

MEMORANDUM

June 21, 2023

TO: Joint Economic Development & Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst

SUBJECT: **Executive Regulation No. 1-23, Position Description for Assistant Chief of Police (Civilian)**

PURPOSE: Review and Vote on Proposed Regulation

Today, the Joint Committee will review the proposed Executive Regulation 01-23. Those expected to attend the worksession include:

Chief Marcus Jones, Montgomery County Police Department (MCPD)

Background

In 2020, the Council passed Bill 24-20,¹ which created a Civilian Assistant Chief of Police position within the Montgomery County Police Department (MCPD). At the time, there were four sworn Assistant Chiefs overseeing four operational bureaus:

- Management Services
- Field Services
- Investigative Services
- Patrol Services

The Assistant Chiefs are responsible for daily oversight of all functions within each bureau

- ensuring compliance with all departmental policies;
- helping to determine budgetary and staffing needs; and
- working together to identify, formulate, and implement new, more efficient departmental practices as needed.

The new Assistant Chief of Police (Civilian) initially oversaw a newly-created fifth bureau, the Community Resources Bureau. The new bureau had oversight of the Community Engagement

¹ [Bill 24-20E - Administration - Police - Assistant Chiefs of Police](#)

Division, the Policy and Planning Division, and the Public Information Office. The new Civilian Assistant Chief was also responsible for creating an evidence-based policing unit to research best practices.

The position was filled in July 2021; however, there were concerns about the incumbent's inappropriate use of police powers, and the incumbent left the Department less than a year later.²

Proposed Regulation

Executive Regulation No. 1-23 was advertised in the January 2023 Montgomery County Register and no comments were received. The proposed regulation was introduced at Council on March 14, 2023. The regulation is reviewed and approved under Method (1). Under Method (1), a regulation proposed under this method is not adopted until the County Council approves it.

The proposed regulation explicitly states in the position description for the Assistant Chief of Police (Civilian) that this position is a civilian position. The employee in this position is not a sworn law enforcement officer and is not in the chain of command of the sworn police officers within the Department. The Executive advises that this change is being proposed to clarify the appropriate authorities of this position and ensure that the Assistant Chief of Police (Civilian) does not direct the use of police powers provided to sworn officers under Maryland Law.

Potential Discussion Questions

1. Does removing the authority to direct police power reduce, to any meaningful degree, the number of positions the Civilian Assistant Chief will supervise?
2. Does the Department plan to advertise for this position soon? If so, will the scope of management responsibility over certain divisions remain the same? Or does the Department anticipate a reconfiguration of this position's duties?
3. If the Civilian AC position's span of control is substantially reduced, is salary parity with the sworn ACs still necessary?

This staff report contains:

Transmittal Memo

Clean Copy of Proposed Regulation

Bracketed Copy of Proposed Regulation

Fiscal Impact Statement

Circle #

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² [MoCo's Civilian Police Chief Removed Amid Alleged Violations: Reports](#)




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

February 23, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Executive Regulation No. 1-23, Position Description for Assistant Chief of Police (Civilian)

I am transmitting to you Executive Regulation No. 1-23, which revises Montgomery County Code § 1A-104 to explicitly state in the position description for the Assistant Chief of Police (Civilian) that this position is a civilian position. The employee in this position is not a sworn law enforcement officer and is not in the chain of command of the sworn police officers within the Department.

This amendment is being proposed to clarify the appropriate authorities of this position and ensure that the Assistant Chief of Police (Civilian) does not direct the use of police powers provided to sworn officers under Maryland Law.

This proposed regulation is being promulgated by the Office of Human Resources (OHR) under Method 1 of Section 2A-15 of the Montgomery County Code. Executive Regulation No. 1-23 was advertised in the January 2023 Montgomery County Register and no comments were received. If you have any questions or would like additional information, please contact Samuel Frushour, Special Assistant, Office of Human Resources at Samuel.frushour@montgomerycountymd.gov.

Enclosures

cc: Hon. Kate Stewart, Chair, Government Operations and Fiscal Policy Committee
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Earl Stoddard, Assistant Chief Administrative Officer, Office of the County Executive



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Position Description for Assistant Chief of Police (Civilian)

Number: 1-23

Originating Department:
Office of Human Resources

Effective Date:

Montgomery County Regulation on:

POSITION DESCRIPTION FOR ASSISTANT CHIEF OF POLICE (CIVILIAN)

Issued by: County Executive

Regulation No. 1-23

COMCOR 33.07.01

Supersedes: Regulation 3-20

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

Council Method (1) Under Code Section 2A-15

Register Volume 40, Issue 1

Comment Deadline: January 31, 2022

Effective Date: _____

Sunset Date: _____

SUMMARY:

This regulation establishes the position description for Assistant Chief of Police (Civilian), a non-merit position. It includes a definition of the work, examples of duties and responsibilities, and the recommended qualifications, knowledge, skills, and abilities for the position. Montgomery County Code Section 2-43 designates this position as a non-merit position. Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

ADDRESS:

Director, Office of Human Resources
Executive Office Building
101 Monroe Street, 7th Floor
Rockville, MD 20850

STAFF CONTACT:

Additional information and copies of the regulation are available from:
Samuel Frushour, Special Assistant to the Director, 240-777-5012.

COMCOR 01A.104.34 Assistant Chief of Police (Civilian)

01A.104.34.01 Description of Position.

This is senior level management work directing, coordinating and managing the administrative and operational activities for one of the five bureaus within the Police Department. This position reports to



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Number: 1-23

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Office of Human Resources

Effective Date:

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

This is a civilian position. The employee in this position is not a sworn law enforcement officer and is not in the chain of command of the sworn police officers within the Department.

01A.104.34.02 Example of Duties.

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

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

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

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

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

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

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

01A.104.34.03 Minimum Qualifications.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject: Position Description for Assistant Chief of Police (Civilian)

Number: 1-23

Originating Department:
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Effective Date:

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

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

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

Knowledge, Skills and Abilities:

Knowledge of modern management and supervisory principles and practices.

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

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

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

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

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

Approved:

Marc Elrich, County Executive

2/23/2023

Date

Approved as to form and legality:

Office of the County Attorney

12/19/2022

Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Effective Date:

Montgomery County Regulation on:

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Issued by: County Executive

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

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Approved:

Marc Elrich, County Executive

2/23/2023

Date

Approved as to form and legality:

Office of the County Attorney

12/19/2022

Date

Fiscal Impact Statement

Office of Management and Budget

Executive Regulation 1-23

Position Description: Assistant Chief of Police (Civilian)

Regulation Summary

Executive Regulation 1-23 clarifies the position description for the non-merit Assistant Chief of Police (Civilian) position in the Department of Police.

Fiscal Impact Summary

There is no fiscal impact from this regulation.

| Fiscal Year | 0 | 0 | 0 | 0 | 0 | 0 | Total |
|--------------------|------|------|------|------|------|------|-------|
| Personnel Costs | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Operating Expenses | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Impact | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |

Fiscal Impact Analysis

Clarifying the existing position description of the Assistant Chief of Police (Civilian) related to the position status and chain of command is not expected to impact County revenues or expenditures.

Staff Impact

The Office of Human Resources advises that staff time to implement this regulation will be minimal, and will not increase staff responsibilities.

Actuarial Analysis

The regulation is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The regulation is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The regulation does not authorize future spending.

Contributors

Samuel Frushour, Office of Human Resources
Shantee Jackson, Office of Management and Budget

