

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 37-26: DISRUPTIVE BEHAVIOR - PUBLIC FACILITIES - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 37-26 is indeterminate. Black community members who visit County facilities in downtown Silver Spring, including those who are unhoused, could be disproportionately impacted by a new extended Disruptive Behavior Order (DBO) that bans visitors from County facilities for more than 90 days. However, OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 37-26

In 2004, the Council enacted a law to address disruptive behavior³ incidents in County facilities. The law allows County staff (such as department leaders and police officers) to issue a DBO to community members who disrupt the normal functioning of a public facility, including buses.

Currently, community members who receive a DBO can be prohibited from accessing the facility where the disruption occurred for up to 90 days. Community members can challenge the DBO by meeting with a reviewing authority. The reviewing authority can affirm, modify, suspend, or rescind the DBO following the review meeting. County law currently designates the Chief Administrative Officer (CAO) as the reviewing authority for DBOs.⁴

According to the County Executive, disruptive behavior incidents in County facilities have “increased dramatically” in recent years. Data they provide shows DBOs issued by the County increased from 22 in 2020 to 168 in 2024.⁵

The purpose of Bill 37-26 is to add more restrictions to DBOs to address the increase in disruptive behavior incidents. If enacted, Bill 37-26 would create a new DBO category that would prohibit access to County facilities for more than 90 days and up to two years. Figure A in the appendix lists the circumstances where Bill 37-26 would allow a DBO to be issued for more than 90 days. Bill 37-26 would also allow a DBO of any time to prohibit access to more than one facility.⁶

For a less than 90-day DBO, Bill 37-26 would:⁷

- Change the reviewing authority for review meetings from the CAO to the Montgomery County Police Department (MCPD); and
- Require the review meeting to be scheduled within five business days of DBO issuance (instead of one business day).

For a greater than 90-day DBO, Bill 37-26 would:⁸

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- Designate a hearing examiner in the Office of Zoning and Administrative Hearings (OZAH) as the reviewing authority for review meetings;
- Give the DBO recipient the right to an evidentiary hearing before the hearing examiner to challenge the DBO; and
- Give DBO recipient the right to appeal the hearing examiner's decision to the Circuit Court.

Bill 37-26 would make it a Class A violation for community members to remain in public facilities after being notified they are in violation of a DBO.⁹ The Bill would also require MCPD to submit an annual report on the use of DBOs.¹⁰

The Council introduced Bill 37-26 at the request of the County Executive on July 21, 2026.

LIBRARY CODES OF CONDUCT, PATRON BANS AND RACIAL EQUITY

Note: Since 2019, County departments have issued 739 DBOs. The vast majority (577 DBOs) were issued by the Montgomery County Public Library (MCPL). The Department of Health and Human Services and the Recreation Department also frequently issued DBOs (Table A, Appendix). This section will focus on providing RESJ context on codes of conduct and patron bans in libraries. This information can help to understand potential RESJ issues with conduct policies and bans in MCPL and other County departments.

Public libraries are pillars in communities. Along with books, the County's public libraries provide free access to a host of resources and services such as computers and Wi-Fi, community meeting space, and programs for people of all ages.¹¹ Libraries play an important role in extending access to essential needs and information to the broader community. This access can be especially important for community members who are impacted by racial and social inequities. For example, research has found that BIPOC are more likely to use public libraries to access key resources like the internet.¹² Moreover, for community members who are unhoused, libraries often help meet basic needs like refuge from unsafe weather, access to public restrooms, and connection to important social services.¹³

Codes of conduct are common in public libraries. They usually state policies for using the library, including behavior expectations for a library's public spaces.¹⁴ Locally, MCPL's code of conduct restricts or prohibits various behaviors in MCPL branches – from threatening speech and loud conversations to smoking and vaping.¹⁵ Codes of conduct exist to help maintain a safe and welcoming environment for library patrons and staff. However, their development and enforcement can reinforce and perpetuate racial and social inequities. For example, researchers note:

- Library codes of conduct emerge from a profession that often centers White, middle-class norms.¹⁶ Librarianship is a predominately White and female profession with a deep history of racial segregation and exclusion.¹⁷ Today, 85 percent of librarians and media collection specialists in the U.S. are White, and 85 percent are women.¹⁸
- Library codes of conduct often punish patrons for individual behaviors that may emerge from systemic inequities. A review of 31 codes of conduct in university libraries found many of them "curtail[ed] students' ability to meet their basic needs, including eating and sleeping."¹⁹
- Interpreting and enforcing codes of conduct are subject to implicit racial bias, where library staff may perceive and punish the behaviors of BIPOC patrons more harshly than White patrons.²⁰

Library codes of conduct are commonly enforced through patron bans. Because of libraries' central role in communities, researchers note even short-term bans can be highly disruptive for patrons and threaten their civil rights and liberties.²¹ Generally, research is lacking on racial disparities in library services, including in patron bans.²² However, one 2018

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analysis by the South Seattle Emerald found that Black patrons, especially children, were much more likely to be kicked out of Seattle public libraries than patrons of other races.²³

To advance RESJ and reduce racial inequities and disparities in codes of conduct and patron bans, researchers and practitioners offer the following best practices:

- Engage patrons, especially BIPOC patrons, in examining and redeveloping codes of conduct with a RESJ lens;²⁴
- Improve tracking of incidents to help identify racial disparities in code of conduct enforcement,²⁵ and to encourage consistent and unbiased enforcement;²⁶
- Consider alternatives to enforcing codes of conduct that reduce punitive measures and policing, such as restorative justice and tiered restrictions;²⁷
- Allocate resources to support patrons with basic needs that can often be the root cause of conduct issues; and²⁸
- Provide training to library staff on topics like implicit bias, anti-racism, mental health first aid, and de-escalation.²⁹

ANTICIPATED RESJ IMPACTS

As previously noted, since 2019, County departments have issued 739 DBOs. Table B (Appendix) shows the top ten locations where DBOs have been issued. Collectively, these ten locations account for 82 percent of all DBOs issued in the last seven years. The table shows:

- Nine of the top ten locations issuing DBOs include libraries;
- The only non-library location on the list is Progress Place, a homeless services hub in downtown Silver Spring,³⁰ and
- Nearly one third of all DBOs were issued at one library: the Brigadier General Charles E. McGee Library in downtown Silver Spring.

To consider the anticipated impact of Bill 37-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who would be impacted by Bill 37-26:

Community members who visit County facilities could be burdened by receiving an extended DBO that bans them from County facilities for longer than 90 days. This could burden community members by blocking their access to resources from these facilities, including many that may be important for meeting basic needs. Conversely, community members who visit County facilities could also benefit from increased safety and decreased disruptions if staff are given the authority to issue an extended DBO. OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

There is no data on the demographics of community members who visit County facilities by race and ethnicity. Further, available data on DBOs in dataMontgomery does not track race and ethnicity. However, data on the location of past

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DBOs suggests community members visiting County facilities in downtown Silver Spring could be disproportionately impacted by the new extended DBO (Table B, Appendix). This includes patrons visiting the Brigadier General Charles E. McGee Library and unhoused community members seeking services at Progress Place.

Table C (Appendix) shows the demographics of community members who live in Silver Spring by race and ethnicity. The data shows Black community members are overrepresented in Silver Spring. Asian community members are underrepresented in Silver Spring, while Latinx, Native American, Pacific Islander and White community members are proportionately represented.

Further, Table D (Appendix) shows the demographics of community members who are unhoused in the County. The data shows Black community members are overrepresented among people who are experiencing homelessness in the County. Latinx community members are particularly overrepresented among people experiencing unsheltered homelessness. Asian and White community members are generally underrepresented among people experiencing homelessness, while Native American and Pacific Islander community members are proportionately represented.

Staff who work in County facilities could benefit from increased safety and decreased disruptions if given the authority to issue an extended DBO.

As previously noted, the vast majority of DBOs since 2019 have been issued by MCPL. (Table A, Appendix) Thus, MCPL staff would especially benefit from the ability to issue an extended DBO. Human resources data in Table E (Appendix) shows Asian people are overrepresented among MCPL staff. Latinx people are underrepresented among MCPL staff, while Black and White people are proportionately represented.

Moreover, data on the location of past DBOs suggests staff who work in the Brigadier General Charles E. McGee Library would particularly benefit from the ability to issue an extended DBO. OLO could not access data on the demographics of MCPL staff in specific branches.

Taken together, OLO finds the anticipated RESJ impact of Bill 37-26 is indeterminate. Black community members who visit County facilities in downtown Silver Spring, including those who are unhoused, could be disproportionately impacted by a new extended DBO that bans visitors from County facilities for more than 90 days. However, OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.³¹ OLO finds the anticipated RESJ impact of Bill 37-26 is indeterminate. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers two policy options for Council consideration:

- **Incorporate best practices to advance RESJ and reduce racial inequities and disparities in codes of conduct and patron bans.** As previously noted, researchers and practitioners offer several RESJ best practices for libraries, including engaging BIPOC patrons in examining and redeveloping codes of conduct with a RESJ lens. The Council could consider adopting a place-based approach that pilots these practices in County facilities where DBOs are issued most frequently, such as the Brigadier General Charles E. McGee Library in downtown Silver Spring.
- **Require tracking to better understand potential racial and ethnic disparities in DBOs.** Currently, the Disruptive Behavior Order Issued dataset in dataMontgomery tracks specific data points for each DBO issued by County

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departments. To understand potential racial and ethnic disparities, the Council could require additional data points to be tracked for each DBO issued, including race, ethnicity and age range of community members receiving the DBO, and consistent tracking of the DBO reason and location where it was issued.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. Circumstances that would allow issuance of greater than 90-day DBO with Bill 37-26

An enforcement agent may issue an order under subsection (d) that denies the person access to a public facility or public facilities for more than 90 days, if the person:

- (1) received a previous order for disruptive behavior, denying access to any public facilities within the last year;
- (2) makes verbal threats to persons in the public facility, such that a reasonable person would feel in danger;
- (3) engages in indecent exposure, theft, vandalism, or destruction of property in the public facility;
- (4) engages in any kind of physical altercation or unwanted touching with another person in the public facility;
- (5) engages in any physically threatening behavior toward other persons in the public facility, such that a reasonable person would feel in danger; or
- (6) otherwise engages in behavior in the public facility that violates applicable law.

Source: Bill 37-26, [Introduction Staff Report for Bill 37-26](#), pgs. (4)-(5)

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Table A. Disruptive Behavior Orders Issued by County Department Since 2019

County Department	Number Issued	Percent Issued
Public Libraries	577	78.08
Health and Human Services	78	10.55
Recreation Department	62	8.39
Department of Transportation - Ride-On	6	0.81
Department of Transportation	5	0.68
Police Department	3	0.41
Alcohol Beverage Services	2	0.27
Fire and Rescue Services	1	0.14
Department of Housing and Community Affairs	1	0.14
Community Use of Public Facilities	1	0.14
Office of the County Attorney	1	0.14
Office of the County Executive	1	0.14
Office of Animal Services	1	0.14
Grand Total	739	100.00

Source: OLO analysis of [Disruptive Behavior Order Issued](#) dataset as of August 19, 2026, dataMontgomery.

Table B. Top Ten County Facilities Issuing Disruptive Behavior Order Since 2019

County Facility	Number Issued	Percent Issued (of 739 total DBOs)
Brigadier General Charles E. McGee Library (Silver Spring)	239	32.34
Rockville Memorial Library	94	12.72
Progress Place/Interfaith Works/Shepherd's Table (Silver Spring)	74	10.01
Wheaton Library & Recreation Center	52	7.04
Connie Morella Library (Bethesda)	40	5.41
Germantown Library	35	4.74
Twinbrook Library	25	3.38
Long Branch Library	19	2.57
Kensington Park Library	17	2.30
Gaithersburg Library	14	1.89

Source: OLO analysis of [Disruptive Behavior Order Issued](#) dataset as of August 19, 2026, dataMontgomery.

Table C. Percent of Population by Race and Ethnicity, Silver Spring³²

Race or ethnicity	Silver Spring	County
Asian	8.6	15.4
Black	28.8	18.6
Native American	0.9	0.6
Pacific Islander	0.1	0.0
White	34.5	42.1
Latinx	24.5	21.0

Source: [Table DP05](#), 2024 American Community Survey 5-Year Estimates, Census Bureau.

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Table D. Percent of Unhoused Community Members by Race and Ethnicity, Montgomery County, 2025

Race or ethnicity	Sheltered N=1,351	Unsheltered N=159	Total N=1,510	County
Asian	2.7	3.8	2.8	15.3
Black	63.9	40.3	61.4	18.3
Native American	0.6	0.6	0.6	0.1
Middle Eastern or North African	0.6	0.0	0.5	-
Pacific Islander	0.4	0.0	0.3	0.0
White	12.4	25.8	13.8	39.5
Multiple Race	1.8	1.9	1.8	4.8
Latinx	17.7	27.7	18.7	21.0

Source: [2025 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations](#), U.S. Department of Housing and Urban Development and [Table DP05](#), 2024 American Community Survey 5-Year Estimates, Census Bureau.

Table E. Percent of Montgomery County Public Library Staff by Race and Ethnicity

Race or ethnicity	Library Staff (N=381)	County
Asian	19.4	15.3
Black	16.3	18.3
White	41.5	39.5
Two or More Race	2.4	4.8
Latinx	8.9	21.0
Unknown	11.5%	-

Source: OLO analysis of 2026 unpublished Office of Human Resources data and [Table DP05](#), 2024 ACS 5-Year Estimates, Census Bureau.

¹ Definition of racial equity and social justice adopted from M. Gamblin et al., [“Applying Racial Equity to U.S. Federal Nutrition Programs,”](#) Bread for the World and [Racial Equity Tools](#).

² Ibid.

³ Disruptive behavior is defined in County Code as “acting in a manner that a reasonable person would find disrupts the normal functions being carried on at that public facility, or engaging in conduct that is specifically prohibited by a notice conspicuously posted at that public facility.”

⁴ [Montgomery County Code Sec. 32-19C](#).

⁵ Memo from County Executive to Council President, [Introduction Staff Report for Bill 37-26](#), Montgomery County Council, Introduced July 21, 2026, pgs. (7)-(8).

⁶ Introduction Staff Report for Bill 37-26 and Bill 37-26, [Introduction Staff Report for Bill 37-26](#), pgs. (1)-(6).

⁷ Ibid.

⁸ Ibid.

⁹ Under current law, community members may be subject to a Class A violation if they engage in disruptive behavior in a public facility; refuse to provide requested identification following a disruptive behavior incident; and/or violate a DBO. This would remain the same with Bill 37-26.

¹⁰ [Introduction Staff Report for Bill 37-26](#), pg. 2.

¹¹ [“Library Services,”](#) Montgomery County Public Libraries.

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- ¹² J. Horrigan, [“Chapter 1: Who Uses Libraries and What They do at Their Libraries,”](#) Pew Research Center, September 15, 2015; K. MacKenzie, [“Public Libraries Help Patrons of Color to Bridge the Digital Divide, but Barriers Remain,”](#) Evidence Based Library and Information Practice, December 2021.
- ¹³ M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis,”](#) The Guardian, January 24, 2023; A. Velji, [“Strengthening Communities: The Role of the Public Library as a Site of Connection,”](#) Homeless Hub, 2020.
- ¹⁴ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) College & Research Libraries, 2022.
- ¹⁵ [“Guidelines Governing the Use of Montgomery County Public Libraries,”](#) Montgomery County Public Library.
- ¹⁶ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries.”](#)
- ¹⁷ S. Harris, [“Strange Career: Reconciling Race and Profession in American Librarianship,”](#) Northeastern Illinois University Library Faculty Publications, 2020.
- ¹⁸ [Table 11. Employed people by detailed occupation, sex, race, and Hispanic or Latino ethnicity,](#) Labor Force Statistics from the Current Population Survey, U.S. Bureau of Labor Statistics, 2025.
- ¹⁹ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries.”](#)
- ²⁰ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY: Reimagining Equity & Access for Diverse Youth, Institute of Museum and Library Services.
- ²¹ [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review, February 11, 2020.
- ²² [“Module 16: \(In\)Equity in Libraries,”](#) Project READY.
- ²³ E. Barnett, [“People of Color, Especially Children, Most Likely to be Asked to Leave Seattle Libraries,”](#) South Seattle Emerald, August 22, 2018.
- ²⁴ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review.
- ²⁵ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY.
- ²⁶ A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) Oregon Library Association Quarterly, October 24, 2022, pgs. 35-36.
- ²⁷ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) pgs. 34-36.
- ²⁸ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis,”](#) [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review.
- ²⁹ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; A. Cunningham, [“Ch. 7 Examining and Reducing Bias in Libraries,”](#) *Working in Library Services*, 2023; A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) pg. 37; [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review; M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis.”](#)
- ³⁰ [“Progress Place,”](#) Silver Spring Urban District.
- ³¹ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established,](#) Montgomery County Council.
- ³² For Table C, race is inclusive of Latinx origin. For Tables D and E, race is not inclusive of Latinx origin.