

Office of the County Auditor

Auditor's Analysis

Council Bill No. 42-2023

Introduced: November 6, 2023

Auditors: Diane Zagorski

Fiscal Impact:

In Fiscal Year 2024, \$98,500 was appropriated for stipends and other costs for the Police Accountability Board, the Administrative Charging Committee (ACC), and the Trial Board. According to one of the Administration's Assistant Chief Administrative Officers (the Administration), each of the five ACC members will be provided a \$3,000 annual stipend for a total of \$15,000. The remaining \$83,500 of budgeted appropriation was intended as a placeholder for additional costs since the overall program needs were not yet determined.

Per the Administration, expenditures for the Trial Board will be funded through the County's General Fund. These costs will be dependent upon the number of cases and the contract between the County and the Maryland Office of Administrative Hearings to secure the services of an administrative law judge. The Administration has advised that additional costs for the Trial Board will be determined once a contract with the Maryland Office of Administrative Hearings has been executed.

Purpose:

The purpose of this legislation is to codify the membership criteria and duties of the Administrative Charging Committee (ACC) and to establish a Trial Board in accordance with the Public Safety Article of the Annotated Code of Maryland. The Annotated Code states that stipends may be provided to the members of the ACC and requires all members to complete annual financial disclosure statements.

Other Comments:

The ACC is comprised of five members who serve three-year terms. Members were selected in September and October of 2022. The members consist of the Chair of the Police Accountability Board or their designee, two civilian members selected by the Board, and two civilian members selected by the County Executive.

The Trial Board is composed of a judge, appointed by the County Executive; a civilian appointed by the Board; and a police officer of equal rank to the police officer accused of misconduct.

The County's Trial Board has not yet been selected. The Administration has advised that a Trial Board will be selected once a contract with the Maryland Office of Administrative Hearings has been finalized. Cases presented after July 1, 2023 are eligible to be heard by a Trial Board. To date, the Administration advised that the County has not had any cases that require adjudication by a Trial Board.