maryland Police Accountability Act (MPAA) of 2021 requires that “while executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.” It also requires that, absent exigent circumstances, a police officer shall at the commencement of a traffic stop or other stop display proper identification to the stopped individual, and provide the officers name, badge/identification number.¹⁹

We have been unable to find written MCPD policies proscribing the wearing of facial coverings intended to hide an officer’s identity, nor did we find a written policy mandating the wearing of visible identifying information on the uniform. FC-0300 (Department Rules) requires members of the department to display their credentials and furnish their full name and identification number to “all persons who request the same when the employee is acting in an official capacity,” but MCPD regulation FC-0400 (Uniforms and Equipment) contains no specific policies regulating the use of face masks to hide an officer’s identity.²⁰ However, MCPD tells us that the Policy and Planning Division is currently updating the uniform function code to align with current practice and MPAA “requirements and to clearly reflect [the] long-standing practice of incorporating all three identifiers on [...] full police uniforms.”²¹ Also, Maryland House Bill 1415, introduced February 13, 2026, would if enacted, require the Maryland Police Training and Standards Commission to create a model policy for law enforcement agencies that mandates officers to wear visible identification while on duty. This identification must include the officer’s agency, last

¹⁷ <https://www.calea.org/node/11406>

¹⁸ <https://www.facebook.com/reel/1580394689969260>. See also Michael Pratt, Chief of Staff to MCPD Chief Yamada, e-mail message to ACP Staff, March 5, 2026.

¹⁹ Maryland Police Accountability Act of 2021, House Bill 670 (HB 670), enacted as Chapter 59 of the 2021 Laws of Maryland.

²⁰ <https://www.montgomerycountymd.gov/pol/resource/directives/400.html> and <https://www.montgomerycountymd.gov/POL/resource/Directives/300.html#:~:text=FC%200300,Department%20Rules,-%2C%20HQ%20Memo.>

²¹ Michael Pratt, Chief of Staff to MCPD Chief Yamada, e-mail message to ACP Staff, March 5, 2026.

name, and a badge or identification number, and it must be displayed on the outermost layer of clothing.²²

As noted above, Section 1(b) of Bill 5-26 includes exceptions to the face mask ban, but no exception for religious coverings, face protectors attached to helmets, or for undercover operations.²³ Law enforcement agencies, including police departments in New York and Nashville, are increasingly updating policies to allow religious head coverings (such as hijabs, turbans, and yarmulkes) to be worn with uniforms.²⁴ Similarly, police officers are often equipped with special helmets with face shields for crowd control, specialized or high-risk operations, and for motorcycle patrols.

Section 1(c) of Bill 5-26 provides an exception for Special Weapons and Tactical Team (SWAT) officers, which would allow them to utilize gear necessary to protect their faces from physical harm in the performance of their duties. Though not required by department regulations, MCPD tells us that SWAT operators wear an MCPD badge and a nametag with their ID number on their uniforms. To allay possible concerns that protective gear could obscure a SWAT officer's identity, however, MCPD regulations should require SWAT team members to wear the three identifiers (badge or badge equivalent, name tag and ID number) on their uniform. While it is possible that a law enforcement officer who is not assigned to a SWAT unit could encounter a situation that requires the need for protective gear that hides facial features, we see no reason for exceptions to the requirement that uniformed officers, including SWAT team members, wear clear identifiers (badge or equivalent, name tag and ID number).

However, police officers working in authorized undercover operations must hide their identity. Bill 5-26 should include exceptions that enable undercover officers to maintain operational integrity and officer safety.

Public Safety Considerations

We don't question the authority of federal agents to enforce immigration laws but supporting the immigrant members of our community and rejecting aggressive and indiscriminate tactics is consistent with both the values of our community as well as the

County's public safety goals. As we have stated in previous letters to the Council, encouraging immigrants in our community to report crimes and cooperate with the police and law enforcement is crucial for solving cases, community policing, and our public safety goals.

²² <https://legiscan.com/MD/drafts/HB1415/2026>.

²³ See, for example, Section 3-535(A)(2)(III) of Maryland Bill SB-1, Public Safety - Law Enforcement Officers - Prohibition on Face Coverings.

²⁴ https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20*,include:%20%20Sikhs%20%20Jews%20%20Muslims. See also, <https://www.npr.org/2021/04/25/990610427/police-officers-innashville-may-wear-religious-head-coverings>

We have seen reports that federal immigration officials are making apprehensions on the street while wearing civilian clothes and face masks. This highly unusual tactic is a break with the law enforcement traditions in this country and reminds us of tactics used by extrajudicial squads in authoritarian regimes. Moreover, the tactic undermines public safety, as it engenders an aura of fear and undermines public safety. It is being mimicked by criminals to gain an advantage over victims and confuse witnesses.²⁵

We are also concerned by the use of “police” labels worn by Department of Homeland Security and other federal agents. While the United States has federal law enforcement agencies, such as the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE), etc., there is no federal police agency. Federal law enforcement officers do not perform many of the public safety functions we identify with police departments. But the aggressive tactics used by federal immigration law enforcement officers, combined with the confusion created by the “police” labels they sometimes wear, tarnish the reputation of local police departments and undermine the trust MCPD officers are working hard to build among residents in the county. As county and state efforts to dictate the uniform policies of federal agents may be unenforceable, we believe it is important that the Montgomery Council urge our Representatives and Senators in the U.S. Congress to advance legislation prohibiting federal law enforcement officers from wearing “police” insignias or labels and requiring them to use instead agency identifiers (such as FBI or ICE) or generic “Law Enforcement” labels.

ACP Recommendations

Bill 5-26 does not provide a specific definition of what constitutes a proscribed mask or facial covering, only exceptions. To avoid confusion,

- *We recommend that Bill 5-26 be modified to explicitly define the items being proscribed.*²⁶

The public safety considerations supporting Bill 5-26 are fundamental and immutable, but provisions in the bill related to federal agents may not be enforceable or stand under judicial review. Therefore, to avoid future confusion should provisions of the bill be successfully challenged in the courts,

- *We recommend that text of the bill explicitly underscore that its purpose is to ban the use of face coverings used to intimidate or hide a law enforcement officer's identity and ensure the transparency and accountability of law enforcement operations in the county, and*
- *We suggest modifying Section 2 “Short Title” to shift the emphasis from a single federal law enforcement agency to transparency and accountability in law enforcement.*

²⁵ In a May 2025 law enforcement bulletin, the Federal Bureau of Investigation alerted law enforcement agencies that criminals posing as US immigration officers have carried out robberies, kidnappings, and sexual assaults in several states. See: <https://propertyofthepeople.org/document-detail/?doc-id=26364028>

²⁶ See, for example, Section 3-535(A)(2)(I) of Maryland Bill SB-1, Public Safety - Law Enforcement Officers - Prohibition on Face Coverings at

The safety of law enforcement officers in undercover operations requires them to hide the fact that they belong to a law enforcement agency, as well as their identity. Also, there are pieces of equipment needed to protect an officer's face that are not included among the exceptions in Section 1(e).

- *We recommend that the following exceptions be added to Section 1(e):*
 - *For law enforcement officers working in authorized undercover operations.*
 - *Garments worn for religious purposes.*
 - *Face shields designed to protect the wearer's face.*
 - *Helmets worn by officers utilizing a motorcycle or other vehicle that requires a helmet for safe operations.*
 - *Any other item worn in accordance with applicable laws on occupational health and safety or reasonable workplace.*

The intentional use of masks for prohibited purposes undermines the County's public safety goals and should be considered more serious than a mere uniform violation.

- *The bill should convey the clear expectation that law enforcement agencies consider the use of masks for prohibited purposes as a serious violation and treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.*

<https://mgaleg.maryland.gov/mgaweb/legislation/details/sb0001#:~:text=Title%20Public%20Safety%20%2D%20Law%20Enforcement,Toggle%20History%20Dropdown> https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20*,include:%20*%20Sikhs%20*%20Jews%20*%20Muslims

We hope you find this letter useful. Please feel free to contact us if you have any questions regarding this matter.

Sincerely,

Rev. Brian Bellamy,

Chair, Advisory Commission on Policing

CC: County Council

Marc Yamada, MCPD Chief

Dawn Luedtke, Chair, Criminal Justice Coordinating Commission