

Agenda Item #5
March 8, 2011

Introduction

MEMORANDUM

March 4, 2011

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Introduction:** Bill 2-11, Criminal Justice Coordinating Commission – Staff Support

Bill 2-11, Criminal Justice Coordinating Commission – Staff Support, sponsored by the Council President on recommendation of the Organizational Reform Commission (ORC), is scheduled to be introduced on March 8, 2011. A public hearing is tentatively scheduled for March 29 at 7:30 p.m.

Bill 2-11 would eliminate the Criminal Justice Coordinating Commission (CJCC) Director position and require the Police Department to provide staff support to the Commission.

In its report to the Council dated January 31, 2011, ORC recommended the County eliminate the CJCC executive director position and house the Commission in the Police Department (©4). The Executive opposed this recommendation (©5). Bill 2-11 would implement the ORC recommendation as it relates to the CJCC.

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Bill No. 2-11
Concerning: Criminal Justice
Coordinating Commission – Staff
Support
Revised: 3/2/2011 Draft No. 2
Introduced: March 8, 2011
Expires: September 8, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President on the recommendation of the Organizational Reform Commission

AN ACT to:

- (1) eliminate the Criminal Justice Coordinating Commission Director position;
- (2) require the Police Department to provide staff support to the Commission; and
- (3) generally amend County law regarding the Commission.

By amending

Montgomery County Code
Chapter 2, Administration
Sections 2-26 and 2-60

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:

LEGISLATIVE REQUEST REPORT

Bill 2-11

Criminal Justice Coordinating Commission – Staff Support

DESCRIPTION: Bill 5-11 would eliminate the Criminal Justice Coordinating Commission Director position and require the Police Department to provide staff support to the Commission.

PROBLEM: The Organizational Reform Commission recommended that the director position be eliminated and the Commission housed in the Police Department.

GOALS AND OBJECTIVES: The CJCC performs an important function in helping to coordinate the programs and activities of the County's various criminal justice agencies. However, it meets only 4 times a year, does not require an annual report, and in other ways has had its duties modified in recent years. In the past, it has been staffed by County personnel who also had other duties, rather than by a dedicated staff of its own. The goal is to restructure this function to reduce County expenses in response to the County's fiscal constraints.

COORDINATION: County Executive, Police Department

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Organizational Reform Commission Report.
Amanda Mihill, Legislative Analyst, 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: Not applicable.

PENALTIES: None.

This change would result in saving a substantial portion of the \$1.7 million currently budgeted for the HRC. We propose that the HRC and Committee on Hate/Violence be combined to make their efforts more concentrated and provide a singular focal point for research and dissemination of information. This new combined commission can be aligned with the Office of Community Partnerships or another suitable entity, as determined by the Council and Executive. Finally, the activities of the Interagency Fair Housing Coordinating Group – currently supported by the Human Rights Office – should be returned to the Department of Housing and Community Affairs, from which it was removed in 1996.

c) Interagency Coordinating Board for Community Use of Public Facilities (CUPF) – Current Budget - \$9,325,840.

- *The ORC recommends a major modernization of the property management system for Community Use of Public Facilities. We also believe it is appropriate that the functions of the Office and Board move to the Department of General Services.*

Since CUPF is an enterprise fund, no taxpayer savings would be generated by these reforms, but it is highly likely that the efficiencies resulting from the moves could reduce costs to users or assist in improving services, thereby allocating a portion of its \$9.3 million budget to more effective uses.

d) Criminal Justice Coordinating Commission (CJCC) – Current Budget \$158,000 - The CJCC performs an important function in helping to coordinate the programs and activities of the County's various criminal justice agencies. However, it meets only four times a year, does not require an annual report, and in other ways has had its duties modified in recent years. In the past, it has been staffed by County personnel who also had other duties, rather than by a dedicated staff of its own.

- *The ORC believes that staff support for the CJCC does not require an executive director post that is now staffed by a high-level appointee. We recommend elimination of this position. We also recommend that the CJCC be housed in the Police Department, which would provide for its part-time staff support.*

collaboration. The operation of CUPF is intertwined closely with MCPS, and its success today is the result of many years of relationship building.

Financial impact: As noted above, no savings would be generated by moving CUPF, an Enterprise Fund, under DGS. It should also be noted that Section 44-5A of the County Charter requires reimbursing MCPS for the costs of supporting community use, which mean more than 70% of CUPF's budget is returned to MCPS to cover staff, utility, custodial, and maintenance costs, with the remaining 30% covering operations to include funds returned to the General Fund.

Another observation made by ORC was that with efficiencies, perhaps fees could be reduced. The ICB has continually worked to keep rates affordable to ensure access to public space by community groups (98% of which are non-profits) while at the same time meeting its own financial obligations. Without any tax dollar support, CUPF's fees remain among the most competitive in the area.

6. Reorganize the Criminal Justice Coordinating Commission and eliminate the Executive Director position.

County Executive Position: **Oppose with Explanation**

The Executive Director is part of the County Executive's Office and staff. I have already reduced my Office's direct support over the past few years with a 25% reduction in FY 2011 and an additional 15% recommended in my FY 2012 budget. The additional loss of another position would further compromise my staff's ability to fulfill the mission of the County Executive's Office. Placement of the Executive Director position as a collateral duty for an individual in another agency would compromise the ability to implement the work of the Commission. The Executive Director position must be a high-level, appointed position, directly representing the County Executive in order to integrate the Executive's priorities and work with the other high-level appointees on the Commission. In addition, placing the position or duties of the Executive Director in one department would create the appearance of either favoritism or a particular direction which would undermine the rationale of the Commission. Further, adding the duties to an already existing position would minimize the ability to coordinate inter-agency activities.

The Executive Director, as either a representative of me or as an ex-officio attends the following Board, Committee or Commission or agency meetings: the Disproportionate Minority Contact Committee of the Collaboration Council, the Juvenile Justice Commission, the Domestic Violence Coordinating Council, the Domestic Violence Fatality Review Team, the Commission on Veterans Affairs, the Criminal Justice Behavioral Health Initiative, and the Department of Correction and Rehabilitation's Re-Entry Program. Time constraints and the need for overall coordination would not permit that to continue if the Executive Director position were eliminated, regardless of whether those memberships are distributed among several individuals or one person.

While the full Criminal Justice Coordinating Commission (CJCC) meets quarterly, the Steering Committee meets during the intervening months (8 meetings per year) to discuss Commission policies, identify macro criminal justice issues, resolve conflicting inter-agency issues, discuss participation in agency proposals and discuss possible CJCC studies; addresses budget issues facing either individual agencies or the entire Public Safety Clusters (the Steering Committee had already been examining budget reductions and their ripple effects prior to the OMB generated cluster budget meetings); discuss participation in agency initiatives to address problems in other CJCC participating agencies (i.e. the HHS initiative to establish a diversion program to address the pressures on the District Court and the Department of Corrections and Rehabilitation); and, identify issues of macro concern for presentation to the full Commission. The Steering Committee also identifies areas where studies are required to mitigate problems being faced by one or more of the component agencies.

The public safety/criminal justice field is unique in that almost all of the participating agency criminal justice related programs are inextricably linked to the point that the elimination of a program in one agency will affect several other agencies.

As to the comment about CJCC responsibilities having been modified in recent years, if anything, those modifications have increased, rather than decreased, the responsibilities of the CJCC.

Finally, the law does not require the CJCC to write an annual report because all of its activities are part of its constituent agencies. Any additional report would be duplicative of the other submissions.

7. Enable the Workforce Investment Board and the Division of Workforce Services to coordinate oversight of the workforce grants awarded by the Executive and the Council.

County Executive's Position: **Support with Conditions**

The County Executive generally supports the ORC recommendations regarding Workforce Training with the following exceptions:

- The Division of Workforce Services (DWS) contractors should only work with the grantees to increase their knowledge and skills.
- The DWS should oversee grants and develop the network among the grantees.
- Checks are issued by the Department of Finance. Therefore, there would be no assumption about lower costs due to oversight of grants by the one-stop operator.
- Assigning DWS contractors to oversee other contractors would be problematic.