

**MONTGOMERY COUNTY COUNCIL**

**ROCKVILLE, MARYLAND**

Will Jawando

COUNCILMEMBER

AT-LARGE

May 20, 2019

Governor Larry Hogan

100 State Circle

Annapolis, MD 21401

Dear Governor Hogan,

During the 2015 riots in Baltimore following the death of Freddie Gray in police custody, more than 100 police officers suffered injuries attempting to control street violence and looting.  The root cause of that violence was the community’s deep distrust of the police. That distrust is not limited to Baltimore. Following the deaths of black men at the hands of police on the Eastern Shore and in Silver Spring last year, the fabric of trust between the community and police has frayed even more.

I write to urge you to consider taking Executive Action, in your capacity as Governor, to create either a state investigatory body or a dedicated unit within the Maryland State Police or Attorney General’s office, for the purpose of conducting independent criminal investigations of police-involved deaths in the State of Maryland.  An inquiry into the circumstances of the police-involved deaths, independent of the police department involved, and a full, public vetting of the results of that investigation are crucial to rebuilding trust between the police and the community.

As an At-Large Montgomery County Councilmember, I represent our more than 1.1 million residents.  We proudly host three of the nation’s ten most diverse cities: Gaithersburg, Germantown and Silver Spring.  While we are proud of the level of education, training and diversity of the individual officers in our Montgomery County Police Department, we also know that something must be done to restore credibility of and confidence in our local police following the June 11, 2018 shooting death of 41-year-old Robert White at the hands of a MCPD officer.

Mr. White, who was unarmed and walking near his home, died after a confrontation with the officer in a parking lot.  Anton Black, an unarmed 19-year-old man, died after a confrontation with Greensboro police in front of his home.

Moved by the public’s reaction to Mr. White’s death, the first piece of legislation introduced when the new Montgomery County Council convened was my bill, the Law Enforcement Trust and Transparency (LETT) Act, put before my colleagues on Jan. 15, the birthday of Dr. Martin Luther King, Jr.  The bill was co-sponsored by all eight of my council colleagues and passed unanimously on May 7th and signed into law on May 16, 2019.  It requires an independent investigation when a police involved death of a resident occurs and that the investigative report be made available to the public.

When a resident loses their life at the hands of the police, the families of the deceased, the public at large and the individual police officers deserve independent investigations, transparency and accountability.

In the case of Mr. White’s death, the investigation was conducted by Montgomery County Police Department (MCPD) officers and the case information was forwarded to the Howard County State’s Attorney for review.  This was done under an informal arrangement between our two counties. In this instance, the Howard County State’s Attorney decided not to pursue criminal charges. No public report explaining the decision or the details around the MCPD investigation was made available.

The investigation into Mr. White’s death and police handling of the case may have uncovered facts exonerating the actions of the police officer involved.  However, because there was no report, the public has no reason to know and little reason to believe any exonerating details.

Each county in Maryland is responsible for determining how they handle an officer-involved death.  State residents would be better served with a uniform, statewide process, requiring the personnel investigating an officer’s use of deadly force not be employed by the same department as the officer under review.  Doing this would put Maryland alongside states such as Illinois, Utah and Wisconsin, which have passed laws creating a statewide process and would follow the conclusions of President Obama’s Taskforce on 21st Century Policing, examining the issue of public confidence in law enforcement.

Currently, the state police already assist smaller Maryland jurisdictions which do not have the resources to complete their own investigations.  This demonstrates that the state either already has or could obtain the means to conduct independent investigations of police-involved deaths through a new state entity.

Two bills were introduced in the state House and Senate this session mirroring my local legislation, and I was proud to testify in favor of creating a statewide entity to handle officer involved deaths earlier this year.  I know there will be willing partners should you wish to pursue this good government legislation.

No one wants to relive the Baltimore riots of 2015.  The families of the recent victims of police-involved shooting deaths in Maryland do not wish their fate on any other families. Every elected official wants the community to have the confidence to welcome police into our neighborhoods.  An initiative to promote stronger ties between the community and the police is a fundamental good government effort, and one that I hope you will seriously consider.

I ask you to consider taking steps that are within your rights and powers as Governor of Maryland to form a state empowered investigatory entity to conduct independent inquiries into police-involved deaths, with the goals of increasing transparency, accountability and trust between law enforcement and the community.  I would be honored to work with you on this effort and look forward to your response.

Sincerely,

Will Jawando

Montgomery County Councilmember At-Large