

**ADDENDUM\***

PS Item #1  
June 26, 2023  
**Committee Worksession**

**MEMORANDUM**

June 22, 2023  
Updated as of June 26, 2023

TO: Public Safety Committee

FROM: Khandikile Mvunga Sokoni, Legislative Attorney

SUBJECT: Expedited Bill 27-23, Police - Policing Advisory Commission - Repeal

PURPOSE: Committee Worksession – recommendation vote expected

**EXPECTED ATTENDEE(S):**

- Elaine Bonner-Tompkins, Office of Legislative Oversight (OLO)

Expedited Bill 27-23, Police – Policing Advisory Commission - Repeal, whose lead sponsors are Councilmembers Luedtke and Katz, was introduced on May 25, 2023. A public hearing was held on June 13, 2023, and the worksession before the Public Safety Committee is scheduled for June 26, 2023.

The bill as introduced<sup>1</sup> sought to:

- (1) repeal the law regarding the Policing Advisory Commission; and
- (2) generally amend the law regarding policing and law enforcement.

**BACKGROUND.**

- \*This staff packet is supplemented by the addition of two letters received June 26, 2023:**
- **Addendum #1: A letter from six members of the PAC including the PAC Chair, addressing the recent proposed amendments to Expedited Bill 27-23; and**
  - **Addendum #2: A letter from the Silver Spring Justice Coalition. Staff has not had the opportunity to carefully review of analyze this additional correspondence.**

The purpose of Bill 27-23 is to repeal the provisions in the County Code that provide for and govern the Policing Advisory Commission (PAC). The PAC was established by Bill No. 14-19<sup>2</sup> which was enacted on December 3, 2019, and took effect on March 13, 2020. The Bill provided that the PAC would comprise of 13 voting members (appointed by the Council), four public members nominated by the County Executive and confirmed by the Council, and two ex-officio non-voting members (the Police Chief of Police Chief's designee as well as the President of an employee organization certified under Article V of Chapter 33 or the President's designee.

On July 28, 2020, the Council, by [Resolution No: 19-573](#) appointed the Commissioners to the PAC, whose terms are set to expire on July 31, 2023. Since then there have been some vacancies on

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<sup>1</sup> The bill sponsors are putting forward proposed amendments discussed in more detail below.

<sup>2</sup> <https://apps.montgomerycountymd.gov/ccllms/BillDetailsPage?RecordId=2610&fullTextSearch=14-19>

the Commission with appointments made, by resolution, to fill the remainder of the respective vacant positions on the Commission.

By July 1 each year, the PAC must submit to the Executive and the Council an annual report on its functions, activities, accomplishments, and plans and objectives.

Subsequent to the creation of the PAC, on April 10, 2021 the State Assembly amended the Maryland Public Safety Article to among other things require each County to have a police accountability board.<sup>3</sup> The County, pursuant to this State mandate enacted [Bill No. 49-21](#), which took effect on May 2, 2022, to:

- (1) establish the Police Accountability Board for the County;
- (2) define the membership and duties of the Police Accountability Board;
- (3) establish the Administrative Charging Committee for the County;
- (4) define the membership, duties, and compensation for members of the Administrative Charging Committee; and
- (5) generally amend the law governing police accountability and discipline.

Members of the Police Accountability Board (PAB) were appointed on June 28, 2022 by [Resolution 19-1313](#), to terms that would start on July 1, 2022.

According to the sponsors of this expedited bill, the establishment of the PAB and the Administrative Charging Committee (ACC) is duplicative of the pre-existing PAC and the latter is no longer required. Hence this bill which seeks to repeal the latter Commission.

### **BILL SPECIFICS**

This expedited bill 27-23 seeks to repeal the PAC effective August 1, 2023. This would allow the terms of the current commissioners of the PAC to run their full course and lapse, as well as allow an opportunity for the PAC to present its annual report which the Commission is required to submit to Council no later than July 31<sup>st</sup>. The bill sponsors are putting forward proposed amendments discussed in more detail below.

### **PAC/PAB AND ACC COMPARISON**

A chart is included at © 30 contrasting the PAC, PAB and ACC.

### **SUMMARY OF IMPACT STATEMENTS**

In its Racial Equity and Social Justice (RESJ) Impact Statement<sup>4</sup>, OLO anticipates that Expedited Bill 27-23 could widen racial disparities in police interactions with the public by diminishing accountability for the Police.

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<sup>3</sup> Md. Public Safety Code Ann. §3-102.

<sup>4</sup> See © 46

According to the Fiscal Impact Statement, the Office of Management and Budget (OMB) states, among other things that Bill 27-23 is not expected to affect County revenues or expenditures; it is not expected to impact staff time or duties and the bill does not authorize future spending. It is also not expected to significantly impact retiree pension or group insurance costs.

In its Economic Impact Statement OLO anticipates that this bill would have insignificant impacts on private organizations, residents, and overall economic conditions in the County.

OLO's Climate Impact Statement concludes that this bill will have no climate change impact.

#### **SUMMARY OF PUBLIC HEARING TESTIMONY**

Council held a public hearing on the expedited bill as introduced on June 13, 2023. Four speakers testified at the hearing on this bill including the PAC Chair, Eric Sterling. Copies of the written testimony regarding this bill is included at © 13. Mr. Sterling, Chair of the PAC submitted testimony on behalf of the PAC opposing the bill. The written and in-person testimony was mixed with both submissions in favor of and in opposition to the bill.

#### **PROPOSED AMENDMENTS**

##### ***Amendments Proposed by Bill Sponsors***

The bill sponsors are proposing amendments to the bill so that rather than repeal the PAC they are seeking to make the following changes instead:

1. Membership amendments:
  - a. Remove the selection of one member by each Councilmember and make all four existing County Executive selections be Council selections so these 13 total members are selected by a vote of the entire Council.
  - b. Remove any age requirements for members.
  - c. Add language to the recommendation/guidance for diversity of members that includes representation from business owners or organizations, Urban Districts, homeowners' associations, common ownership communities, and tenants' associations and diversity in age of members.
2. Make the two current ex-officio members full voting members - the Fraternal Order of Police (FOP) and Police Department representatives - for a total of 15 voting members.
3. Change the name to Community Advisory Commission on Public Safety.
4. Mandate the Commission perform community outreach and discussion with an emphasis on getting feedback and input from those living or working in Equity Focus Areas.

##### ***Staff Analysis of the amendments proposed by the bill sponsors:***

With regard to the proposal to take appointment authority away from the County Executive and to reserve it all to the Council, Section 35-6 of the Code currently authorizes the County Executive to appoint four members of the PAC. The County Charter, in Section 215 provides that “...*Except for commissions appointed to advise the Council, the County Executive shall appoint, subject to the confirmation of the Council, all members of boards and commissions unless otherwise prescribed by state law or this Charter.*”

Because the PAC is a commission “created to advise the Council”, and there is no separate state law or other charter provision that provides for the County Executive to appoint PAC commissioners, as a legal matter, there is nothing that precludes the Council from taking this appointment authority away from the County Executive.

Regarding changing the number of voting members, a Commission of 15 voting members falls within the parameters of what is allowed by Charter. Section 2-146(b) of the Charter provides that “(b) *Any new board, committee, commission, or task force should have from 5 to 15 voting members.*”

Regarding the proposal to re-name the Commission to “to Community Advisory Commission on Public Safety”, staff suggest the Committee consider whether or not to define “public safety” and which specific departments fall under the umbrella of public safety for purposes of the this Commission.

### ***Amendments Proposed by Office of Legislative Oversight (OLO)***

In its RESJ Impact Statement OLO notes that there is one function of the PAC that overlaps with the PAB: both are charged to advise the Council on policing matters. Given the different priorities of the PAC (policing policies and practices) and the PAB (discipline for police misconduct), it is unlikely that each entity would offer advice to the Council on similar “policing matters.” However, to the extent that both the PAB and PAC offer advice on similar policing matters, it would only center around police misconduct and discipline, which the PAC has chosen to consider in its work. To reduce the potential for redundancy and duplicity across the PAC and PAB, Expedited Bill 27-23 could be amended to retain the PAC and preclude them only from considering policing matters relative to police misconduct and discipline that are within the scope of the PAB.

#### This packet contains:

	<u>Circle #</u>
Expedited Bill 27-23 as introduced	© 1
Md. Public Safety Code Ann. §3-101 <i>et seq.</i>	© 5
Public Hearing Testimony	© 13
Chart contrasting PAC/PAB/ACC	© 30
Expedited Bill 27-23 with proposed amendments	© 35
Fiscal Impact Statement	© 43
Economic Impact Statement	© 44
Racial Equity and Social Justice Impact Statement	© 46
Climate Assessment	© 51
Letters from 6 PAC Commissioners (from 6/26/2023)	© 53



Expedited Bill No. 27-23  
Concerning: Police – Policing Advisory Commission - Repeal  
Revised: May 22, 2023 Draft No. 1  
Introduced: May 25, 2023  
Expiration: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmembers Luedtke and Katz

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**AN EXPEDITED ACT** to:

- (1) repeal the law regarding the Policing Advisory Commission; and
- (2) generally amend the law regarding policing and law enforcement.

By repealing

Montgomery County Code  
Chapter 35  
Section 35-6

**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:*

1           **Sec. 1. Section 35-6 is repealed as follows:**

2           **35-6. [Policing Advisory Commission] Reserved.**

3           [(a) Definitions. In this Section the following words have the meanings  
4           indicated:

5                     *Commission* means the Policing Advisory Commission.

6                     *Department* means the Montgomery County Police Department.

7           [(b) Established. County Council must appoint a Policing Advisory  
8           Commission.

9           [(c) Composition and terms of members.

10                   (1) The Commission has 13 members.

11                   (2) The Council should appoint 9 public members. Each member  
12                   should represent a community organization operating in the  
13                   County or be an individual. Each Councilmember should  
14                   nominate one member.

15                   (3) The Council should appoint 4 public members nominated by the  
16                   Executive. Of these members:

17                           (A) one member should be 25 years of age or younger at the  
18                           time of appointment; and

19                           (B) one member should be 26-35 years of age at the time of  
20                           appointment.

21                   (4) The public members appointed under paragraphs (2) and (3)  
22                   should:

23                           (A) reflect a range of ethnicities, socioeconomic status, and  
24                           places of origin to reflect the racial and economic diversity  
25                           of the County's communities, including religious creed,  
26                           age, sex - including on the basis of gender identity or  
27                           orientation, disability, and geographic location, with

28 emphasis on those disproportionately impacted by  
29 inequities; and

30 (B) have an interest or expertise in policing matters.

31 (5) The Council should appoint the following as non-voting ex  
32 officio members:

33 (A) the Police Chief or the Police Chief's designee; and

34 (B) the President of an employee organization certified under  
35 Article V of Chapter 33 or the President's designee.

36 (6) The term of each member is 3 years. After an appointment to fill  
37 a vacancy before a term expires, the successor serves the rest of  
38 the unexpired term.

39 [(d) Citizens Academy participation. The public members appointed under  
40 paragraph (c) must participate in the Montgomery County Police  
41 Department Citizens Academy.

42 [(e) Voting, officers, meetings, and compensation.

43 (1) Except the ex officio members, all members of the Commission  
44 are voting members.

45 (2) The Commission must elect a Chair and Vice-Chair from among  
46 its voting members.

47 (3) The Commission meets at the call of the Chair. The Commission  
48 must meet as often as necessary to perform its duties, but not less  
49 than 6 times each year.

50 (4) A member must serve without compensation. However, a  
51 member may request reimbursement for mileage and dependent  
52 care costs at rates established by the County.

53 [(f) Duties. The Commission must:

54 (1) advise the Council on policing matters;



- 55 (2) provide information regarding best practices on policing matters;
- 56 (3) recommend policies, programs, legislation, or regulations;
- 57 (4) comment on matters referred to it by the Council;
- 58 (5) conduct at least one public forum each year for community input
- 59 on policing matters;
- 60 (6) accept correspondence and comments from members of the
- 61 public; and
- 62 (7) engage in public education.

63 [(g) Requests for information. The County, including the Police  
64 Department, should respond to Commission requests for information  
65 within 30 days after the County receives the request.

66 [(h) Annual Report. By July 1 each year, the Commission must submit to  
67 the Executive and the Council an annual report on its functions,  
68 activities, accomplishments, and plans and objectives.

69 [(i) Advocacy. The Commission must not engage in any advocacy activity  
70 at the State or federal levels unless that activity is approved by the  
71 Office of Intergovernmental Relations.

72 [(j) Staff. The Executive Director of the Office of the County Council must  
73 provide appropriate staff to the Commission.]

74 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation is  
75 necessary for the immediate protection of the public interest and that this Act takes  
76 effect on August 1, 2023.

## [Md. Public Safety Code Ann. § 3-101](#)

Current through Chapter 8 of the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-101. Definitions.**

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- (a) In this title the following words have the meanings indicated.
- (b) “Administratively charged” means that a police officer has been formally accused of misconduct in an administrative proceeding.
- (c) “Disciplinary matrix” means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.
- (d) “Exonerated” means that a police officer acted in accordance with the law and agency policy.
- (e) “Law enforcement agency” has the meaning stated in § 3-201 of this title.
- (f) “Not administratively charged” means that a determination has been made not to administratively charge a police officer in connection with alleged misconduct.
- (g) “Police misconduct” means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
  - (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
  - (2) a violation of a criminal statute; and
  - (3) a violation of law enforcement agency standards and policies.
- (h) “Police officer” has the meaning stated in § 3-201 of this title.
- (i) “Serious physical injury” has the meaning stated in [§ 3-201 of the Criminal Law Article](#).
- (j) “Superior governmental authority” means the governing body that oversees a law enforcement agency.
- (k) “Unfounded” means that the allegations against a police officer are not supported by fact.

### **History**

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[2021, ch. 59, § 3.](#)

Annotations

### **Notes**

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Editor's note. —

Md. Public Safety Code Ann. § 3-101

Acts [2021, ch. 59, § 8](#), provides that “Title 3, Subtitle 1 of the Public Safety Article, as enacted by Section 3 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to:

“(1) any bona fide collective bargaining agreement entered into on or before June 30, 2022, for the duration of the contract term, excluding any extensions, options to extend, or renewals of the term of the original contract; or

“(2) a disciplinary matter against a law enforcement officer based on alleged misconduct occurring before July 1, 2022.”

Acts [2021, ch. 59, § 12](#), provides that “except as provided in Section 11 of this Act, this Act shall take effect July 1, 2022.”

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## **Md. Public Safety Code Ann. § 3-102**

Current through Chapter 8 of the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-102. County police accountability board — Purpose — Local governing body — Complaint of police misconduct — Forwarded to law enforcement agency.**

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- (a) Each county shall have a police accountability board to:
  - (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
  - (2) appoint civilian members to charging committees and trial boards;
  - (3) receive complaints of police misconduct filed by members of the public; and
  - (4)
    - (i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
    - (ii) on or before December 31 each year, submit a report to the governing body of the county that:
      - 1. identifies any trends in the disciplinary process of police officers in the county; and
      - 2. makes recommendations on changes to policy that would improve police accountability in the county.
- (b)
  - (1)
    - (i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:
      - 1. establish the membership of a police accountability board;
      - 2. establish the budget and staff for a police accountability board;
      - 3. appoint a chair of the police accountability board who has relevant experience to the position; and
      - 4. establish the procedures for record keeping by a police accountability board.
    - (ii) An active police officer may not be a member of a police accountability board.
  - (2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.
- (c)
  - (1) A complaint of police misconduct filed with a police accountability board shall include:
    - (i) the name of the police officer accused of misconduct;
    - (ii) a description of the facts on which the complaint is based; and

Md. Public Safety Code Ann. § 3-102

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

## History

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[2021, ch. 59, § 3.](#)

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## [Md. Public Safety Code Ann. § 3-103](#)

Current through Chapter 8 of the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

***Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)***

### **§ 3-103. Complaint filed with employing entity — Items included.**

(a) An individual may file a complaint of police misconduct with the law enforcement agency that employs the police officer who is the subject of the complaint.

(b)

(1) A complaint of police misconduct filed with a law enforcement agency shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(2) A complaint need not be notarized.

### **History**

[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-104**

Current through Chapter 8 of the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-104. Administrative charging committee — Statewide committee — Training on police procedures — Investigative files forwarded to committee — Meetings — Confidentiality.**

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**(a)**

- (1)** Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.
- (2)** A county administrative charging committee shall be composed of:
  - (i)** the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;
  - (ii)** two civilian members selected by the county's police accountability board; and
  - (iii)** two civilian members selected by the chief executive officer of the county.

**(b)**

- (1)** There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.
- (2)** A statewide administrative charging committee shall be composed of:
  - (i)** three civilian members appointed by the Governor;
  - (ii)** one civilian member appointed by the President of the Senate; and
  - (iii)** one civilian member appointed by the Speaker of the House.

**(c)** Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

**(d)** On completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

**(e)** An administrative charging committee shall:

- (1)** review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with subsection (d) of this section;
- (2)** make a determination that the police officer who is subject to investigation shall be:
  - (i)** administratively charged; or
  - (ii)** not administratively charged;

## Md. Public Safety Code Ann. § 3-104

- (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix established in accordance with § 3-105 of this subtitle;
  - (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
  - (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
  - (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and
  - (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.
- (f) In executing its duties in accordance with subsection (e) of this section, an administrative charging committee may:
- (1) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
  - (2) if the police officer is not administratively charged, make a determination that:
    - (i) the allegations against the police officer are unfounded; or
    - (ii) the police officer is exonerated; and
  - (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- (g) An administrative charging committee shall meet once per month or as needed.
- (h) A member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter.

## History

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[2021, ch. 59, § 3](#); [2022, ch. 141, § 2](#).

Annotations

## Notes

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### Effect of amendments. —

Acts 2022, ch. 141, § 2, effective July 1, 2022, substituted “complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source” for “complaint made by a member of the public against a police officer” in (d).

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## [Md. Public Safety Code Ann. § 3-105](#)

Current through Chapter 8 of the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

***Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)***

### **§ 3-105. Model uniform disciplinary matrix — Adoption.**

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- (a) The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State.
- (b) Each law enforcement agency shall adopt the uniform State disciplinary matrix for all matters that may result in discipline of a police officer.
- (c)
- (1) Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.
  - (2) The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the administrative charging committee.
  - (3) If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.
  - (4) If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a trial board.
  - (5) At least 30 days before a trial board proceeding begins, the police officer shall be:
    - (i) provided a copy of the investigatory record;
    - (ii) notified of the charges against the police officer; and
    - (iii) notified of the disciplinary action being recommended.

### **History**

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[2021, ch. 59, § 3](#); [2022, ch. 141, § 2](#).

Annotations

### **Notes**

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#### **Effect of amendments. —**

Acts 2022, ch. 141, § 2, effective July 1, 2022, added “for all matters that may result in discipline of a police officer” in (b).

Dear Councilmembers,

As a county resident who has been closely following the council's public safety proceedings, I am writing to strongly urge you to support Bill 27-23, which would repeal the Policing Advisory Commission. Aside from the fact that few, if any, members of the commission are subject matter experts on policing, the work the PAC was established to do is already done by other entities.

I urge you to review the history of the PAC proceedings. I suggest you will find the commission adds little if any value, and the cost to the county in time and money is significant and wasteful.

I hope you will focus on the substance of the bill and not be misdirected by colleagues who will deflect by trying to point out problems they have with the process. The facts are what they are, and kicking the can down the road will change nothing. Now is the appropriate time to repeal the PAC.

The turnover rate alone is evidence of an unhealthy commission. Eight of the 13 original voting members have resigned in their first term, and another took a leave of absence to pursue a different opportunity in the county; she returned only because that opportunity didn't pan out. That does not speak of a dedicated membership. A revolving door of members impairs the continuity that is necessary for a commission to be efficient and effective. Currently, three seats are vacant; why aren't they filled?

Other than holding a recent public forum on traffic enforcement, the PAC has not fulfilled the duties for which it was established. It did not issue an annual report last year, and it has not provided feedback on several recent bills. At the public forum, speakers advocated overwhelmingly for increased traffic enforcement, yet the PAC has disregarded that feedback. They have not issued follow-up testimony on how those public comments inform their work.

The PAC was established to supposedly be impartial and objective, yet their words and actions are heavily biased against police, and unduly influenced by anti-LE activists whose mission is to decrease the presence of police in our communities. This leaves many of us in the community with the belief that the county is publicly funding activism (<https://montgomeryperspective.com/2023/01/09/is-this-public-funding-of-advocacy/>). There is no evidence that the PAC takes into consideration that violent crime is steadily increasing, and they have made no recommendations as to how to address violent crime in the context of a critically short-staffed police department.

A review of the PAC's proceedings reveals that the information it requests from police is readily available elsewhere, so it is frivolously misusing taxpayer funds. There are a dozen reports listed on the police department's website; there are 15 police data

dashboards on Data Montgomery; the police department submits data to the council annually under the Community Policing Bill; and Maryland maintains a race-based traffic stop data dashboard. Those resources exist to provide the data that the PAC is then turning around and asking the police to provide. That is the epitome of governmental waste.

There are multiple other ways for the community to provide input. Councilmembers hold their own public safety town halls on a regular basis. The Police Accountability Board holds open meetings. The police department holds meetings with various community groups, including ethnic, racial, immigrant, faith-based, senior and LGBTQ advisory councils. The council holds hearings, such as the one that will be held on Tuesday, June 13, specifically to give the community the opportunity to voice their concerns. Repealing the PAC will have zero impact on the ability of residents to voice their concerns, and in fact, will streamline the process and make it far less confusing.

There is no clear distinction between the PAC and the many other entities that government has tasked with police reform work, including the Executive's Task Force to Reimagine Public Safety; the Police Accountability Board; groups created to provide recommendations on school safety (including the Board of Education study that was cut short when Council Executive Elrich unilaterally eliminated the SRO program); and the audit of the police department, which resulted in two reports with dozens of recommendations. (Incidentally, that audit concluded that in a random study of 50 body-worn camera traffic stops, Montgomery County officers behaved professionally, courteously and without bias; that fact is disregarded by the PAC, which may speak to their anti-police bias.)

The county recently emerged from a difficult budget process that resulted in a tax increase that will be painfully felt by many. The PAC is a wasteful use of taxpayer funds when its functions are duplicated elsewhere (particularly in the PAB but also in other entities) and when even more than half of the original members of the Commission do not find value, as evidenced by their resignations.

Please support Bill 27-23 and repeal the Policing Advisory Commission.

Thank you,

Ann Simon  
Rockville, Maryland

Montgomery County Council  
June 13, 2023  
Hearing on  
**Expedited Bill 27-23**

Statement of the  
Policing Advisory Commission

Submitted by Eric E. Sterling, Chair

Dear Council President Glass and members of the County Council:

Thank you for the opportunity to present a statement from the Montgomery County Policing Advisory Commission (PAC) to the County Council regarding Expedited Bill 27-23 to abolish the Policing Advisory Commission (PAC). I am Eric E. Sterling. I am one of the original appointees to the PAC in 2020 from the County Council when the PAC was created three years ago. I was nominated and elected Chair on November 14, 2022.

We unanimously oppose the bill.

First, I want to apologize to the County Council. The PAC did not write to you when you took office on December 5, 2022, or since you were sworn in. As the chair, I take responsibility for this oversight. I believed that you were going to be extraordinarily busy organizing, considering the County's budget, and addressing the demands of establishing your new offices. However, I should have anticipated that, with the terms of the members of the Policing Advisory Commission due to expire in July, the work of this commission would be a very high priority to the Council. It would have been most appropriate for us to reach out to you immediately to tell you what you were doing and what our plans were. Our failure to promptly communicate our plans to you is my responsibility and I urge you not to view the entire PAC through this oversight.

I also apologize for the confusion regarding my views as a result of an email I shared with the County Council staff on May 20, 2023 at 11:02 pm that created the misimpression that I supported the Expedited Bill. When I learned on May 25, 2023 that the email had been referred to by Councilmember Luedtke when the bill was introduced, I wrote to her to explain my May 20 email, to apologize for the confusion I created, and to express my deep support for the work of the PAC. My email to her is attached.

Second, on behalf of the Policing Advisory Commission:

**We want to reiterate that the Policing Advisory Commission consists of highly committed volunteers, not paid by the county. We have a deep range of expertise** – three of us are attorneys with experience in criminal justice, two of us were on Congressional staff addressing criminal justice issues, one is a retired federal law enforcement officer, two are professionals in government program oversight, three have experience researching justice issues, one is trained as an economist, one is a former city councilmember and former Mayor pro tem, another has

extensive experience in mental health issues, one served on County Council and as a department head in the county government. Previous members were equally qualified: two attorneys (one a law professor), a corporate administrator, an acclaimed high school teacher, a labor organizer, a social worker, etc. **At no cost to the county, the county's police oversight process has had the benefit of many decades of experience in criminal justice and public safety analysis.**

**Third, over the past three years we have engaged in a lot of work to support the council and to oversee the MCPD. Briefly:**

We have provided you with eight reports on legislation pending before council.

He have held two public on-line forums on MCPD drug enforcement and MCPD traffic enforcement seeking the greatest public participation we could.

We submitted numerous inquiries to the MCPD. A sample of the issues include –  
Hiring and discipline.  
Current status of issues addressed in the 2000 Memorandum of Agreement between the MCPD, the FOP Lodge and U.S. Department of Justice.  
Marijuana arrest activity.  
Traffic enforcement.  
Body Worn cameras.

One of our members, Jenn Lynn from Upcounty Community Resources, has represented us extensively in MCPD planning and programs regarding persons with developmental disabilities or mental health issues. Her membership in the PAC has enabled her to work more deeply on several Crisis Response Workgroups, CAHOOTS training, CRISIS NOW research, and assist in planning the Restoration Center.

We arranged to hear from a variety of national experts on state of the art policing issues such as on managing internal affairs and preventing the recruitment of police officers by White supremacist organizations.

Thus, all of us who have been working on the PAC were shocked that legislation that has been introduced to abolish the PAC. At our meeting on May 31, we voted unanimously to present a statement opposing the bill as introduced.

The murder of George Floyd in May 2020 shocked all Americans. But even years earlier, after the killing of Trayvon Martin in 2012 and the shooting of Michael Brown in Ferguson, MO in 2014, the questions of how to properly manage the police use of force, the prevalence of deadly use of force, and the questions of managing police-community relations had been top issues on the public agenda. After the June 2018 killing of Robert White in Silver Spring, these issues became paramount issues in many communities in our county. The PAC was created by Council in response to the public's need for oversight overall – not simply to address matters of alleged misconduct as addressed by the state legislation creating the various PAB's. These concerns have not diminished! With increases in crime rates, the need for community oversight remains as great as ever.

The PAC conceives of its role in two related areas.

First, we are a vehicle to further enable different communities and groups in the county to submit their concerns about the policies, management, and activities of the MCPD pursuant to our duty under Code Section 35-6(f)(6) “accept correspondence and comments from members of the public,” and in the many statements submitted at our public forums. This is wholly different from allegations of individual officer misconduct which is the PAB’s responsibility.

Second, we are to provide advice to the council and assist in the oversight of the MCPD. These duties are set forth in **Code Section 35-6(f)(1) to (5): “to advise the Council on policing matters; provide information regarding best practices on policing matters; recommend policies, programs, legislation or regulations; comment on matters referred to it by Council; and conduct at least one public forum each year for community input on policing matters...”**

*We have understood this role as providing a rigorous analytic perspective regarding the MCPD programs and activities.* A requirement of our service, unlike the PAB, is to participate in the MCPD Citizens Academy. Our detailed training in the broad scope of the MCPD activities is a very different training than is provided to the PAB members by the Maryland Police Training and Standard Commission.

While there is a clause in the PAB legislation (“advise the Executive and the Council on policing matters;” County Code section 35-24(g)(5)) implying that there is an overlap in functions between these two bodies, our role is substantially unlike the central and critical role of the Police Accountability Board -- to oversee the consideration and discipline *regarding allegations of misconduct by individual officers in the various police departments in the county*. The Council had to create the PAB pursuant to the Maryland law of 2021 (H.B. 670) that abolished the police disciplinary procedures of the state’s “Law Enforcement Officers Bill of Rights” (LEOBOR).

The PAC is the creation of the County Council working with the community concerned about the relationships between the MCPD and many county communities, and issues such as use of force, the presence of uniformed police officers in schools, disproportionate rates of traffic stops, arrests and other matters.

These concerns have driven our work.

Before the PAB was created, our subcommittee on hiring and discipline held numerous meetings to learn about the disciplinary process under LEOBOR being briefed by the MCPD Internal Affairs staff.

Attempting to understand the outcomes of MCPD enforcement activities, we were concerned about the anomalously large number of reported arrests for possession of marijuana by the MCPD, notwithstanding the enactment of marijuana decriminalization in Maryland in 2010. We learned that the MCPD could not distinguish the issuance of citations for marijuana possession under that law from actual custodial arrests, and that the issuance of citations was reported to the

Maryland State Police as “arrests.” This instance illustrates a frustration that we have had with the data collection and management programs of the MCPD and our sense that the MCPD could better analyze the activities of its officers for more effective management.

The questions that we submit to the police department are always designed to encourage the police department to be more transparent, more equitable and just, and more efficient.

We have always been keenly aware of our need to represent the community. Until now, no one has complained to us that our existence has caused confusion about how to address allegations of police misconduct. Until now, no one has complained to us about our role or how we function. Unlike the PAB, we have thoughtful student representatives representing a sector of the community extraordinarily affected by police activity. Unlike the PAB, we have two ex officio law enforcement officers – representing the Chief of Police and the rank and file through the Fraternal Order of Police – who regularly participate in our meetings and quickly respond authoritatively in explaining questions we have about MCPD practices. Unlike the PAB, we have the benefit of a retired Federal law enforcement officer.

In conclusion, the PAC participates in the county’s oversight of the MCPD as the community voice regarding policy and complements other oversight mechanisms in a way that is neither duplicative nor wasteful. We unanimously oppose Expedited Bill 27-23.

Speaking for myself now, legislation that Council could consider would be to expand the PAC to include 11 members appointed by council, and -- to avoid the problem that the similarity of names of PAC and PAB presents -- the PAC name could be revised such as Advisory Commission on Police Oversight.

v.4

###

Attached email re: Introduction of Expedited Bill 27-23

Email Sent May 25, 2023. 12:13 pm

**Subject: Bill to sunset the Policing Advisory Commission (PAC)**

Dear Council Member Luedtke:

I received a call this morning reporting that it is being represented that I am in support of your legislation, Bill 27-23. As I understand it, this is based on an email I sent to the PAC staff, Susan Farag, at 11 pm on Saturday, May 20, having just read her email of 10:24 pm, May 19, 2023 to the PAC that your bill, cosponsored by Chair Katz, was going to abolish the PAC.

This is the email that I wrote to Ms. Farag at 11:02 pm:

Dear Susan,

Thanks very much.

This is not a surprise to me. It makes sense.

I think the PAC should figure out how it wants to wind down in the next few months.

I will contact the others.

Eric

I regret that I responded at such a late hour, that I did not mark my private message to our staff as confidential, or indicate more clearly how preliminary my thoughts were. My reaction was grounded on the belief that Chair Katz's support made this legislation a "done deal" no matter what I or my colleagues thought. In that belief I wrote to our staff person that the PAC should figure out how it wants to wind down. I have great confidence in Susan Farag, and I think she and her team have supported the PAC well. I regret that I may have put her in the middle in this matter. She has forwarded to me email addresses of other Council staff who want to know my views, which I have not responded to because I do not have a consensus from the PAC.

Most importantly, my reaction of 11:02 pm on Saturday was the impulse of the moment and does not reflect what many of us on the PAC have thought since the state law directing the creation of the PAB was enacted. Members of the PAC have frequently spoken with each other about policy and program oversight that we have undertaken or are planning that we think would be valuable for the Council and that is outside the realm of the PAB. We think that we were able to provide the Council, in its last iteration, before you joined the Council, with well-considered, helpful guidance on bills pending before the Council. And before we received word of your legislation, we were planning other oversight matters involving training, use of body worn cameras, and preparing our comments on Bill 12-23, the STEP Act.


Certainly my email at 11:02 pm was not a considered response that weighed the pros and cons of the bill. I certainly did not reflect the views of my colleagues on the PAC regarding its termination. I am very sorry that I may have put you in the position of making a representation that does not accurately represent all my views, and that implicitly represents the view of the PAC. Aside from embarrassing myself, and you, I fear that my remarks have embarrassed the PAC because they do not



represent the views of the PAC that I have been elected to serve as Chair because we have not spoken to air such views.

I am sympathetic to the desire of your bill to avoid public confusion about who is carrying out the critical responsibility of independent public oversight of the police in general and the Montgomery County Police Department. I think we want the public that wants to make a formal complaint to have a clear avenue to do so. I don't think the existence of the PAC has prevented or circumvented the filing of any such complaint. And I think we can agree that beyond the realm of managing and investigating complaints alleging misconduct by individual officers there is a substantial need for policy and programmatic oversight by the public of the police department.

As described by [the county on its list of boards, committees](#) the missions and membership of the two entities are significantly different, even though there is some overlap. (And I note that the members of the PAC are not paid for their time, thus our dollar cost to the county is relatively negligible in this time of tight budgets.)

**Police Accountability Board (9)  and Administrative Charging Committee (5)**

Created: Mo. Co. Code Section 35-24

Description: Meets with law enforcement agencies, appoints civilian members of the Administrative Charging Committee (ACC), receives complaints of police misconduct, reviews ACC outcomes of disciplinary matters, advises the County Executive and Council on policing matters and refers complaints to the appropriate law enforcement agency. The ACC reviews the findings of law enforcement investigations and determines if a police officer should be administratively charged.

Type of Positions: Public and Civilians

**Policing Advisory Commission (15)**

Created: Mo. Co. Code Section 35-6

Description: Advises the County Council on policing matters; provides information regarding best practices on policing matters; recommends policies, programs, legislation, or regulations; comments on matters referred to it by the Council; conducts at least one public forum each year for community input on policing matters; and engages in public education. Members serve three year terms without compensation.

Type of Positions: 13 public voting members including 9

nominated by the County Council and 4 nominated by the County Executive, of which 1 is age 25 years or younger and 1 is age 26-35; and 2 non-voting members, the County Police Chief or designee, and the president of the County Fraternal Order of Police or designee.

It is clear that with the duties assigned to the PAC and how it operates, it has an important role to play in county police policy making that is distinct from that of the Police Accountability Board. One distinction between the PAC and the PAB is that our members get a formal grounding in the work of the MCPD by attending the Citizens Academy. Another distinction is the valuable, direct role that the ex officio members representing the Chief of Police and the Fraternal Order of Police provide to our work. Perhaps most importantly is the duty of the PAC to represent the various communities that have the greatest interactions with the police -- whether in a traffic stop or other encounter, an arrest, as a crime victim, as a young person -- as well as the members of the public who have have profound concerns about both crime and police misconduct.

Montgomery County is noteworthy with its tradition of engaging the public in the oversight and advising of the affairs of county government. And throughout that effort there is also a tradition of overlap (and frequent collaboration) between citizen advisory boards and commissions. To take one example, alcohol. The county has a Board of License Commissioners to regulate alcohol establishments. It also has an Alcohol Beverage Advisory Board and it has an Alcohol and Other Drug Abuse Advisory Council that together provide many dimensions and opportunities for public oversight. They all contribute to improving the county management of alcohol distribution and consumption and the associated problems.

As of this writing, I have not spoken with you, your staff or the staff of any member of the council about my views of your bill.

I have not taken a public position on the legislation.

I have not had the opportunity, with respect for the Open Meetings Act, to hear from all the members of the PAC about their analysis of the bill.

Therefore, I apologetically and respectfully ask you to no longer represent that I have endorsed your bill based on my email to Susan Farag.

With all my best wishes,

Eric E. Sterling



**Silver Spring Justice Coalition Testimony in Opposition to Bill 27-23  
Repeal of Policing Advisory Commission**

My name is Susaanti Follingstad and I am testifying on behalf of the Silver Spring Justice Coalition in opposition to the repeal of the Policing Advisory Commission.

SSJC works to reduce the harms of policing while empowering communities. Critical to both of these efforts is giving voice to those impacted by policing. It is important that the diverse communities that make up this County have as many opportunities to be heard as possible, and therefore we support having the PAC, in addition to the Police Accountability Board, to advise on matters of policing.

The PAC was enacted specifically to advise the County Council. The members of the PAC are diverse and dedicated, and while we may not agree with their every decision, we think the Council can still benefit from their analysis and input. For example, the PAC's report on MCPD's discriminatory traffic enforcement is an important statistical and policy analysis, with sound recommendations. The PAC has issued several other policy papers, and it has held several valuable community listening sessions.

I want to address some misconceptions about the relationship between the PAC and PAB:

First, there is no meaningful confusion about the PAB and PAC. They have operated concurrently for almost 12 months, and there has been no indication that there has been confusion about their roles and responsibilities. To our knowledge there have been no efforts to file police complaints with the PAC, and no one attends the PAC meetings thinking they are the PAB, or vice versa.

Second, there has been no indication that the PAC's role of advising the Council is in conflict with the role of the PAB, which, as specified by state and county statute, is to advise the Council, the County Executive and our law enforcement agencies. If these entities provided conflicting advice on a particular issue, that would only make this Council's decision on that issue better-informed, and is certainly not a reason to disband the PAC.

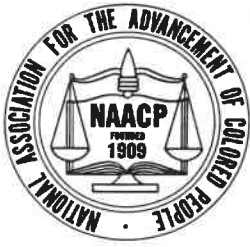
Third, on more than one occasion, the PAC has complained that the Council has not been as receptive to their recommendations as it should be and that the MCPD has too often been unresponsive to the PAC's requests. These should not be reasons to disband the PAC;

instead, they should be reasons to improve communication and provide more support to the PAC in furthering their mission.

Lastly, the PAB has been operating for less than a year, and it would be premature for the Council to decide that it renders the PAC unnecessary. However, it is critically important that in considering this bill the Council take no action to limit or constrain the scope of current or potential activities of the PAB. State law grants the PAB a broad mandate to advise on all matters of policing. We strongly oppose any efforts to limit the PAB's authority in order to justify the continuation of the PAC.

Thank you for your consideration of our testimony.

**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
MONTGOMERY COUNTY, MARYLAND BRANCH**



P.O. BOX 2165  
ROCKVILLE, MARYLAND 20847-2165

June 13, 2023

**NAACP Statement in Opposition to Bill 23-24, Repeal of the Police Advisory Commission**

The Montgomery County Branch of the NAACP adamantly opposes this effort to repeal The Police Advisory Committee (PAC).

Repealing this bill would indicate that this county no longer believes that the ordinary resident should have the ability to voice concerns about law enforcement policies and practices.

The NAACP joined with several other community organizations to work with Council Members Reimer and Jawando to create a commission that would provide residents with a voice to express concerns about law enforcement policies and practices. The PAC was created to advise the County Council. For the NAACP, this Committee is the culmination of a long and arduous effort to provide civilian voices a role in law enforcement practices.

After several months of meetings, the legislation creating this commission was introduced, passed by the County Council, and signed into law. This Council took those actions long before the national dialogue hit a fever pitch with the killing of George Floyd. This Council acted because it understood that the community—especially racial minorities and other marginalized people who often feel targeted by law enforcement—should have a place to present their concerns without fear. That need has not disappeared.

The state of Maryland also understood the need for reform and enacted SB670, the bill that created the Police Accountability Board. We understand that there are some people who believe that the PAC and the PAB are duplicative. However, there are several major distinctions between the two entities. Those distinctions matter.

The PAB and ACC are empowered to hear, act upon and review disciplinary matters that involve law enforcement officers. No one would doubt the importance and significance of that work in reforming law enforcement practices. This examination of individual cases is important and will provide insight.

The PAC reviews policies and practices to determine whether systemic problems adversely affect residents and indicate a need for reform. For instance, the PAC's report on traffic enforcement, along with the work of the Office of Legislative Oversight, clearly expressed traffic enforcement practices which disproportionately impacted Black and Brown males. These disparate results plainly set forth the need for reform of traffic enforcement policies and practices.

We should not have to wait for the PAB and ACC to hear a case involving a traffic stop that resulted in a civilian complaint to provide a basis for additional examination which may lead to additional analysis about certain practices. Eliminating the PAC will assure that the reform of law enforcement practices will come to rely on individual cases. And while the PAB may be able to carry out this kind of additional

examination and analysis, such actions may slow their review of disciplinary matters. From a public safety perspective, any effort to impede review and reach finality in disciplinary matters does not bode well for the officers accused or the general public.

Moreover, it should be noted that the PAC provides the kind of community involvement that few other Boards and Commissions offer. The PAC not only provides an appointee from each Councilmember and the County Executive, but the appointees must also include representatives from high school students and young adults. Further, the Police Chief or his designee and a Representative from the Police union are also ex-officio members of the PAC. This kind of representation from a broad spectrum of people is one of the unique factors which makes the PAC an important part of this county's continuing discussion on law enforcement practices and policies and allows for the representation of diversity in race, gender, geographic location, and socio-economic status.

Finally, some people have indicated that there is confusion about the role of the PAC and the role of the PAB. Not only would a review of each website resolve any confusion, but it must be noted that this county has more than a few Boards and Commissions which address similar issues by different methods. For instance, this county has a long history of controversy over the policy and practices involving the sale of alcohol. To address those concerns, the County has two boards that address alcohol policy. One board, the Alcoholic Beverages Advisory Board, addresses broad questions of alcohol policy. Another board, the Board of License Commissioners, addresses regulatory and disciplinary issues involving establishments that sell alcohol. Having these two entities allows the county to not only address those establishments that have violated the rules but also provides a forum for broader discussions on what the rules should be. If we can have this kind of comprehensive approach with alcohol, we should be able to have the same kind of format to discuss law enforcement.

Based on all of the aforementioned reasons, the NAACP seeks your opposition to this bill to repeal the PAC.

Montgomery County, NAACP  
P. O. Box 2165  
Rockville, Maryland 20847-2165  
1-888-649-5991/www.naacpmont7@aol.com

**Susan Burkinshaw**



Thursday 05:14 pm

**To:**

Office of Montgomery County Legislative Information Services  
Councilmember Katz  
Councilmember Luedtke's Office  
Balcombe's Office, Councilmember

Show more

Dear Councilmembers,

In case you aren't familiar with me, I am a Germantown resident and I have been a public safety advocate in Montgomery County since 2008. My most recent advocacy had been focused on School Resource Officers, and the benefits they bring to the county in terms of efficiencies - not only in reducing serious incidents in schools, but also in reducing crime in the community (but that's another soap box for another day).

Today I am writing in **SUPPORT** of **Expedited Bill 27-23, Police – Policing Advisory Commission – Repeal**. I'm sorry that I will be out of town on the public hearing date, so I'm hoping you will seriously consider my written comments.

My first question is, and one that has not been answered by any of my research, particularly if the PAC is not going to be repealed, what has the Police Advisory Commission (PAC) accomplished, and what metrics are in place to demonstrate their successes? All that I am aware of is that they have not submitted their annual report, they have not commented on several recent bills, and the attrition rate of their Board Members has been significant since their inception. It is also not apparent from the member bios that any of the PAC members are public safety matter experts. So, in short, what's the measurable benefit of their performance?

Next, assuming they are accomplishing anything measurable, the work of the PAC is redundant. There are already multiple groups doing similar work:

- The state mandated Police Accountability Board;
- Effective Law Enforcement for All's two audits of police;
- Task Force to Reimagine Public Safety;
- Student Wellbeing Action Group and Reimagining School Safety and Student Wellbeing were established to inform the Council on school safety policy;
- Council Bill 45-20, Police – Community Policing – Data mandates data reporting;
- Maryland Police Accountability Act of 2021 already covers most police reform measures.

In short, we should be focusing on supporting our police department with additional resources to prevent crime and improve morale and increase staffing, not facing a PAC comprised of individuals with no documented public safety subject matter expertise. We should not be



hamstringing an already strapped police department and council staff with yet another entity that seems to have very little positive impact or benefit to our county or its public safety resources.

As a taxpayer, it is very important to me that we are improving efficiencies during this difficult budget time, not supporting additional unnecessary layers.

Thank you for standing up and repealing this unnecessary, redundant, and measurably insignificant Policing Advisory Commission.

Sincerely,

S

Susan Burkinshaw  
13709 Charity Ct  
Germantown, MD 20874  
301.758.6995  
[sjburkinshaw@gmail.com](mailto:sjburkinshaw@gmail.com)

Internal note

Monday, June 12, 2023

Dear County Councilmembers,

My name is Sharif Hidayat. I reside at 272 Barberry Lane Laytonsville MD. I strongly urge you to support Bill 27-23. I have testified and have watch several PAC meetings only to be disappointed time and time again. The commission has given me the impression that they are anti-law enforcement and are just a sounding platform for extreme organizations and ideology. There are several channels for community members to share their concerns and opinions about police matters. Our current and previous Chiefs of Police allow community members, especially community members of marginalized communities to have a platform to voice their concerns about policing via liaison meetings at Police Headquarters. County Council members have the opportunity year round to meet with constituents to find out what policing issues need to be addressed. Montgomery County is blessed to have such a great police department and excellent officers. There was no need for the PAC in Montgomery County, MD and after seeing some of their meetings and testifying in one, I am positive that the PAC should no longer exist. Please support Bill 27-23.

Thank you,

Sharif Hidayat

### Chart Contrasting PAC/PAB/ACC

PAC	PAB	ACC
<b>Code Sec. 35-6</b>	<b>Code Sec. 35-24</b>	<b>Code Sec. 35-25</b>
<p><b>Composi. on &amp; Terms</b>                      (c)(1): 13 members.</p> <p>(c)(2): The Council should appoint 9 public members. Each member should represent a community organization operating in the County or be an individual. Each Councilmember should nominate one member.<sup>1</sup></p> <p>(c)(3): The Council should appoint 4 public members nominated by the Executive. Of these members:                      (A) one member should be 25 years of age or younger at the time of appointment; and                      (B) one member should be 26-35 years of age at the time of appointment.</p> <p>(c)(5): The Council should appoint the following as non-voting ex officio members:                      (A) the Police Chief or the Police Chief’s designee; and                      (B) the President of an employee organization certified under Article V of Chapter 33 or the President’s designee.</p> <p><b>(c)(6): Term of office:</b> 3 years, except that someone appointed to fill a vacancy serves only for the remainder of the unexpired term.</p>	<p><b>Composition &amp; Terms</b>                      (a) The Executive must appoint the 9 voting members of the Board, including the Chair, subject to confirmation by the Council. The Executive may appoint one or more non-voting members to the Board. At least one voting member must reside in a municipality operating a police department that is within the jurisdiction of the Board.</p> <p>(b) Composition and qualifications. The members of the Board must reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County. Each member must reside in the County and be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness. An active police officer must not be a member of the Board. A Board member must also meet all qualifications mandated by State law and implementing regulations while serving on the Board.</p> <p><b>(d) Term of office.</b> Each member serves a 3-year term. A member must not serve more than 2</p>	<p><b>Composition &amp; Terms</b>                      (b) Membership. The Committee has 5 voting members. The members are:                      (1) the Chair of the Police Accountability Board or another member of the Board designated by the Chair;                      (2) 2 civilian members appointed by the Police Accountability Board; and                      (3) 2 civilian members appointed by the Executive.                      (c) Composition and qualifications of members. The Committee consists of a chair and 4 additional members. The members of the Committee must reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County. Each member must reside in the County and be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness.</p> <p><b>(h) Term of office.</b> Each member serves a 3-year term. A member must not serve more than 2 consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.</p>

<sup>1</sup> Predates the current size of Council which is 11.

<p><b>(f) Duties</b> The Commission must:</p> <ul style="list-style-type: none"> <li>(1) advise the Council on policing matters;</li> <li>(2) provide information regarding best practices on policing matters;</li> <li>(3) recommend policies, programs, legislation, or regulations;</li> <li>(4) comment on matters referred to it by the Council;</li> <li>(5) conduct at least one public forum each year for community input on policing matters;</li> <li>(6) accept correspondence and comments from members of the public; and</li> <li>(7) engage in public education.</li> </ul> <p>(g) Requests for information. The County, including the Police Department, should respond to Commission requests for information within 30 days after the County receives the request.</p> <p>(h) Annual Report. By July 1 each year, the Commission must submit to the Executive and the Council an annual report on its functions, activities, accomplishments, and plans and objectives.</p> <p>(i) Advocacy. The Commission must not engage in any advocacy activity at the State or federal levels unless that activity is approved by the Office of Intergovernmental Relations.</p> <p>(j) Staff. The Executive Director of the Office of the County Council must provide appropriate staff to the Commission.</p>	<p>consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.</p> <p><b>(g) Duties:</b></p> <p>The Board must:</p> <ul style="list-style-type: none"> <li>(1) hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more police officers;</li> <li>(2) appoint civilian members to the Administrative Charging Committee and trial boards;</li> <li>(3) receive complaints of police misconduct filed by a member of the public;</li> <li>(4) review the outcomes of disciplinary matters considered by the Administrative Charging Committee on a quarterly basis;</li> <li>(5) advise the Executive and the Council on policing matters; and</li> <li>(6) refer each complaint of police misconduct filed with the Board to the appropriate law enforcement agency within 3 days after receipt for investigation.</li> </ul>	<p>(d) Training. Each member of the Committee must complete training on matters relating to police procedures from the Maryland Police Training and Standard Commission before serving as a member.</p> <p>(e) Staff. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Committee and make available to the Committee services and facilities that are necessary or appropriate for the proper performance of its duties. The County Attorney must retain special legal counsel approved by the Council to serve as counsel to the Committee.</p> <p>(g) Meetings. The Committee must meet at least one time each month or more frequently if needed.</p> <p><b>(i) Duties.</b> The Committee must:</p> <ul style="list-style-type: none"> <li>(1) review the findings of each law enforcement agency's investigation forwarded by the agency to the Committee;</li> <li>(2) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;</li> <li>(3) authorize a police officer called before the Committee to be accompanied by a representative;</li> <li>(4) determine if the police officer who is the subject of the investigation should be administratively charged or not administratively charged within 30 days after receipt of the law enforcement agency's investigatory file unless the Committee requests further</li> </ul>
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		<p>review under subsections (j)(1) or (2);</p> <p>(4) if the Committee determines that a police officer should be administratively charged, recommend discipline pursuant to the disciplinary matrix;</p> <p>(5) if the Committee determines that a police officer should not be administratively charged, determine if:</p> <p>(A) the allegations against the police officer are unfounded, including situations where existing departmental policy fails to properly address the situation for which the officer was charged; or,</p> <p>(B) the police officer is exonerated;</p> <p>(6) issue a written opinion for each complaint describing in detail the Committee’s findings, determinations, and recommendations; and</p> <p>(7) forward the written opinion to the director of the appropriate law enforcement agency, the accused police officer, and the complainant.</p> <p>(j) Authority of the Committee. The Committee may:</p> <p>(1) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation;</p> <p>(2) issue subpoenas for documents or witnesses necessary to execute the Committee’s duties; and</p> <p>(3) record, in writing, any failure of supervision that caused or contributed to a police officer’s misconduct.</p> <p>(k) Confidentiality. Each member of the Committee must maintain confidentiality relating to</p>
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<p><b>(e)(4) Compensation:</b> Unpaid. May seek reimbursement for mileage and childcare.</p>	<p><b>(e)(3) Compensation:</b></p> <p>The Chair is not compensated. 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.</p>	<p>a matter being considered by the Committee until final disposition of the matter.</p> <p>(l) Duties of the law enforcement agency. The law enforcement agency must investigate and submit a written investigation report to the Administrative Charging Committee for each complaint received by the agency or referred to the agency by the Police Accountability Board. Each law enforcement agency must submit a monthly report to the Administrative Charging Committee detailing complaints received and the status of each investigation.</p> <p>(m) Removal of a member. The Executive with the approval of at least 6 members of the Council may remove a member for:</p> <ol style="list-style-type: none"> <li>(1) neglect of duty, including failure to complete mandatory training;</li> <li>(2) misconduct in office;</li> <li>(3) a member’s inability or unwillingness to perform the duties of the office;</li> <li>(4) conduct that impairs a member from performing the duties of the office; or</li> <li>(5) inability to meet the qualifications for a Board member mandated by State law or implementing regulations.</li> </ol> <p><b>(f) Compensation.</b> The annual salary for the Chair is \$22,000 and the annual salary for each member is \$16,000. 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</p>
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		Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.
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Expedited Bill No. 27-23  
Concerning: Police – Policing Advisory Commission -  
[[Repeal]]Amendments  
Revised: 6/21/2023 Draft No. 2  
Introduced: May 25, 2023  
Expiration: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmembers Luedtke and Katz

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**AN EXPEDITED ACT** to:

- (1) [[repeal the law regarding]]rename the Policing Advisory Commission so that it will now be known as Community Advisory Commission on Public Safety; [[and]]
- (2) amend the law regarding the Policing Advisory Commission regarding appointment of members and scope of the Commission; and
- [[2]](3) generally amend the law regarding policing and law enforcement.

By [[repealing]]amending  
Montgomery County Code  
Chapter 35  
[[Section]] Sections 35-6 and 35-6A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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 35-6 is repealed as follows:**

2   **35-6. [Policing Advisory Commission] [Reserved.]**

3           [(a) Definitions. In this Section the following words have the meanings  
4           indicated:

5                 *Commission* means the Policing Advisory Commission.

6                 *Department* means the Montgomery County Police Department.

7           [(b) Established. County Council must appoint a Policing Advisory  
8           Commission.

9           [(c) Composition and terms of members.

10                (1) The Commission has 13 members.

11                (2) The Council should appoint 9 public members. Each member  
12                should represent a community organization operating in the  
13                County or be an individual. Each Councilmember should  
14                nominate one member.

15                (3) The Council should appoint 4 public members nominated by the  
16                Executive. Of these members:

17                    (A) one member should be 25 years of age or younger at the  
18                    time of appointment; and

19                    (B) one member should be 26-35 years of age at the time of  
20                    appointment.

21                (4) The public members appointed under paragraphs (2) and (3)  
22                should:

23                    (A) reflect a range of ethnicities, socioeconomic status, and  
24                    places of origin to reflect the racial and economic diversity  
25                    of the County's communities, including religious creed,  
26                    age, sex - including on the basis of gender identity or  
27                    orientation, disability, and geographic location, with

28 emphasis on those disproportionately impacted by  
29 inequities; and

30 (B) have an interest or expertise in policing matters.

31 (5) The Council should appoint the following as non-voting ex  
32 officio members:

33 (A) the Police Chief or the Police Chief's designee; and

34 (B) the President of an employee organization certified under  
35 Article V of Chapter 33 or the President's designee.

36 (6) The term of each member is 3 years. After an appointment to fill  
37 a vacancy before a term expires, the successor serves the rest of  
38 the unexpired term.

39 [(d) Citizens Academy participation. The public members appointed under  
40 paragraph (c) must participate in the Montgomery County Police  
41 Department Citizens Academy.

42 [(e) Voting, officers, meetings, and compensation.

43 (1) Except the ex officio members, all members of the Commission  
44 are voting members.

45 (2) The Commission must elect a Chair and Vice-Chair from among  
46 its voting members.

47 (3) The Commission meets at the call of the Chair. The Commission  
48 must meet as often as necessary to perform its duties, but not less  
49 than 6 times each year.

50 (4) A member must serve without compensation. However, a  
51 member may request reimbursement for mileage and dependent  
52 care costs at rates established by the County.

53 [(f) Duties. The Commission must:

54 (1) advise the Council on policing matters;

- 55 (2) provide information regarding best practices on policing matters;
  - 56 (3) recommend policies, programs, legislation, or regulations;
  - 57 (4) comment on matters referred to it by the Council;
  - 58 (5) conduct at least one public forum each year for community input
  - 59 on policing matters;
  - 60 (6) accept correspondence and comments from members of the
  - 61 public; and
  - 62 (7) engage in public education.
- 63 [(g) Requests for information. The County, including the Police
- 64 Department, should respond to Commission requests for information
- 65 within 30 days after the County receives the request.
- 66 [(h) Annual Report. By July 1 each year, the Commission must submit to
- 67 the Executive and the Council an annual report on its functions,
- 68 activities, accomplishments, and plans and objectives.
- 69 [(i) Advocacy. The Commission must not engage in any advocacy activity
- 70 at the State or federal levels unless that activity is approved by the
- 71 Office of Intergovernmental Relations.
- 72 [(j) Staff. The Executive Director of the Office of the County Council must
- 73 provide appropriate staff to the Commission.]

74 **Sec. 2. A new Section 35-6 is enacted as follows:**

75 **35-6. Community Advisory Commission on Public Safety.**

- 76 (a) Definitions. In this Section the following words have the meanings
- 77 indicated:
- 78 Commission means the Community Advisory Commission on Public
- 79 Safety.
- 80 Department means the Montgomery County Police Department.

81 Institutional members are: (A) the Police Chief or the Police Chief's  
82 designee; and (B) the President of an employee organization certified  
83 under Article V of Chapter 33 or the President's designee.

84 (b) Established. County Council must appoint a Community Advisory  
85 Commission on Public Safety.

86 (c) Composition and terms of members.

87 (1) The Commission has 15 members consisting of 13 public  
88 members and two institutional members. All members of the  
89 Commission are voting members.

90 (2) The Council must appoint all members. Except for the  
91 institutional members, each member should represent a  
92 community organization operating in the County or be an  
93 individual.

94 (3) The public members appointed under sub-paragraphs (1) and (2)  
95 above should:

96 (A) reflect a range of ethnicities, socioeconomic status, and  
97 places of origin to reflect the racial and economic diversity  
98 of the County's communities, including religious creed,  
99 age, sex - gender identity or orientation, disability, and  
100 geographic location, with emphasis on those  
101 disproportionately impacted by inequities;

102 (B) include representation from business owners or  
103 organizations, Urban Districts, homeowners' associations,  
104 common ownership communities, and tenants'  
105 associations; and

106 (C) have an interest or expertise in public safety matters.

- 107           (4) The term of each member is 3 years. After an appointment to fill  
108                           a vacancy before a term expires, the successor serves the rest of  
109                           the unexpired term.
- 110       (d) Citizens Academy participation. The public members appointed under  
111                           paragraph (c) must participate in the Montgomery County Police  
112                           Department Citizens Academy.
- 113       (e) Voting, officers, meetings, and compensation.
- 114           (1) All members of the Commission are voting members.
- 115           (2) The Commission must elect a Chair and Vice-Chair from among  
116                           its members.
- 117           (3) The Commission meets at the call of the Chair. The Commission  
118                           must meet as often as necessary to perform its duties, but not less  
119                           than 6 times each year.
- 120           (4) A member must serve without compensation. However, a  
121                           member may request reimbursement for mileage and dependent  
122                           care costs at rates established by the County.
- 123       (f) Duties. The Commission must:
- 124           (1) advise the Council on public safety matters;
- 125           (2) provide information regarding best practices on public safety  
126                           matters;
- 127           (3) recommend policies, programs, legislation, or regulations;
- 128           (4) comment on matters referred to it by the Council;
- 129           (5) conduct at least one public forum each year for community input  
130                           on public safety matters;
- 131           (6) accept correspondence and comments from members of the  
132                           public;

133           (7) perform community outreach and discussion with an emphasis  
134           on getting feedback and input from those living or working in  
135           Equity Focus Areas; and

136           (8) engage in public education.

137       (g) Requests for information. The County, including the Police  
138       Department, should respond to Commission requests for information  
139       within 30 days after the County receives the request.

140       (h) Annual Report. By July 1 each year, the Commission must submit to  
141       the Executive and the Council an annual report on its functions,  
142       activities, accomplishments, and plans and objectives.

143       (i) Advocacy. The Commission must not engage in any advocacy activity  
144       at the State or federal levels unless that activity is approved by the  
145       Office of Intergovernmental Relations.

146       (j) Staff. The Executive Director of the Office of the County Council must  
147       provide appropriate staff to the Commission.

148 **Sec. 3. Section 35-6A is amended as follows:**

149       **Sec. 35-6A. Community Policing.**

150                               \*                       \*                       \*

151       (c) Reporting requirements.

152                               \*                       \*                       \*

153       (6) [(2)] The Department must also provide the information reported  
154               under paragraph (1) to the [Policing Advisory Commission]  
155               Community Advisory Commission on Public Safety established  
156               under Section 35-6.

157                               \*                       \*                       \*

158 ~~[[Sec. 2]]~~ Sec. 4 **Expedited Effective Date.** The Council declares that this  
159 legislation is necessary for the immediate protection of the public interest and that  
160 this Act takes effect on August 1, 2023.

# Fiscal Impact Statement

Office of Management and Budget

<b>Bill 27-23</b>	<b>Police - Policing Advisory Commission - Repeal</b>
<b>Bill Summary</b>	<p>Bill 27-23 repeals the Policing Advisory Commission (PAC) established by Bill 14-19 which was enacted on December 3, 2019.</p> <p>Subsequent to the creation of the PAC, State legislation was enacted requiring each County to have a police accountability board. Pursuant to this State mandate, the County enacted Bill 49-21 establishing the Police Accountability Board and an Administrative Charging Committee (ACC). The bill is aimed at eliminating duplication between these bodies.</p>
<b>Fiscal Impact Summary</b>	Repealing the PAC is not expected to impact County expenditures or revenues.
<b>Fiscal Impact Analysis</b>	PAC members serve without compensation and no dedicated full-time staff support is budgeted to support the commission. As a result, repealing the PAC is not expected to impact County expenditures. In addition, repeal is not expected to impact County revenues.
<b>Staff Impact</b>	The bill is not expected to impact staff time or duties.
<b>Actuarial Analysis</b>	Because the Commission does not have dedicated staff support, the bill is not expected to significantly impact retiree pension or group insurance costs.
<b>Information Technology Impact</b>	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
<b>Other Information</b>	
<i>Later actions that may impact revenue or expenditures if future spending is projected</i>	The bill does not authorize future spending.
<b>Contributors</b>	Earl Stoddard, Ph.D. Office of the County Executive Kenneth B.J. Hartman-Espada, Office of the County Executive Derrick D. Harrigan, Office of Management and Budget





# Economic Impact Statement

Montgomery County, Maryland

## Expedited Bill 27-23

## Police – Policing Advisory Committee – Repeal

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Expedited Bill 27-23 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

### BACKGROUND AND PURPOSE OF EXPEDITED BILL 27-23

In recent years, the County has launched a variety of initiatives aimed at advancing best practices for racial equity and social justice in policing. These efforts have included the Reimagining Public Safety Initiative and Reimagining Public Safety Task Force, and enacting legislation for enhanced data collection by the Montgomery County Police Department (MCPD), community-informed police training, reports on settlements, reporting requirements for internal affairs, and the formation of the civilian-led Policing Advisory Commission to advise the Council on policing matters.

The purpose of Bill 27-23 is to repeal the Policing Advisory Commission (PAC). According to the Bill’s sponsors, they endorse the repeal of the Commission because it duplicates the functions of the Police Accountability Board (PAB). If enacted, Bill 27-23 would repeal the PAC effective August 1, 2023, allowing the Commission time to submit its annual report to the Council by July 31, 2023, as required.<sup>1</sup>

The County Council introduced Expedited Bill 27-23, Police - Policing Advisory Commission – Repeal, on May 25, 2023.

### 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 Expedited Bill 27-23 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.<sup>2</sup> OLO sees no connection between repealing the PAC and the Council’s priority indicators. Therefore, OLO anticipates the Bill would have insignificant impacts on private organizations, residents, and overall economic conditions in the County.

### VARIABLES

Not applicable

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<sup>1</sup> [Introduction Staff Report for Expedited Bill 27-23](#).

<sup>2</sup> 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

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements.](#)

Montgomery County Council. [Introduction Staff Report for Expedited Bill 27-23, Police – Policing Advisory Commission – Repeal.](#) Introduced on May 25, 2023.

## 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.

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## EXPEDITED POLICE – POLICING ADVISORY COMMISSION – BILL 27-23: REPEAL

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 27-23 could have a negative impact on racial equity and social justice (RESJ) in the County as the functions of the Policing Advisory Commission (PAC) and Police Accountability Board (PAB) differ significantly, and the repeal of the PAC could diminish efforts to promote best practices for advancing RESJ in policing that are not within the scope of the PAB. To sustain RESJ in the County, OLO offers one policy option for consideration.

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### 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.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF EXPEDITED BILL 27-23

In recent years, the County has launched a variety of initiatives aimed at advancing best practices for racial equity and social justice in policing. These efforts have included the Reimagining Public Safety Initiative and Reimagining Public Safety Task Force, and enacting legislation for enhanced data collection by the Montgomery County Police Department (MCPD), community-informed police training, reports on settlements, reporting requirements for internal affairs, and the formation of the civilian-led Policing Advisory Commission to advise the Council on policing matters.

The purpose of Bill 27-23 is to repeal the Policing Advisory Commission (PAC).<sup>3</sup> According to the Bill's sponsors, they endorse the repeal of the Commission because it duplicates the functions of the Police Accountability Board (PAB).<sup>4</sup> If enacted, Bill 27-23 would repeal the PAC effective August 1, 2023, allowing the Commission time to submit its annual report to the Council by July 31, 2023, as required.<sup>5</sup>

Expedited Bill 27-23, Police – Policing Advisory Commission – Repeal, was introduced by the County Council on May 25, 2023.<sup>6</sup>

In January 2022, OLO published a RESJIS for Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established.<sup>7</sup> For background information on policing in the U.S., racial disparities in police interactions with the public, and civilian review board best practices for advancing RESJ, refer to this RESJIS.

# RESJ Impact Statement

## Expedited Bill 27-23

### PAC AND PAB ORIGINS AND FUNCTIONS

Considering the anticipated impact of repealing the Policing Advisory Commission (PAC) on RESJ in the County requires understanding the functions of the PAC, the potential value of these functions for advancing RESJ, and whether the Police Accountability Board (PAB) duplicates these functions. While both the PAC and PAB are required to advise the County Council on policing matters, OLO finds their functions differ significantly.

**Origins of PAC and PAB.** The Montgomery County Policing Advisory Commission, established in 2019, originates with the County Council. The PAC was initially proposed as a civilian oversight board to enable public review and oversight of police disciplinary matters.<sup>8</sup> The Law Enforcement Officers Bill of Rights (LEOBR) that was state law at the time, however, prohibited the formation of a civilian oversight board to hold police officers accountable for misconduct.<sup>9</sup> Thus, the purpose of the PAC shifted from police oversight and discipline to a broader mission to provide the County Council information about best practices in policing. In addition to policing personnel, the PAC also advises on other policing policies that include data, training, emergency responses and police officers in schools.

The Montgomery County Police Accountability Board, established in 2022, originates with the General Assembly. With the repeal of LEOBR in 2021, the state mandated every Maryland jurisdiction to establish a new police disciplinary system for misconduct and to create a new oversight board inclusive of civilians by July 2022.<sup>10</sup> Thus, the County's PAB embodies many of the functions originally proposed for the PAC in 2019 because it focuses on providing greater civilian oversight and transparency in police discipline and accountability for misconduct.

**Functions of the PAB and PAC.** Given the PAB's focus on police discipline and the PAC's focus on best practices and policies in policing, the functions of these two entities are distinct. As noted in the Maryland Public Safety Code (section 3-102), police accountability boards are required to:<sup>11</sup>

- Hold quarterly meetings with law enforcement agencies and the County to improve policing matters;
- Appoint civilian members to charging committees and trial boards;
- Receive complaints of police misconduct filed by members of the public;
- Review outcomes of disciplinary matters considered by charging committees on a quarterly basis; and
- Submit annual report by December 31<sup>st</sup> of each year that identifies trends in the disciplinary process of police officers in the County and makes recommendations that would improve police accountability in the County.

Conversely, the activities of the Policing Advisory Commission center around providing information and recommendations to the Council for County-action based on its analysis of existing and proposed policies. Specific duties of the PAC enacted under Bill 14-19 include the following:<sup>12</sup>

- Advise the Council on policing matters;
- Provide information regarding best practices on policing matters;
- Recommend policies, programs, legislation, or regulations;
- Comment on matters referred to it by the Council;
- Conduct at least one public forum each year for community input on policing matters;
- Accept correspondence and comments from members of the public;
- Engage in public education; and
- Submit an annual report by July 1<sup>st</sup> of each year.

# RESJ Impact Statement

## Expedited Bill 27-23

**PAC and Racial Equity.** A review of the PAC's efforts since its enactment demonstrates that a common theme of their work has involved a focus on racial equity in policing to understand what equitable policing and justice looks like and what shifts in local practices, programs, and policies are necessary to advance public safety and equitable justice in the County.<sup>13</sup> The PAC has focused on four priorities in its work: discretionary policing (traffic stops, drug enforcement, and pedestrian stops); emergency responses; hiring and discipline; and safety in schools. The PAC has also met with Black, Indigenous, and other People of Color (BIPOC) stakeholders and policing experts to solicit their perspectives on community needs and best practices for advancing RESJ in policing. Additionally, the PAC has offered proposed amendments for legislation aimed at advancing RESJ (e.g., Bill 45-20).

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### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 27-23 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?

**In response to the first question,** OLO finds that MCPD would be the primary beneficiary of this Bill as the elimination of the PAC would diminish MCPD's accountability to the Commission, including responding to requests for information on policing practices and data. Bill 14-19 requires that the County, including MCPD, respond to PAC requests for information within 30 days of receiving the request. Yet, PAC meeting minutes reveal there have been ongoing debates within the Commission about the timeliness and value of information submitted by MCPD in response to PAC requests. For example, data requests regarding the demographics of marijuana arrests and citations remain outstanding.<sup>14</sup>

**In response to the second question,** as described previously, advancing community policing and other best practices that diminish racial disparities in police interactions with the public has been a PAC priority. As noted in the RESJIS for Expedited Bill 49-21, racial disparities characterize traffic stops, arrests, and use of force incidents in Montgomery County. Racial disparities and inequities may also characterize other police interactions with the public in the County that are not currently reported. The PAC has advocated for greater transparency and data disaggregated by race and ethnicity on police interactions with the public. The repeal of the PAC would likely diminish the availability of and advocacy for disaggregated policing data. The PAC has also advocated for promising policies and practices to advance racial equity in policing; the repeal of the PAC would diminish this advocacy as well as advice to the Council on best practices for advancing RESJ in policing.

Taken together, OLO finds that racial disparities in police interactions with the public could widen with the repeal of the Policing Advisory Commission, as a community-based group advocating for racial equity in local policing would be lost. More specifically, efforts the PAC have undertaken with MCPD to understand and address racial disparities in traffic stops and drug enforcement, to support the coordination of emergency responses, and to ensure police personnel have proper training to serve increasingly diverse constituents could be lost or at minimum, slowed down with the repeal of the Commission. While there have been other working groups and task forces that have focused on reducing racial inequities in policing, the PAC is the only group codified in County law with a long-term commitment to reduce racial disparities in policing. As such, its abolition could negatively impact RESJ in the County.

# RESJ Impact Statement

## Expedited Bill 27-23

### 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.<sup>15</sup> OLO anticipates Expedited Bill 27-23 could widen racial disparities in police interactions with the public by diminishing accountability for MCPD to implement more racially equitable policing practices. Should the Council seek to maintain RESJ considerations in policing, OLO offers one policy option for discussion and consideration:

- **Preclude the PAC from considering police misconduct and discipline.** This RESJIS notes one function of the PAC that overlaps with the PAB: both are charged to advise the Council on policing matters. Given the different priorities of the PAC (policing policies and practices) and the PAB (discipline for police misconduct), it is unlikely that each entity would offer advice to the Council on similar “policing matters.” However, to the extent that both the PAB and PAC offer advice on similar policing matters, it would only center around police misconduct and discipline, which the PAC has chosen to consider in its work. To reduce the potential for redundancy and duplicity across the PAC and PAB, Expedited Bill 27-23 could be amended to retain the PAC and preclude them only from considering policing matters relative to police misconduct and discipline that are within the scope of the PAB.

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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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### CONTRIBUTIONS

OLO staffer Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ Impact Statement with assistance from Janmarie Peña, Performance Management and Data Analyst.

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<sup>1</sup> 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](#).

<sup>2</sup> Ibid

<sup>3</sup> Khandikile Sokoni, Memorandum to County Council, [Introduction Staff Report for Expedited Bill 27-23](#), May 22, 2023

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Elaine Bonner-Tompkins, [Racial Equity and Social Justice Impact Statement for Expedited Bill 49-21](#), Office of Legislative Oversight, January 10, 2022

<sup>8</sup> Hans Riemer, Dear Colleague Letter, March 29, 2019 included in [staff packet by Amanda Mihill for Bill 14-19](#) (circle 6-7)

<sup>9</sup> Ibid

<sup>10</sup> Bonner-Tompkins

# RESJ Impact Statement

## Expedited Bill 27-23

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<sup>11</sup> Included in Sokoni memorandum and staff packet for Expedited Bill 27-23

<sup>12</sup> [Bill 14-19](#), Enacted December 3, 2019

<sup>13</sup> See for example [Policing Advisory Commission 2021 Annual Report](#)

<sup>14</sup> [Meeting Minutes](#), Policing Advisory Commission, December 12, 2022

<sup>15</sup> [Bill 27-19 Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established](#), Montgomery County Council, December 2, 2019

# Climate Assessment

Office of Legislative Oversight

## Expedited

## Bill 27-23: Police – Policing Advisory Commission – Repeal

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 27-23 will have no impact on the County's contribution to addressing climate change as the proposed repeal of the Policing Advisor Commission (PAC) as the functions of PAC do not impact the County's contribution to addressing climate change nor community climate resilience.

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### BACKGROUND AND PURPOSE OF EXPEDITED BILL 27-23

In recent years, the County has launched a variety of initiatives aimed at advancing best practices for racial equity and social justice in policing. These efforts have included the Reimagining Public Safety Initiative and Reimagining Public Safety Task Force, and enacting legislation for enhanced data collection by the Montgomery County Police Department (MCPD), community-informed police training, reports on settlements, reporting requirements for internal affairs, and the formation of the civilian-led Policing Advisory Commission to advise the Council on policing matters.

The purpose of Bill 27-23 is to repeal the Policing Advisory Commission (PAC).<sup>1</sup> According to the Bill's sponsors, they endorse the repeal of the Commission because it duplicates the functions of the Police Accountability Board (PAB).<sup>2</sup> If enacted, Bill 27-23 would repeal the PAC effective August 1, 2023, allowing the Commission time to submit its annual report to the Council by July 31, 2023, as required.<sup>3</sup>

Expedited Bill 27-23, Police - Policing Advisory Commission – Repeal, was introduced by the County Council on May 25, 2023.<sup>4</sup>

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### ANTICIPATED IMPACTS

As Expedited Bill 27-23 is proposing to repeal a committee whose actions do not impact the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community climate resilience, and adaptative capacity, OLO anticipates Expedited Bill 27-23 will have no impact.



## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>5</sup> OLO does not offer recommendations or amendments as Expedited Bill 27-23 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 adaptative capacity.

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## 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.

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## 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 adaptative 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.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> Khandikile Sokoni, Memorandum to County Council, [Introduction Staff Report for Expedited Bill 27-23](#), May 22, 2023

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Honorable Sidney Katz, Chair, Committee on Public Safety  
Montgomery County Council  
Honorable Dawn Luedtke, Council Member  
Honorable Kristin Mink, Council Member

Re: Expedited Bill 27-23 and amendments

Dear Members of the Public Safety Committee:

Thank you, Chair Katz for inviting a few members of the Policing Advisory Committee (PAC) to meet with you on Thursday afternoon regarding consideration of Expedited Bill 23-27 in advance of the Public Safety Committee meeting today.

We are very pleased that the sponsors of the bill have recognized that abolishing the PAC is inappropriate and according to the staff packet for your meeting on June 26, an amendment with a number of changes in the PAC is proposed to be offered.

We have been able to make an abbreviated review of the amendments and wish to share our views.

Preliminarily, however, we wish to stress that the PAC was created out of the reality that Black people – men, women, and children -- are being shot and killed by police in the United States in numbers grossly disproportionate to their numbers in the society. Black people are regularly stopped and harassed by police officers in the United States. The fact that this is not the subject of daily, nationwide protests does not mean the problem has gone away. To state these facts is not an accusation against the officers or leaders of the Montgomery County Police Department. But the data gathered by Montgomery County reveals that police activity disproportionately impacts racial and ethnic minorities in this county. The PAC has been created by the County Council to provide the residents of the county with a forum in which these matters can be analyzed and discussed honestly and without rancor, where questions can be asked of the police, and where concrete suggestions can be made. On January 14, 2000, the Montgomery County Police Department, Montgomery County, and the Fraternal Order of Police signed a Memorandum of Understanding with the U.S. Department of Justice to resolve a DOJ investigation following a complaint filed against them under the Civil Rights Act and other laws regarding police practices in the county. Unfortunately, some of the practices that were the subject of that complaint and to be resolved by the Memorandum of Understanding remain. It is in the interest of the county that the county's residents and the county government conscientiously address these matters without involving the federal authorities.

First, recognizing your intent to continue the PAC (probably renamed) and that the terms of the current members expire on August 1, 2023 (just five weeks from now), to enable a smooth transition for the newly appointed members, it would make sense to **continue the terms of the current members until the persons selected to fill the new term have been confirmed.** There is no value to the new members or to the County in emptying the PAC of its membership in the interim pending the confirmation of members to serve a new term. Or, perhaps the transition would be more easily planned and executed if the terms of the current members were extended to a time certain, such as for an additional 90 days, to December 1, 2023.

Second, the original appointment process produced a PAC with a great deal of diversity. County Code section 35-6 (c )(2) provides both that the Council should appoint 9 public members and that **“Each member of the County Council should nominate one member.”** To carry forward that approach with the expanded, eleven-member County Council, the language should be amended to provide for the Council’s appointment of 11 public members. Perhaps the paragraph should be amended to provide that if a council member’s nominee leaves the PAC before the conclusion of their term, the council member (or their successor) has the privilege to again make a nomination to fill that seat. To the extent that persons with particular characteristics, such as age, are to be selected, entrusting the nomination of such appointees to the County Executive is one way to expedite those nominations.

Third, we think it is good policy to provide that the PAC includes **two young adults**, as County Code Section 35-6 ( c ) (3) currently provides. Youth and young adults have the most frequent interactions with the police. The County should continue to state clearly to the young people of the county that the voices of young people will be held up in the public review or oversight of the county police.

Fourth, we have found participation of the Chief of Police and the President of the Fraternal Order of Police lodge (or their designees) as ***ex officio* members has worked very well.** The designees have been diligent and well-informed, and they regularly provide very useful information and perspective. However, we oppose converting their role to that of a voting member. The ideal role of an advisory board such as the PAC is to represent the community that faces the police – as victims of crime, as persons stopped on suspicion of a traffic violation or as other subjects of police inquiry.

It is foreseeable that as voting members, the police voices would have undue influence in determining the inquiries and recommendations proposed by the citizen representatives. The principle to exclude police representatives *as voting members* is similar to the principle that often prevails in jury selection of excluding lawyers from serving. The lawyer as juror brings an authority that is widely recognized as risking the overshadowing of the non-expert jurors. The attentive, non-expert juror is one of the great equalizing features of the American justice system. **Providing the police with a vote on what is essentially an oversight board violates the well-established principle against serving as a judge in one’s own case.** The essence of the role of the board or commission like the PAC is to provide a public or community focus in the review or oversight of the police. Inherently, such board or commission in making suggestions for

change is making implicit criticism of some practice of the police. Even if a recommendation is to do more of something good, the recommendation is a criticism of the status quo for failing to devote sufficient resources to what the board sees as valuable. It is foreseeable that police voting members will resist measures that are explicitly or implicitly critical of the police.

Fifth, **diffusing the focus of the mission from “policing matters” to “public safety matters” does not enhance the work of the commission.** Council Member Luedtke introduced the expedited bill to eliminate what she perceived as the redundancy between the Policing Advisory Commission and the state-mandated Police Accountability Board. Yet public safety matters are the subject of the 32-member [Criminal Justice Coordinating Council](#) (of which CM Luedtke is an *ex officio* member). At best this revised mission creates a real redundancy of purpose in exchange for a non-existent redundancy only suggested by the similarity of the names of the PAC and the PAB. More particularly, what is gained by changing the mission to “public safety matters?” There is no perception of nor a body of complaints for Fire and EMS or the 9-1-1 call center regarding racial discrimination or disparity in service. In any event, the County Council has no jurisdiction over the Sheriff, the courts, or the state’s attorney.

Sixth, the proposed amendments seek to change the composition of the PAC to provide that there is explicit representation from property owners: “business owners or organizations, Urban Districts, homeowners’ associations, common ownership communities...” To my knowledge, there is no evidence that representatives of these groups endure disproportionate contact or use of force by any police department, or that as crime victims they get inadequate responses. In general, most people would not feel that the business interests in the county have inadequate opportunity to express their concerns about county policies. If the Council is concerned that business is inadequately protected by the police and the criminal justice system, adding business representation to the Criminal Justice Coordinating Council might be the appropriate amendment.

**No one questions that business owners are important members of our community, as they are for any community, but given the history and purposes of the PAC, specifying them for inclusion in this body trivializes the concerns of minority communities in the county that experience disparate stops and arrests by the police.** An additional concern was raised regarding the potential appointment of an “owner” of a business in Montgomery County who is not a resident of the County. Article XI of the County Code regarding boards, committees and commissions (Sections 2-141 through 2-149) does not contain a general requirement that members be residents of Montgomery County. However, the legislation creating the Policing Accountability Board had a requirement that its members “must reside in the county” (County Code Section 35-24(b)). We think members of the PAC should reside in the county.

Seventh, the proposed new requirement that the PAC engage in community outreach is not objectionable. The PAC has always embraced that responsibility and would welcome the resources of the Council and the County to better publicize our efforts at outreach. However, the “emphasis on getting feedback and input from those living or working in Equity Focus Areas”

is problematic. As Montgomery Planning observes [on its website](#) where this concept is explained,

The primary goal of the Equity Focus Areas Analysis is to create a tool that will help guide numerous planning projects and processes of Montgomery Planning and [Montgomery Parks](#), both part of the [Maryland-National Capital Park and Planning Commission](#). Some of these efforts include the update to the county's General Plan, known as [Thrive Montgomery 2050](#), Montgomery Planning's [Equity in Master Planning Framework](#), and Montgomery Parks' [Capital Improvement Program](#) prioritization.

Some observers feel that this planning board concept of such communities when made the target locations for "feedback and input" would diminish the attention of the renamed PAC away from the historic racial disparities that surround the lack of confidence in the police in certain communities.

Finally, we suggest that the Committee read closely the report of the Council's Office of Legislative Oversight (OLO) in its Racial Equity and Social Justice Impact Statement found on pp. 46-50 of the staff packet. The OLO concluded,

While there have been other working groups and task forces that have focused on reducing racial inequities in policing, **the PAC is the only group codified in County law with a long-term commitment to reduce racial disparities in policing. As such, its abolition could negatively impact RESJ [Racial Equity and Social Justice] in the County.** (emphasis added).

Once again, we are pleased that the sponsors of the Expedited Bill do not want to abolish the Policing Advisory Commission outright. We hope that your consideration of amendments to the Expedited Bill will take our concerns into consideration.

Those of us who have signed this letter do so without having had any meetings or communications that are contrary to the Maryland Open Meetings Act.

Sincerely yours,

Eric E. Sterling (Chair, Policing Advisory Commission)

Ty McKinney (Vice Chair, Policing Advisory Commission)

Cherri Branson (Immediate Past Chair, Policing Advisory Commission)

Vernon Ricks, Jr. (Inaugural Chair, Policing Advisory Commission)

Robin Gaster, Ph.D. (Inaugural member, Policing Advisory Commission)

Laurie Ekstrand (Member, Policing Advisory Commission)



**Opposition to Proposed Amendments to Expedited Bill 27-23  
June 26, 2023**

Consistent with our original opposition to Expedited Bill 27-23, we write to express our opposition to the amendments proposed by the bill sponsors. At base, the amendments will dilute and minimize the voices of community members most directly impacted by policing. We continue to believe that it is premature to end the PAC's existence in its current form and that our Council benefits when it has multiple sources of community input into matters of policing.

One of our many concerns with the proposed amendments is the elimination of two seats reserved for youth voices on the PAC. This is an amendment that SSJC fought hard for, along with community partners that represent young people, including Young People for Progress. Adding insult to injury is the addition of police and business members as voting members of the PAC. Business interests and police historically and presently have an outsized amount of power and have ample channels through which they can communicate with elected officials. The purpose of bodies like the PAC is to give voice to those who lack power and lack traditional avenues of access to power. These amendments subvert that purpose and weaken the voices of the historically disenfranchised.

Consistent with our concerns, the OLO's Racial Equity and Social Justice (RESJ) Impact Statement concludes that the proposed amendments have the overall intent of diminishing efforts to promote best practices for advancing RESJ in policing. We agree with the statement's conclusion that the primary beneficiary of this legislation is the MCPD. The proposed amendments do nothing to change this, distorting the idea of community oversight of policing by giving representatives of MCPD and the police union voting membership. This amendment is both offensive and unnecessary given that MCPD and the police union have a seat at the table virtually every time this Council considers matters of policing.

We also share the RESJ Statement's opinion that MCPD leadership wants this bill because of demands that the PAC has placed on the department throughout its tenure, demands that the department has frequently attempted to avoid or subvert. The PAC has persisted in asking MCPD leaders difficult questions and demanding accountability; the proposed amendments would significantly diminish the PAC's ability to play this critical role in community oversight of policing.

We do not share the OLO's concern, however, with duplication of efforts by the PAC and the Police Accountability Board. As we shared in our original testimony, we believe the Council can benefit from multiple community voices, and until we have a better sense of how these two boards will evolve in coexistence over time, it is premature to terminate or modify the PAC. Moreover, we repeat our demand that the Council take no action to limit or constrain the scope of current or potential activities of the PAB in order to justify the continuation of the PAC and that the Council support and fund the PAB to the extent necessary to fulfill the broad mission delegated to it by state law.

Lastly, we ask the Public Safety Committee to invite PAC Chairperson Eric Sterling to be included in the panel at the June 26 worksession. Before the Council radically alters or eliminates the PAC, the PAC's Chair should have an opportunity to participate in the Committee's discussion.

Thank you as always for your consideration of our views.