

Office of the County Auditor
Auditor's Analysis

Council Bill No. 83-2021

Introduced: November 1, 2021

Auditor: Owen Clark

Fiscal Impact:

This legislation is expected to result in general fund expenditures that the Administration estimates may range from \$160,000 to \$190,000. The planned components of these costs are:

- An Executive Secretary position for the Police Accountability Board,
- Stipends for the Administrative Charging Committee and Trial Board members,
- Expenses for database development, and
- Reimbursement of expenses for board or committee activities.

Please see **Attachment A** for an expanded summary of these cost components.

Purpose:

The purpose of this legislation is to update the County Code with the State mandates created by the Maryland Police Accountability Act of 2021, which was passed via Maryland House Bill 670. This mandate includes establishing, staffing, and budgeting for a Police Accountability Board to meet quarterly with the County's head of law enforcement and County government officials.

- The Police Accountability Board will:
 - Appoint civilian residents to an Administrative Charging Committee and Trial Board.
 - Receive complaints of police misconduct filed by members of the public.
 - Review outcomes of disciplinary matters considered by the Administrative Charging Committee on a quarterly basis.
 - Submit an annual report identifying trends and recommendations to improve police accountability in the County.
- The Administrative Charging Committee will:
 - Review findings of the County law enforcement agencies' investigations of police misconduct.

- Be composed of the Chair of the Police Accountability Board or its designee, two civilian members selected by the Police Accountability Board, and two civilian members selected by the Chief Executive Officer of the County.
- The Trial Board will:
 - Adjudicate matters for which a police officer is subject to discipline.
 - Be composed of:
 - An active service or retired administrative law judge or a retired judge of the District Court or a Circuit Court, appointed by the Chief Executive Officer of the County;
 - A civilian appointed by the Police Accountability Board; and
 - A Police Officer of equal rank to the police officer who is accused of misconduct and appointed by the head of the law enforcement agency.

Other Comments:

NOTE: Per our Office's review of the Fiscal Note for Maryland House Bill 670, the Maryland Police Accountability Act of 2021 is increasing the current liability limits under the Local Government Tort Claims Act. The County's Administration has confirmed this change is likely to increase the cost of the County's excess insurance premiums that are paid out of the Risk Management Fund.

Per County Administration:

- The Administration plans to appoint the five members of the Board to be confirmed by the Council after passage of this legislation but no later than July 1, 2022.
- The Police Accountability Board, once established, will appoint the members of the Administrative Charging Committee.
- The Police Accountability Board will appoint members to the Trial Boards as needed (when an officer challenges the decision of the Administrative Charging Committee).
- The Maryland Police Training and Standards Commission may approve the regulations necessary to implement the Maryland Police Accountability Act in January 2022, along with training resources for the Accountability Board, Administrative Charging Committee, and Trial Board members.
- While not yet finalized, the Administration is considering funding these costs in the County Administration's operating budget to avoid any perceived conflict of interest between the Office of the County Sheriff or Police Department and the proposed boards and committee.

Attachment A

The Administration has provided the following information related to each cost component of implementing this legislation.

Executive Secretary position for the Police Accountability Board

Based on the expectation of an increase in external complaints subject to this legislation and the likelihood that most, if not all, cases will go to a Trial Board, a full-time position is expected to be needed. Based on this position providing support to the Police Accountability Board, Administrative Charging Committee, and Trial Boards and being the primary public contact for fielding all board questions, an Administrative Analyst I classification is under consideration. (Salary and benefits for this Grade I position will range from \$76k to \$126k.)

Stipends for Administrative Charging Committee and Trial Board members

There is no pay requirement in the State or local legislation for members of the Administrative Charging Committee or Trial Board. However, due to the potential time commitment involved, the Administration is considering providing a stipend in addition to reimbursement of expenses.

The Administrative Charging Committee is a standing committee required to meet once a month or as needed. As a result of this time commitment, consideration is being given to provide each of the five members a \$50 stipend per meeting.

For the Trial Board, it may be difficult to find judges to serve without pay. The Administration is reviewing the possibility of providing an hourly pay or a fixed payment per case. A civilian member of a Trial Board is only active for a single case, so their time commitment is short term by nature. To achieve equitable treatment with Administrative Charging Committee members, a \$50 stipend per meeting is being considered. An officer appointed by agency will be on regular pay.

Database development

The Police Department expects a cost of about \$2,000 to create a module in its existing internal affairs compliant software to track the status of complaints.

The Sheriff's Office plans to post a spreadsheet to a website with the required information to be updated as needed. No additional costs are expected from the Sheriff's Office.