



Committee: Joint
Committee Review: Completed
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #2A
October 1, 2024
Action

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

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Public Safety (PS) and Government Operations and Fiscal Policy (GO) Committees jointly recommend enactment of Bill 12-24 with amendments.

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

- The Joint Committee voted to recommend enactment of Bill 12-24 with one amendment. The amendment deletes from the bill a provision that would have provided retroactive compensation to civilian trial board members. The provision was inconsistent with state law.

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M E M O R A N D U M

September 26, 2024

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

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

PURPOSE: Action – roll call vote expected

COMMITTEE RECOMMENDATION: Enact Bill 12-24 with an amendment.

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation, sponsored by the Council President at the request of the County Executive, was introduced on June 18, 2024. A public hearing occurred on July 9, 2024. Bill 12-24 was reviewed jointly by the PS and GO Committees on September 23. The Committee recommended enactment of the bill with one amendment.

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).

SUMMARY OF IMPACT STATEMENTS

Racial Equity and Social Justice Impact. “The Office of Legislative Oversight (OLO) anticipates Bill 12-24 will have a minimal impact on racial equity and social justice (RESJ) in the County, given the current limitations of the Police Accountability Board and the Administrative Charging Committee to enhance accountability for police misconduct and the small amount of resources expected to be devoted to this Bill.”

Fiscal Impact. Per the Office of Management and Budget (OMB): “The Bill is expected to increase annual expenditures 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.”

Economic Impact. “The Office of Legislative Oversight (OLO) anticipates that Bill 12-24 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.”

Climate Assessment. “The Office of Legislative Oversight (OLO) anticipates that Bill 12-24 will have no impact as the bill is proposing changes to an existing committee whose function does not impact the County’s contribution to addressing climate change.”

SUMMARY OF PUBLIC TESTIMONY

The Silver Spring Justice Coalition submitted testimony that it supports the bill with the following recommendations for amendments:

- “We therefore recommend that the Trial Board PAB-appointees be compensated for the time they must spend outside of the actual trial days, which includes time spent studying the record and reviewing and editing the Trial Board’s report. This could simply be paid at an hourly rate based on time reported by the Trial Board member, or any other mechanism that the Council determines will ensure that Trial Board members spend the time necessary to do their job well and be compensated for that time.”

- “Second, we suggest amending the phrase “for each day spent in trial” to clarify that if a trial lasts longer than eight hours, there will be an adjustment to their compensation.”

The Montgomery County Taxpayers League submitted the following comments regarding the bill:

- “We take exception to the proposed compensation for the ACC civilian trial board members. The Fiscal Impact Statement estimate of \$218,000 over 6 years for training and compensation is way out of line with the time served and expectations for good citizenship.”
- “Citizens should be encouraged to serve as trial board members, but we believe \$500/day is way out of line, since jury duty pays only \$30/day, and worse can lead to patronage assignments. Further, we believe the number in the trial board pool of 10 is far too high based on current experience and additions should be done incrementally as experience is gained with trial demand shifts. We would recommend a rotating pool annually, perhaps done as an adjunct to the jury pool selection process, to reduce administrative costs. We further recommend just in time training to minimize training for those who don’t serve, and to assure training is timely.”

SUMMARY OF THE JOINT COMMITTEE’S WORKSESSION

The Joint Committee considered the following issues, and adopted one amendment (described below), regarding Bill 12-24.

1. Civilian Trial Board Members

The Committee discussed with Dr. Stoddard (ACOA) and Mr. Gilman-Reilly (Director of the PAB and ACC) recruitment efforts for civilian trial board members and how Bill 12-24 is expected to affect such efforts. Executive staff reported that the goal is to recruit a pool of 10 civilian members, and currently there are four available members.

2. Amendment – Delete Retroactive Compensation to Trial Board Members

Under Bill 12-24, civilian trial board members would receive retroactive compensation (of \$500) for each day spent in trial or training since July 1, 2022. This retroactive compensation would not be permissible under Article 3, Section 35 of the Maryland Constitution, which provides:

Extra compensation may not be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service has been rendered, or the contract entered into; nor may the salary or compensation of any public officer be increased or diminished during his term of office except those whose full term of office is fixed by law in excess of 4 years....

Given that extra compensation may not be given for services rendered, the Joint Committee voted to delete Section 2 of the bill as follows:

[[Sec. 2. Retroactive application:

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

3. Rate of Compensation for Trial Board Members

The Committee discussed the selection of \$500 as the daily rate for civilian trial board members. Among other issues, Councilmembers discussed trial board rates utilized by other counties. The Administrative Director for the PAB and ACC shared the following with the Committee:

The goal in determining compensation was to find a mid-range salary to empower any person from any walk of life of participate in this critical community function. Unlike service on a grand jury or trial jury, there is no statutory provision requiring that trial board members receive time off from their employers to participate in proceedings. *See Courts and Judicial Proceedings §§ 8-501 and 8-502.* Therefore, we expect that many people will have to take vacation from work, if they have it, or more likely lose hours of pay in order to serve. It was important that not only financially stable residents with sufficient work flexibility could serve. Finally, these cases require significant time to prepare. Trial board members are called upon to review case files, video, testimony, and other evidence; the hours worked during a trial board hearing itself are not the full extent of the time investment.

We believe that the proposed \$500 per day recognizes, in part, the preparatory work that may be required by trial board members to prepare for trials. Further, there would be absolutely no way to judge what an appropriate level of preparatory work for any individual case would entail. Essentially, other than taking the trial board members at their word, there would be no way to independently validate or audit the use of those funds. These are taxpayer-funded activities; providing compensation only under verifiable billing conditions eliminates opportunities for—or appearance of—impropriety by those receiving the compensation.

The Committee agreed to use the rate of \$500 a day, with the understanding that the issue will be revisited prior to the FY26 budget.

NEXT STEP: Roll call vote on whether to enact Bill 12-24, as amended by the Joint Committee.

This packet contains:

Bill 12-24

County Executive's Memorandum (with enclosures)

Circle #

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Bill No. 12-24
Concerning: Police – Police
Accountability Board and
Administrative Charging Committee –
Compensation
Revised: 9/23/2024 Draft No. 2
Introduced: June 18, 2024
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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

Boldface	<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:

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

35-24. Police Accountability Board.

* * *

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

* * *

(3) The [Chair or another] Board member designated to serve on the Administrative Charging Committee must serve on the Board without compensation except for the reimbursement of expenses incurred in attending meetings or carrying out other duties, including travel and dependent care costs at rates established by the County, subject to appropriation. Except for the Board member designated to serve on the Administrative Charging Committee, [The] the annual salary for the Chair is \$16,000 and the annual salary for each other Board member is \$10,000. The salary for 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.

* * *

35-25. Administrative Charging Committee.

* * *

(f) *Compensation.* The annual salary for [the Chair is \$22,000 and the annual salary for] each Committee member is \$16,000. The annual salary of the member of the Police Accountability Board chosen to concurrently serve 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.]] Sec. 2. 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.

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 incongruency between effort and compensation.

Please reach out to Earl Stoddard, Assistant Chief Administrative Officer at 240-777-2469 or 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

By: Council President at the Request of the County Executive

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

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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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.

Approved:

Andrew Friedson, President, County Council

Date

Approved:

Marc Elrich, County Executive

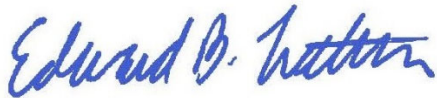
Date

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



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:

PAB/ACC/Trial Board Compensation Structure

Position	Established (5/2/2022) Annual Salary*	Current (5/15/2024) Annual Salary*	Proposed Amendment Annual Salary*
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.

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

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 12-24 will have no impact as the bill is proposing changes to an existing committee whose function does not impact the County's contribution to addressing climate change.

BACKGROUND AND PURPOSE OF BILL 12-24

On April 19, 2022, the Montgomery County Council enacted Expedited Bill 49-21, which established the Police Accountability Board and the Administrative Charging Committee. Under Maryland law, each county is required to establish a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC) that review complaints of police misconduct from members of the public and provide policy advice on disciplinary matters, among other responsibilities. The PAB also appoints civilian members of the public to a trial board, which may be requested by an officer charged with police misconduct if they do not accept the discipline recommendation of the ACC.¹

When the PAB and ACC were established in 2022, the legislation provided compensation for PAB and ACC members but not for trial board members. According to a memorandum from the County Executive, this has made it difficult to attract community members to serve on the trial board since they either have to take personal leave or lose paid work hours to serve.² Bill 12-24 proposes that civilian members appointed to serve on trial boards receive \$500 per day for serving during a trial and during the two day training required for trial board service.³

Bill 12-24 also proposes changes to the PAB and ACC compensation structure, illustrated in the table below. When the PAB and ACC were first established, it was assumed the PAB chair would also be chosen to serve on the ACC. The proposed amendment seeks to ensure the individual chosen to serve on both the PAB and ACC is appropriately compensated at the rate of \$22,000, regardless of whether the individual serves as chair of the PAB.⁴

¹ [Bill 12-24 Introduction Staff Report](#), Montgomery County Council, June 18, 2024.

² [Memo from the County Executive included in the Bill Introduction Packet](#), June 18, 2024.

³ [Bill 12-24 Introduction Staff Report](#), Montgomery County Council, June 18, 2024.

⁴ [Memo from the County Executive included in the Bill Introduction Packet](#), June 18, 2024.

Position	Established Annual Salary (2022)	Current Annual Salary with Adjustment (2024)	Proposed Amendment Annual Salary
PAB Chair who also sits on the ACC	\$22,000	\$24,280.51	\$24,280.51
If PAB Chair does not sit on the ACC	-	-	\$17,658.55
PAB member designated to sit on the ACC	-	-	\$24,280.51
PAB Member	\$10,000	\$11,036.60	\$11,036.60
ACC Member	\$16,000	\$17,658.55	\$17,658.55
Trial Board Member	-	-	\$500/day

Source: [Introduction Staff Report for Bill 12-24](#)

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation, was introduced by the Council at the request of the County Executive on June 18, 2024.

ANTICIPATED IMPACTS

As the bill is proposing changes to an existing committee whose function does not impact the County’s contribution to addressing climate change, OLO anticipates Bill 12-24 will have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹ OLO does not offer recommendations or amendments as Bill 12-24 is likely to have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Bill 12-24

Police – Police Accountability Board and Administrative Charging Committee – Compensation

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 12-24 would have an insignificant impact on economic conditions in the County in terms of the Council's priority indicators.

BACKGROUND AND PURPOSE OF BILL 12-24

On April 19, 2022, the Montgomery County Council enacted Expedited Bill 49-21, which established the Police Accountability Board and the Administrative Charging Committee. Under Maryland law, each county is required to establish a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC) that review complaints of police misconduct from members of the public and provide policy advice on disciplinary matters, among other responsibilities. The PAB also appoints civilian members of the public to a trial board, which may be requested by an officer charged with police misconduct if they do not accept the discipline recommendation of the ACC.¹

When the PAB and ACC were established in 2022, the legislation provided compensation for PAB and ACC members but not for trial board members. According to a memorandum from the County Executive, this has made it difficult to attract community members to serve on the trial board since they either have to take personal leave or lose paid work hours to serve.² Bill 12-24 proposes that civilian members appointed to serve on trial boards receive \$500 per day for serving during a trial and during the two day training required for trial board service.³

Bill 12-24 also proposes changes to the PAB and ACC compensation structure, illustrated in the table below. When the PAB and ACC were first established, it was assumed the PAB chair would also be chosen to serve on the ACC. The proposed amendment seeks to ensure the individual chosen to serve on both the PAB and ACC is appropriately compensated at the rate of \$22,000, regardless of whether the individual serves as chair of the PAB.⁴

¹ Introduction Staff Report for Bill 12-24.

² See memo from County Executive in the Introduction Staff Report.

³ Introduction Staff Report for Bill 12-24.

⁴ See memo from County Executive in the Introduction Staff Report.

Position	Established Annual Salary (2022)	Current Annual Salary with Adjustment (2024)	Proposed Amendment Annual Salary
PAB Chair who also sits on the ACC	\$22,000	\$24,280.51	\$24,280.51
If PAB Chair does not sit on the ACC	-	-	\$17,658.55
PAB member designated to sit on the ACC	-	-	\$24,280.51
PAB Member	\$10,000	\$11,036.60	\$11,036.60
ACC Member	\$16,000	\$17,658.55	\$17,658.55
Trial Board Member	-	-	\$500/day

Source: [Introduction Staff Report for Bill 12-24](#)

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation, was introduced by the Council at the request of the County Executive on June 18, 2024.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 12-24 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁵

The Bill would increase compensation for PAB, ACC, and trial board members. The Fiscal Impact Statement projects that the Bill would increase total compensation by \$45,000 annually from FY25 to FY29. While the change in policy would benefit the residents who receive the compensation increase, the total number of residents impacted would be few. For this reason, OLO anticipates that the Bill would have an insignificant impact on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

⁵ Montgomery County Code, Sec. 2-81B.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

[Bill 12-24 Introduction Staff Report](#), Montgomery County Council, June 18, 2024.

[Memo from the County Executive included in the Bill Introduction Packet](#), June 18, 2024.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

BILL 12-24: POLICE – POLICE ACCOUNTABILITY BOARD AND ADMINISTRATIVE CHARGING COMMITTEE – COMPENSATION

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 12-24 will have a minimal impact on racial equity and social justice (RESJ) in the County, given the current limitations of the Police Accountability Board and the Administrative Charging Committee to enhance accountability for police misconduct and the small amount of resources expected to be devoted to this Bill.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social inequities that have caused racial and social disparities.²

PURPOSE OF BILL 12-24

On April 19, 2022, the Montgomery County Council enacted Expedited Bill 49-21, which established the Police Accountability Board (PAB) and the Administrative Charging Committee (ACC).³ Under Maryland law, each county is required to establish a PAB and an ACC that review complaints of police misconduct from members of the public and provide policy advice on disciplinary matters, among other responsibilities. The PAB also appoints civilian members of the public to a trial board, which may be requested by an officer charged with police misconduct if they do not accept the discipline recommendation of the ACC.⁴

When the PAB and ACC were established in 2022, the legislation provided compensation for PAB and ACC members but not for trial board members.⁵ According to a memorandum from the County Executive, this has made it difficult to attract community members to serve on the trial board since they either have to take personal leave or lose paid work hours to serve.⁶ Bill 12-24 proposes that civilian members appointed to serve on trial boards receive \$500 per day for serving during a trial and during the two day training required for trial board service.⁷

Bill 12-24 also proposes changes to the PAB and ACC compensation structure, illustrated in the table on the following page. When the PAB and ACC were first established, it was assumed the PAB chair would also be chosen to serve on the ACC. The proposed amendment seeks to ensure the individual chosen to serve on both the PAB and ACC is appropriately compensated at the rate of \$22,000, regardless of whether the individual serves as chair of the PAB.⁸

Position	Established Annual Salary (2022)	Current Annual Salary with Adjustment (2024)	Proposed Amendment Annual Salary
PAB Chair who also sits on the ACC	\$22,000	\$24,280.51	\$24,280.51
If PAB Chair does not sit on the ACC	-	-	\$17,658.55
PAB member designated to sit on the ACC	-	-	\$24,280.51
PAB Member	\$10,000	\$11,036.60	\$11,036.60
ACC Member	\$16,000	\$17,658.55	\$17,658.55
Trial Board Member	-	-	\$500/day

Source: Introduction Staff Report for Bill 12-24.

Bill 12-24, Police – Police Accountability Board and Administrative Charging Committee – Compensation, was introduced by the Council at the request of the County Executive on June 18, 2024.

In January 2022, OLO published a RESJIS for Expedited Bill 49-21, Police — Police Accountability Board — Administrative Charging Committee — Established.⁹ Please refer to this RESJIS for background on racial inequities and disparities in policing and a detailed overview of civilian oversight boards.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 12-24 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO anticipates Bill 12-24 will have a minimal impact on RESJ in the County. Historical and contemporary racial inequities in policing drive the overrepresentation of BIPOC in law enforcement interactions,¹⁰ including in uses of force, arrests, and traffic stops. BIPOC are therefore most likely to benefit from any improvements in accountability for police misconduct through the PAB and ACC.¹¹ However, as described in the RESJIS for Bill 49-21, in contrast to civilian oversight boards that are investigation-focused, the review-focused structure of the County’s PAB and ACC (Appendix) has many limitations in enhancing police accountability.¹² Further, the small amount of resources expected to be devoted to this Bill – approximately \$45,000 annually –¹³ is unlikely to meaningfully impact local racial inequities and disparities in policing.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁴ OLO anticipates Bill 12-24 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid.

³ [“Montgomery County Council votes to establish a Police Accountability Board and Administrative Charging Committee in Montgomery County,”](#) Montgomery County Council, April 19, 2022.

⁴ [Introduction Staff Report for Bill 49-21](#), Montgomery County Council, Introduced December 14, 2021.

⁵ [Introduction Staff Report for Bill 12-24](#), Montgomery County Council, Introduced June 18, 2024.

⁶ Memo from County Executive included in Introduction Staff Report for Bill 12-24, May 22, 2024.

⁷ Introduction Staff Report for Bill 12-24

⁸ Memo from County Executive, Introduction Staff Report for Bill 12-24

⁹ [RESJS for Expedited Bill 49-21](#), Office of Legislative Oversight, January 10, 2022.

¹⁰ Elaine Bonner-Tompkins, [OLO Report 2023-6: “Addressing Racial Inequity in the School to Prison Pipeline,”](#) Office of Legislative Oversight, June 27, 2023, pg. 26.

¹¹ Ibid.

¹² Ibid.

¹³ Fiscal Impact Statement, Introduction Staff Report for Bill 12-24, PDF pg. 14.

¹⁴ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

APPENDIX

Montgomery County

Police Accountability Board **Versus**

Administrative Charging Committee

	VS.	
<p>PAB is composed of nine public voting members, appointed by the County Executive and confirmed by the County Council</p>	VS.	<p>ACC is composed of five members-the chair of PAB, two appointed civilian members by the PAB, and two civilian members appointed by the Chief Executive Officer of the County</p>
<p>Refer each complaint of police misconduct filed with the PAB to the appropriate law enforcement agency within 3 days after receipt for investigation</p>	VS.	<p>Upon the completion of the law enforcement agency's investigation, the agency forwards the investigatory file to the ACC</p>
<p>Work with law enforcement agencies and other stakeholders to review, provide policy advice and report on, disciplinary matters stemming from public complaints about police misconduct</p>	VS.	<p>Reviews investigatory file and determines whether to discipline the officer</p>
<p>Hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more law enforcement officers</p>	VS.	<p>Issues written disciplinary opinion detailing findings, determinations, and recommendations within 1 year & 1 day of filing of complaint</p>



PAB Email: mocopab@montgomerycountymd.gov
 Phone: (240) 777-2530
 PAB Website: www.mocopab.org
 AAC Email: mocoacc@montgomerycountymd.gov

Source: [2023 Annual Report](#), Montgomery County Police Accountability Board.

Testimony Bill 12-24, PAB/ACC Compensation 7/9/2024- Revised

Montgomery County Taxpayers League

Gordie Brenne, Treasurer

The proposed compensation for Police Accountability Board (PAB) Chair and designated PAB member to Chair the Administrative Charging Committee (ACC) is acceptable, assuming the Fiscal Impact Statement analysis is correct that in FY'25 the member of the PAB chosen to serve on the ACC would no longer be chair of the ACC and would receive an additional \$6,000 to serve.

We take exception to the proposed compensation for the ACC civilian trial board members. The Fiscal Impact Statement estimate of \$218,000 over 6 years for training and compensation is way out of line with the time served and expectations for good citizenship.

Citizens should be encouraged to serve as trial board members, but we believe \$500/day is way out of line, since jury duty pays only \$30/day, and worse can lead to patronage assignments. Further, we believe the number in the trial board pool of 10 is far to high based on current experience and additions should be done incrementally as experience is gained with trial demand shifts. We would recommend a rotating pool annually, perhaps done as an adjunct to the jury pool selection process, to reduce administrative costs. We further recommend just in time training to minimize training for those who don't serve, and to assure training is timely.

We would also like to thank you for this opportunity to testify before the Council. As we think about the importance of citizen input to achieve social justice and equity, we are reminded there won't be an opportunity to complete a citizen petition for a section 305 unanimous vote referendum that would compete against the Council sponsored referendum resolution introduced this morning. The referendum resolution was based on a flimsy Charter Review Commission's analysis that didn't include a Social Justice and Equity Impact analysis. While it may not seem reasonable to some to expect good government practices to apply to all Council decisions, the Taxpayers League believes only referendum reforms will take decisions out of the hands of back room political deal makers as happened for referendum Questions A and C in 2020, and is happening again for the section 305 referendum resolution. Our draft testimony against the Section 305 resolution is attached.

Staff Analysis

https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16189&meta_id=180975



**Testimony in Support of Bill 12-24, Police Accountability Board and Administrative
Charging Committee – Compensation
Submitted July 5, 2024**

Silver Spring Justice Coalition, a leading community-based organization advocating for police accountability in Montgomery County, supports Bill 12-24, so that there can be a more effective police disciplinary system. However, we have a few concerns that we hope the Council will address.

For example, SSJC supports compensation for members of the PAB, ACC, and the PAB-appointed civilians who serve on a Trial Board. For this reason, we support the bill's payment of \$500 for each day during the trial and for required training. However, we have concerns about the phrase "for each day spent in trial." If the PAB member is only to be paid for each day spent in trial, it fails to pay the Trial Board member for an essential and thorough review of all pertinent records submitted to the Trial Board and reviewing and editing the Trial Board's report. This is an important step in the adjudication process, which could require a substantial amount of time. It is unrealistic and unfair to expect this labor to be without compensation.

We therefore recommend that the Trial Board PAB-appointees be compensated for the time they must spend outside of the actual trial days, which includes time spent studying the record and reviewing and editing the Trial Board's report. This could simply be paid at an hourly rate based on time reported by the Trial Board member, or any other mechanism that the Council determines will ensure that Trial Board members spend the time necessary to do their job well and be compensated for that time.

Second, we suggest amending the phrase "for each day spent in trial" to clarify that if a trial lasts longer than eight hours, there will be an adjustment to their compensation.

We support the technical changes clarifying the compensation for the PAB member who also serves on the ACC.

We also want to take this opportunity to raise two larger issues regarding the PAB and ACC that we believe are critical to enabling these institutions to fulfill their mandate of providing meaningful community oversight of police discipline and improving policing in this County.

First, we understand that a search is underway for a new staff Director for the boards. Our regular attendance at PAB meetings has left us concerned that in the past, this position was not given the support and resources needed to ensure its success. It is critical that whoever is in this position receive consistent and constructive feedback and institutional support. It is also clear that the board needs someone who is able to perform research on their behalf and present the findings of such research to assist them in formulating policy recommendations. If this is not something that the Director can or should do, then the Council should ensure that there is additional funding to hire, even on a contract basis, someone with expertise in this critical area.

Second, we urge the Council to express its support for the ACC to give to the PAB access to the full record of each disciplinary proceeding after the ACC completes its review and issues its decision. Presently, as far as we know, the PAB receives only the ACC's written decision. Having reviewed one of these decisions (which was provided to us by a member of the public whose complaint was adjudicated), we were able to confirm how limited these decisions are. It is hard to understand how the PAB can do its job in making policy recommendations "to improve matters of policing" and to conduct a meaningful "review [of] outcomes of disciplinary matters," or to "identify trends in the disciplinary process and make . . . recommendations on changes to policy that would improve police accountability" with only the skeletal ACC decision to review. See MD Public Safety Article, §3-102. The ACC must make the full record available to them. We believe that the current language in the MPAA permits the provision of the full record. If the Council disagrees, then we would ask you to consider amending Montgomery County Code Section 35-23 to make this clear.

We appreciate your continued attention to the important work of our accountability and disciplinary boards, and thank you for considering our testimony.