



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**MC Bill 49-21 – Enabling Legislation for Police Accountability Board and
Administrative Charging Committee – January 18, 2022
OPPOSE**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)**. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

Per House Bill 670, passed during the 2021 session of the General Assembly, each Maryland jurisdiction was charged with creating a Police Accountability Board. As a result, Montgomery County introduced Expedited Bill MC 49-21. WDC opposes MC Bill 49-21 – Enabling Legislation for Police Accountability Board (PAB) and Administrative Charging Committee (ACC), unless it is significantly amended to ensure the affected community members will be included in the PAB and removes obstacles which would hinder the PAB's ability to do its job. MC 49-21 purports to create an avenue for community involvement in overseeing alleged police misconduct by providing the community with the opportunity to serve on the PAB, whose charge it is to investigate complaints against police officers by community members and render disciplinary decisions or recommendations. However, as currently drafted, this bill does not meet that basic standard.

The Council's Office of Legislative Oversight's (OLO) Racial Equity and Social Justice (RESJ) Impact Statement found, "that Bill 49-21 does not align with best practices for civilian oversight of police accountability systems, as the PAB proposed is unlikely to:

- Be independent of MCPD because it requires its members to have significant law enforcement experience.
- Have the power to recommend changes to policy that would improve police accountability because its scope by default is limited to the minority of misconduct cases resulting from complaints from the public that are investigated by IAD rather than the totality of police misconduct complaints made from the public.
- Have sufficient resources to carry out its mission since its budget and staffing are not specified in the legislation."

As a result, OLO determined that if the legislation remains as written, it will not meet the recommended criteria to ensure a successful civilian oversight agency.

Accordingly, WDC opposes Expedited Bill 49-21 as written. The Council must amend Expedited Bill 49-21 to include all the recommendations of the OLO RESJ Impact Statement, and WDC also supports additional amendments, such as:

- Specifically exclude former law enforcement officers or those with law enforcement backgrounds from participation on the PAB. While the staff report for Bill 49-21 (see footnote 5) disagrees that the PAB must be staffed by former law enforcement officers, the community can only be sure that it will not be staffed by former law enforcement officers if the bill is amended to exclude them.



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- Pay the members of the PAB to compensate members for their time and to raise the stature of the PAB.
- Allow the PAB to select independent counsel. The PAB should not be represented by the County Attorney. It is a clear conflict of interest.

The lack of meaningful community involvement ensures that the status quo will remain, and that the police will continue to have no real accountability, nor will there be a meaningful opportunity for the community to have a voice in oversight of the police.

Therefore, WDC respectfully requests that the County Council amend Expedited Bill 49-21 to include the recommendations set out in the RESJ Impact Statement and the additional amendments proposed above.

Respectfully,

Leslie Milano
President