





April 6, 2023

**MEMORANDUM**

TO: Krystal Oriadha, Chair  
Health, Human Services and Public Safety Committee (HHSPS)

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

FROM: Kassandra Fields   
Legislative Budget and Policy Analyst

RE: Administrative Charging Committee (ACC)  
Fiscal Year 2024 Budget Review

It is important to note that this agency is still in transition. The agency spent the majority of FY 2023 preparing to meet the administrative needs of the ACC, to include hiring of the staff necessary to support the Committee's functions, selecting and training the Committee members, and preparing processes, as well as office space. The ACC did not begin even reviewing cases until February of this year. The first formal meeting of the ACC was held on February 7, 2023. As of March 27, 2023, 18 cases have been reviewed by the ACC.

**Budget Overview**

The FY 2024 Proposed Budget for the Administrative Charging Committee (ACC) is \$1,013,600. This reflects a 9.3% increase over the FY 2023 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 ultimate 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 2024

Category	FY 2022 Actual	FY 2023 Approved	FY 2023 Estimated	FY 2024 Proposed	Change Amount	% Change
Compensation	\$ -	\$ 420,000		\$ 476,700	\$ 56,700	13.5%
Fringe Benefits	-	151,000		171,600	20,600	13.6%
Operating Expenses	-	356,500		365,300	8,800	2.5%
Subtotal	\$ -	\$ 927,500	\$ -	\$ 1,013,600	\$ 86,100	9.3%

## **Staffing and Compensation**

	FY 2023 Approved	FY 2024 Proposed	Change Amount	Percentage Change
Full-Time	6	6	0	N/A
<b>Total</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>N/A</b>

- The General Fund provides funding for six (6) full-time positions as follows:
  - Administrative Specialist 1G
  - Administrative Aide 2G
  - Two (2) Paralegal 1G
  - Two (2) Investigator 1G

There are no vacancies at this time.

- The FY 2024 General Fund compensation is proposed at \$476,700 which reflects an increase of 13.5% over the approved FY 2023 budget.

## **Fringe Benefits**

- Fringe Benefit expenditures are proposed at \$171,600 which reflects an increase of 13.6% over the approved FY 2023 budget.

## **Operating Expenses**

- The total operating expenditures for FY 2024 are \$365,300, which reflects an increase of 2.5% over the approved FY 2023 budget.
- The Committee and Board Members' stipends are budgeted within the operating (General and Administrative Contracts) line item.
  - This includes \$162,00 for Committee stipends. Each ACC (5) member will be paid \$60/hour, not to exceed \$31,200/yr.

- \$95,000 is budgeted for the Administrative Judges (5) serving on the trial boards, and \$39,000 for the citizens (5) serving in the other positions on the three (3) member panel.
- In FY 2024, operating expenses are proposed at \$365,300 and are comprised of the following: telephone (\$3,000), printing (\$1,400), office automation (\$31,900, new item this year, and is associated with the allocation for services as developed by the Office of Information Technology), training (\$4,000), membership fees (\$500), mileage reimbursement (\$1,200), general and administrative contracts (\$317,000), and general office supplies (\$5,300). This reflects a 2.5% increase over the prior year's approved budget.

Operating Objects	FY 2023 Budget	FY 2024 Proposed	FY 2023 - FY 2024	
			\$ Change	% Change
Office Automation	\$ -	\$ 31,900	\$ 31,900	100.0%
General & Administrative Contracts	315,200	317,000	1,800	0.6%
Office/Building Rental/Lease	-	-	-	0.0%
Equipment Lease	-	-	-	0.0%
Printing	1,600	1,400	(200)	-12.5%
Building Repair/Maintenance	-	-	-	0.0%
Allowances	-	-	-	0.0%
Other Operating Equipment Repair/Maintenance	-	-	-	0.0%
Training	5,000	4,000	(1,000)	-20.0%
Mileage Reimbursement	1,200	1,200	-	0.0%
Gas & Oil	-	-	-	0.0%
General Office Supplies	5,000	5,300	300	6.0%
Telephone	3,000	3,000	-	0.0%
Vehicle Equipment Repair/Maintenance	-	-	-	0.0%
Membership	500	500	-	0.0%
Office and Operating Equipment Non-Capital	25,000	1,000	(24,000)	-96.0%
Miscellaneous	-	-	-	0.0%
<b>TOTAL</b>	<b>\$ 356,500</b>	<b>\$ 365,300</b>	<b>\$ 8,800</b>	<b>2.5%</b>

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

Service Category	Term	FY 2023 Budget	FY 2024 Budget	FY 2023-2024 \$ Change	FY 2023-2024 % Change
Legal Services	7/1/23- 6/30/24	\$20,000	\$21,000	\$1,000	5%
ACC Stipends	FY 24	\$156,000	\$162,000	\$6,000	3.9%
Trial Board Civilian Stipends	FY 24	\$38,400	\$39,000	\$600	1.7%
Administrative Judges Stipend	FY 24	\$100,800	\$95,000	(\$5,800)	(5.8%)
<b>Totals</b>		<b>\$315,200</b>	<b>\$317,000</b>	<b>\$1,800</b>	<b>.6%</b>

## 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 agencies<sup>1</sup>:**

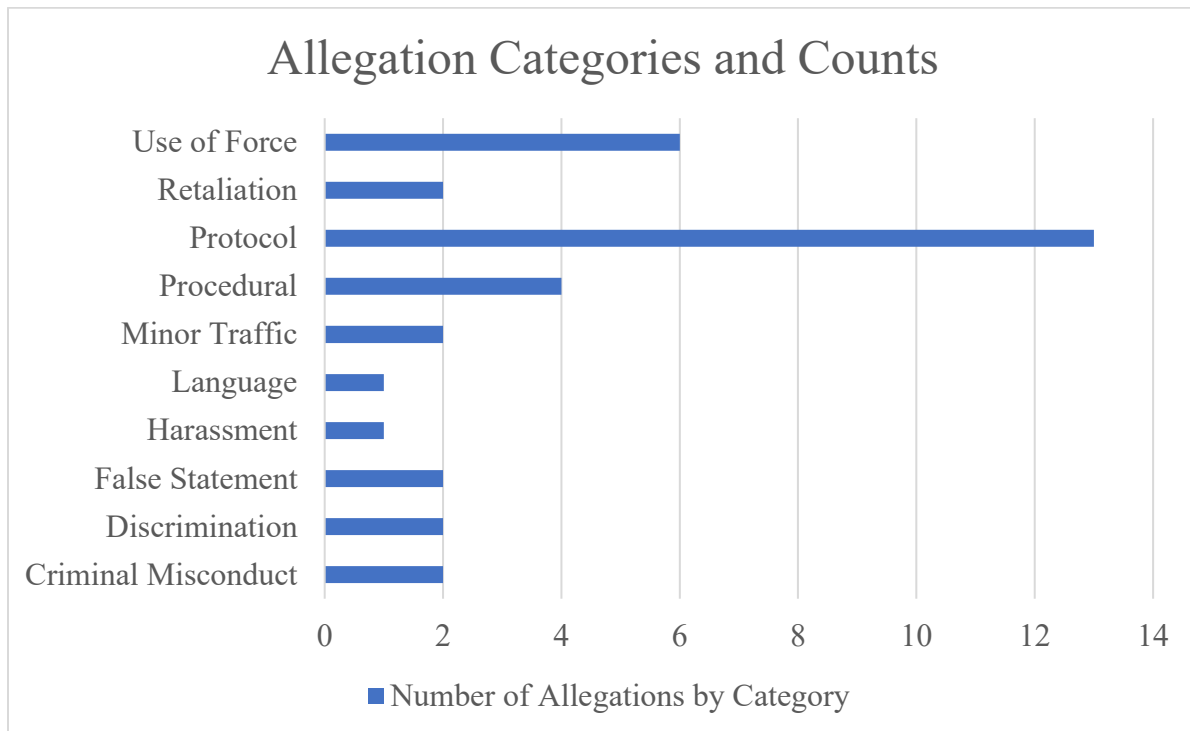
<b>Agency</b>	<b>Cases</b>
PGPD	6
PGC Sheriff	0
Berwyn Heights	0
Bladensburg	0
Bowie	10
Capitol Heights	0
Cheverly	0
Cottage City (Brentwood)	1
District Heights	0
Edmonston	0
Fairmount Heights	0
Forest Heights	0
Glenarden	1
Greenbelt	7
Hyattsville	2
Landover	0
Laurel City	7
Morningside	0
Mount Rainer	0
New Carrollton	1
Riverdale	0
Seat Pleasant	1
University Park Town Police	0
<b>Totals</b>	<b>36</b>

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<sup>1</sup> In an effort to provide full transparency, all cases are accepted when received by ACC staff, however, this does not reflect that all these cases warranted ACC action. Of the 36 cases submitted, 18 were considered through the ACC process.

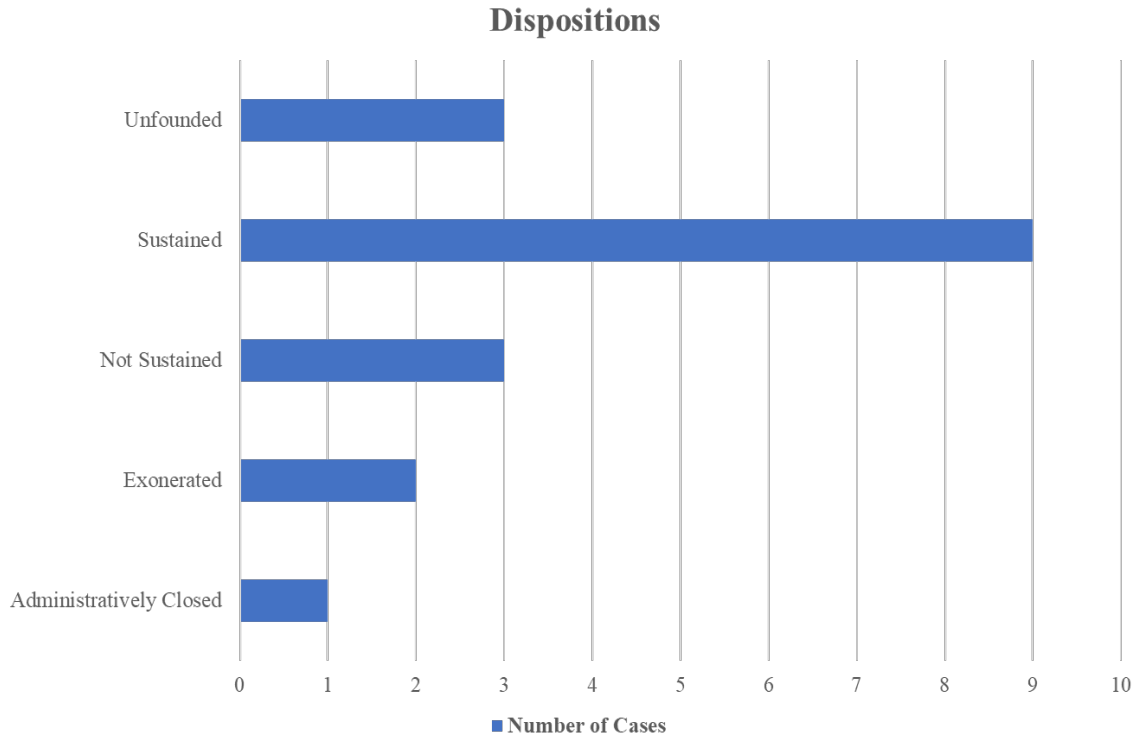
**Allegation Categories and Counts (7/1/2022-3/27/2023):**

<b>Allegation Category</b>	<b>Allegation Count</b>
Criminal Misconduct	2
Discrimination	2
False Statement	2
Harassment	1
Language	1
Minor Traffic	2
Procedural	4
Protocol	13
Retaliation	2
Use of Force	6

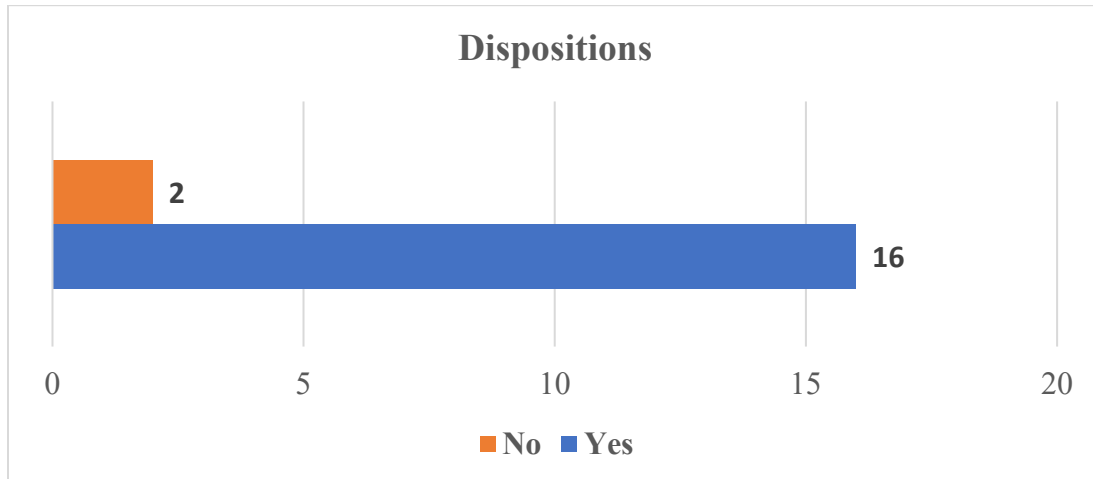


**Dispositions (7/1/2022-3/27/2023):**

<b>Disposition</b>	<b>Number of Cases</b>
Administratively Closed	1
Exonerated	2
Not Sustained	3
Sustained	9
Unfounded	3



**Concurrence with Law Enforcement Agency (7/1/2022-3/27/2023):**



**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

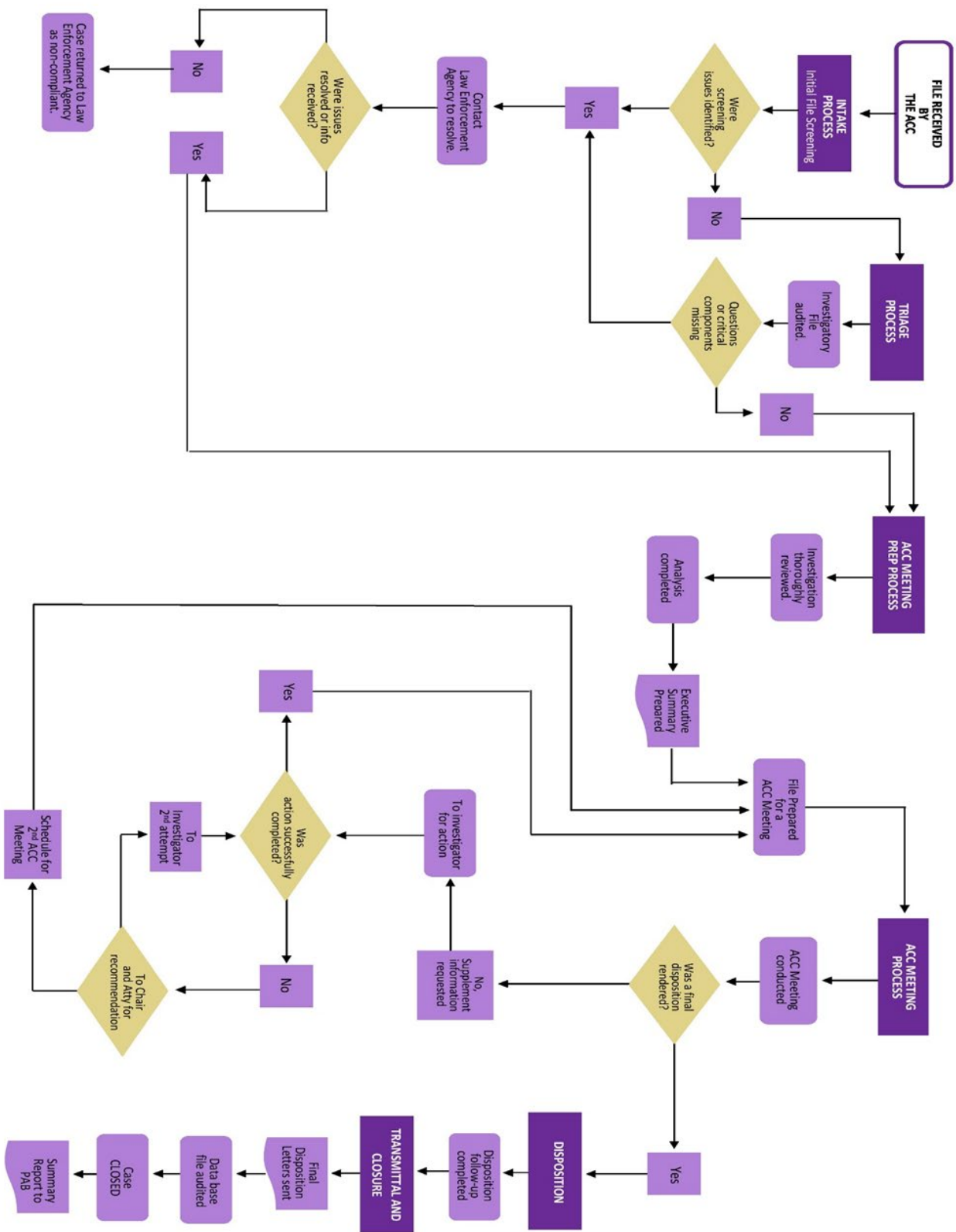
Member – William (Bill) Scott Expires 6/30/2026

**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 2<sup>nd</sup> 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.

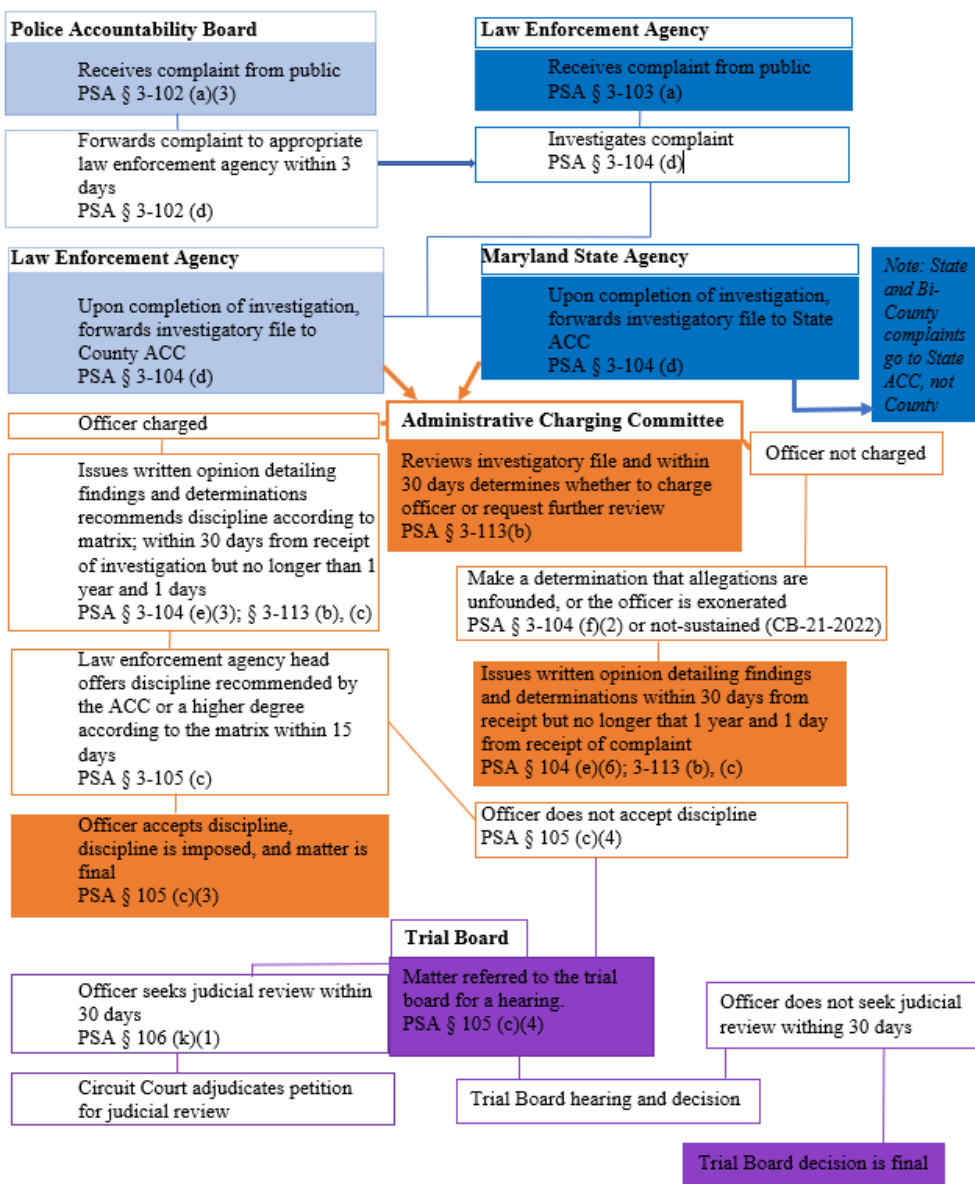
#### ***Step Five: Disposition:***

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

#### ***Step Six: Transmittal and Closure:***

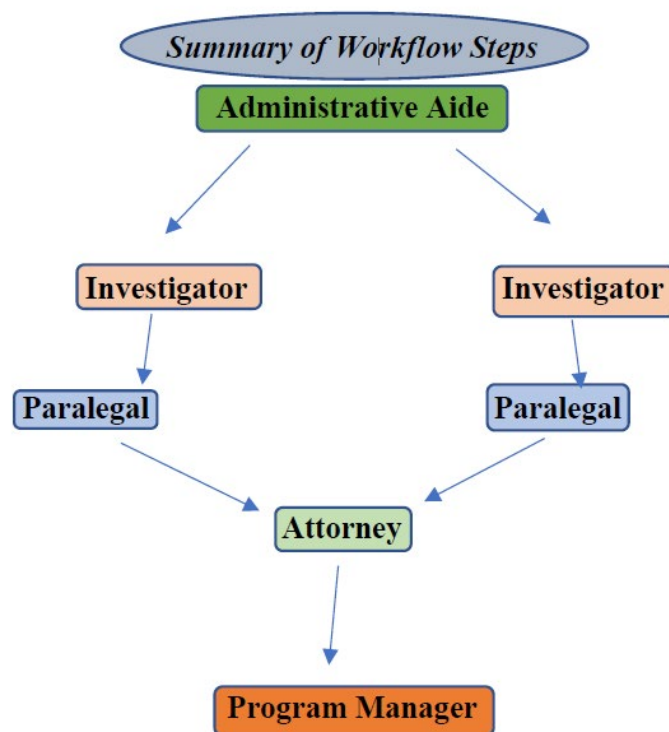
During this stage, ACC staff prepare the required documents and final disposition letter for transmittal to the law enforcement agency, complainant, officer, and the PAB.

#### **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 2024**

- Develop Standards of Procedure and additional guidance for the operation of the ACC.
- Complete analysis/review and disposition of all cases within four (4) months of receipt.
- Produce quarterly and annual reports summarizing agency production.
- Collect and track relevant demographic data relating to officer and subject demographics and use of force by jurisdiction.

**Performance Measures as reported and projected by the agency:**

Measure Type	Measure Name	Unit of Measure	FY 2023 Estimate <i>(Based on ACC Reviewed Cases that are Closed Cases as of 03/28/2023)</i>	FY 2024 Projection
<b>Workload, Demand, and Production (output)</b>	Body worn camera, Dashcam video, and video equipment violations	Number of	3	120
	Total Cases Received	Number of	11	150
	Cases Returned to Public Safety Agencies during File Triage	Number of	6	98 (Based on an anticipated number of cases next year)
	Case Return Rate	Percent	55%	40%
	Discrimination and/or Harassment toward an Individual based on Racial, Religious, Ethnic, or other Protected Classes	Number of	5	7 (Based on an anticipated number of cases next year)
	Violations of Federal, State, or Local Law	Number of	0	0
<b>Quality</b>	Days taken to investigate cases by public safety agencies	Average	106 days	100 days
	Days taken to Review Cases by ACC (case review Timeline)	Average	69 days	29 days
<b>Impact</b>	Cases Closed in 366 Days	Percent	100%	100%

**Agency Identified Issues**

- Hesitation from the municipal law enforcement agencies to forward cases to the ACC. However, the ACC staff has been holding weekly meetings with the various law enforcement agencies in an attempt to garner full understanding of the procedures and bolster trust of the processes.
- Inconsistent investigatory standards, as municipal law enforcement agencies have varying requirements. The ACC did encounter some missing information with preliminary

investigations (missing recorded or written statements from the Complainant or the Respondent Officer, as well as missing duress statements<sup>2</sup>, video evidence, and/or body worn camera (BWC) footage because the camera was disabled or the audio was not activated) but noted improvement over time.

- 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 when it is fully operational and supporting a full case load, there will be a need for additional investigators and at least one (1) more paralegal to handle the extensive research and documentation that is necessary through the process.
- Based on workload, the trial board may need an additional position(s), such as a Trial Board Coordinator to oversee the trial board process, coordinating all administrative functions to that end. An additional paralegal or law clerk position may be required to assist with the file triage, to aid in trial board preparations, to prepare meeting disposition summaries, to conduct audits of database files to ensure records are complete and accurate, etc.
- Additional money for continual staff training and mileage reimbursements may be necessary to train the entire staff in the ACC process and attend the National Association for Civilian Oversight of Law Enforcement (NACOLE)<sup>3</sup> conference and/or sessions.
- There is not a centralized list of municipalities within the County exercising their right to establish and use their own trial board process.

### **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 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.

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<sup>2</sup> Duress statements are given to officers when they are under investigation to say that their statements were not given under duress.

<sup>3</sup> NACOLE works to bring together the growing community of civilian oversight practitioners, law enforcement officials, journalists, elected officials, students, community members, and others to meet and exchange information and ideas about issues facing civilian oversight and law enforcement. In addition to its annual conference, NACOLE conducts regional training and networking events, and gathers academics and scholars from different fields to discuss and encourage multi-disciplinary work on police oversight, and encourage relationships between civilian oversight practitioners, police professionals, and scholars.

- 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 2024 budget includes funding in the amount of \$162,000 in stipends for the members of the ACC. Each ACC member will be paid \$60 per hour, with a per member annual maximum of \$31,200. The stipends for the Administrative Judges, who will serve on the Trial Boards, is budgeted at \$95,000. Additionally, the Proposed FY 2024 budget includes stipends for civilian members to the Trial Board (\$39,000).