

TO: Honorable Members of the Prince George’s County Council
FROM: Terry Bell, Council Liaison, on behalf of the Administration of the Honorable Angela Alsobrooks
RE: Responses to CB-21-2022 Consolidated Amendment Sheet
DATE: June 6, 2022

This memorandum will respond to the amendments included in the CB-21-2022 Consolidated Amendment Sheet (“Amendment Sheet”). The following section numbers correspond and are in the same order as the Amendment Sheet provided to the Executive Branch.

1. Section 2-530. Budget and Staff.
 - a. Budget at least .5 percent of the Police Department general fund budget
Administration Position: Respectfully, do not agree. We do not have sufficient data to utilize this formula at this time. We look forward to further discussions as the County gains more experience and data in this area.
 - b. Proposed budget includes staff costs including independent legal counsel and compensation for Police Accountability Board (“Board”) and Administrative Charging Committee (“ACC”)
Administration Position: Concur
2. Section 2-533 Composition of Board; Residency; Terms of Office.
 - a. (Page 2, line 31). Names submitted by each Council member, etc.; Striking language that County Executive nominates for Council approval the Chair of the Board.
Administration Position: Respectfully, do not agree. The Administration's proposed legislation allows the public, and both the executive and legislative branches, involvement with the process. While the County Executive makes the nominations, the public has the opportunity to provide comments to the County Council during the public confirmation process. Finally, the Council has the final authority to approve via confirmation.
 - b. (Page 3, Line 1): Chair of the Board selected by the members of the Board
Administration Position: This proposed amendment conflicts with the State law. The State law provides that the governing body shall appoint the Chair

of the Board. (Md. Public Safety, Section 3-102(b)(1)(i)(3)). The legislation proposed by the Administration complies with this having the chair nominated by the County Executive and confirmed by the Council.

- c. 2-533(c): Composition of the members of the Board to include racial, gender, gender-identity ...

Administration Position: The Administration has many of the same concerns expressed during the former COW meeting. However, after further consideration, the Administration is willing to compromise with the following language:

To the extent practicable, the members of the Board shall reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County.

- d. Proposed Amendment: May not be a member of the Board if they are a former police officer.

Administration Position: Respectfully disagree. The Board should represent different interests of the community, including those with law enforcement experience. For similar reasons, the Administration did not propose persons with a criminal record were automatically ineligible to serve.

- e. An active or former police officer may not be a member of the Board if on the “do not call” list of the State’s Attorney.

Administration Position: Active police officers are automatically disqualified pursuant to State law. Regarding former police officers, the “do not call” list normally excludes an officer who was found to have credibility issues. This proposed amendment is not necessary as credibility is a criterion for all applicants.

- f. No more than one former law enforcement officer can serve on the Board.

Administration Position: Concur. (Note: This proposed amendment conflicts with the proposed amendment that a former law enforcement officer may not serve.)

- g. Candidates for the Board shall not be excluded from consideration on the basis of their immigration or criminal history.

Administration Position: i) Concur to proposed amendment related to immigration, so long as the applicant can prove identity and work authorization in accordance with federal law. This is required pursuant to federal law because members receive paid stipends.

ii) Criminal History: Concur with the following language:

...will not be excluded on the basis of criminal history, except that any person who has been convicted of or received a probation before judgment (PBJ) disposition for any crime under federal or state law, but has not yet successfully completed their sentence for the conviction or PBJ (including any period of probation or parole imposed or any order for the payment of restitution) shall be ineligible for appointment.

3. Section 2-534: Duties of the Board

- a. Proposed amendments adding duties in subparagraphs (d) – (g):

Administration Position: Respectfully disagree. Many of these duties and responsibilities are, per State law, the responsibility of the ACC. There is no authority to also give these duties to the Board. Moreover, having both boards perform these duties will cause major delays in the disciplinary process. State law requires the time for review by both the law enforcement agency through disposition by the ACC may not exceed one year and one day after the complaint is filed by the citizen. (Md. Public Safety, Section 3-113).

- b. Proposed amendment: Board meet monthly or more often as needed.

Administration Position: Concur with language that the Board meet monthly, or as determined by the Board, but no less than quarterly.

- c. Proposed new subparagraph (m).

Administration Position: Concur with proposed paragraph (m), subparagraphs (1), (2) and (4). There is concern with subparagraph 3 relating to internal reports and non-publicly available data. Some of the municipal and county chiefs are concerned that the language is broad and may encompass documents that are confidential for other important reasons.

4. **Section 2-536.**

- a. **Training for ACC members reflected in subparagraph c.**

Administration Position: Concur

- b. **Proposed subparagraph d—composition of the ACC.**

Administration Position: The Administration has many of the same concerns expressed during the former COW meeting. However, after further consideration, the Administration is willing to compromise with the following language:

To the extent practicable, the members of the ACC shall reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County.

- c. **Proposed subparagraph e –Not excluded on the basis of immigration or criminal history**

Administration Position: : i) Concur to proposed amendment related to immigration, so long as the applicant can prove identity and work authorization in accordance with federal law. This is required pursuant to federal law because members receive paid stipends.

ii) Criminal History: Concur with the following language:

...will not be excluded on the basis of criminal history, except that any person who has been convicted of or received a probation before judgment (PBJ) disposition for any crime under federal or state law, but has not yet successfully completed their sentence for the conviction or PBJ (including any period of probation or parole imposed or any order for the payment of restitution) shall be ineligible for appointment.

5. **Section 2-537. Mandatory Responsibilities of ACC—adding subparagraph n.**

Administration Position: Respectfully, the Administration does not agree. The language appears to give the ACC independent investigatory power independent of the law enforcement agency. This conflicts with the State law.

The State statutory scheme mandates that the law enforcement agency conducts the investigation and presents those findings to the ACC for review. The ACC will determine whether charges are brought against the accused officer. In addition, the ACC recommends the discipline to be imposed in accordance with the State discipline matrix. The law enforcement agency is not allowed to give a lesser discipline than that recommended by the ACC, the agency can only issue a higher discipline and as long as it complies with the State discipline matrix. Finally, in addition to other authority, the State law empowers the ACC to request additional information from the law enforcement agency, including requiring additional investigation. (Md. Public Safety Article, Section 3-104(d) – (f)).

6. Proposed Amendment to Section 2-540(3). Process to choose officer member of equal rank for the trial board.

Administration Position: Respectfully disagree. State law provides that the head of the law enforcement agency has the authority to choose this member and the

Administration is not in favor of amending this section.