

# Md. county mulls bills on police oversight

Barrios, Jennifer . The Washington Post ; Washington, D.C. [Washington, D.C]23 Jan 2019: B.1.

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## FULL TEXT

Montgomery County Council members

are grappling with ways to boost public faith in law enforcement after last summer's fatal police shooting of an unarmed black man in Silver Spring.

Freshman council member Will Jawando (D-At Large) introduced the Law Enforcement Trust and Transparency Act last week, while his colleague Hans Riemer (D-At Large) is drafting a bill that would create a committee to oversee policing policy in the state's most populous jurisdiction.

Their efforts reflect a national debate over how to oversee police actions and hold officers accountable, especially after high-profile incidents caught on body cameras or cellphones in which people of color have been shot and killed during encounters with law enforcement.

While both Jawando and Riemer laud Montgomery's police force as professional and responsive, they also say the June 2018 shooting death of Robert Lawrence White - and the limited information available about the investigation - has caused a crisis of trust among some in the community.

"Robert White's death is the latest incident in a tragic list of incidents nationwide," said Jawando, adding that the shooting "exposed in my view some of the deficiencies in our current process."

Montgomery police investigated White's death and sent the results of their probe to prosecutors in neighboring Howard County, under a standing agreement the two counties have to review each other's officer-involved shootings.

In July, Howard County prosecutors issued a short letter saying no criminal charges would be filed against the officer, Anand Badgujar, who is on administrative leave pending the results of an investigation by Montgomery police into whether his actions adhered to department policy. Montgomery Police Chief J. Thomas Manger said that administrative investigation is now complete and has been sent to the department's 3rd District commander for review.

The brevity of the prosecutors' letter, and the lack of information about how they arrived at their decision, have been points of contention.

"I think not having an explanation was not helpful," Montgomery County Executive Marc Elrich (D) said. "The whole point of the outside investigation was for the investigations to be helpful. And I think most people would define 'helpful' as, you gave me an explanation, and either I understand the explanation or I don't."

Under Jawando's bill, which is co-sponsored by the rest of the all-Democratic, nine-member council, any officer-involved death, or any death of an individual in custody, in Montgomery County would have to be investigated by an outside law enforcement team.

If criminal charges were not filed against the officer, the team's investigative report would have to be released publicly "to the extent permitted by law."

"The public has a right to know what the investigation determined and why charges weren't filed," said Jawando, a lawyer and former Obama administration aide who is one of four new members on the council.

A public hearing on the bill is scheduled for March 5.

Both Jawando and Elrich said they have been in contact with Howard County Executive Calvin Ball (D) over the possibility of Howard's police force serving as the outside investigators.

In a statement last week, Ball said that his county "is looking forward to working with Montgomery County on this initiative. We support transparency as well as comprehensive processes and collaborations to ensure justice and fairness in judicial cases involving police officers."

Elrich said he has not yet spoken to Manger about the proposal. Jawando said he spoke to Manger and police union officials but would not elaborate further.

The Montgomery County Fraternal Order of Police Lodge 35 police union did not respond to a request for comment on the legislation. Manger confirmed that he has spoken with officials about the proposed legislation and said he will continue to do so, but declined to comment about the proposals.

Linda M. Plummer, president of the Montgomery County chapter of the NAACP, said her group sent a letter to the council supporting Jawando's bill.

"For decades, we've been trying to have the public confidence restored in investigations by law enforcement when they're shooting unarmed black men," Plummer said, adding that the legislation would go "a long way in balancing criminal justice reform and the restoration of public support."

White, 41, was shot by Badgujar in a Silver Spring parking lot on June 11, 2018, after the officer, who is of Indian descent, approached him while returning from an unrelated call.

Police body-camera footage showed White walking away as Badgujar tried to stop him, then advancing on the officer at least three times. After White pushed Badgujar down, the officer opened fire.

White's death also sparked demands from protesters for the creation of a civilian police oversight board, like the independent commission created in Fairfax County to oversee police practices after an unarmed man was shot and killed by police there in 2013. The officer involved pleaded guilty to manslaughter.

Baltimore City, which is operating under a federal consent decree put in place after the Justice Department found that the city's police officers routinely violated residents' civil rights, has a civilian review board that hears complaints against police. Prince George's County, which borders Montgomery, has a panel of citizens that reviews the police department's internal-affairs investigations.

Rierner said he wanted to establish a board that would allow civilians to oversee police disciplinary actions in Montgomery but was dissuaded by county council attorneys who said it would be hampered by state law, including the Law Enforcement Officers' Bill of Rights.

"I was hoping for a strong civilian role in the disciplinary process so that the public could be confident in those decisions," Rierner said.

He instead drafted legislation to create a seven-member advisory committee that would review and recommend police policies and practices. He said he plans on introducing it in the next few weeks.

Looking at policies instead of personnel, Rierner said, is a different way at getting at the same issue.

"If we do a deep dive on data and look at what other departments are doing, perhaps we can tackle some of these issues and implement policies or trainings that avoid incidents from happening in the first place," he said.

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Dan Morse contributed to this report.

Credit: Jennifer Barrios

## DETAILS

Subject:	Transparency; Legislation; Criminal investigations; Councils; Law enforcement
Location:	Baltimore Maryland
People:	Rierner, Hans Elrich, Marc

**Company / organization:** Name: National Association for the Advancement of Colored People--NAACP; NAICS: 813311; Name: Fraternal Order of Police; NAICS: 813410, 922120

**Publication title:** The Washington Post; Washington, D.C.

**First page:** B.1

**Publication year:** 2019

**Publication date:** Jan 23, 2019

**Section:** METRO

**Publisher:** WP Company LLC d/b/a The Washington Post

**Place of publication:** Washington, D.C.

**Country of publication:** United States, Washington, D.C.

**Publication subject:** General Interest Periodicals--United States

**ISSN:** 01908286

**Source type:** Newspapers

**Language of publication:** English

**Document type:** News

**ProQuest document ID:** 2169518515

**Document URL:** <https://search.proquest.com/docview/2169518515?accountid=14026>

**Copyright:** Copyright WP Company LLC d/b/a The Washington Post Jan 23, 2019

**Last updated:** 2019-01-23

**Database:** Global Newsstream

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