

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

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

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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.

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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.

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APPENDIX

Montgomery County

Police Accountability Board Versus Administrative Charging Committee

 <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>
Refer each complaint of police misconduct filed with the PAB to the appropriate law enforcement agency within 3 days after receipt for investigation	VS.	Upon the completion of the law enforcement agency's investigation, the agency forwards the investigatory file to the ACC
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	VS.	Reviews investigatory file and determines whether to discipline the officer
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	VS.	Issues written disciplinary opinion detailing findings, determinations, and recommendations within 1 year & 1 day of filing of complaint



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

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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