



MEETING MINUTES

Police Accountability Board (PAB)

Thursday, October 3, 2024

7:00 pm – 8:30 pm

Virtual Option: <https://us02web.zoom.us/j/82445359189>

Attendees: Bishop Walker (Chair), Alvin McCray, Ronald Wright, Chris Zatrutz, Chuck Williams, Shelly Brown (Special Legal Counsel), Laura Byers (*staff, minute taker*)

Absent Members: Katharine “Kate” Manning, George Lluberes (Parliamentarian), Alicia Hudson, Ken Kellner (Vice Chair), Forrest Gilman-Reilly (*staff*),

of General Public (nonmember) Attendees: 1

Motions:

Motion to approve the October 3, 2024 agenda. Approved.

ACTION ITEMS from October 3, 2024

	Action Item:	Assigned To:	Status:
1.	Draft a memorandum to revisit the PAB Freedom to Leave Act position for the council (for board review).	Board Member Williams	

ACTION ITEMS from September 5, 2024

	Action Item:	Assigned To:	Status:
1.	To send copies of the PAB Freedom to Leave Act statement to the Public Safety Committee, CM Jawando Office, the County Executive, and Dr. Stoddard.	PAB Staff	Done.
2.	To submit a draft of outcomes for the Annual Report by October 1, 2024	Ad-hoc Committees	In Progress.
3.	To submit questions for the September 19 Quarterly Chiefs meeting by	PAB Members	Done.

	September 12, 2024.		
4.	To post contact information for organizations to request meetings with the Listening Tour.	PAB Staff	Done.

1. Call to Order

Summary:

- The Chair announced to all, that this meeting was being recorded.

2. Approval of the October 3, 2024 Agenda. Approved. (5 Yes/0 No)

3. Staff Report

Summary:

The staff shared the September Monthly Complaint report and corrections to the April 2024 monthly reports.

The Action Items from September 5 were updated and reviewed.

4. Public Comments

There were no public comments.

5. Unfinished Business.

Board Member McCray provided an update on the Consent to Search and Freedom to Leave position in Montgomery County.

Summary Recommendations:

- MCPD ensures uniformity amongst all officers' conduct during traffic stops of persons of color or races and remains biased when requesting a consent search
- MCPD continues to utilize the transition tools to ensure comprehension of consent search and inform individuals of waiver rights under the 4th Amendment in written consent.
- Officers maintain awareness and are viewed by the public as coercive by nature. As armed and authorized to use deadly force, care should be provided to the public and knowledge of their rights to decline consent at any time during the search.
- The ad-hoc committee spoke with Attorney Laura Rhodes who provided insight into a public experience with a consent to search that was not traffic stop related and noted that interrogation processes have been applied to obtain approval to search.

Action Item: Draft a memorandum to revisit the PAB Freedom to Leave Act position for the council (for board review). (Board Member Williams)

6. Announcements

The next PAB meeting will be held on October 17, 2024, at the Executive Office Building, 101 Monroe Street. The room location will be determined and shared on the following websites:

- PAB website [Police Accountability Board Homepage, Montgomery County, MD \(montgomerycountymd.gov\)](https://montgomerycountymd.gov) and;
- Montgomery County calendar [Calendar - Montgomery County, MD \(montgomerycountymd.gov\)](https://montgomerycountymd.gov) 9th Floor Conference Room, Rockville, MD 20850.

Zoom link: <https://us02web.zoom.us/j/84683097750>

7. Adjournment

Bishop Paul Walker, Chair

8. Vote (5/0) Motion to move to closed session to review details of personnel issues pursuant to Maryland Code, General Provisions Article §3-305(b)(1) “To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.”

[Appendix A: Closing Statement](#)

**PRESIDING OFFICER’S WRITTEN STATEMENT FOR CLOSING A MEETING
 (“CLOSING STATEMENT”) UNDER THE OPEN MEETINGS ACT (General Provisions
 Article § 3-305)**

with Instructions

Instructions to presiding officer: To meet in a closed session under the Act, the public body must first meet in open session, after providing proper notice. Make sure that the open session is attended by a member designated to receive open meetings training. If a designated member cannot attend, complete the Compliance Checklist.¹ If the public body has never designated a member for training, it must do so **before closing the session**.

Before closing the session, take two steps: (1) conduct a recorded vote on a motion to close; and (2) make a written “closing” statement. If the public body might return to open session afterwards, be sure to tell the public that. *During* the closed session, keep the discussion topics within the confines of the closing statement. *After* the closed session, the events of the closed session must be disclosed in the next open-session minutes.

The top part of this form is a model closing statement. **It has two sides.** **Before closing the open session, complete items 1 through 4 on this form or in any writing with the same information.** If someone pre-prepared the form for you, make sure it reflects the public body’s own intended topics and reasons for closing the meeting. A member of the public may inspect the closing statement at the time of the closing and may object to the decision to close the meeting. Once the meeting is closed, the closing statement sets the agenda and may not be changed.

The bottom part of the form is a worksheet that provides a checklist of the disclosures that must be made in the next open-session minutes. The worksheet is not part of the closing statement.

1. Recorded vote to close the meeting: Date: 10/3/2024 ; Time: 7:48 PM ; Location: Virtual ;
Motion to close meeting made by: Bishop Paul Walker ; Seconded by Thomas Williams ;
Members in favor: Greg McCray, Ronald Wright, Chris Zatrutz ;
Opposed: None ;
Abstaining: None ;
Absent: Katharine “Kate” Manning, George Lluberes (Parliamentarian), Alicia Hudson, Ken Kellner (Vice Chair)

2. Statutory authority to close session (check all provisions that apply): This meeting will only be closed under the provision or provisions checked below, all from General Provisions Art. § 3-305(b):

(1) **“To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter**

¹ http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/COMPLIANCE_CHECKLIST%20.pdf

that affects one or more specific individuals"; (2)___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)___ "To consider the investment of public funds"; (6)___ "To consider the marketing of public securities"; (7)___ "To consult with counsel to obtain legal advice"; (8)___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)___ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, *if* public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process"; (15)___ "To discuss cybersecurity, *if* the public body determines that public discussion would constitute a risk to" (i) "security assessments or deployments relating to information resources technology"; (ii) "network security information," such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) "deployments or implementation of security personnel, critical infrastructure, or security devices."

3. For *each* provision checked above, the corresponding topic to be discussed and the public body’s reason for discussing that topic in closed session, in as much detail as possible without disclosing the information that may be discussed behind closed doors:

Citation (insert # from above)	Topic <i>We expect to discuss these matters:</i>	Reason for closed-session discussion of topic - <i>We are closing the meeting to discuss this topic because:</i>
§ 3-305(b)(1))	Attendance	Attendance and obligations regarding the attendance of board members.
§ 3-305(b) ()		

4. This statement is made by Bishop Paul Walker, Presiding Officer.

**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT
MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN SESSION (§ 3-
306)(c)(2) or § 3-104**

For meetings closed under an exception, as disclosed above:

Time of closed session: 7:50 Place: Zoom Online meeting

Purpose(s): To discuss personnel matters that affect the board.

Members who voted to meet in closed session: Greg McCray, Chris Zatrutz, Ronald Wright, Thomas Williams, and Bishop Paul Walker.

Persons attending closed session: Shelly Brown (Special Legal Counsel) and Laura Byers (PAB Staff)

Authority under § 3-305 for the closed session (see chart above): _____

Topics actually discussed: Attendance and obligations regarding the attendance of board members.

Each action Taken: Each board member will receive a letter regarding attendance and the Standard Operation Procedure for the PAB.