



**Committee:** Joint  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Senior Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #5A  
June 18, 2024  
**Introduction**

## SUBJECT

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation

Lead Sponsor: Council President at the request of the County Executive

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

## DESCRIPTION/ISSUE

Bill 12-24 would:

- (1) provide compensation for the civilian member of the Police Trial Board;
- (2) change the compensation for Police Accountability Board (PAB) and Administrative Charging Committee (ACC) members; and
- (3) generally amend the language regarding the PAB and ACC.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

## This report contains:

Staff Report	Pages 1-2
Bill 12-24	© 1
County Executive's Memorandum (with enclosures)	© 4
Fiscal Impact Statement	© 11
Legislative Request Report	© 13

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**MEMORANDUM**

June 13, 2024

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation

PURPOSE: Introduction – no Council votes required

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation, sponsored by the Council President at the request of the County Executive, is scheduled for introduction on June 18, 2024. A public hearing is tentatively scheduled for July 9, 2024. Bill 12-24 will be reviewed jointly before the Government Operations & Fiscal Policy and Public Safety Committees.

Bill 12-24 would:

- (1) provide compensation for the civilian member of the Police Trial Board;
- (2) change the compensation for Police Accountability Board (PAB) and Administrative Charging Committee (ACC) members; and
- (3) generally amend the language regarding the PAB and ACC.

**BACKGROUND**

The County Executive has explained that the bill is needed “to ensure that the PAB can create a pool of pre-trained county residents to choose from when a Law Enforcement Agency requests a civilian member for a trial board.” In addition, the amendments effectively would allow for the PAB and ACC chairs to be different individuals; the current compensation requirements assume that the PAB and ACC chairs are one and the same. *See* County Executive Memorandum at ©4.

**BILL SPECIFICS**

Currently, civilians appointed by the PAB to serve on trial boards are uncompensated. Under Bill 12-24, the civilian members would receive \$500 per day spent serving during a trial (or spent in training required for trial board service).

In addition, the bill would alter the compensation of PAB and ACC members. Currently, the PAB Chair receives \$22,000 (plus an annual CPI adjustment) to serve on both the PAB and the ACC. Under the bill, the PAB Chair would earn \$16,000 (plus an annual CPI adjustment) for service on the PAB. Whichever PAB member is designated by the PAB to also serve on the ACC would receive \$22,000 (plus the annual CPI adjustment).

This packet contains:

Bill 12-24  
County Executive's Memorandum (with enclosures)  
Fiscal Impact Statement  
Legislative Request Report

Circle #

1  
4  
11  
13

Bill No. 12-24  
Concerning: Police – Police  
Accountability Board and  
Administrative Charging Committee –  
Compensation  
Revised: June 10, 2024 Draft No. 1  
Introduced: June 18, 2024  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) provide compensation for the civilian member of the Police Trial Board;
- (2) change the compensation for Police Accountability Board (PAB) and Administrative Charging Committee (ACC) members; and
- (3) generally amend the language regarding the PAB and ACC.

By amending

Montgomery County Code  
Chapter 35, Police  
Sections 35-24 and 35-25

By adding

Montgomery County Code  
Chapter 35, Police  
Section 35-26

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Sections 35-24 and 35-25 are amended, and 35-26 is added, as**  
 2 **follows:**

3 **35-24. Police Accountability Board.**

4                               \*                               \*                               \*

5       (e)   *Meetings, budget, and compensation for members.*

6                               \*                               \*                               \*

7           (3)   The [Chair or another] Board member designated to serve on the  
 8               Administrative Charging Committee must serve on the Board  
 9               without compensation except for the reimbursement of expenses  
 10              incurred in attending meetings or carrying out other duties,  
 11              including travel and dependent care costs at rates established by  
 12              the County, subject to appropriation. Except for the Board member  
 13              designated to serve on the Administrative Charging Committee,  
 14              [The] the annual salary for the Chair is \$16,000 and the annual  
 15              salary for each other Board member is \$10,000. The salary for each  
 16              member must be adjusted on the first Monday in December by the  
 17              Consumer Price Index for All Urban Consumers (CPI-U) for the  
 18              Washington-Arlington-Alexandria Core Based Statistical Area  
 19              (CBSA), as published by the United States Department of Labor,  
 20              Bureau of Labor Statistics, or a successor index.

21                               \*                               \*                               \*

22 **35-25. Administrative Charging Committee.**

23                               \*                               \*                               \*

24       (f)   *Compensation.* The annual salary for [the Chair is \$22,000 and the annual  
 25              salary for] each Committee member is \$16,000. The annual salary of the  
 26              member of the Police Accountability Board chosen to concurrently serve  
 27              on the Committee is \$22,000. The salary for [the Chair and] each member

must be adjusted on the first Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

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### **35-26. Trial Board.**

The County must compensate the civilian member of a trial board appointed by the Police Accountability Board at the rate of \$500 for each day spent in trial and each day spent in training.

### **Sec. 2. Retroactive application:**

Section 35-26 applies retroactively to any trial board or training attended by the civilian member since July 1, 2022.

### **Sec. 3. Transition:**

Nothing in this Act can be applied to alter the salary of a current member of the Board or the Committee during that member's current term except for salary changes resulting from (1) CPI-based salary adjustments, (2) the movement of a current member to or from the position of Chair after the effective date of this Act, or (3) the movement of a current member to or from the position of Board representative on the Committee after the effective date of this Act.




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

MEMORANDUM

May 22, 2024

TO: Andrew Friedson, President, County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Police Accountability Board and Administrative Charging Committee  
Proposed Amendments

On April 19, 2022, the County Council enacted Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established. The law (Montgomery County Code Sec. 35-24 & 35-25) establishes the Police Accountability Board (PAB) and the Administrative Charging Committee (ACC). It also provides for compensation for the PAB & ACC members but not the trial board members which the PAB selects.

I am recommending the attached amendments, which provide compensation for civilian members who sit on the trial board if the law enforcement officer requests a trial board; change the compensation for Police Accountability Board and Administrative Charging Committee members; and generally, amend the language regarding the PAB and ACC. This is done by amending Montgomery County Code Chapter 35, Police sections 35-24 and 35-25 and by adding Montgomery County Code Chapter 35, Police section 35-26.

These amendments are needed to ensure that the PAB can create a pool of pre-trained county residents to choose from when a Law Enforcement Agency requests a civilian member for a trial board. Thus far, it has been difficult to attract members of the public given the requirement to take personal leave or, in the case of hourly workers, lose paid work hours in order to serve. Given that there is no downside to an officer facing a sustained charge seeking a trial board, I believe that offering a stipend is the only way to effectively ensure that the PAB has adequate access to a sufficiently large trial board pool and prevent exclusion of members of the public from serving on trial boards based upon the risk of financial hardship to do so.

These amendments also address a change in compensation relating to PAB and ACC member pay. This is to ensure the individual who is serving on both the PAB and ACC is appropriately compensated. Under current law, the ACC chair was designated to be compensated a total of

\$22,000. This was based on the interpretation of state law that the PAB chair and ACC chair would always be the same individual. However, in reviewing the current statute, there is nothing precluding the ACC from rotating its chairperson in any manner it prefers. In addition, current law states that if a PAB member other than the Chair is designated (by the Chair) to also serve on the ACC, that PAB member will only be compensated to serve on one board despite providing effectively double the public service. This was an unforeseen consequence of the current law. To rectify these issues, I am proposing an amendment whereby the PAB chair and any member serving solely on the ACC would be compensated \$16,000 (+ annual CPI adjustment). Any PAB member other than the Chair serving solely on the PAB would receive \$10,000 (+CPI adjustment). Finally any PAB member, including the Chair, who also is selected to concurrently serve on the ACC would receive \$22,000 (+ CPI adjustments). I believe this approach addresses an existing incongruity between effort and compensation.

Please reach out to Earl Stoddard, Assistant Chief Administrative Officer at 240-777-2469 or [earl.stoddard@montgomerycountymd.gov](mailto:earl.stoddard@montgomerycountymd.gov) with any questions.

Enclosure: Bill XX-XX PAB ACC Trial Board - Civilian  
Bill XX-XX Fiscal Impact Statement  
Bill XX-XX Legislative Request Report  
PAB/ACC/Trial Board Compensation Structure

cc: Earl Stoddard, Assistant Chief Administrative Officer, Office of the County Executive  
Jennifer Bryant, Director, Office of Management and Budget  
Taleah Parker, Administrative Services Manager, Office of the County Executive  
Derrick Harrigan, Fiscal and Policy Analyst, Office of Management and Budget



Bill No. \_\_\_\_\_ [Click - type number]  
Concerning: Police - \_\_\_\_\_  
Revised: \_\_\_\_\_ [date] \_\_\_\_\_ Draft No. \_\_\_\_\_  
Introduced: \_\_\_\_\_ [date] \_\_\_\_\_  
Expires: \_\_\_\_\_ [18 mos. after intro] \_\_\_\_\_  
Enacted: \_\_\_\_\_ [date] \_\_\_\_\_  
Executive: \_\_\_\_\_ [date signed] \_\_\_\_\_  
Effective: \_\_\_\_\_ [date takes effect] \_\_\_\_\_  
Sunset Date: \_\_\_\_\_ [date expires] \_\_\_\_\_  
Ch. \_\_\_\_\_ [#] \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_ [year] \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) provide compensation for the civilian member of the Police Trial Board;
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Montgomery County Code  
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By adding

Montgomery County Code  
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**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*



on the Committee is \$22,000. The salary for [the Chair and] each member must be adjusted on the first Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

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*Approved:*

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Andrew Friedson, President, County Council

Date

*Approved:*

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Marc Elrich, County Executive

Date

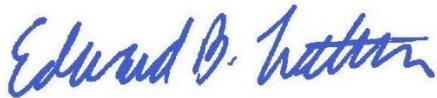
*This is a correct copy of Council action.*

---

Sara R. Tenenbaum, Clerk of the Council

Date

APPROVED FOR FORM AND LEGALITY



Edward B. Lattner  
Office of the County Attorney  
April 19, 2024

### PAB/ACC/Trial Board Compensation Structure

<b>Position</b>	<b>Established (5/2/2022) Annual Salary*</b>	<b>Current (5/15/2024) Annual Salary*</b>	<b>Proposed Amendment Annual Salary*</b>
PAB Chair who also sits on ACC	\$22,000.00	\$24,280.51	\$24,280.51
If the PAB Chair DOES NOT sit on the ACC			\$17,658.55
The PAB Member designated by the PAB Chair to sit on the ACC			\$24,280.51
PAB Member	\$10,000.00	\$11,036.60	\$11,036.60
ACC Member	\$16,000.00	\$17,658.55	\$17,658.55
Trial Board Member			** \$500/day

\* The Salary for each member must be adjusted on the 1st Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

\*\* Each Trial Board member to be compensated \$500 for each day spent in trial and each day spent in training.



# Fiscal Impact Statement

Office of Management and Budget

**Bill XX-XX**      **Police Accountability Board Established - Amendments**

**Bill Summary**      Bill 49-21 requires that the County provide all civilian members of the Police Accountability Board (PAB) \$500 for each day spent in trial and each day spent in training. The bill also clarifies that the salary for the PAB member chosen to serve on the Administrative Charging Committee (ACC) is \$22,000, regardless of whether that individual is chosen to serve as Chair.

**Fiscal Impact Summary**      The Bill is expected to increase annual expenditures by up to \$20,500 in FY24 and by up to \$45,500 annually beginning in FY25. The total cost over the six-year period could reach up to \$248,000, though actual costs will vary depending on the number of trial boards and the length of each trial. The bill is not expected to impact revenues.

Fiscal Year	2024	2025	2026	2027	2028	2029	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$20,500	\$45,500	\$45,500	\$45,500	\$45,500	\$45,500	\$248,000
Total Expenditures	\$20,500	\$45,500	\$45,500	\$45,500	\$45,500	\$45,500	\$248,000
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	(\$20,500)	(\$45,500)	(\$45,500)	(\$45,500)	(\$45,500)	(\$45,500)	(\$248,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

All civilian members of PAB must receive training from the Maryland Police Training and Standards Commission prior to being selected for a trial board. The required training lasts two full working days, and at \$500 per day, each member would be compensated \$1,000 to attend the training. PAB currently has one civilian trial board member, but expects to have 10 civilian trial board members by the end of FY24. With 10 available trial board members, compensation related to training these members would be \$10,000 in FY24, assuming the current member is reimbursed retroactively for the time they spent training. Assuming two trial board members will turn over annually, the fiscal impact to provide training for two new members would be \$2,000 annually beginning in FY25.

In FY24, PAB expects to conduct 7 trials, and beginning in FY25 PAB expects to receive requests for 25 trial boards annually. Only one civilian trial board member is needed per trial, and members serve on an as needed basis. Trial boards generally last from 1 to 3 days. As such, compensation expenditures for the civilian member could range from \$500 to \$1,500 per trial, depending on the length of the trial. Assuming there are 25 trial boards annually, and that each lasts for 3 days, compensating the civilian member of the trial board (at a cost of \$1,500 per trial) would cost \$10,500 in FY24 and \$37,500 annually beginning in FY25. To the extent that trials last fewer than the three days assumed, the cost would be adjusted accordingly.

**Fiscal Impact Analysis**      The annual salary of the Chair of the ACC is \$22,000 and each member receives \$16,000. Currently, the Chair of the ACC is also the member of PAB chosen to serve on the ACC. As such, this provision would not impact FY24 expenditures. Beginning in FY25, it is assumed that the member of PAB chosen to serve on the ACC would no longer be the chair of the ACC, and would receive an additional \$6,000 to serve.

Police Accountability Board - Amendments						
	FY24	FY25	FY26	FY27	FY28	FY29
PAB Member Salary	\$0	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
Training	\$10,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Trial Board Compensation	\$10,500	\$37,500	\$37,500	\$37,500	\$37,500	\$37,500
Total	\$20,500	\$45,500	\$45,500	\$45,500	\$45,500	\$45,500

**Staff Impact**      The bill is not expected to impact staff time or duties.

**Actuarial Analysis**      The bill is not expected to impact retiree pension or group insurance costs.

**Information Technology Impact**      The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

**Other Information**

*Later actions that may impact revenue or*      The bill does not authorize future spending.



*expenditures  
if future  
spending is  
projected*

*Ranges of  
revenue or  
expenditures  
that are  
uncertain or  
difficult to  
project*

To the extent that the number of trial board days differs from what is assumed in the fiscal impact statement, the cost will be adjusted accordingly.

*Contributors*

Derrick D. Harrigan, Office of Management and Budget  
Earl Stoddard, Ph.D., Office of the County Executive  
Fatmata Barrie, Office of the County Executive



## LEGISLATIVE REQUEST REPORT

Bill XX-XX

*PAB ACC Trial Board - Civilian*

**DESCRIPTION:** This Bill provides compensation for the civilian member of the Police Trial Board; changes the compensation for Police Accountability Board (PAB) and Administrative Charging Committee (ACC) members; and generally, amends the language regarding the PAB and ACC.

**PROBLEM:** On April 19, 2022, the County Council enacted Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established. The law became effective on May 2, 2022. This bill, among other things, provided for compensation for the PAB & ACC members but not the trial board members.

The original language of the bill stated that the PAB member serving on the ACC will do so without compensation. We believe that is unfair to that individual. The language also listed the compensation for the Chair of the ACC as \$22,000.00. That number was proposed due to the belief that the ACC and PAB chair will always be the same person. However, that is not the case. The PAB chair shall serve or appoint another member of the PAB to the ACC, but the ACC could elect a chair who is not the PAB chair.

**GOALS AND OBJECTIVES:** To ensure that the PAB can create a pool of 10 members of the public to choose from when the Law Enforcement Agency requests a civilian member for the trial board.

To ensure the individual who is serving on both the PAB and ACC is adequately compensated.

**COORDINATION:** Office of the County Attorney and CEX via PAB & ACC.

**FISCAL IMPACT:** Office of Management and Budget.

**ECONOMIC IMPACT:** Office of Legislative Oversight.

**RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:** Office of Legislative Oversight

**EVALUATION:** To be done.



**EXPERIENCE**

**ELSEWHERE:**      Unknown

**SOURCES OF**

**INFORMATION:**      Fatmata Barrie, Esq., Executive Director, PAB & ACC

**APPLICATION**

**WITHIN**

**MUNICIPALITIES:**

**PENALTIES:**