

**Howard County Racial Equity Task Force
Personal & Public Safety Meeting Minutes
Chair: Allison Sayers
February 11, 2021**

Panelists Present – Allison Sayers, Richard Gibson, Jonathon Branch, Zikora Akanegbu, Rahel Petros, Marcus Harris, Maya Carey, Gus Bibum, Jumel Howard, Eduardo Ribiero, Zainab Chaudry, Karla Morrison-Brooks (Facilitator), Ashley Alston (D2), Michael Harris (D2), and Theo Wimberly (Council Staff).

Guests Present: Amanda Mihill and Gary Kuc

Opening: Allison Sayers completed attendance and introduced the meeting.

Discussion Points:

Allison started with the approval of last meetings' minutes

- Moved to approve the meeting minutes from January 7th
 - Second by Jonathon
 - Approved by everyone

Allison explained the purpose of today's meeting: to understand the bounds of the County Council's authority.

Allison facilitated check-in question: Now that we are more settled into 2021, what are you most hopeful for this year?

- Gus- Unity
- Jonathon- begin traveling again
- Jumel- travel; return back to some sense of normalcy.
- Marcus- unity; wants to see the Sherriff Department and the Police Department build a better relationship with the community
- Maya- breath; space for healing/break
- Rahel- resonates with Maya; growth and better days
- Rich- meaningful positive change and growth
- Zikora- going back to school in person
- Allison- travel; hugs; reopening of school; seeing the group in-person
- Karla- Covid-19 will be over; we can relax and breathe; end of loss and pain

Karla introduced Gary Kuc and Amanda Mihill from the Office of Law

Gary began explanation of the County's law regarding the Police Department

- County Code section 17.200A through 17.206 are the current county laws relating to the Police Department and specifies that the police are supposed to:
 - Preserve public safety
 - Protect property
 - Investigate crimes
 - Make arrests (with probable cause)
- The County created the Police Department under a delegation of Police power from the State
- General Rule:

- The County may exercise its police power as long as it doesn't conflict with State law or start treading into an area of regulation that the State has fully occupied.
 - For example, the Police are supposed to enforce State criminal law (defined by the State). Howard County can't define criminal laws for itself (like for murder, robbery, or theft, for example)
- This subgroup cannot write recommendations to the Council that would interfere with the obligation of the police to enforce State law or that conflict with State rules or constitutional principle.
- The County could decide to dictate certain standards or practices that they wanted to see in its Police Department perform or not perform
 - The only caveat with having these standards would be that you could not pass a law that effectively prevents them from enforcing the State law.
- It would all depend on what the group is specifically thinking about recommending to the Council as a possible legislative proposal

Amanda reiterated Gary's points

- Again, it really depends on the specifics of what you want the Council to legislate.
- This is a broad question so there are many pockets

Floor opened for questions

- Gus- Are there examples of where the County has been able to add certain legislation or regulation as it pertains to police practice?
 - Gary answered-Yes, CB-63-2020
- Maya- Does the County have jurisdiction over the Police Department's budget? Where does the budget come into place; is it from the State or County?
 - Gary answered- The County Executive has the power to propose a budget to fund the Police Department and its programs. That proposal originates from the Chief of Police. This proposal goes down to the County Council once it's finalized by the Executive. From there, the Council may cut or propose funding for the Executive. For example, they can eliminate an entire spending priority or reduce it by some. The budget is not a law that sets up policy.
 - Amanda adds- There is delineation between the Executive responsibilities and the Council's responsibilities, which comes from the charter. You can't propose legislation that would change these responsibilities.
- Maya- Are the recommendations only for the County Council or if we have something for the County Executive, could we recommend that as well?
 - Karla answered- What we put forth in the executive summary is mainly for the County Council. The items in the appendix are things we may want to add to be elevated to the county Executive. However, we want to focus our main attention to what's in the realm of the County Council
- Allison asked about the Council's authority regarding SROs
 - Amanda answered- According to Safe Schools Act of 2018, every school is required to have an SRO or have adequate law enforcement coverage. Her understanding is that there's some guidance, but no actual regulation on what it actually means for a school to have "adequate law enforcement coverage." So, you could have a law that says no SROs, but you have to comply with the other part of the law that requires adequate law enforcement coverage.
 - Allison- Could the Council define what "adequate law enforcement coverage" is?

- Amanda- No, local governments can't define what that means because it is State law. However, Maryland Center for School Safety has issued a report on this specific topic that determined that all the public schools have an SRO or adequate law enforcement coverage, but it did not specifically say what that encompasses.
 - Allison- Who makes the determination that there is adequate law enforcement coverage? Is it the HCPD or a State agency?
 - Amanda- does not know the specific answer to this question.
- Maya- Wonders what the Education subgroup is doing because they will be making recommendations that could be sent to the school board, who have jurisdiction n what that adequate coverage would look like.
 - Ashley- Yes, the Education subgroup is interested in looking into SROs, and they are aware that this group is interested as well. There has been conversation about possibly having a cross meeting or an hour meeting just to discuss this topic. Later in the agenda, this will come up and we can see who is interested in that idea and have the e groups meet in the middle.
 - Theo- Per the resolution, the Council would like an update on the Task Force. Preferably the Chairs from each group would present their update. This meeting date is March 5th?
- Rahel- She thinks that the County already has adequate coverage for some of the middle schools that don't already have SROs. As long as the County hasn't been flagged by the State agency, then it's fine and up to the County's discretion
 - Allison- If SROs are in schools with more minorities compared to schools and not in schools with a higher percentage of whites because there's "adequate coverage," who is determining that? It sounds like it is unclear.
- Maya echoes Rahel's point- Majority of schools in Howard County don't have a presence, there's only SROs in high schools and some middle schools. So there would be a case to say that there's already adequate coverage, which is enough for communities unless you are advocating for over policing the communities with high populations of students of color. Peers not Perks and the Coalition for Police Free Schools has done research already looking at where the highest percentage of SROs. There is a direct correlation that there is over-policing for certain schools. Maya's point is that there's already proof of adequate coverage throughout the school district, so there could be a case for us to recommend removing SRO from budget (or however that is done legally).
 - Allison asked who puts SROs into the schools
- Rich- Suggests to asking only broader questions to better utilize the guests, Gary and Amanda, and then have a separate meeting about this specific issue and other interests. He then asks if there are any other restraints/boundaries that we should be aware of.
 - Gary answered- It really is just a conflict issue with higher law. Every proposal would have to be analyzed on its own terms. As long as it doesn't interfere with a State provision or makes it impossible for the police to carry out criminal State law, then the Council has the power to prescribe normative standards of the police
 - Allison- Could we recommend specific training for the Police Department, like implicit bias training?
 - Rich- As long as the State didn't occupy that field. We can't say anything contrary to what the State already established and said. If the State hasn't spoken, then we can.
 - Allison- Yes, but she would like to have a better understanding of what the State already covered so we don't have to do extra steps to figure it out.

- Amanda- In regards to police discipline, you run into the Law Enforcement Office of Bill of Rights.
- Karla proposes the idea of sharing the research topics with Gray and Amanda to see what's within the County Council.
- Gary- There is a State Police Training Commission, which is in the Public Safety Article. The State has probably already prescribed standards for policed training. To Rich's point, it is not necessarily the case that because the State has prescribed training standards, a local jurisdiction couldn't prescribe others. They can as long as it doesn't undermine or conflict with the State's standards
 - Rich is on that commission for the State, and he could raise issues to them. He can't control what they do, but he can bring things to their attention.
 - Gus- Could the Council create a recommendation that augments the existing State regulation/standard, not changes but additions?
 - Gary- Yes, it is in the realm of what the County can do
- Maya- How would we go about an alternative that doesn't affect the police at all, like the police budget and is more so for putting more money towards crisis response teams and additional arm of public safety? What role would the Council play in creating an additional branch of public safety?
 - Gary- The County has the power to create a department or agency that runs a program that provides other services that the police shouldn't really be handling.
 - Theo asked a clarifying question- That's the County and not the County Council, correct?
 - Gary- Well the Council could propose the legislation and the Executive could sign them into law.
 - Marcus- Reiterates Theo's question and point that this process of developing a new department is at the County Executive level and not the Council level
 - Theo- The County can write a legislation, but could they actually mandate the organizational charge at the Executive level?
 - Gary- Does not recall if the reorganization of a branch involves the creation of an entirely new department. There are budget implications whenever you create more organization infrastructure.
 - Theo reminds the group to not get caught up in the "how we do it." If you think you have a good idea and the group agrees on it, present it to the Council. Let the Council have these tough conversations with the Office of Law and the County Executive. The Council wants the Task Force to think outside of the box and give them good ideas.

The plan is to reconnect with the Office of Law in the spring once recommendations are more finalized.

Karla moved along the agenda and introduced Maya's presentation

Maya began presenting research on gender-based violence

- We should also advocate for the prevention of violence
- Instead of just addressing the violence as they come, we need to be more proactive as a community and suggest legislation and policies that protect our communities from being violated and traumatized in the future.

Maya showed the data from the HopeWorks agency (it is a better representation of what we would have gotten from the Police Department regarding the issue of gender-based violence)

- Most of the clients are in the 25-59 age range
 - In both residential homes and long-term/short-term crisis shelters
- African Americans are the highest percentage
 - Populations of African Americans is about 14%, but 46% of clients have been black
- Gender-based violence is related to, but not limited to:
 - Sexual assault
 - Intimate partner violence
 - Human trafficking
- Demographic of clients:
 - 3% Asian
 - 16% Hispanic
 - 30% White
 - 5% Biracial
- Similar trends are found in the legal department
 - Almost 1000 for Blacks and Whites (blacks were 991 and whites were 987)
- Similar trends for residential clients
 - Approximately 450 for Blacks as compared to the hundreds for other races
- There is a direct correlation with gender-based violence that is affecting Black people
- A majority of people (Maya believes the statistic is around 90%) do not trust the Police Department alone to provide justice for gender-based violence, so we need something that backs the community beyond the Police Department.
- There is a lot of research around transformative justice models and police alternatives that give survivors a choice does more to support the survivors than the Criminal Justice System has done or will do. Abusers are being placed with more abusers and they are not being taught how to change and they make light of (or joke about) their heinous crimes.

Questions:

- Allison- Is HopeWorks the only organization in Howard County that deals with domestic violence and gender-based violence?
 - Maya- Yes
- Allison- If the police do not contact HopeWorks, how do other people get in contact with them?
 - Maya- Police contacts them if the survivor ends up in the hospital, and they get referrals from the court system. Also, outside mental health services contact them, like a therapist. Most contacts come from the 24/7 hotlines or walk-ins.
- Allison asked a question about the residential program
 - Maya answered- It is a shelter, but it is very low capacity. It only holds 18-20 people. We rely on hotels as well.
- Maya- There is a partnership with the Police Department, but Maya doesn't know where Police Department is getting trained from. The information that they share to the public is skewed and contradictory to what HopeWorks teaches. Maya is a HopeWorks educator. The police's training is not through HopeWorks, and it's not comprehensive trauma-informed training. They do not share information that relates to prevention or safety; it is more fear-mongering based.
 - Marcus- He is interested in meeting with Maya and **Dina Ward**, domestic violence advocate to see what the Sheriff's department can do better
 - Rich- Thinks it is beneficial to have all of them in a room and understand the gaps within communication. Rich's office, Marcus, and HopeWorks. Howard County is the national model for how to deal with child abuse, sex offenses, human trafficking. They come here to implement the issue elsewhere. If there's

a disconnect, the issue is much larger than Howard County and need to be talked about.

- Jumel- Shared an example of a time his friend experienced a sexual assault in Baltimore City, but lives in Howard County, but they told here to file the issue with Baltimore City. There needs to be a channel of communication between the County (and perhaps neighboring) and a deeper look into the trainings and protocols.
 - Rich- The reality is that the funding associated with the services stems from where the crime took/allegedly took place. They should have explained to the survivor of how the process worked. Agrees could have handled it better. Lisa Myers could speak more on the issue.
 - Jumel- Understands the importance of where the money comes from, but the person experiencing that does not care, they just want help.
 - Maya- Jumel is speaking on a broader trend. Maya is working with other departments to get more qualitative data, like narratives around what they are seeing in their clients. There are multiple accounts in Howard County that have said how the police have criminalized the victim (i.e “oh you were drunk, so it’s not sexual assault). That is not the jurisdiction of the Police Department. There are people who falls into the cracks and they deserve better response

Karla reminds the group that Chief Myers will be joining this group on February 18th 5:00pm-6:15pm

- Jonathon asked Maya about what services does HopeWorks offer to human trafficking victims
 - Maya- Just received a grant of 3 million dollars for anti-trafficking work, but currently on hold. They also look at if there was some sort of sexual abuse on top of the trafficking. They offer case management, group therapy, and then also offer residential shelters for them.
- Allison asked Maya- Do you have any ideas as to why we are seeing this disparity in who is calling in for services, so we could perhaps make recommendations to fix it.
 - Maya- The culture of staying quiet and keeping things within the family/home. This narrative is strong within the black community (Maya can relate to this). Survivors of gender-based violence often become survivors of multiple instances. The chance of getting abused again increases. Community cohesions; are there people caring for one another, are there more risk factors:
 - financial insecurities
 - disabilities
 - drugs
 - Maya does not have the direct answer but there are a lot of risk factors that contribute to this violence and abuse. Preventions need to be placed, especially in Howard County

Kara pivots to focusing on the research, who we would like to speak, and if we need additional meetings

Hate crime investigations presented by Rich (Questions asked by Zainab)

- Freedom of Speech allows you to say things that are offensive to people, but you cannot commit a crime that is based upon race, gender, national origin, and even homelessness

- Zainab had questions for Rich relating to the actual order operations
 1. Begin investigation, and this must convince the prosecutor and eventually the grand jury
 - a. We need facts that prove that a crime was committed and there was motivation
 2. Prove those elements to a trial jury (beyond a reasonable doubt)
 3. Judge can sentence with the penalty enhancements for the hate crime
 - a. Must have evidence of the hate crime at the time of charging
- How long does it take to investigate a hate crime?
 - For any crime in general, there is no timeline. It will take as long as it takes.
- Karla asked- were there questions about data disaggregated by race?
 - Rich- No, basically they went over the questions posed, shared the legal answers, and based upon that asked if there were any further questions. There were several questions:
 - Q: Do penalty enhancements for criminal acts arise for animus motivation is officially established?
 - A: That is the sequencing. You can't establish this in trial. It has to be already proven from the initial charge. Then at trial you would have to prove it beyond reasonable doubt. Only after you are found guilty, the sanction or penalty is established
 - Q: How long does it take?
 - A: As mentioned before, it will take as long as it has to.
- Karla asked Allison to follow up with Zainab to see how she wants to use this information for this subgroup. What is the angle she wants to use?
 - Zainab would like a little bit more time to figure out the angle in terms of how she envisions this information to be presented and would like group input as well.

Alternatives to criminal justice as criminal punishment-Maya, Rahel, and Allison

- Karla asked Rahel if she would like space in the next meeting to share information
 - Rahel would like to share and asked about the request process
 - Karla- Ashley or Michael can provide an official formal request to whoever you wish to be connected to within the County.
- This topic would encompass alternatives to policing and other alternatives to jail time or conventional sentencing.
- Rahel, Allison, and Maya will meet before the next meeting to finalize

Human Trafficking-Jonathon and Jumel

- Jonathon and Jumel have done some research
- Karla asked if they would like space in the next meeting
 - Jonathon and Jumel agreed
- Jonathon and Jumel will meet before next meeting to finalize

Demographics of victims by crime-Rich

- Rich- This is a question that has to come from the police, if they have data on it. A question for Lisa
 - Karla-Thanks everyone for submitting their questions. Chief Meyers has all of the questions and will be ready for the 18th

Parole and Probation Data-Allison

- Allison wondered if this was more of a State-based issue. She wanted to see if there were any disparities about who was placed on probation and who was monitored. Also, the detention center and re-entry.
- Allison could probably get things together about detention re-entry in March
- Joint presentation with Maya and Rahel

Domestic Violence data from advocate referrals-Sheriff Harris

- Karla asked if he wants to present in March meeting or if he would rather wait
 - Marcus- He would like to look at the data and to see if it will even be helpful. He will let everyone know by next meeting.

Karla does a recap for what's to be covered at the March meeting

- Alternative criminal punishments
- Human Trafficking
- Possibly re-entry data
- Possibly hate crimes
- Immigration Rights

Karla continues on with potential speakers

- Presentation from the Howard County Office of Human Rights
- ACLU- great for independent insight on the situation in the County; Zainab will get in contact
- Eduardo suggested the Coalition on Immigrant Rights
 - Eduardo- Agrees that his group has some data that could be useful to share. Also asked Maya if HopeWorks has Spanish language services and if not, could people volunteer. He also echoes Maya's earlier point that Blacks and Hispanics have similar reasons not to speak out. There is a mistrust of law enforcement, there's a mental health involvement, scared of deportation.
 - Maya- We are seeing a drop of communication between other communities. We do have staff that is bilingual. There is a large percentage of Korean and Indian American advocates as well.
- Zainab- would like to focus on enhancing and improving the reporting of hate crimes because they are significantly underreported.
- Karla recommends to plan for 10 minute presentation and allocate 10 minutes for questions

Marcus wants to make clear that there are leaders in place that are willing to listen and they will hold themselves accountable. He reminds the group that they are essentially in customer service, and they want to do what's right and helpful for the community. Whenever there are issues, they should be sent to them so they can further reevaluate. He says that if it is brought to Chief Meyer's attention, she will rectify it. We need to figure out a way to open the lines of communication.

Upcoming Events

- Community testimony
 - Written via email
 - Email will be sent to remind the group to invite the community to share testimonies to the Task Force
 - Rich- How do we tell people what to share?
 - Karla- You could send it to specific people that you know could provide insight to these issues. It doesn't have to be a wide-blast.
 - Allison- Can the written testimony be anonymous?
 - Karla- No

- Public Hearing
 - March 4th from 6:00pm-8:00pm
 - Verbal; each guest would be given 2-3 minutes to speak
 - There are limited slots
- Howard County Library is hosting a racial equity storytelling- outside of Task Force
 - They want to hear and capture stories from community members about their experiences
 - They will share these testimonies back with us at a later date
 - This will be February 18th 7:00pm-8:30pm and February 20th 1:00pm-2:30pm
- Council monthly meeting
 - Task Force update is on the agenda
 - Anyone can attend and watch
 - Meeting will be at 1:00pm and streamed on website

Karla will send the information of the upcoming events in an email following this meeting and reminded the group that the next meeting March 11th

Karla did an overview of the future timeline and informed the subgroup that the conversation will begin pivoting to recommendations soon

Allison adjourned the meeting with no further questions