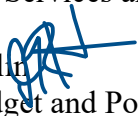




April 24, 2024

MEMORANDUM

TO: Wanika B. Fisher, Chair
Health, Human Services and Public Safety (HHSPS) Committee

THRU: Joseph R. Hamlin 
Director of Budget and Policy Analysis

FROM: Malcolm Moody - *mm*
Legislative Budget and Policy Analyst

RE: Administrative Charging Committee (ACC)
Fiscal Year 2025 Budget Review

Budget Overview

The FY 2025 Proposed Budget for the Administrative Charging Committee (ACC) is \$1,293,100. This reflects a 18.6% increase over the FY 2024 approved budget. The ACC serves to improve the disciplinary process of law enforcement officers to include independent assessments of citizen-driven police misconduct related complaints. The goal of the ACC and the trial boards will be to develop uniformity, fairness, and transparency in discipline sanctions against officers found guilty of misconduct thereby increasing overall accountability and the community's trust in the process. The Administrative Charging Committee's expenditures are funded entirely by the General Fund.

Budget - General Fund

Proposed Fiscal Year 2025

| Category | FY 2023 Actual | FY 2024 Approved | FY 2024 Estimated | FY 2025 Proposed | Change Amount | % Change |
|--------------------|-------------------|---------------------|----------------------|---------------------|------------------|-------------|
| Compensation | \$ 373,719 | \$ 631,700 | \$ 562,900 | \$ 653,900 | \$ 22,200 | 3.5% |
| Fringe Benefits | 92,085 | 227,400 | 162,000 | 215,800 | (11,600) | -5.1% |
| Operating Expenses | 133,121 | 231,300 | 213,700 | 423,400 | 192,100 | 83.1% |
| Subtotal | \$ 598,925 | \$ 1,090,400 | \$ 938,600 | \$ 1,293,100 | \$ 202,700 | 18.6% |

Staffing and Compensation

Authorized Staffing Count - General Fund

| | FY 2024 Approved | FY 2025 Proposed | Change Amount | Percentage Change |
|--------------|-------------------------|-------------------------|----------------------|--------------------------|
| Full-Time | 8 | 8 | 0 | N/A |
| Total | 8 | 8 | 0 | N/A |

- The General Fund provides funding for eight (8) full-time positions as follows:
 - Administrative Specialist 2G
 - Compliance Specialist 2G
 - Administrative Aide 2G
 - Three (3) Paralegal 2G
 - Two (2) Investigator 2G

There are no vacancies currently.

- The FY 2025 General Fund compensation is proposed at \$653,900 which reflects an increase of 3.5% over the approved FY 2024 budget.

Fringe Benefits

- Fringe Benefit expenditures are proposed at \$215,800 which reflects a decrease of -5.1% over the approved FY 2024 budget.

Operating Expenses

- The total operating expenditures for FY 2025 are \$423,400, which reflects an increase of 83.1% over the approved FY 2024 budget.
- The Committee and Board Members' stipends are budgeted within the operating (General and Administrative Contracts) line item.
 - This includes \$140,000 for Committee stipends. Each ACC (5) member will be paid \$60/hour, not to exceed \$28,750/yr.
 - \$144,000 is budgeted for the Administrative Law Judges (5) serving on the trial boards (Administrative Hearing Board), and \$36,000 for the citizens (5) serving in the other positions on the three (3) member panel for the Administrative Hearing Board.
- In FY 2025, operating expenses are proposed at \$423,400 and are comprised of the following: telephone (\$1,900), printing (\$1,500), office automation (\$32,800), training (\$5,000), membership fees (\$500), mileage reimbursement (\$1,200), general and

administrative contracts (\$370,000) which is due to the reallocation of stipend funding for Trial Board Judges and AHB civilians from the PAB¹, and general office supplies (\$1,500). This reflects an 83.1% increase over the prior year's approved budget.

| Operating Objects | FY 2024 Budget | FY 2025 Proposed | FY 2024 - FY 2025 | |
|----------------------------------------------|-------------------|---------------------|-------------------|--------------|
| | | | \$ Change | % Change |
| Office Automation | \$ 31,900 | \$ 32,800 | \$ 900 | 2.8% |
| General & Administrative Contracts | 183,000 | 370,000 | 187,000 | 102.2% |
| Office/Building Rental/Lease | - | - | - | N/A |
| Car Pool Lease | - | 9,000 | 9,000 | N/A |
| Equipment Lease | - | - | - | N/A |
| Printing | 1,400 | 1,500 | 100 | 7.1% |
| Building Repair/Maintenance | - | - | - | N/A |
| Allowances | - | - | - | N/A |
| Other Operating Equipment Repair/Maintenance | - | - | - | N/A |
| Training | 4,000 | 5,000 | 1,000 | 25.0% |
| Mileage Reimbursement | 1,200 | 1,200 | - | 0.0% |
| Gas & Oil | - | - | - | N/A |
| General Office Supplies | 5,300 | 1,500 | (3,800) | -71.7% |
| Telephone | 3,000 | 1,900 | (1,100) | -36.7% |
| Vehicle Equipment Repair/Maintenance | - | - | - | N/A |
| Membership | 500 | 500 | - | 0.0% |
| Office and Operating Equipment Non-Capital | 1,000 | - | (1,000) | -100.0% |
| Miscellaneous | - | - | - | N/A |
| TOTAL | \$ 231,300 | \$ 423,400 | \$ 192,100 | 83.1% |

- The breakdown for the General and Administrative Contracts is as follows:

| Service Category | Term | FY 2024 Budget | FY 2025 Budget | FY 2024-2025 \$ Change | FY 2024-2025 % Change |
|------------------------------------|-------|-------------------|-------------------|------------------------|-----------------------|
| Legal Services | FY 25 | \$ 21,000 | \$ 25,000 | \$ 4,000 | 19.0% |
| Legal Services (TBD) | FY 25 | \$ - | \$ 25,000 | \$ 25,000 | N/A |
| ACC Members Stipend | FY 25 | \$ 162,000 | \$ 140,000 | \$ (22,000) | -13.6% |
| Trial Board Judges Stipend | FY 25 | \$ 39,000 | \$ 144,000 | \$ 105,000 | 269.2% |
| Administrative Hearing Board (AHB) | FY 25 | \$ 95,000 | \$ 36,000 | \$ (59,000) | -62.1% |
| Totals | | \$ 317,000 | \$ 370,000 | \$ 53,000 | 16.7% |

Workload

The ACC provides civilian independent review of investigations of complaints brought against a law enforcement officer involving a member of the public, whether filed by a citizen or initiated by a law enforcement agency. There are approximately twenty-eight (28) law enforcement agencies within the County that are governed by State and County legislation. Upon completion of an investigation, the law enforcement agency shall forward the file to the ACC. The Committee will be responsible for reviewing the file to determine if the imposition of administrative charges and discipline (as applicable) are appropriate. The ACC will use the uniform statewide disciplinary matrix developed by the Maryland Police Training and Standards Commission as the guide. The

ACC’s written findings and recommendations for discipline shall be forwarded to the head of the law enforcement agency in question. The head of the agency may impose the discipline recommended by the ACC or a more severe one, based within the range of the uniform state matrix.

Case submissions by County and municipal law enforcement agencies²:

| Agency | CY 2022 Cases | CY 2023 Cases | Change (CY 22 - CY 23) |
|-----------------------------|----------------------|----------------------|-------------------------------|
| PGPD | 6 | 128 | 122 |
| PGC Sheriff | 0 | 24 | 24 |
| Berwyn Heights | 0 | 0 | 0 |
| Bladensburg | 0 | 7 | 7 |
| Bowie | 10 | 12 | 2 |
| Capitol Heights | 0 | 1 | 1 |
| Cheverly | 0 | 1 | 1 |
| Cottage City (Brentwood) | 1 | 1 | 0 |
| District Heights | 0 | 0 | 0 |
| Edmonston | 0 | 0 | 0 |
| Fairmount Heights | 0 | 0 | 0 |
| Forest Heights | 0 | 0 | 0 |
| Glenarden | 1 | 2 | 1 |
| Greenbelt | 7 | 19 | 12 |
| Hyattsville | 2 | 13 | 11 |
| Landover | 0 | 0 | 0 |
| Laurel City | 7 | 16 | 9 |
| Morningside | 0 | 0 | 0 |
| Mount Rainer | 0 | 1 | 1 |
| New Carrollton | 1 | 0 | -1 |
| Riverdale | 0 | 0 | 0 |
| Seat Pleasant | 1 | 4 | 3 |
| University Park Town Police | 0 | 0 | 0 |
| | | | |
| Totals | 36 | 229 | 193 |

² Of the twenty-eight (28) LEAs, 53% did submit investigations to the ACC for review. The thirteen (13) that did not include **Riverdale Park** (8th largest municipality); **Cheverly** (10th largest municipality); **District Heights** (11th largest municipality); **Berwyn Heights** (15th largest municipality); **Forest Heights** (16th largest municipality); **University Park** (17th largest municipality); **Landover Hills** (18th largest municipality); **Edmonston** (19th largest municipality); **Colmar Manor** (20th largest municipality); **Fairmount Heights** (21st largest municipality); **Cottage City** (22nd largest municipality); **Morningside** (23rd largest municipality); **Upper Marlboro** (24th largest municipality).

Allegation Categories and Counts (Data as of 12/31/2023):

| Allegation Category | Allegation Count |
|------------------------------------------|-------------------------|
| Abuse of Position | 2 |
| Attention to Duty | 17 |
| Bias-Based Profiling (Race) | 4 |
| Complaint regarding police service | 3 |
| Conduct Towards the Public | 1 |
| Conformance to Laws | 4 |
| Constitutional Rights | 4 |
| Courtesy, Responsiveness, & Impartiality | 3 |
| Criminal Misconduct | 14 |
| Discourtesy | 25 |
| Discrimination | 5 |
| Failure to Notify PSC | 1 |
| Failure to report Use of Force | 1 |
| False Statement | 3 |
| Harassment | 4 |
| Improper Discharge of Firearm | 2 |
| Language | 5 |
| Minor Traffic | 8 |
| Neglect of Duty | 4 |
| Other - Procedural | 17 |
| Other - Protocol | 19 |
| Other - Unspecified | 5 |
| Professionalism | 3 |
| Radio Procedure | 2 |
| Secondary Employment | 1 |
| Unauthorized Pursuit | 3 |
| Unbecoming Conduct | 35 |
| Unjustifiably Towing | 1 |
| Unjustifiably Towing the Vehicle | 1 |
| Unlawful Arrest | 2 |
| Unsafely Operation a Motor Vehicle | 1 |
| Use of Firearm | 2 |
| Use of Force | 30 |
| Video: BWC/MVS/In-Car | 13 |
| Grand Total | 245 |

Dispositions (Data as of 12/31/2023):

| Disposition | Number of Cases |
|--------------------|------------------------|
| Sustained | 53 |
| Unfounded | 44 |
| Exonerated | 33 |
| Non-Sustained | 30 |
| Total | 160 |

Board Membership

Pursuant to Sec. 2-536 of the County Code entitled, *Composition of ACC*, the Administrative Charging Committee shall consist of five (5) members: the Chair of the Police Accountability Board (PAB) or another member of the Board as designated by the Chair; two (2) civilian members who are not members of the Board, nominated by the County Executive and confirmed by the County Council; and two additional civilians who are not members of the Board but are appointed by the Board. The appointments shall be for three (3) year terms, except that the terms of the initial ACC members shall be staggered. No member shall be appointed for more than two (2) consecutive full terms.

Prior to serving, all members of the ACC must complete the training required by the Maryland Police Training and Standards Commission. Members must also complete any other training as may be required to include law enforcement agency trainings and relevant local, regional, and national trainings, subject to County's approval and payment process.

Chair – Kelvin Davall Expires 6/30/2026
(Also serves as Police Accountability Board Chair)

Vice Chair – Cardell Montague Expires 6/30/2026

Member – Serenity Garnette Expires 6/30/2025

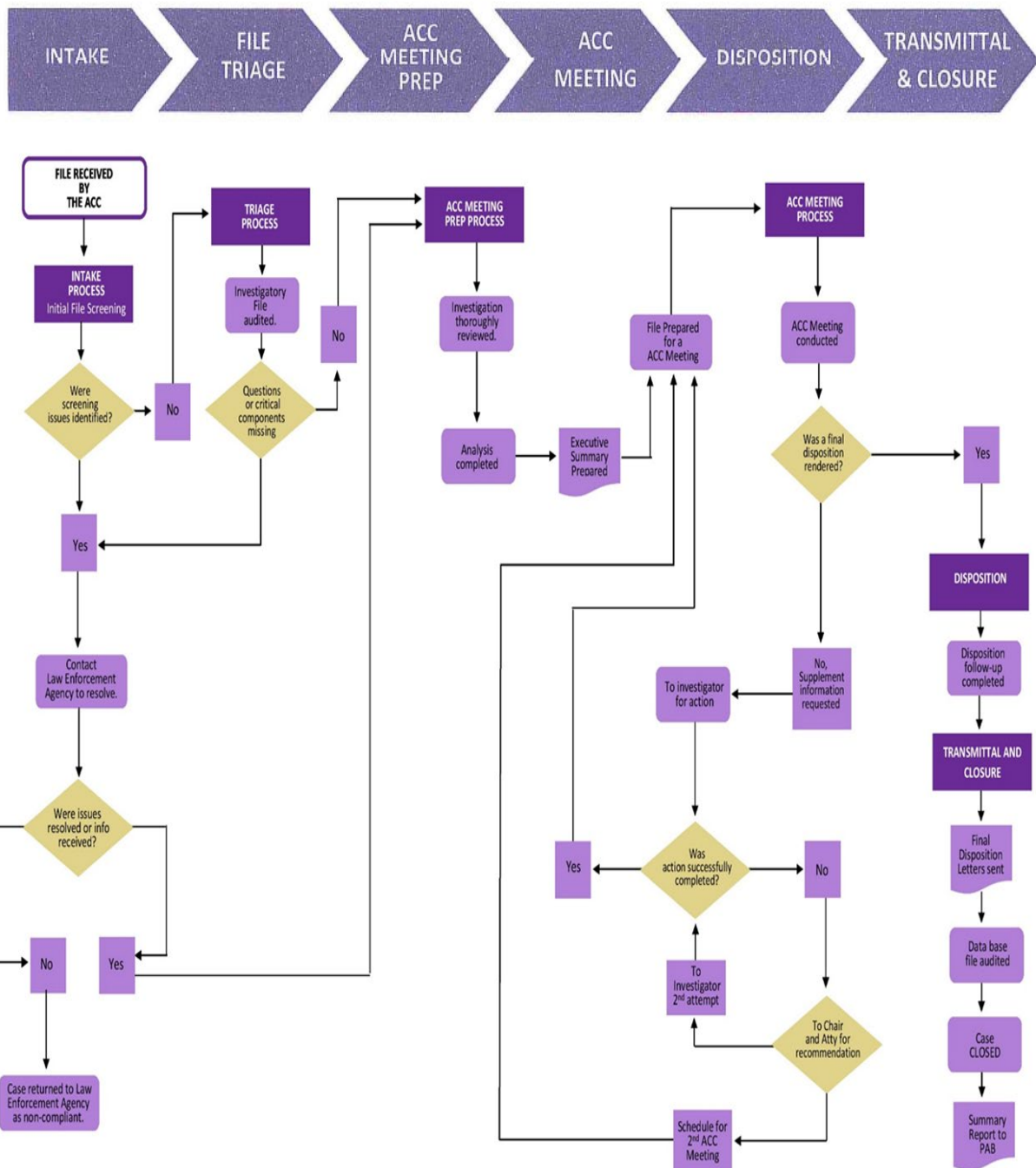
Member – Natalie Stephenson Expires 6/30/2025

Member – William (Bill) Scott Expires 6/30/2026

Intake process, through the Triage Process, ACC Meeting Prep Process, ACC Meeting, Disposition, Transmittal and finally Closure:

The timeframe from the date the complaint of police misconduct is filed with either the law enforcement agency directly, or the PAB, until the ACC transmits its final disposition and recommendation shall not exceed one (1) year and a day. This includes the period of time the law enforcement agency takes to conduct its investigation.

Workflow Processing Steps



Step One: Intake:

Upon completion of the investigation of a complaint, the law enforcement agency will forward the file to the ACC. Upon receipt, the ACC's Administrative Aide will:

1. Acknowledge and document receipt of the file.
2. Input information into the ACC's case database.
3. Screen files using an Intake Checklist to ensure completeness.
4. Create, enter, or update files in the database.
5. Assign the file to an Investigator AND Paralegal.
6. Advance the investigatory file to the 2nd step in the process: File Triage.

Step Two: File Triage:

This phase includes the systematic process of examining the files for completeness, and that the case has been thoroughly investigated and completed on the side of the law enforcement agency. It involves examining the contents of the file and addressing any outstanding issues prior to scheduling cases for a review meeting by the Committee.

Step Three: ACC Meeting Prep:

The assigned Paralegal will thoroughly review the investigatory file in accordance with applicable law and the specific law enforcement agency's policies, procedures, and general orders. The Reviewer will also review the applicability of the disciplinary actions included in the Disciplinary Matrix and obtain any additional information and/or documents to assist ACC members in their assessment. A Case File Package is prepared and distributed to all ACC members prior to the ACC meeting.

Step Four: ACC Case Review Meeting:

During the case review meetings, ACC members will discuss the investigatory file submitted by the law enforcement agency. In each case, the following determinations and actions shall be made:

1. Whether an officer shall be administratively charged or not charged;
2. If the charge(s) are warranted, recommend appropriate discipline in accordance with the uniform matrix. The recommendation(s) made by the agency should also be taken into consideration when making this determination;
3. If evidence does not lead to being administratively charged, make a determination that the allegations against the officer are:
 - a. Unfounded
 - b. The officer is exonerated
 - c. The allegations are not sustained
4. Review BWC footage relevant to the complaint;
5. Request the officer to appear before the ACC (to be accompanied by a representative);
6. Issue a written opinion outlining the Committee's findings, determinations and recommendations;
7. Issue in writing any failure of supervision that may have caused or contributed to the officer's misconduct;
8. Forward the formal opinion to the agency head, law enforcement officer, and complainant;

9. The ACC may also request additional information or action from the law enforcement agency that conducted the investigation, including requiring an additional investigation; issuance of subpoena(s) to obtain physical evidence or to compel witnesses to be interviewed by the agency's investigator.

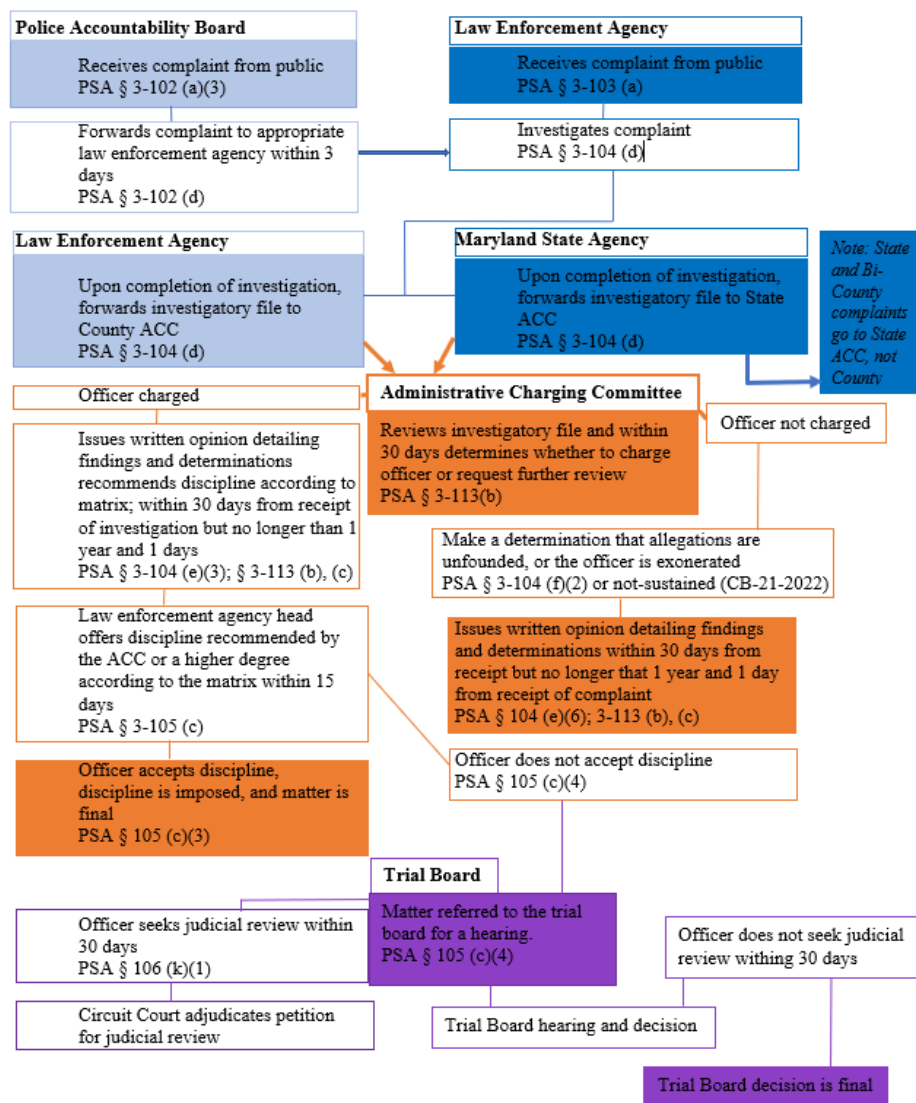
Step Five: Disposition:

The decision and recommended action from the ACC meeting are processed for completion.

Step Six: Transmittal and Closure:

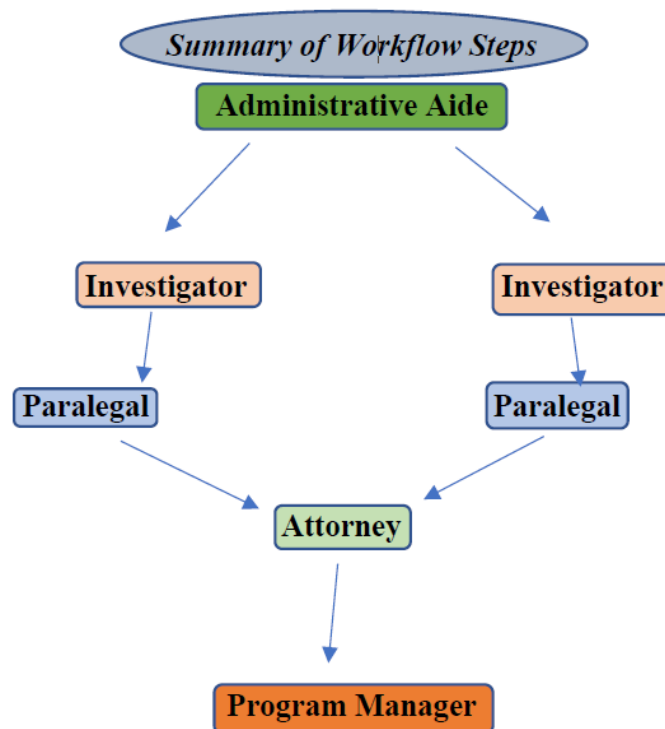
During this stage, ACC staff prepare the required documents and final disposition letter for transmittal to the law enforcement agency, complainant, officer, and the PAB.

Complaint process from initial report through final outcome at ACC and trial board levels:



Division of Duties

- Administrative Aide: Initial file review and triage
- Investigators: Full file review and preliminary determinations as to thoroughness of investigatory file from agency
- Paralegals: File identification of type of case and summarization of findings in writing with justification/explanation
- Attorneys: Legal analysis and written report on investigatory findings
- Program Manager: Final review and report compilation



Agency Goals for FY 2025

- Reduce the backlog of case reviews and turnaround times for findings.
- Improve the efficiency of reviews.
- Work collaboratively with stakeholders.
- Track and publish more statistical data.

Performance Measures as reported and projected by the agency:

| Measure Type | Measure Name | Unit of Measure | FY 2023 Actual | FY 2024 Estimated | FY 2025 Projected |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------|-------------------|-------------------|
| Workload, Demand, and Production (output) | Sustained Body worn camera, Dashcam video, and video equipment violations | Number of | 13 | 22 | 31 |
| | Cases Returned to Public Safety Agencies during File Triage | Number of | 92 | 124 | 78 |
| | Alleged Discrimination and/or Harassment toward an Individual based on Racial, Religious, Ethnic, or other Protected Classes | Number of | 5 | 4 | 4 |
| | Alleged Violations of Federal, State, or Local Law | Number of | 6 | 10 | 10 |
| Quality | Days taken to investigate cases by public safety agencies | Average | 69 | 45 | 30 |
| | Days taken to Review Cases by ACC (case review Timeline) | Average | 106 | 143 | 110 |

Agency Identified Issues

- There continues to be hesitation from the municipal law enforcement agencies to forward cases to the ACC. The ACC is working on sending letters to LEAs that have failed to provide the ACC with cases to date. An example of this issue is with three complaints that have been filed with the PAB against officers in Cheverly. The ACC has currently not

received any investigations from Cheverly. There are other municipal agencies that have not engaged with the ACC.

- While investigatory standards have improved, there is still no uniformity when it comes to investigations as municipal law enforcement agencies have varied requirements. An example of this is that during certain investigations the ACC has had to request the disciplinary history for an officer in the complaint process. The ACC noted that receiving disciplinary history automatically would help eliminate this issue.
- The ACC has no knowledge of the complaints that are filed by citizens to the various law enforcement agencies throughout the County. They only become aware of the cases once received. They lack enforcement power to compel agencies to submit citizen complaints of police misconduct. There is no main database to track these matters.
- The agency reports that there is still a need for a full-time attorney. Funding for this position has been added to the FY 2025 Proposed Budget.
- While the entire department (ACC, PAB, OICPA) has acquired an interim case management system (Legal Files). There remains a need to establish a permanent case management system that tracks cases from when a complaint is filed through the final disposition.

Background/Highlights

- The Administrative Charging Committee (ACC) was created by legislation CB-021-2022 as required by the Maryland Police Accountability Act of 2021.
- The ACC did not start hearing cases until March 1, 2023, due to mandatory training not being complete until February 2023.
- The ACC will review the findings of a law enforcement agency's investigation of external complaints; determine if the police officer who is subject to investigation shall be administratively charged and if so, recommend discipline in accordance with the law enforcement agency's disciplinary matrix. If the police officer is not administratively charged, the ACC shall make a determination as to whether the allegations are unfounded, not sustained or if the officer is exonerated.
- This evaluation will include review of body camera footage that may be relevant to the matters covered in the complaint of misconduct. Additionally, the ACC will issue a written opinion that describes in detail its findings, determinations, and recommendations, and will forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.
- The ACC will be responsible for recording, in writing, any failure of supervision that caused or contributed to a police officer's misconduct. Its purpose will be to improve police customer service and community responsiveness to citizens' complaints of police misconduct through effective and independent oversight of the police disciplinary process and outcomes, thereby increasing police accountability.

- CB-021-2022 also established and provided the process for a trial board, consisting of three (3) members, for each law enforcement agency within the County. Smaller agencies may use the trial board process of another law enforcement agency. The County Executive shall establish a roster of ten (10) judges who shall be an actively serving or retired administrative law judge, or a retired judge of the District Court or a Circuit Court. One of which will serve on a trial board, based on rotation and availability.
- The Proposed FY 2025 budget includes funding in the amount of \$140,000 in stipends for the members of the ACC. Each ACC member will be paid \$60 per hour, with a per member annual maximum of \$28,750³. The stipends for the Administrative Judges, who will serve on the Trial Boards, is budgeted at \$144,000. Additionally, the Proposed FY 2025 budget includes stipends for civilian members to the Trial Board (\$36,000).

³ In Fiscal Year 2024 the paid stipend was also \$60 per hour, with an annual maximum of \$31,200.