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Montgomery County Fraternal Order of Police Calls for Inspector General Investigation of Possible Misuse of Taxpayer Funds

**Cites “Ballot Question B” Advocacy By County Employees To Overturn 30-Year
Statute Protecting Police Right to Discuss Effects on Families of Police
Management Decisions Within Strict Time Limits**

**Police Attorney Lanny J. Davis Cites As Precedent County Councilman Philip
Andrews, Who Called “Highly Inappropriate and Misuse of County Employees”
Two Years Ago When County Government Officials Advocated Ballot Question
Approving Ambulance Fees**

Rockville, Maryland, September 24, 2012 –

In a letter delivered to Inspector General Edward L. Blansitt III delivered last Friday, the Montgomery County Fraternal Order of Police asked the IG for an immediate investigation into a possible misuse of taxpayer funds involving county employees using publicly funded resources to advocate approval of Question B, which would overturn a 30-year old law.

Question B, if approved, would hurt county police and their families by barring police from requiring discussions on effects of police management decisions – not on the decisions themselves. Under current law, if the management decisions significantly affect public safety, there would be no delay– the decisions could be implemented immediately. All other decisions could be implemented within 50 days – less than two months.

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The police have asked the IG to examine whether it is illegal or improper for county employees and public resources to be used to advocate only one side of the question – supporting Question B – as well as doing so using false and misleading statements on the county website and elsewhere.

Lanny J. Davis, attorney for the police, cited incumbent Democratic Councilman Philip M. Andrews as taking the same position two years ago when the county government spent tax money to advocate in favor of a Ballot Question that would have imposed fees on ambulances. He quoted Councilman Andrews as saying then: “I think the issue of the county executive using county personnel to lobby for keeping ambulance fees is highly inappropriate and a misuse of county employees, regardless of the legality. I’m very concerned about the precedence it may set for the future.”

“I agree with Councilman Andrews that using taxpayer funds and personnel to lobby for one side of a ballot question is ‘highly inappropriate and a misuse of county employees’”, Davis said. “I call upon my friend Councilman Andrews to join me in asking County Executive Leggett to put a stop to such improper activity – or to support the IG investigation called for by the County police.”

Davis also reiterated the facts that he asserted in a recent letter to Democratic Party precinct officials. He proved that all the assertions by County Executive Ike Leggett and Council President Roger Berliner in their recent letter to Democratic Party precinct officials that the 30-year old law allowing for “effects bargaining” impedes or delays the ability of the police chief to make management decisions were “false and misleading.”

Davis cited the plain language of current law that allows the Police Chief immediately to implement any policy that “significantly impacts public safety,” and if no public safety issue is implicated, then implementation of all decisions can occur in “less than two months—specifically, within 50 days.”

Davis reiterated his challenge to Council President Berliner to meet him in a series of debates before Legislative District precinct officials in the near future. Davis said he emailed such a request to Council President Berliner last Friday and is awaiting his acceptance to join him for these debates.

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