

Written Testimony on MC Bill 49-21 (Enabling Legislation for Police Accountability Board and Administrative Charging Committee)

I request that the Council substantially rewrite this legislation to reflect the needs of the community, not protect the status quo.

First, the PAB should be inclusive of the community, not tied to experience within the existing law enforcement agencies or other similar personnel management. It is hard to tell how the PAB will be meaningfully different from the current MCPD hearing board. The new state law is intended to ensure that the community has a role in oversight of Montgomery County's police discipline processes, but the proposed rules are fundamentally at odds with those principles.

In addition to excluding viewpoints from lived and professional experiences, the PAB will be restricted to people with independent financial means or financial interests in participation because there is not real compensation for PAB members. It is ironic that the proposed legislation sets out professional requirements, but then offers no professional compensation for service in an administrative function for the County.

I am also concerned about the lack of independence in other aspects. For example, the bill requires the County Attorney to serve as PAB counsel. If the PAB and a police department develop different interpretations of law, how will the County Attorney represent both parties in resolving the dispute? In particular, if the PAB has significant questions about whether law enforcement agencies have adequate disciplinary procedures, but those procedures have previously been reviewed by the County Attorney, there will be very strong pressure on the PAB to drop the matter. This will undermine the effectiveness of the PAB in transforming the disciplinary procedures of law enforcement agencies.

Thank you for considering my comments.