

MEMORANDUM

July 20, 2020

TO: Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney
Susan J. Farag, Legislative Analyst

SUBJECT: Bill 24-20, Administration – Police – Assistant Chiefs of Police
Executive Regulation No. 3-20 (Assistant Chief of Police (Civilian))
Executive Regulation No. 4-20 (Assistant Chief of Police (Sworn))

PURPOSE: Worksession – Committee to make recommendations¹

Bill 24-20, Sworn and Civilian Assistant Chiefs of Police, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on June 16, 2020. A public hearing was held on July 7 at which four people testified.

Bill 24-20 would create a non-merit civilian assistant chief of police position and rename the existing non-merit assistant chief of police positions. In addition to Bill 24-20, the Committee is scheduled to discuss two regulations to implement Bill 24-20 at this worksession.

Background

The Montgomery County Police Department (MCPD) currently has four operational bureaus, each overseen by an Assistant Chief. MCPD has a Patrol Services Bureau, Investigative Bureau, Field Services Bureau, and a Management Services Bureau. The Assistant Chiefs are responsible for daily oversight of all functions within each bureau, ensure compliance with all departmental policies, help determine budgetary and staffing needs, and work together to identify, formulate, and implement new, more efficient departmental practices as needed.

The new Assistant Chief of Police (Civilian) would oversee a fifth bureau to be named the Community Resources Bureau. According to the County Executive, the new Bureau will oversee the Community Engagement Division, the Policy and Planning Division, and the Public Information Office. The new Civilian Assistant Chief will also be responsible for creating an evidence-based policing unit to research best practices. Creation of this new position and departmental bureau will enable the Department to:

¹ #MoCoAsstPoliceChief

- enhance community engagement efforts and continue to build trust in the community;
- enhance department communications with the public;
- structure the department in the most effective manner to deliver police services;
- align organizational units with similar missions to eliminate silos and enhance efficiencies;
- balance span of control to provide greater supervision and accountability; and
- create a framework for evolving needs of the community and department.

Council staff comments: There are no legal issues with Bill 24-20.

Sworn and Civilian Assistant Police Chief Regulations

Today the Committee will consider the Executive's proposed regulations that update the duties and requirements for sworn Assistant Chiefs, and create new regulations detailing duties and requirements for the civilian Assistant Chief.

The Executive's transmittal memorandum says that the regulations were advertised in the April 1, 2020 issue of the Montgomery County Register. No comments were received. Fiscal impact statements for the regulations are also included. The Executive's transmittal memorandum is on ©4, and a fiscal impact statement is on ©6. A clean copy of the proposed regulation 3-20 as submitted by the Executive is included on ©16-18; the bracketed and underlined copy is included on ©13-15. A clean copy of the proposed regulation 4-20 as submitted by the Executive is included on ©22-24; the bracketed and underlined copy is included on ©19-21.

Executive Regulation No. 3-20 (Assistant Chief of Police (Civilian))

The proposed regulation establishes duties and qualifications of the new civilian Assistant Chief. The position requires at least seven years of progressively responsible leadership experience, including five years in a management level capacity. The position requires a bachelor's degree in public administration, public policy, business administration, criminal justice, law, or another related field. An equivalent combination of experience and education may be substituted.

Executive Regulation No. 4-20 (Assistant Chief of Police (Sworn))

This regulation is amended to reflect the five bureaus within the Police Department. It specifies that a sworn Assistant Chief may act in the absence of the Police Chief. It also changes the experience requirements slightly to ensure parity with those required for the Civilian Assistant Chief position. A sworn Assistant Chief position requires seven years of progressively responsible leadership in police work, five of which is in a management capacity (Lieutenant or above), and one of which was at the Captain level or equivalent. The position also requires a bachelor's degree. An equivalent combination of experience and education may be substituted.

Council staff comments:

According to the Executive’s Fiscal Impact Statement, this bill will not affect County revenues and changes to expenditures will be minimal. The Department plans to abolish a vacant Captain’s position in order to create the new Civilian Assistant Chief Position. While the Captain position’s mid-point is \$129,765, the new Civilian Assistant Chief Position will be a grade X-III position on the Executive Leadership Salary Scale. The midpoint for that salary band is \$157,505. Council staff agrees that any fiscal impact depends on the actual salary provided and will likely be minimal. Council staff notes that a civilian Assistant Chief will also have lower retirement benefit costs as well. Council staff recommends approval of the regulations as submitted by the Executive.

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Bill No. 24-20
Concerning: Administration – Police
– Assistant Chiefs of Police 1
Revised: _____ Draft No. _____
Introduced: June 16, 2020
Expires: December 16, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
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) create a non-merit civilian assistant chief of police position,
- (2) rename the existing non-merit assistant chief of police positions; and
- (3) make other stylistic changes.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-43

Boldface	<i>Heading or a 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. Section 2-43 is amended as follows:**

2 **Sec. 2-43. Organization and functions.**

3 (a) The Department of Police includes the County police, Division of
4 County Security, and the Animal Services Division. The Department
5 has the authority, functions and activities prescribed by law.

6 (b) The Department has five non-merit positions: four Assistant Chief of
7 Police (Sworn) positions and one Assistant Chief of Police (Civilian)
8 position. [Four positions of Assistant Chief of Police are non-merit
9 positions].

10 (c) Any reference in this Code or in regulation or other document to
11 “superintendent of police” or “superintendent” means “Director of
12 Police,” or “Chief of Police,” or “Director”

LEGISLATIVE REQUEST REPORT

Bill 24-20

Administration – Police – Assistant Chiefs of Police

DESCRIPTION: This bill revises §2-43 to create a non-merit civilian Assistant Chief of Police position and rename the existing Assistant Chief of Police positions.

PROBLEM: The County Executive and County Council expects the Montgomery County Police Department to be more engaged, transparent and accountable to the community as evidenced by the passage and proposal of recent legislations.

GOALS AND OBJECTIVES: The creation of the 5th Assistant Chief of Police will focus on community relations and evidenced-based policing.

COORDINATION: Office of the Chief Administrative Officer

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Legislative Oversight

EVALUATION: Subject to the general oversight of the County Executive and the County Council. The Office of the County Attorney will evaluate for form and legality.

EXPERIENCE ELSEWHERE: To be researched

SOURCES OF INFORMATION: Caroline Sturgis
Assistant Chief Administrative Officer

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A



OFFICE OF THE COUNTY EXECUTIVE
Rockville, Maryland 20850

Marc Elrich
County Executive

MEMORANDUM

May 6, 2020

TO: Sidney Katz, President, Montgomery County Council

FROM: Marc Elrich, County Executive 

RE: **Proposed Legislation: Sworn and Civilian Assistant Chiefs of Police**

I am transmitting for Council introduction the attached legislation which would create a non-merit civilian Assistant Chief of Police position and rename the existing Assistant Chief of Police position. The creation of the fifth Assistant Chief of Police (Civilian) position supports my vision for thriving youth and families as well as safe neighborhoods by strengthening the Montgomery County Police Department's (Department) focus on community engagement and evidence-based policing. The vision addresses the expectations of the Council to be a more engaged, transparent and accountable Department to the community as evidenced by the passage and proposal of recent bills.

The Assistant Chief of Police (Civilian) would oversee a fifth bureau to be named the Community Resources Bureau (Bureau). The new Bureau will oversee the Community Engagement Division, the Policy and Planning Division, and the Public Information Office. The new Assistant Chief of Police (Civilian) would be responsible for creating the Evidence-Based Policing Unit to research and discover best practices within this concept. Creation of this Assistant Chief of Police (Civilian) position and Bureau will support a reorganization that allows the Department to:

- Enhance community engagement efforts and continue to build trust in the community
- Enhance department communications with the public
- Structure the department in the most effective manner to deliver police services
- Align organizational units with similar missions to eliminate silos and enhance efficiencies
- Balance span of control to provide greater supervision and accountability
- Create a framework for evolving needs of the community and department

Montgomery County Code § 1A-104(b)(2) requires that each of these positions be supported by a position description established by executive regulation under method (1).

Executive Regulation No. 3-20 (Assistant Chief of Police (Civilian)) and 4-20 (Assistant Chief of Police (Sworn)) were advertised in the Montgomery County Register during the period April 1, 2020 through April 30, 2020, but no comments were received. Fiscal impact statements for the regulations are also included.

With this proposed legislation I am attaching a legislative request report and Fiscal Impact Statement. I appreciate the Council's introduction of this legislation and my staff is ready to assist in any way needed.

cc: Marc Hansen, County Attorney
Dale Tibbitts, Special Assistant to the County Executive

Fiscal Impact Statement
Bill XX-20, Police – Assistant Chief (Civilian Sworn)

1. Legislative Summary

Bill XX-20 would increase the number of Assistant Chief of Police positions from four to five through the creation of a new non-merit Civilian Assistant Chief of Police position. The Bill also renames the existing non-merit Assistant Chief of Police positions to indicate that they are sworn positions.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

This Bill will not affect County revenues and changes to expenditures will be minimal. A vacant Police Captain position is being abolished to ensure that the creation of the fifth Assistant Chief (Civilian) position will be close to cost neutral. The average cost of a Police Captain (Midpoint salary = \$129,765) is roughly equivalent to the cost of a new Civilian Assistant Chief assuming a mid-point hire (Midpoint salary = \$157,505). Given the minor variance and unknown hiring salary this action is not expected to have a material impact on County expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

This Bill is expected to have a minimal impact on expenditures over the next 6 fiscal years.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Bill XX-20 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

There is no additional staff time needed to implement the bill.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

The Civilian Assistant Chief will oversee a newly created bureau within the Department, the Community Relations Bureau. When this bureau is created, several currently existing divisions will be transferred into this bureau to increase oversight and limit span of control to ensure quality of services. The current plan is to transfer the Community Engagement Division, Policy and Planning Division, and the Public Information Office into this new bureau. In addition, Police is planning to merge the School Resource Officer program into the Community Engagement Division. Finally, this Assistant Chief

would research and implement evidence-based policing models through the entire department via the Policy and Planning Division.

By taking these programs from existing bureaus, it will reduce the span of control for three of the current bureau Chiefs. However, the actual reduction in span of control for each of the bureaus would be minor, because the transferred divisions are relatively small in comparison to others in the department.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement Bill XX-20

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

This Bill will have no material fiscal impact because a vacant Police Captain position is being abolished to ensure that the creation of the fifth Assistant Chief (Civilian) position will be cost neutral. The average cost of a Police Captain is roughly equivalent to the cost of a new Civilian Assistant Chief assuming a mid-point hire.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Neil Shorb, MCPD Management and Budget Division

Trevor Lobaugh, Office of Management and Budget



Richard S. Madaleno, Director
Office of Management and Budget

4/10/20
Date

Bill 24-20

Administration – Police – Assistant Chiefs of Police

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 24-20 to have an insignificant impact on the Montgomery County economy.

BACKGROUND

Bill 24-20 would revise §2-43 of the Montgomery County Code to “create a non-merit civilian assistant chief of police position” and “rename the existing non-merit assistant chief of police positions.” The new Assistant Chief of Police position would “focus on community relations and evidenced-based policing.”¹

INFORMATION, ASSUMPTIONS and METHODOLOGIES

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

VARIABLES

Not applicable.

IMPACTS

Businesses, Non-Profits, Other Private Organizations

Workforce, operating costs, property values, capital investment, taxation policy, economic development, competitiveness, etc.

OLO believes that Bill 24-20 would have little to no impact on private organizations in the County in terms of the Council’s priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.

Residents

Employment, property values, taxes paid, etc.

OLO believes that Bill 24-20 would have little to no impact on County residents in terms of the Council’s priority indicators, namely employment, property values, and taxes paid.

¹ Montgomery County Council, Bill No. 24-20 Administration – Police – Assistant Chiefs of Police, Montgomery County, Maryland, 1-3.

WORKS CITED

Montgomery County Council. Bill No. 24-20 Administration – Police – Assistant Chiefs of Police. Montgomery County, Maryland.

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

This economic impact statement was drafted by Stephen Roblin (OLO).

From: "Jaime Koppel" <jaimekoppel@gmail.com>

Date: 7/7/2020 12:07:42 PM

To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>

Cc: "Zakiya Sankara-Jabar" <z.sankara-jabar@rjndmv.org>, "Carolyn Lowery" <carolyn@rjndmv.org>

Subject: I strongly oppose Bill 24-20, Administration – Police – Assistant Chiefs of Police

Council President Katz, members of the County Council, and County Executive Elrich,

I am deeply disturbed by the introduction of Bill 24-20. After reviewing the language, it is clear to me that the person hired for this position would be responsible for essentially lobbying community members to support police positions and requests. Creating this structure would further perpetuate the existing divide and lack of police accountability that exists in Montgomery County.

I would like to make particular note that within my overall concern with the proposed legislation, I was struck by the fact that there is particular mention of merging "the School Resource Officer program into the Community Engagement Division." Such an approach boldly ignores calls for police free schools and the many young people and families who have repeatedly indicated that SROs do not make them feel safe - opinions grounded in empirical evidence that these feelings are true.

While I see that there is "no fiscal impact", the human impact of passing this legislation would be significant and negative. At a time when many jurisdictions in our nation are boldly and necessarily responding to calls for authentic dialogue and action around what it means to defund police - divesting from harmful law enforcement approaches that criminalize communities of color and instead investing in strengths-based supports - I am beyond disappointed by this proposed action that will further entrench law enforcement approaches as the singular possible approach to ensuring public safety.

Thank you,

Jaime Tackett Koppel
Takoma Park

--

Jaime T. Koppel
646-894-1150

Good afternoon, Bill 24-20 does absolutely nothing to address the core of the real issue: police brutality. More assistant chiefs change nothing. Reform of police has proven to fail.

I must ask the white people on this council, who have called defunding and abolishing the police “extreme”, what is more extreme? A comprehensive reimagining of public safety or continuing to allow cops to murder and assault civilians with impunity?

Every act of police brutality is committed against an innocent person because our laws state that everyone is innocent until proven guilty. Police have been free to act as judge, jury and executioner. It's said “actions speak louder than words” and all I can hear from you is callous disregard for human life and safety.

In closing, we need fewer police, not more. I urge this council to dispose of this bill and redirect its energy to crafting a bill to create a Department of Public Safety that can respond flexibly and appropriately to various types of emergencies. I know it won't be easy to create such a Department from scratch, but the idea at its core is simple: Public Safety must come a place of compassion and care, the way we treat medical emergencies, instead of starting with violence like we do now by sending armed officers to every emergency, this new department would keep the few armed officers it will need only for those emergencies that reasonably require it. To do this we must first start by defunding the police, not expanding them as this bill seeks to do.

Thank you for listening and I yield the rest of my time.

From: "Roxanne Edwards" <dockrox@icloud.com>

Date: 7/6/2020 12:26:24 PM

To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>

Cc:

Subject: Montgomery County Council: Bill 24-20, Administration - Police - Assistant Chiefs of Police [July 7, 2020]

Greetings Montgomery County Council,

Here are the comments I plan to make at tomorrow's meeting (I just got notification today to do so thus less than usual 2 day lead time):

I come to this as a mother and a wife (As well as a physician, business owner and citizen whose taxes pay police salaries). While I recognize that my being an African American woman also places me at risk for being the victim of police violence, I am particularly worried for my husband and son. My kind, caring, hard working husband, who remembers being pulled over EVERY WEEK when he had a job that put him on the road at 4 a.m. every day. My beautiful, loving, insightful 21 year old son, who despite maintaining a 3.6 GPA at Georgetown University, where he also plays Division 1 football, knows he's at risk for police brutality based on the color of his skin. I helplessly watched That amazing young man cry INCONSOLABLY for only the second time in his life, in response to his seeing the televised lynching of Mr. George Floyd while the perpetrator smirked at being filmed. As calm and composed as my son usually is, he powerlessly asked his father and I, "Why do they hate us so much??"

Here are my questions:

How can the the Montgomery County Police Department prevent reprisals from other officers Against those who speak out or report inappropriate behaviors, including excessive force?

- What steps are being taken to prevent officers from using "qualified immunity" to avoid accountability for poor behavior?

- While information on terminated officers will be shared with jurisdictions inside Maryland, what's to prevent them from getting a job in another state's police department?

- How does MPD incorporate other professionals (e.g. those in mental health, medical, substance use disorders) in the work to prevent officers from having to make judgement calls when responding to those kind of situations?

On behalf of my son, on behalf of my husband, on behalf of myself, please address these issues with all deliberate speed.

Sincerely,

Roxanne Dryden-Edwards, M.D.

Sent from my iPhone



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION - ASSISTANT CHIEF OF POLICE (CIVILIAN)

Issued by: County Executive

Regulation No. 3-20

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

Register Vol. 37 No. 4

Effective Date: _____

Comment Deadline: 4/30/2020

Summary: This regulation establishes a new position description for Assistant Chief of Police (Civilian).

Staff contact: Kimberly Williams
Office of Human Resources
(240) 777-5198

Address: Executive Office Building
101 Monroe Street, Third Floor
Rockville, Maryland 20850

Background: Montgomery County Code § 1A-104(b)(2) requires that certain positions in the Executive Branch designated by law as non-merit must be supported by a position description established by executive regulation under method (1).

ASSISTANT CHIEF OF POLICE (CIVILIAN)

Description of Position.

This is senior level management work directing, coordinating and managing the administrative and operational activities for one of the five bureaus within the Police Department. This position reports to the Chief of Police. The employee in this non-merit position is appointed by the County Executive and confirmed by the County Council. The employee in this class is responsible for ensuring the delivery of police services to the



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

citizens of the County as well as providing leadership, direction and support to Police Department personnel. Employee is responsible for designing, developing and implementing Police Department policies, strategies and programs that directly impact the participants and communities within the County, and explaining initiatives to employees, citizen and business groups and government representatives to gain understanding and support. In addition, this position is responsible for fostering collaborative partnerships across bureaus in the development and implementation of strategies and initiatives to ensure effective delivery of police services.

Example of Duties.

Represents the County government and Chief of Police in various forums concerning controversial and sensitive police matters by explaining the County's goals and objectives, responding to questions, misunderstandings and apprehension, and gaining the support of groups being addressed.

Manages a large organizational unit by assigning work priorities to subordinate units in response to organizational needs overseeing the development and implementation of County, Department and unit operating and administrative procedures and memoranda of understanding with other agencies.

Sets standards for individual and organizational unit performance and coordinates evaluations, and any disciplinary action within appropriate County, collective bargaining and departmental policies and procedures.

Provides research, advice and recommendations to the Chief on a variety of police issues and concerns in order to develop new and innovative solutions, programs, policies and procedures.

Works with other departments of County Government, outside agencies and community and business leaders and organizations to address and resolve work problems, coordinate work efforts, develop partnerships and programs, and present and clarify the County and Department's position on issues and operations.

Oversees preparation and administration of organization's operating budget, including providing testimony before the County Executive and County Council.

Reviews and approves correspondence and reports prepared by subordinate employees for signature of the Police Chief.

Minimum Qualifications.

Experience: At least seven (7) years of progressively responsible leadership experience, five (5) years of which were in a management level capacity. Work in police/law enforcement environment preferred.

Education: Possession of a Bachelor's Degree in Public Administration, Public Policy, Business Administration, Criminal Justice, Law, or related field from an accredited college or university.

Equivalency: An equivalent combination of education and experience may be substituted.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

Knowledge, Skills and Abilities:

Knowledge of modern management and supervisory principles and practices.

Knowledge of legislation and developments in the field of law enforcement including police administration, patrol techniques, criminal investigations, crime prevention and the criminal justice system.

Ability to plan, organize, coordinate, lead and otherwise direct large scale and complex police projects and programs and to resolve administrative and operational issues.

Ability to establish and maintain effective working relationships with other County officials and Federal and State officials, civic and business leaders, union representatives and the general public, particularly in situations where competing and conflicting concerns, interests, goals and/or objectives require both understanding and resolution.

Note: Must be psychologically able to perform the essential functions of the job.

License: Possession of a valid motor vehicle operator's license.

Approved:

Marc Elrich, County Executive

5/6/20

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY: Ed Hatten

DATE: 3/18/20



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION - ASSISTANT CHIEF OF POLICE (CIVILIAN)

Issued by: County Executive

Regulation No. 3-20

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

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Background: Montgomery County Code § 1A-104(b)(2) requires that certain positions in the Executive Branch designated by law as non-merit must be supported by a position description established by executive regulation under method (1).

ASSISTANT CHIEF OF POLICE (CIVILIAN)

Description of Position.

This is senior level management work directing, coordinating and managing the administrative and operational activities for one of the five bureaus within the Police Department. This position reports to the Chief of Police. The employee in this non-merit position is appointed by the County Executive and confirmed by the County Council. The employee in this class is responsible for ensuring the delivery of police services to the



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

citizens of the County as well as providing leadership, direction and support to Police Department personnel. Employee is responsible for designing, developing and implementing Police Department policies, strategies and programs that directly impact the participants and communities within the County, and explaining initiatives to employees, citizen and business groups and government representatives to gain understanding and support. In addition, this position is responsible for fostering collaborative partnerships across bureaus in the development and implementation of strategies and initiatives to ensure effective delivery of police services.

Example of Duties.

Represents the County government and Chief of Police in various forums concerning controversial and sensitive police matters by explaining the County's goals and objectives, responding to questions, misunderstandings and apprehension, and gaining the support of groups being addressed.

Manages a large organizational unit by assigning work priorities to subordinate units in response to organizational needs overseeing the development and implementation of County, Department and unit operating and administrative procedures and memoranda of understanding with other agencies.

Sets standards for individual and organizational unit performance and coordinates evaluations, and any disciplinary action within appropriate County, collective bargaining and departmental policies and procedures.

Provides research, advice and recommendations to the Chief on a variety of police issues and concerns in order to develop new and innovative solutions, programs, policies and procedures.

Works with other departments of County Government, outside agencies and community and business leaders and organizations to address and resolve work problems, coordinate work efforts, develop partnerships and programs, and present and clarify the County and Department's position on issues and operations.

Oversees preparation and administration of organization's operating budget, including providing testimony before the County Executive and County Council.

Reviews and approves correspondence and reports prepared by subordinate employees for signature of the Police Chief.

Minimum Qualifications.

Experience: At least seven (7) years of progressively responsible leadership experience, five (5) years of which were in a management level capacity. Work in police/law enforcement environment preferred.

Education: Possession of a Bachelor's Degree in Public Administration, Public Policy, Business Administration, Criminal Justice, Law, or related field from an accredited college or university.

Equivalency: An equivalent combination of education and experience may be substituted.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Civilian)	Number 3-20
Originating Department Office of Human Resources	Effective Date

Knowledge, Skills and Abilities:

Knowledge of modern management and supervisory principles and practices.

Knowledge of legislation and developments in the field of law enforcement including police administration, patrol techniques, criminal investigations, crime prevention and the criminal justice system.

Ability to plan, organize, coordinate, lead and otherwise direct large scale and complex police projects and programs and to resolve administrative and operational issues.

Ability to establish and maintain effective working relationships with other County officials and Federal and State officials, civic and business leaders, union representatives and the general public, particularly in situations where competing and conflicting concerns, interests, goals and/or objectives require both understanding and resolution.

Note: Must be psychologically able to perform the essential functions of the job.

License: Possession of a valid motor vehicle operator's license.

Approved:

5/6/20

Marc Elrich, County Executive

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY:

DATE: 03/18/20



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Sworn)	Number 4-20
Originating Department Office of Human Resources	Effective Date Jan. 1, 2020

Montgomery County Regulation on

POSITION DESCRIPTION - ASSISTANT CHIEF OF POLICE (SWORN)

Issued by: County Executive

Regulation No. 4-20

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: 26-12AM

Council Review: Method (1) under Code Section 2A-15

Register Vol. 37 No. 4

Effective Date: _____

Comment Deadline: 4/30/2020

- Summary:** This regulation amends the position description for Assistant Chief of Police (Sworn).
- Staff contact:** Kimberly Williams
Office of Human Resources
(240) 777-5198
- Address:** Executive Office Building
101 Monroe Street, Third Floor
Rockville, Maryland 20850
- Background:** Montgomery County Code § 1A-104(b)(2) requires that certain positions in the Executive Branch designated by law as non-merit must be supported by a position description established by executive regulation under method (1).

COMCOR 01A.104.12 ASSISTANT CHIEF OF POLICE (SWORN)

01A.104.12.01 Description of Position.

This is senior level management work directing, coordinating and managing the administrative and operational activities of one of the [four] five bureaus within the Police Department. This position reports to the Chief of Police. The employee in this non-merit position is appointed by the County Executive and confirmed by the County Council. The employee in this class is responsible for ensuring the delivery of police services to the citizens of the County as well as providing leadership, direction and support to Police



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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Originating Department Office of Human Resources	Effective Date Jan. 1, 2020

Department personnel. Employee is responsible for designing, developing and implementing Police Department policies, strategies and programs that directly impact the participants and communities within the County, and explaining initiatives to employees, citizen and business groups and government representatives to gain understanding and support.

01A.104.12.02 Example of Duties.

Represents the County government and Chief of Police in various forums concerning controversial and sensitive police matters by explaining the County's goals and objectives, responding to questions, misunderstandings and apprehension, and gaining the support of groups being addressed.

Manages a large organizational unit by assigning work priorities to subordinate units in response to organizational needs; overseeing the development and implementation of County, Department and unit operating and administrative procedures and memoranda of understanding with other agencies.

Sets standards for individual and organizational unit performance and coordinates evaluations, and any disciplinary action within appropriate County, collective bargaining and departmental policies and procedures.

Provides research, advice and recommendations to the Chief on a variety of police issues and concerns in order to develop new and innovative solutions, programs, policies and procedures.

Works with other departments of County Government, outside agencies and community and business leaders and organizations to address and resolve work problems, coordinate work efforts, develop partnerships and programs, and present and clarify the County and Department's position on issues and operations.

Oversees preparation and administration of organization's operating budget, including providing testimony before the County Executive and County Council.

Reviews and approves correspondence and reports prepared by subordinate employees for signature of the Police Chief.

Acts in the absence of the Police Chief.

Performs other related duties including those of sworn officers generally.

01A.104.12.03 Minimum Qualifications.

Experience: [Extensive leadership experience in police work, five (5) years of which were in a management level capacity (Lieutenant or above), one (1) year of which was at a level of Police Captain or equivalent with the Montgomery County Police Department or other jurisdiction.] At least seven (7) years of progressively responsible leadership experience in police work, five (5) years of which was in a management level capacity (Lieutenant or above), one (1) year of which was at a level of Police Captain or equivalent with the Montgomery County Police Department or other jurisdiction.



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Education: Possession of a Bachelor's Degree from an accredited college or university.

Equivalency: [None.] Equivalent experience may be substituted for education.

Knowledge, Skills and Abilities:

Knowledge of modern management and supervisory principles and practices.

Knowledge of legislation and developments in the field of law enforcement including police administration, patrol techniques, criminal investigations, crime prevention and the criminal justice system.

Ability to plan, organize, coordinate, lead and otherwise direct large scale and complex police projects and programs and to resolve administrative and operational issues.

Ability to establish and maintain effective working relationships with other County officials and Federal and State officials, civic and business leaders, union representatives and the general public, particularly in situations where competing and conflicting concerns, interests, goals and/or objectives require both understanding and resolution.

Note: Must be physiologically and psychologically able to perform the essential functions of the job and be able to effectively use police weapons/equipment and vehicles in emergency conditions.

License:

Possession of a valid motor vehicle operator's license.

MD Police Certification or ability to obtain certification within six (6) months of appointment may be required. Failure to obtain certification within six (6) months could result in termination.

Approved:

5/6/20

Marc Elrich, County Executive

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY:

DATE: 3/18/20



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Assistant Chief of Police (Sworn)	Number 4-20
Originating Department Office of Human Resources	Effective Date Jan. 1, 2020

Montgomery County Regulation on

POSITION DESCRIPTION - ASSISTANT CHIEF OF POLICE (SWORN)

Issued by: County Executive

Regulation No. 4-20

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: 26-12AM

Council Review: Method (1) under Code Section 2A-15

Register Vol. 37 No. 4

Effective Date: _____

Comment Deadline: 4/30/2020

- Summary:** This regulation amends the position description for Assistant Chief of Police (Sworn).
- Staff contact:** Kimberly Williams
Office of Human Resources
(240) 777-5198
- Address:** Executive Office Building
101 Monroe Street, Third Floor
Rockville, Maryland 20850
- Background:** Montgomery County Code § 1A-104(b)(2) requires that certain positions in the Executive Branch designated by law as non-merit must be supported by a position description established by executive regulation under method (1).

COMCOR 01A.104.12 ASSISTANT CHIEF OF POLICE (SWORN)

01A.104.12.01 Description of Position.

This is senior level management work directing, coordinating and managing the administrative and operational activities of one of the five bureaus within the Police Department. This position reports to the Chief of Police. The employee in this non-merit position is appointed by the County Executive and confirmed by the County Council. The employee in this class is responsible for ensuring the delivery of police services to the citizens of the County as well as providing leadership, direction and support to Police Department personnel.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject Assistant Chief of Police (Sworn)	Number 4-20
Originating Department Office of Human Resources	Effective Date Jan. 1, 2020

Employee is responsible for designing, developing and implementing Police Department policies, strategies and programs that directly impact the participants and communities within the County, and explaining initiatives to employees, citizen and business groups and government representatives to gain understanding and support.

01A.104.12.02 Example of Duties.

Represents the County government and Chief of Police in various forums concerning controversial and sensitive police matters by explaining the County's goals and objectives, responding to questions, misunderstandings and apprehension, and gaining the support of groups being addressed.

Manages a large organizational unit by assigning work priorities to subordinate units in response to organizational needs overseeing the development and implementation of County, Department and unit operating and administrative procedures and memoranda of understanding with other agencies.

Sets standards for individual and organizational unit performance and coordinates evaluations, and any disciplinary action within appropriate County, collective bargaining and departmental policies and procedures.

Provides research, advice and recommendations to the Chief on a variety of police issues and concerns in order to develop new and innovative solutions, programs, policies and procedures.

Works with other departments of County Government, outside agencies and community and business leaders and organizations to address and resolve work problems, coordinate work efforts, develop partnerships and programs, and present and clarify the County and Department's position on issues and operations.

Oversees preparation and administration of organization's operating budget, including providing testimony before the County Executive and County Council.

Reviews and approves correspondence and reports prepared by subordinate employees for signature of the Police Chief.

Acts in the absence of the Police Chief.

Performs other related duties including those of sworn officers generally.

01A.104.12.03 Minimum Qualifications.

Experience: At least seven (7) years of progressively responsible leadership experience in police work, five (5) years of which was in a management level capacity (Lieutenant or above), one (1) year of which was at a level of Police Captain or equivalent with the Montgomery County Police Department or other jurisdiction.

Education: Possession of a Bachelor's Degree from an accredited college or university.

Equivalency: Equivalent experience may be substituted for education.

Knowledge, Skills and Abilities:



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Subject Assistant Chief of Police (Sworn)	Number 4-20
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Knowledge of modern management and supervisory principles and practices.

Knowledge of legislation and developments in the field of law enforcement including police administration, patrol techniques, criminal investigations, crime prevention and the criminal justice system.

Ability to plan, organize, coordinate, lead and otherwise direct large scale and complex police projects and programs and to resolve administrative and operational issues.

Ability to establish and maintain effective working relationships with other County officials and Federal and State officials, civic and business leaders, union representatives and the general public, particularly in situations where competing and conflicting concerns, interests, goals and/or objectives require both understanding and resolution.

Note: Must be physiologically and psychologically able to perform the essential functions of the job and be able to effectively use police weapons/equipment and vehicles in emergency conditions.

License:

Possession of a valid motor vehicle operator's license.

MD Police Certification or ability to obtain certification within six (6) months of appointment may be required. Failure to obtain certification within six (6) months could result in termination.

Approved:

5/6/20

Marc Elrich, County Executive

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY:

DATE: 3/18/20

Fiscal Impact Statement
Regulation XX-20, Police – Assistant Chief (Civilian)

1. Executive Regulation Summary

Executive Regulation XX-20 would establish a new position description for the Assistant Chief of Police (Civilian).

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No changes in County expenditures or revenues are anticipated due to this regulation. This regulation simply establishes the new position description for the Assistant Chief of Police (Civilian) position as required by Montgomery County Code § 1A-104(b)(2).

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No changes in County expenditures or revenues are anticipated over the next 6 fiscal years due to this regulation.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

No applicable.

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

Regulation XX-20 does not authorize future spending.

6. An estimate of the staff time needed to implement the regulation.

There is no additional staff time needed to implement the regulation.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The Civilian Assistant Chief will oversee a newly created bureau within the Department, the Community Relations Bureau. When this bureau is created, several currently existing divisions will be transferred into this bureau to increase oversight and limit span of control to ensure quality of services. The current plan is to transfer the Community Engagement Division, Policy and Planning Division, and the Public Information Office into this new bureau. In addition, Police is planning to merge the School Resource Officer program into the Community Engagement Division. Finally, this Assistant Chief would research and implement evidence-based policing models through the entire department via the Policy and Planning Division.

By taking these assets from existing bureaus, it will reduce the span of control for 3 of the current bureau Chiefs. However, the actual reduction in span of control for each of the bureaus would be minor, because the transferred divisions are relatively small in comparison to others in the department.

8. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement regulation XX-20.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a regulation is likely to have no fiscal impact, why that is the case.

This regulation simply establishes the new position description for the Assistant Chief of Police (Civilian) position as required by Montgomery County Code so there will be no fiscal impact.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis:

Neil Shorb, MCPD Management and Budget Division

Trevor Lobaugh, Office of Management and Budget



Richard S. Madaleno, Director
Office of Management and Budget

4-10/20

Date

Fiscal Impact Statement
Regulation XX-20, Police – Assistant Chief (Sworn)

1. Executive Regulation Summary

Executive Regulation XX-20 would amend the position description for the Assistant Chief of Police (Sworn) to reflect the addition of a fifth Assistant Chief of Police and other technical changes.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No changes in County expenditures or revenues are anticipated due to this regulation. This regulation simply amends the position description for the Assistant Chief of Police (Sworn) position due to the addition of a fifth Assistant Chief of Police.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No changes in County expenditures or revenues are anticipated over the next 6 fiscal years due to this regulation.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

No applicable.

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

Regulation XX-20 does not authorize future spending.

6. An estimate of the staff time needed to implement the regulation.

There is no additional staff time needed to implement the regulation.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The new Civilian Assistant Chief will oversee a new bureau comprised of programs transferred from existing bureaus and will reduce the span of control for three of the current sworn bureau Chiefs. However, the actual reduction in span of control for each of the bureaus would be minor, because the transferred divisions are relatively small in comparison to others in the department.

8. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement regulation XX-20.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a regulation is likely to have no fiscal impact, why that is the case.

This regulation simply amends the position description for the Assistant Chief of Police (Sworn) position to account for the addition of a fifth Assistant Chief of Police and other minor technical changes.

12. Other fiscal impacts or comments.

None.

13. The following contributed to and concurred with this analysis:

Neil Shorb, Management and Budget Division, Department of Police

Trevor Lobaugh, Office of Management and Budget



4-10-20

Richard S. Madaleno, Director
Office of Management and Budget

Date