

**WRITTEN TESTIMONY**  
**Budget Testimony for**  
**Police Accountability Board, Administrative Charging Committee, and Trial Boards**  
**Compensation**

Robert Landau

I am Robert Landau, I live in Gaithersburg, and I have been working closely with the Silver Spring Justice Coalition, and many other community organizations on County Bill 49-21, creating the Police Accountability Board (PAB) and the Administrative Charging Committee (ACC).

In lieu of the \$100,510 “placeholder” used by the County Executive, I am recommending that the Council initially allocate for salaries approximately \$2 million for the combined PAB, ACC, and Trial Boards for FY23.

As has been suggested by the County Executive, the initial budget allocation should be made with the understanding that the PAB and ACC would determine, in consultation with the County’s Chief Administrative Officer, more precisely what the resource requirements are for each of these boards, as well as the needs for Trial Boards, as we all see how many cases officers end up appealing..

The County Executive, the County Council, and the community agree on the importance of the success and effectiveness of these boards; everyone acknowledges that high-quality, full-time, dedicated staff is a vital component to achieving those goals.

The County Executive has indicated that he would hire an executive director for the boards. We agree with this decision but also believe that the PAB and the ACC will each need their own dedicated staff, both because of the anticipated workload and because the PAB will be reviewing the decisions of the ACC and therefore some separation in staffing is essential to avoid conflicts of interest.

I am attaching a [Letter from Joanna Silver](#) outlining the work that the Silver Spring Justice Coalition believes the PAB will have to do in order to fulfill its mandate under state law. I believe you all know well what the ACC’s duties are, so I won’t reiterate that here.

Having spent nearly two years working on the state and county legislation to create these boards and researching what they need, I have come up with the specific staffing recommendations, set forth below. I do not pretend to know what the actual cost of each position will be, but I provide an estimate of compensation (excluding fringe benefits, payroll taxes, etc.) in order to better explain the basis for my bottom-line budget recommendations for each board.

As indicated by the County Executive, once these boards have been constituted, each board should have the opportunity to refine their budget needs, where applicable in supplemental appropriations. For FY24 and beyond, each board should be able to submit their budget requests through the usual administrative processes.

The FY23 budget recommendations below take into account that MCPD police officers who are covered by the FOP Lodge 35 Collective Bargaining Agreement (CBA) and the Takoma Park police officers who have their own CBA covering their discipline process will not be subject to the ACC and Trial Board process for any part of FY23. Nonetheless, we estimate there are about 320 police officers who will be subject to the ACC and Trial Board process, plus more than 100 deputy sheriffs, beginning July 1, 2022. We have not prorated salaries both because we want to show full-year compensation and because we hope that staff will be hired as soon as practicable.

**FY23 Budget for the ACC**

# of positions	Title	Function	Cost per position	Total Cost
5	ACC Members	Adjudicate all police discipline cases involving the public, as LEAs must refer to ACC	\$16,000 / \$22,000	\$106,000
1	Executive director	Manage ACC operations and staff	\$150,000	\$150,000
1	Legal Counsel	Advise ACC on full range of legal issues, including the interpretation of statutes, policies, other LEA documents, legal precedents	\$225,000	\$225,000
2	Investigators	Examine all LEA investigative reports findings, including LEA reports and related materials, research other information provided to PAB, advise for the need for additional evidence	\$100,000	\$200,000
1	Administrative	Provide full range of administrative support, including supporting the selection process for ACC members and Trial Board members; preparing all materials, scheduling meetings, maintaining necessary records, etc.	\$50,000	\$50,000
Totals				

13				\$731,000
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The above table of personnel costs does not include the full range of resources needed by the PAB, including: office, furniture, office equipment (e.g, computers, phones, software), etc.

**FY23 Budget for the PAB**

# of positions	Title	Function	Cost per position	Total Cost
9	Board Member	Responsible for all PAB duties	\$10,000	\$ 90,000
1	Executive director	Manage PAB operations and staff	\$150,000	\$150,000
1	Legal Counsel	Advise PAB on full range of legal issues, including the interpretation of statutes, policies, other LEA documents, legal precedents	\$225,000	\$225,000
2	Investigators	Examine ACC findings, including LEA reports and related materials, research other information provided to PAB	\$80,000	\$160,000
2	Policy Analysts	Research applicable County and municipal laws, LEA policies and other materials pertaining to improving policing throughout the County. Assist in analyzing the policy implications of all decisions of the ACC, including subsequent appeals.	\$70,000	\$140,000
2	Communications Specialist	Create community outreach program, including surveys, public forums, social media, etc., maintain PAB website	\$60,000	\$120,000
2	Administrative	Provide full range of administrative support, including supporting the selection process for ACC members and Trial Board members; preparing all materials, scheduling meetings, maintaining necessary records, etc.	\$50,000	\$100,000
Totals				
19				\$985,000

The above table of personnel costs does not include the full range of resources needed by the PAB, including: office, furniture, office equipment (e.g, computers, phones, software), etc.

### **The Trial Boards**

Although the Trial Boards, required by HB 670, were not addressed in 49-21, there can be no doubt that police officers will invoke their right to appeal the decision of the LEA chief or sheriff to the appropriate Trial Board. HB 670 requires that each Trial Board consist of three persons: one PAB appointee, one current or retired circuit court judge, and one officer of the same rank as the accused who is appointed by the applicable chief or sheriff.

We do not have any statistics to inform an estimate of how many trial boards would be needed, and given the new state-mandated Discipline Matrix, and the ACC's disciplinary decisions, it is difficult to determine whether there will be more or fewer appeals to these newly created Trial Boards.

Another consideration in the FY23 budget for the Trial Board, is the need to compensate, at a minimum, the PAB appointee on each Trial Board. Given there are several unknowns about others' compensation, I recommend an initial FY23 Budget of \$100,000, with the understanding that a supplemental appropriation may be needed.

Thank you for your consideration.