

**JUFJ Official Testimony - Opposed Unless Amended
Bill 49-21: Enabling Legislation for Police Accountability Board and
Administrative Charging Committee**

My name is Heidi Rhodes. I live in Colesville and I am a resident of District 5. I am submitting this testimony on behalf of Jews United for Justice on Bill 49-21, with the position of opposed unless amended. JUFJ represents over 2,000 Jews and allies from across Montgomery County, who act on our shared Jewish values by pursuing social and economic justice and racial equity in our local community.

I have learned through my over 35 years working in the intelligence community that those with the extraordinary power to prevent or cause damage to our community require civilian oversight, primarily by those most affected by that potential harm. In the intelligence community, we trained **every year** on the limits of our authorities, the past abuses of those authorities, and the rules, procedures and oversight put in place to ensure we stayed within the limits of those authorities. In fact, after the Snowden revelations, a new civilian oversight and privacy organization was established, run by those *outside* the intelligence community. It had the authority to delve into every aspect of our work to ensure we were adhering to our own standards and to institute new control procedures as part of its oversight duties.

Without this oversight, abuse can occur from both ignorance and malice. Rabbi Yitzhak taught that "a ruler is not to be appointed unless the community is first consulted" (Babylonian Talmud Berachot 55a) – his teaching reminds us that this vital oversight needs to be by and for the community that is being policed.

We remind the Council that law enforcement officers in Montgomery County killed six residents in 2021. Each was an unacceptable loss of life that must not only be mourned, but whose communities must also have a say in the disciplinary process if the Police Accountability Board (PAB) is to follow the teachings of our Jewish tradition. **As stated by the Bill's Racial Equity and Social Justice analysis, the PAB as structured under Bill 49-21 is analogous to the current police accountability system and fails to enable real community participation in the disciplinary process.** . Here are our concerns with the legislation:

Lack of Community Input and Limited Scope of Work

This bill was drafted without any community input, and thus does not reflect the needs of the general public – especially those communities most impacted by police abuses. Real police accountability depends on civilian oversight. Advocates fought for a law that would allow for enforceable civilian oversight of policing, but we did not achieve that goal. The PAB, a board with oversight but not enforcement powers, **populated by members of the community**, was the compromise. This PAB was intended to ensure meaningful community involvement in the disciplinary process. The Council must gather additional community input on the structure and needs of both the PAB and the Administrative Charging Committee (ACC) for a bill that is more in-line with the intent of the new state law, and which, consistent with the recommendation in the RESJ Statement, is amended to expand the scope of the misconduct complaints that the boards can review.

Exclusion of Community Members from the PAB

Proper civilian oversight requires that the PAB – and its staff – be broadly representative of our County. We know that our County leaders can shape a board composed of impacted people, as our Police Advisory Commission shows.

Though the PAC and the PAB have two distinct and important purposes, both must be representative of our community's most impacted members. Bill 49-21's criteria for board members, which limits membership only to those with significant law enforcement experience, excludes those communities which have suffered the brunt of bad policing, negating important lived and professional expertise. These criteria perpetuate the status quo for police discipline in Montgomery County and will lead to a PAB that looks exactly like our current MCPD hearing board. Any revision of this bill must include a Racial Equity and Social Justice Impact Statement that reviews how its structures will affect impacted community members.

Substantial Conflicts of Interest

The bill creates unacceptable conflicts of interest by requiring the County Attorney to serve as PAB counsel, when the County Attorney also represents the Montgomery County Police Department and the County itself. The PAB must have its own, independent counsel and staff in order to engage in the responsibilities delegated to it by the Maryland Police Accountability Act (MPAA), which include: reviewing the results of investigations of civilian complaints; reviewing disciplinary procedures of all law enforcement agencies in the County; and advising the head of each of those agencies and elected officials about improvements in policing.

Lack of Adequate Staffing and Funding

Any final PAB bill must provide adequate funding to compensate members of both the PAB and the ACC. The current bill only provides compensation for the ACC. The lack of compensation for PAB members not only diminishes the importance of the PAB's work, but also creates additional barriers to meaningful community participation – even if the current membership requirements were eliminated.

The PAB must also have an adequate budget for an independent staff to support the investigation and research of citizen complaints; communications needs; and public education and outreach. Without funding for compensation and independent counsel and staff, the PAB and ACC will not be effective or credible.

As drafted, this bill will not create an independent civilian police review process that reflects the diversity of the community most impacted by policing. Bill 49-21 is contrary to the spirit of the MPAA and will only maintain the status quo. **JUFJ respectfully urges the Council to oppose Bill 49-12 in its current form, and to substantially revise the legislation based on community input and guidance in the Racial Equity and Social Justice Impact Statement from the Office of Legislative Oversight.**

Thank you, and we look forward to continuing to work with the Council and other community advocates to ensure real safety for everyone in our County.