



January 18, 2022

Opposed to County Council Bill 49-21 Police Accountability Board – Administrative Charging Committee – Established

Dear Members of the County Council:

On behalf of the ACLU Montgomery County, I submit this testimony in opposition of this bill. While it purports to support police accountability reforms passed by the Maryland General Assembly in 2021, this bill undermines those reforms. Specifically, state legislators charged localities with creating independent, civilian led bodies to receive and evaluate complaints regarding police misconduct. This historic legislation was hard fought and won only after many years of personal testimony of police misconduct going unheard and/or unheeded, year after year, by state policymakers.

Finally, thanks to a confluence of national attention on police brutality against black bodies, state law has lifted the veil of secrecy and privilege previously afforded to police misconduct complaints and investigations. In response, the Montgomery County Council, at the behest of County Executive Marc Elrich, has introduced a bill to create a police accountability board that is neither representative of the spirit of the new state law or capable of providing community trust.

First, the bill requires all members serving on a police accountability board to have extensive experience in police management, stating “Each member must reside in the County and have experience managing or evaluating the management of a law enforcement agency.” Second, the bill further excludes most community members by requiring experience “evaluating citizen complaints against a police officer; or police accountability board personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator.” Third, this bill essentially enshrines the already flawed internal affairs process currently in place.

By seeking to introduce this bill without community input, the County Executive has insulted the time and effort of volunteers across the county who labored for several months to evaluate and make recommendations to current police operations as part of the Reimagining Public Safety Taskforce. The taskforce which was convened by the County Executive in 2020, produced a report of recommendations <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf> to improve police-community relations, chief of which was a full embracing of transparency.

The ACLU Montgomery County stands with other members of the community, including the Police Advisory Commission in opposition to this bill, unless amended, and calling for public hearings to ascertain community priorities around the implementation of a police accountability board and other requirements pursuant to new state law.

Sincerely,

Carlean Ponder