



Committee: PS

Committee Review: At a future date

Staff: Christine Wellons, Legislative Attorney

Purpose: To receive testimony – no vote expected

Keywords: #PoliceTransparency, #PoliceAccountability, #OpenPoliceData, #OpenPoliceDataMoCo

AGENDA ITEM #6

December 8, 2020

Public Hearing

SUBJECT

Bill 45-20, Police – Community Policing – Data

Lead Sponsors: Councilmember Jawando, then-Council President Katz, then-Council Vice President Hucker, and Councilmember Alborno

Co-Sponsors: Councilmembers Riemer, Rice, Friedson, Navarro and Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Public Hearing – no vote expected

DESCRIPTION/ISSUE

Bill 45-20 would require the Montgomery County Police Department (MCPD) to make certain reports and post certain datasets on Data Montgomery.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 45-20

Legislative Request Report

OLO Report Number 2020-9

Economic Impact statement

Pages 1

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MEMORANDUM

December 3, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 45-20, Police – Community Policing – Data

PURPOSE: Public Hearing – no Council votes required

Bill 45-20, Police – Community Policing – Data, sponsored by Lead Sponsor Councilmember Jawando, then-Council President Katz, then-Council Vice President Hucker, and Councilmember Alborno and Co-Sponsors Councilmembers Riemer, Rice, Friedson, Navarro and Glass, was introduced on November 17, 2020.¹ A Public Safety Committee worksession is tentatively scheduled for January 21, 2021.

Bill 45-20 would require the Montgomery County Police Department (MCPD) to make certain reports and post certain datasets on Data Montgomery.

BACKGROUND

The purpose of Bill 45-20 is to implement recommendations of the Office of Legislative Oversight (OLO) regarding the use of data to enhance community policing. On July 21, 2020, OLO issued a report on *Local Policing Data and Best Practices* (Report Number 2020-9). (©6). In its report, OLO made the following recommendations:

1. County Council define the term “detention” in the County’s Community Policing Law (Bill 33-19) to include all stops, searches, citations, arrests, and use of force.
2. MCPD track and report to data on street stops (i.e. stop and frisks) and field interviews.

#PoliceTransparency

#PoliceAccountability

#OpenPoliceData

#OpenPoliceDataMoCo

3. MCPD regularly survey residents and staff on police-community relations and contact.
4. MCPD build capacity to use policing data to advance best practice in constitutional and community policing.
5. MCPD collect and report race and ethnicity data for every policing dataset.
6. MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.

SPECIFICS OF THE BILL

Bill 45-20 would amend Section 35A-6 of the Code, which contains various reporting requirements for the Montgomery County Police Department (MCPD). Under the bill, MCPD would be required to report annually to the Council (among other data):

- demographic information regarding individuals stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident by the Department, including:
 - race;
 - ethnicity;
 - gender; and
 - any other demographic information voluntarily provided by the detainee.

The bill also would require MCPD to post on Data Montgomery information about each of the following types of incidents, including information about race and ethnicity:

- use of force incidents;
- field interview reports;
- juvenile citations;
- criminal citations, including trespassing citations;
- alcohol beverage violations;
- possession of marijuana violations less than 10 grams; and
- smoking marijuana in public places.

This packet contains:

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Bill No. 45-20
Concerning: Police – Community Policing
– Data
Revised: 11/12/2020 Draft No. 2
Introduced: November 17, 2020
Expires: May 17, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Jawando, Council President Katz, Council Vice President Hucker,
and Councilmember Alborno

Co-Sponsors: Councilmembers Riemer, Rice, Friedson, Navarro and Glass

AN ACT to:

- (1) require the Montgomery County Police Department to make certain reports;
- (2) require the Montgomery County Police Department to post certain datasets on Data Montgomery; and
- (3) generally amend the law governing policing.

By amending

Montgomery County Code
Chapter 35, Police
Section 35-6A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 35-6A is amended as follows:

35-6A. Community Policing.

* * *

(c) *Reporting requirements.*

(1) By February 1 each year, the Montgomery County Department of Police must report the following information to the Executive and Council for the prior calendar year:

(A) information about the demographic makeup of the Department, including:

* * *

(B) the number of recruiting events the Department sponsored or participated in the County;

(C) the number of instances of use of force that resulted in an injury when the injury occurred as a direct result of an officer's actions;

(D) the number of civilian complaints about the use of force by an officer;

(E) the number of civilian complaints regarding discrimination and harassment;

(F) the number of officers who were suspended with pay;

(G) the number of officers who were suspended without pay;

(H) the percentage of patrol officers who were assigned to neighborhood patrols;

(I) the number of youth under the age of 18 years referred to intervention programs by officers;

(J) the number of calls for service involving substance abuse;

(K) the number of calls for service involving mental health issues;

(L) demographic information regarding individuals [detained] stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident by the Department, including

(i) race;

(ii) ethnicity;

(iii) gender; and

(iv) any other demographic information voluntarily provided by the detainee;

(M) demographic information regarding individuals subject to a street stop or field interview, including:

(i) race;

(ii) ethnicity;

(iii) gender;

(iv) location; and

(v) any other demographic information voluntarily provided by the detainee;

(N) a description of the Department's training standards and practices, including training and practices related to de-escalation; and

~~[(N)]~~ (O) a description of the Department's community policing efforts, including community policing programs, participation in town hall meetings, and efforts to engage with schools, recreation centers, community centers, and senior centers.

(2) The Department must:

(A) for every dataset it maintains regarding interactions with individuals, collect race and ethnicity data; and

(B) post the data on the web portal identified in Article XIV of Chapter 2.

(3) Subject to state and federal law, the Department must maintain the following public datasets, to include race and ethnicity data, on the web portal identified in Article XIV of Chapter 2:

(A) use of force incidents;

(B) field interview reports;

(C) juvenile citations;

(D) criminal citations, including trespassing citations

(E) alcohol beverage violations;

(F) possession of marijuana violations less than 10 grams; and

(G) smoking marijuana in public places.

(4) The Department must also provide the information reported under paragraph (1) to the Policing Advisory Commission established under Section 35-6.

LEGISLATIVE REQUEST REPORT

Bill 45-20

Police – Community Policing – Data

DESCRIPTION:	Bill 45-20 would require the Montgomery County Police Department to make certain reports; require the Montgomery County Police Department to post certain datasets on Data Montgomery; and generally amend the law governing policing.
PROBLEM:	Per OLO Report Number 2020-9, the need for better data regarding race and ethnicity regarding to police interactions with the public
GOALS AND OBJECTIVES:	Implement recommendations of OLO Report Number 2020-9.
COORDINATION:	OLO; MCPD
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	Office of Legislative Oversight
EVALUATION:	
EXPERIENCE ELSEWHERE:	To be researched
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Applies to MCPD
PENALTIES:	N/A



Local Policing Data and Best Practices

Elaine Bonner-Tompkins
Natalia Carrizosa

Office of Legislative Oversight
Montgomery County, Maryland

Local Policing Data and Best Practices

Executive Summary of OLO Report Number 2020-9

July 21, 2020

Summary: This report describes the Montgomery County Police Department's practices for compiling data on police interactions with the public, and their alignment with best practices to advance constitutional and community policing. Overall, OLO finds that:

- MCPD tracks a number of policing metrics that align with best practices and will report more data publicly to comply with the Community Policing Law (Bill 33-19) in February 2021.
- MCPD does not track data on street stops (e.g. stop and frisks) and does not consistently record data by ethnicity, which may undercount MCPD's interactions with Latinx residents.
- Available data demonstrates wide disparities in police-public interactions by race and ethnicity in the County, especially for traffic stops and violations, arrests, and use of force.

These findings suggest that improved collection and monitoring of MCPD policing data is warranted to evaluate and monitor for constitutional and community policing. Based on these, OLO offers six recommendations for improving the alignment of local policing data practices to best practices.

Best Practices for Policing Data

MCPD, like most other law enforcement agencies, prioritizes the collecting and reporting of crime statistics as performance measures of effectiveness. To ensure that agencies do not undermine the law to enforce the law, researchers recommend that agencies also track and monitor policing data that describes their interactions with the public to assess how well they conduct their work. Two sets of policing data best practices emerge from the research:

- Collect and monitor data on police interactions with the public by race and ethnicity.
- Collect and monitor data on four sets of police interactions with the public:
 - Detentions (including all stops, searches, citations, and use of force incidents),
 - Police- and resident-initiated contacts,
 - Civilian and internal complaints against the police, and
 - Surveys of police-community relations from residents and law enforcement.

MCPD Policing Data Practices and Alignment to Best Practices

MCPD collects a variety of crime and policing data in electronic and paper files as noted in Chart 1.1. In general, MCPD's internal datasets offer more information than the subsets of data excerpted on Data Montgomery or described in MCPD annual reports. Additionally, several MCPD datasets, at least partially, align with policing data best practices. These include tracking data on:

- **Detentions** by race and ethnicity for traffic stops, violations, searches and arrests tracked via E-Tix, arrest data tracked in CRIMS, and use of force data compiled from MCP Form 37.
- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD's Computer Aided Dispatch system; and

- **Police complaints** tracked by the Internal Affairs Division.

Yet, MCPD's policing data practices do not completely align with best practices. For example:

- MCPD's detention datasets do not track street stops (i.e. stop and frisks) between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of criminal and civil citations (including trespassing tickets) that would enable them to monitor for disparities;
- MCPD's existing forms and systems do not consistently record data on ethnicity. Race and ethnicity data are also not collected as fields in the Computer Assisted Dispatch;
- MCPD's internal affairs police complaints database does not collect race and ethnicity data for every complainant, despite prompts for doing so included in Form MCP 580; and
- MCPD neither surveys nor reports residents'/staff's perceptions of police-community relations.

Chart 1.1: Montgomery County Police Department Crime and Policing Datasets

Category		Database	Datasets/Forms
<u>Electronic Data Sets</u>	Crime Data	E-Justice	Crime Incidents*Δ Bias Incidents*Δ
	Policing Data	Computer Assisted Dispatch	Police-Initiated Incidents Δ Resident-Initiated Incidents Δ
		CRIMS (DOCR)	Arrests*
		Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
		Community Engagement Division	Community Engagement Events*Δ
		Vehicle Pursuits	MCP 610 Forms*
		Use of Force	MCP 37 Forms*
		Delta Plus (Maryland State Police)	E-Tix (Traffic Violations) Δ Automated Crash Reporting System Δ Field Interview Reports
		Department of Juvenile Services	Data Resource Guide (Juvenile Citations)
<u>Paper Data Sets</u>	Policing Data	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)
		Civil Citations	Alcohol Beverage Violation Possession of Marijuana (< 10 grams) Smoking Marijuana in Public Place Other infractions (Municipal, DNR)

Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>

Disparities in Local Police-Public Interactions

Available data displays wide disparities in police interactions by race and ethnicity. For example, compared to representing 18 percent of the County's population, African Americans accounted for:

- 32% of MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases compared in 2018.

Further, an analysis of 2019 traffic stop and violation data suggests that:

- 27% of Black adults experienced a traffic stop compared to 14-17% of White and Latinx adults, and 7% of Asian adults;
- Black men were three times as likely as White men to receive any traffic violation (46% v. 17%), Latino men were nearly twice as likely (32% v. 17%) and Other men were more than twice as likely (42% v. 17%).

These racial and ethnic disparities in police interactions with the public suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities in police-community interactions may signal biased policing. While disparities do not prove biased policing, they signal that unconstitutional policing could be a problem that merits investigation.

OLO Recommendations

Based on these findings, OLO offers six recommendations for improving the alignment of MCPD policing data practices to best practices.

1. **County Council define the term "detention" in the County's Community Policing Law (Bill 33-19) to include all stops, searches, citations, arrests, and use of force.**
2. **MCPD track and report to data on street stops (i.e. stop and frisks) and field interviews.**
3. **MCPD regularly survey residents and staff on police-community relations and contact.**
4. **MCPD build capacity to use policing data to advance best practices in constitutional and community policing.**
5. **MCPD collect and report race and ethnicity data for every policing dataset.**
6. **MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.**

For a complete copy of OLO-Report 2020-9, go to:
<http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>

Office of Legislative Oversight Report 2020-9

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Chapter 1: Authority and Scope

OLO FY20 Work Program, Resolution 19-173, Adopted July 23, 2019

The Montgomery County Police Department (MCPD) collects a variety of criminal justice data that at the broadest levels can be categorized in two ways:

- **Crime statistics/data** that describe criminal activity by type, severity and location.
- **Policing data** that describe police interactions with the public, including arrests, citations and video from vehicle dashboard and body cameras.

Whereas crime statistics can serve as metrics of a law enforcement agency's effectiveness at preventing and reducing crime, policing data can serve as metrics of *how* an agency conducts their work.

Recognizing that sharing data on policing practices and outcomes can enhance trust, transparency, and accountability with communities, MCPD participates in the Police Data Initiative by posting several datasets online.¹ The intent of open data is to enable individuals to review information for themselves rather than to rely on other's explanations. The policing data posted on Data Montgomery, however, usually represents only a subset of the information that MCPD collects within its internal datasets. MCPD also annually releases a suite of reports that describe and analyze data points on policing practices. But, like Data Montgomery, the data presented in MCPD's annual reports represent a subset of the information that MCPD collects and tracks.

To improve the Council's understanding of the data points that MCPD collects, this OLO project describes policing data points currently collected by MCPD. This project also includes descriptions of policing data collected by MCPD but managed by other agencies, such as the Maryland State Police.

This report's overview of MCPD data points is intended to help inform the County Council's oversight and specificity of data requests. Further, the focus of this report is to describe MCPD's collection of policing data that describes its interactions with the public, rather than to describe crime data routinely reported to the public, the state, and the Federal Bureau of Investigation. Given the Council's increasing focus on racial equity, social justice and community policing, this OLO report also focuses on the availability of MCPD policing data by race and ethnicity.

This OLO report is presented in six chapters:

Chapter 2, Constitutional and Community Policing, sets the context for why policing data matters. This chapter describes how constitutional and community policing and data metrics reflecting these performance goals can enhance law enforcement effectiveness.

Chapter 3, Recommended Policing Data and Local Practices, compares recommended practices for tracking data on police-community interactions with data points tracked in Montgomery County.

Chapter 4, Datasets Collected by MCPD, describes local policing data in detail by describing the data points collected within each MCPD dataset and data limitations.

¹ <https://www.policedatainitiative.org/>

Chapter 5, Avenues for Future Data Analysis and Reporting, offers a sample of the analyses that can be conducted with available MCPD policing data.

Chapter 6, Findings and Recommendations, summarizes key project findings and offers recommendations for County Council and MCPD action.

OLO Senior Legislative Analyst Elaine Bonner-Tompkins and OLO Legislative Analyst Natalia Carrizosa authored this report. Literature reviews on policing data, community policing, and best practices for using data to promote transparency informed the development of this report, as well as interviews with MCPD personnel and reviews of MCPD documents that include departmental policies, regulations, reports and forms. MCPD data available on Data Montgomery and County Council worksessions and public hearings on community policing also informed the development of this report.

Several key findings emerge from the information and data reviewed:

- Best practices recommends that police departments collect data on their interactions with the public disaggregated by race, ethnicity, gender, and location.
- MCPD collects and reports data on a variety of metrics, some of which align with best practices for tracking and reporting policing data disaggregated by race, ethnicity and gender.
- MCPD datasets available in Data Montgomery often represent a subset of the actual data that MCPD collects and tracks.
- Analyses of MCPD datasets and annual reports with available data demonstrate sizable disparities in police interactions with the public by race, ethnicity and gender.

Based on these findings, OLO offers the following recommendations for County Council action:

- Clarify MCPD reporting requirements under the Community Policing Act (Council Bill 33-19) to include reporting data on all stops, searches, and criminal and civil citations.
- Require MCPD to annually survey residents and departmental employees on the quality of police interactions with the public and residents on their interactions with the police.
- Request MCPD to collect and report all policing data by race and ethnicity.
- Encourage MCPD to develop its capacity to compile and analyze policing data to help inform its constitutional and community policing efforts.
- Encourage MCPD to make available datasets on Data Montgomery that mirror their internal datasets and the data points collected in them as permissible by law.

Acknowledgements. OLO received a high level of cooperation and assistance for the Office of the Chief Administrative Officer and the Montgomery County Police Department with this report. OCAO and MCPD leadership and staff interviewed and consulted on this report include:

- Fariba Kassiri, Deputy Chief Administrative Officer
- Marcus Jones, Chief of Police
- Dinish Patil, Assistant Chief
- Adam Kisthardt, Director, Information Management and Technology Division
- Mary Davison, Director, Montgomery County Police Records
- Sonia Pruitt, Captain, Community Engagement Division
- William Montgomery, Captain, Internal Affairs Division
- Edward Pallas, Captain, Policy and Planning Division
- Nick Picerno, Lieutenant, Policy and Planning Division
- Michelle Iezzi, Manager
- Ti Lor, Crime Analyst Sr. Lead
- Peter Margelis, Crime Analyst Sr. Lead
- Anthony Scafide, Crime Analyst Sr. Lead
- Brandi Barber, Records Management Unit
- Georgia Frazier, Policy and Planning Division
- Angela Comer, Internal Affairs Division
- Michael Pierre-Lewis, Patrol Officer

Chapter 2: Constitutional and Community Policing

Police departments are part of a larger criminal justice system that includes prosecutors, courts, juvenile justice systems, prisons, and probation and parole departments.² Police departments do not write laws; they are tasked with the responsibility of enforcing laws that are enacted by elected officials and interpreted by the courts. Enforcing laws is just one of many different roles of the police. Other important roles include working with communities to prevent crimes and solve various “quality of life” problems, maintaining order, and conducting investigations.

While law enforcement agencies care about a number of priorities, what often gets prioritized for performance management is crime prevention. In response to the question of “What metrics does MCPD track?” the most often cited answer among various MCPD respondents was crime statistics. On several occasions, this response led to an extensive discussion on the distinction between NIEBRRs, and UCR crime and incident reporting requirements to the federal government.

Jessica Sanders of the RAND Corporation, however, warns that to “focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals.”³ She warns that in addition to statistics on property and violent crimes, police departments need “performance metrics to incentivize and demonstrate constitutional policing that is bias free” and that “placing all emphasis on crime levels creates a dangerous tension because it overlooks police officers other roles and functions that should include police-community relations.”⁴

This chapter describes constitutional and community policing, and data metrics that law enforcement can use to monitor progress across these performance goals. Subject matter experts find that effective law enforcement agencies combine constitutional and community policing methods – they go hand-in-hand, but they are not the same. They find that constitutional, bias-free policing lays the framework for implementing community policing approaches that build trust and foster legitimacy for local law enforcement among impacted communities. A description of these two concepts and how oversight bodies can use performance measures to advance constitutional and community policing follows.

1. Constitutional Policing

Constitutional Policing (which can be described as legal policing, unbiased policing, procedural justice or fair and impartial policing) refers to policing conducted in accordance with the parameters set by the U.S. Constitution, state constitutions, and the many court decisions that have defined what the text of the Constitution means relative to policing practices.⁵ Constitutional policing recognizes individual’s civil rights and treats citizen’s equally regardless of race, ethnicity, gender identity, age, religion, sexual orientation, or other qualifiers. In short, constitutional policing ensures that law enforcement officers treat everyone fairly and impartially.

² See U.S. Justice Department’s Policing 101 (<https://www.justice.gov/crs/file/836401/download>)

³ Jessica Sanders, The RAND Corporation, Performance Metrics to Improve Police-Community Relations, before the Committees on Public Safety, California State Assembly and Senate, February 10, 2015

⁴ Ibid

⁵ Policing 101

In policing, biases can lead to racial profiling, an unconstitutional practice. According to the National Institute for Justice, racial profiling by law enforcement is commonly defined as a practice that targets people for suspicion of crime based on their race, ethnicity, religion, or national origin.⁶ When communities believe that the police engage in biased policing behaviors, their trust in law enforcement is damaged.

The Police Executive Research Forum further notes that constitutional policing is more than just policies that hold up in court.⁷ It says police departments should continually examine practices to make sure they “advance the broad constitutional goal of protecting everyone’s civil liberties and providing equal protection under the law.”⁸ Moreover, PERF finds that a foundation of constitutional policing should inform everything police do. However, there are certain areas where law enforcement leaders should be especially careful to promote constitutional policing. These include police:

- Use of force,
- Stop and frisks,
- Issues of racial bias, and
- Interactions with people who have a mental illness.

PERF advises that in every interaction, police must walk the line of enforcing the law to keep people and communities safe, while also respecting the rights of every individual they interact with. The President’s Task Force on 21st Century Policing also advises that police agencies must also promote transparency and accountability to demonstrate to the community that officers act fairly and impartially, and that there are systems in place to detect mistakes or abuses of authority.⁹ They further note that public trust and cooperation are key elements of effective policing, and are lost when police officers and employees engage in unconstitutional or unprofessional conduct.

To track whether law enforcement agencies engage in constitutional policing, the President’s Task Force advises that law enforcement agencies should track and analyze the level of trust communities have in the police, just as they measure changes in crime.¹⁰ This can be accomplished through annual community surveys. Further, they recommend agencies partner with local universities to conduct surveys by zip code, for example, to measure the effectiveness of specific policing strategies, assess any negative impact they have on a community’s view of police, and gain the community’s input.

2. Community Policing

Experts advise that once a law enforcement agency has established a base of constitutional policing, they can apply and adapt those concepts to advance community policing.¹¹ Community policing, or community-oriented policing, refers to a strategy of policing that focuses on building ties and working closely with members of communities to build mutual understanding and trust. How stakeholders approach community policing, however, can depend on their vantage.

⁶ Ibid

⁷ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

⁸ Ibid

⁹ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹⁰ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

¹¹ <https://www.powerdms.com/blog/constitutional-policing-vs-community-policing-looking-at-complementary-strategies/>

For some police departments, changing community behavior to reduce criminality serves as the focus of community engagement and policing. Towards this end, police departments focus on developing relationships with community members and, in particular, youth aimed at improving public relations with communities impacted by crime. This can include hosting community events, mentoring youth and engaging in other efforts that foster favorable impressions of the police. The implied theory of action is that if communities develop stronger affinities for law enforcement, their rates of criminality will decrease and/or their cooperation in criminal investigations will increase.

For many community-based stakeholders, however, changing policing behavior rather than community behavior serves as the primary focus of community policing. There is recognition that biased policing has undermined the legitimacy of law enforcement among community members, poisoning police-community partnerships essential to reducing crime. To reverse this pattern, community stakeholders partner with law enforcement to plan, problem solve and implement activities aimed at building trust and mutual accountability between law enforcement and communities. They also use this partnership as a bridge to developing and implementing crime reduction efforts that are supported by impacted communities. The theory of action is that as police departments advance unbiased policing and partnerships with impacted communities, they will increase their legitimacy within those communities and the effectiveness of their crime reduction efforts.

Best practices for community policing generally endorse the community-based vantage. The U.S. Department of Justice finds that positive police-community relationships are essential to maintaining public safety.¹² They note that these relationships help to reduce fear and biases and build mutual understanding and trust between the police and the community. Towards this end, the Department of Justice's Office of Community Oriented Policing Services describes three essential components to community policing that focus on law enforcement change rather than community change:

- Community Partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police;
- Organizational Transformation that aligns organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving;
- Problem-Solving Processes that engage in the proactive and systemic examination of identified problems with the community to develop and evaluate effective responses.

As such, community policing is more than a program focused on enhancing the public's perceptions of the police: it is an organizational philosophy that recognizes that the community's support is a critical factor in the ability of the police to effectively address crime. The relationship between the police and the communities they serve determines whether or not police will have community support, and these relationships are strengthened or weakened by every police-community interaction.

¹² U.S. Department of Justice – Community Relations Services Toolkit for Policing 101

As noted by the Police Executive Research Forum,¹³ positive police-community relationships contribute to increased community perceptions of the legitimacy of the police to enforce the law. Perceptions of police legitimacy impact the willingness of community members to support policing strategies and cooperate with police directives. In short, police need the community's help in maintaining order just as the community needs fair, just, and effective law enforcement. This collaboration and cooperation improve public safety and officer safety. And perhaps most importantly, a community-policing philosophy emphasizes police relationships within the community. Rather than just sending officers into an area to respond to calls, many departments are requiring officers to patrol on foot. They encourage officers to get out of their squad cars and regularly interact with civilians.

To track law enforcement agencies performance with community policing, the President's Task Force recommends that agencies collaborate with communities to develop comprehensive policies on their use of force, mass demonstrations, consent before searches, gender identification, and racial profiling. Further, they recommend that each of these policies include provisions for collecting demographic data for all parties involved. They also encourage law enforcement agencies to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests).

Last year, the County Council enacted Bill 33-19 requiring MCPD to implement specific community policing practices that include ensuring cultural competency throughout the department, increasing community outreach activities, and providing adequate training in de-escalation tactics. The Community Policing Act also requires MCPD to report data on:

- Use of force and detention
- Civilian complaints regarding use of force, discrimination and harassment
- Officers suspended with and without pay
- Youth referred to intervention programs
- Service calls received for substance abuse and mental health issues

Late in 2019, the County Council also enacted Bill 14-19 establishing the Police Advisory Commission to advise the Council on policing matters, provide information on best practices, recommend policies, programs, legislation and/or regulation, and to conduct at least one public forum annually seeking community input on policing matters.

3. Performance Metrics for Constitutional and Community Policing

Much of the research on best practices for advancing constitutional and community policing emerges from jurisdictions that have been forced to reform while under federal consent decrees.¹⁴ For example, in response to a consent decree requiring them to become an effective and constitutional police force, the Los Angeles Police Department (LAPD) adopted a set of performance metrics for constitutional and community policing that transformed their department.¹⁵

¹³ <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>

¹⁴ In 2015, Jessica Sanders of the RAND Corporation in testimony to the California State Assembly and Senate noted that about twenty police departments had entered into agreements to be monitored usually under the threat of civil rights lawsuits.

¹⁵ See Stone, et. al. – *Policing Los Angeles Under a Consent Decree*

Based on LAPD's experience and other jurisdictions, Jessica Sanders of the RAND Corporation recommends that legislatures require law enforcement agencies to report performance metrics that include constitutional policing practices (bias-free policing and use of force) and police-community relations (police satisfaction, trust in police, and police legitimacy) to "demonstrate that the agencies are meeting these requirements for all of the communities they serve."¹⁶ She recommends that new data collection efforts include community surveys to gauge public satisfaction and data looking for the absence of bias in detentions and use of force.

Sanders offers three additional findings, relative to police departments using performance metrics, to improve police-community relations:

- Placing all the emphasis on crime levels creates a dangerous tension because it overlooks police officers' other roles and functions that should include police-community relations. To focus exclusively on one goal (e.g. crime reduction) at the expense of the others is to invite poor performance on alternative goals (e.g. constitutional and community policing).
- Collecting data, in and of itself, changes behavior because performance metrics are one of the policy levers to influence actions. Measuring police-community relations and incorporating these measures into the way police officers and departments are judged will change behavior. There should also be performance metrics that incentivize and demonstrate constitutional policing, meaning policing that is bias-free and that uses force only when necessary.
- Transparency is key to building community trust. The vacuum in performance data tracking public satisfaction with the police, use of force, biased policing, complaints against the police and holding officers accountable for misconduct makes the public dependent on opinions, news stories and their own anecdotal experience with law enforcement for information. In turn, law enforcement adopting police-community performance metrics on these measures could improve community members' understanding and support for law enforcement efforts.

Sanders concludes her remarks by encouraging governments to:

- Assess the police on more than crime statistics; and
- Partner with external research/oversight bodies to collect and access new dimensions of performance that include public satisfaction and constitutional practices.

Rather than relying on external partnerships to enhance oversight, the Center for Policing Equity recommends that law enforcement agencies develop Planning and Analysis Units specifically charged with tracking and analyzing data on stops, use of force, and patterns of discriminatory behavior.¹⁷ This is similar to the Los Angeles Policing Commission's recommendations for LAPD to develop "systems and mechanisms for the analysis of stop and search data to identify potential evidence of disparate treatment, implicit or explicit bias, differential enforcement, and 4th amendment concerns."¹⁸

¹⁶ https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND_CT423.pdf

¹⁷ Center for Policing Equity Policy Framework, p. 79

¹⁸ Los Angeles Police Commission and Office of Inspector General, Review of National Best Practices, May 2, 2017

CPE's Compstat for Justice Project¹⁹ further recommends that law enforcement agencies create a "public interface" (i.e. a one-stop shop) to report data on community-police interactions that enable mutual accountability "to the values of fairness" that law enforcement and the public share.

Baltimore's 2017 consent decree with the U.S. Department of Justice²⁰ embodies best practices utilized in other jurisdictions under consent decrees, and aligns with both Sander's and the Center for Policing Equity's recommendations for using performance to advance constitutional and community policing. Specific features of the Baltimore Police Department consent decree include:

- Assessing community engagement efforts at least on an annual basis by surveying residents' and police officers' perceptions of policing and public safety in English and Spanish;
- Collecting all stop and search data whether or not they result in an arrest or issuance of a summons or citation and analyzing this information at least annually;
- Collecting data regarding calls for service that involve possible behavioral health disabilities and people in crisis and analyzing this data;
- Creating and maintaining a reliable and accurate electronic system to track use of force data and allegations of use of force misconduct;
- Maintaining a centralized electronic numbering and tracking system for all allegations of misconduct and sharing information with complainants and the public as permissible by law;
- Assessing whether BPD delivers police services, "without an unnecessary disproportionate impact on individuals based on demographic category", by analyzing data on stops, frisks, searches, and arrests by race, ethnicity, and gender; and
- Staffing a Compliance Unit that will coordinate BPD's compliance and implementation activities; facilitate the provision of data, documents, and access; and ensure that all data, documents, and records required by the consent decree are maintained in a usable format.

¹⁹ <https://policingequity.org/what-we-do/compstat-for-justice>

²⁰ <https://www.justice.gov/opa/file/925056/download>

Chapter 3: Recommended Policing Data and Local Practices

This chapter describes recommended practices for tracking data on police-community interactions and compares them with data points tracked by the Montgomery County Police Department. This chapter's listing of recommended policing data points primarily emerge from three sources:

- **The Center for Policing Equity** that advocates for police departments to use data to hold themselves accountable for unbiased policing in the same ways they use the Compstat process to reduce crime. Toward this end, CPE encourages law enforcement to track data on police stops, use of force, and perceptions of police-community interactions.
- **The Los Angeles Police Department** that tracks policing data aimed at promoting constitutional policing as a result of their federal consent decree. LAPD's policing data collection practices include surveying residents and officers on their perceptions of police-community interactions and reporting data on complaints, investigations, adjudications, disciplinary actions, and mediations.
- **Bureau of Justice Statistics' Police-Public Contact Survey** that describes the police's interactions with the people using a nationally representative sample. Its categorization of police-public interactions is essential to understanding what policing data should describe: police-initiated contacts, resident-initiated contacts, and traffic accidents.

Based on the types of data collected from these sources, law enforcement agencies are encouraged to collect and monitor data across four categories of policing data described below. To monitor for constitutional and community policing, each of these datasets should provide disaggregated information by race, ethnicity, and location.

1. **Detention Data** that describes stops, searches, citations, arrests, and use of force for defendants (drivers and pedestrians) and for officers;
2. **Data on Police- and Resident-Initiated Contacts and Traffic Accidents** that broadly describe the ways that the public interacts with the police;
3. **Police Complaint Data** that describes civilian and internal complaints against police employees by reason and disposition; and
4. **Survey Data on Police-Community Relations** from residents and law enforcement employees to assess perceptions of police-community interactions and trust.

The remainder of this chapter describes each of these recommended policing datasets and their availability in Montgomery County. The chapter concludes with a fifth section that summarizes the alignment between MCPD's policing datasets and best practices. The next chapter describes these and related MCPD policing datasets in greater detail.

1. Detention Data

The Center for Policing Equity (CPE) recommends law enforcement agencies collect and analyze detention data by race, ethnicity, and location, to monitor their constitutional policing practices. This includes data on stops, arrests, and uses of force. The Los Angeles Policing Commission’s review of national best practices also recognizes collecting detention data disaggregated by race and ethnicity as a best practice. They also recommend that law enforcement agencies regularly post policing data, including stops, summonses, arrests, reported crimes, and other activities and agencies maintain and analyze demographic data on all detentions.

This section describes recommended practices for tracking detention data for law enforcement agencies. Data practices are described across five types of police-initiated contacts:

- Stops
- Searches
- Citations
- Arrests
- Use of force

This section describes how MCPD data practices align with recommended practices across these five types of police-contact, and describes a sixth category of contact: Field interview reports.

Overall, OLO finds that MCPD relies on a variety of sources and reporting practices to describe its detention data. Some detention data points are required by the state and tracked in their data systems (e.g. E-Tix), some of these are also reported on Data Montgomery (e.g., Traffic Violations Dataset), and some are the subject of MCPD annual reports (e.g., Use of Force Annual Report). Generally, there is more data available to the public on traffic stops than pedestrian stops, and there is inconsistent data reported on detention data points by race and ethnicity (e.g. arrests). As such, detention data is currently reported in a variety of ways in Montgomery County. The implementation of the County’s Community Policing Act, however, should add greater coherence to MCPD’s reporting of detention data and alignment with recommended policing data practices.

A. Stop Data

Best practices for constitutional policing recommends the collection and analysis of “stop and frisk” data for drivers, passengers and pedestrians. Both New York City and Los Angeles utilize this best practice.²¹ In Maryland, stop data for drivers and passengers are reported in E-Tix as required by the state. The state requires MCPD to report traffic-related stops, searches, and arrests by race, ethnicity, age, stop reason, and outcome. The Governor’s Office of Crime Control and Prevention maintains a “Race-Based Traffic Stop Data Dashboard” that describes driver stop data by jurisdiction; Data Montgomery’s Traffic Violations Dataset also includes this information.

²¹ As noted by Andrew Ferguson in *The Rise of Big Data Policing*, in New York City, police fill out a UF-250 card memorializing the exact location of every police-citizen interaction and the Los Angeles Police Department utilizes field interview cards that are uploaded to a database that can be used to track patterns of police contacts.

There is, however, no state requirement to track pedestrian stops or the demographics of civilians or officers involved in street stops.²² Interviews with MCPD officers clarify that only a subset of street stops is routinely documented: pedestrian stops in response to resident-initiated (911) calls. When officers make these stops, they call them into MCPD’s dispatch system and the stop is documented. However, officers do not have to call the dispatch for police-initiated stops of pedestrians unless the stop results in an arrest. As such, “stop and frisk” data on all pedestrian stops are not tracked by MCPD.

Chart 3.1 describes local and state sources of stop data for Montgomery County drivers, passengers and pedestrians. An analysis of the 2018 Race-Based Traffic Stop Data Dashboard for MCPD and population data from the American Community Survey shows that Black drivers experienced a disproportionately higher share of traffic stops in Montgomery County. More specifically:

- Black people accounted for 18 percent of all residents v. 32 percent of MCPD traffic stops
- White people accounted for 44 percent of all residents v. 35 percent of MCPD traffic stops
- Latinx people accounted for 19 percent of all residents v. 20 percent of MCPD traffic stops
- Asian people accounted for 15 percent of all residents v. 7 percent of MCPD traffic stops

Chart 3.1: Publicly Reported Data on Stops

	Drivers and Passengers	Pedestrians
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender. If police stops are considered detentions, then this information will be reported annually by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	Not reported

B. Search Data

Examining search data and “search-hit” rates that identify contraband is another policing data best practice. Disparities in search rates by race and ethnicity, and in hit rates, may signal biases in police treatment by race and ethnicity that should be investigated and addressed if warranted.

For Montgomery County, search data for drivers and passengers for traffic stops are also reported in E-Tix as required by the state. Data Montgomery’s Traffic Violations Dataset includes this information. However, there are no reporting requirements for searches of pedestrians during street stops. Nor is data on search warrants reported. As such, no local data is available to discern whether there are disparities in MCPD search practices among pedestrians by race, ethnicity or location.

²² As part of their federal consent decree, the Baltimore Police Department tracks all stops, pedestrian and vehicle, including those that do not result in a citation, warning, search or arrest.

Chart 3.2 describes local and state sources of search data for Montgomery County drivers, passengers, and pedestrians. An analysis of the 2018 Race-Based Traffic Stop Data Dashboard shows that MCPD searched Black drivers during traffic stops at a higher rate than other drivers. More specifically, 4.4 percent of Black drivers were searched compared to 3.3 percent of Latino drivers, 2.0 percent of White drivers, and 1.3 percent of Asian drivers.

Chart 3.2: Publicly Reported Data on Searches

	<u>Drivers and Passengers</u>	<u>Pedestrians</u>
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender. If police searches are considered detentions, then this information will be reported annually by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	Not reported

The Community Policing Act requires MCPD to annually report demographic information “regarding individuals **detained** by the Department” by February 1st. The terms detained and detention, however, are not defined in the law. As such, it remains unclear whether the law requires MCPD to describe the demographics of residents searched by the police outside of traffic stops as required by the state.

C. Citation Data

Disparities by race and ethnicity in citation rates may signal unconstitutional policing practices that should be uncovered and addressed. MCPD issues four types of citations:

- **Traffic violations** (i.e. tickets) to drivers, passengers and pedestrians
- **Civil citations for adult defendants** typically charged with petty first time alcohol or marijuana offenses (e.g. possessing less than 10 mg) or distributing nicotine devices to minors or other
- **Criminal citations for adult defendants** charged with misdemeanors that do not carry penalty of imprisonment or the maximum penalty is 90 days or less
- **Juvenile citations** that primarily represent police departments referrals for children to the Department of Juvenile Services for status and/or criminal offenses

Each citation type has different data collection and reporting requirements. Data on traffic violations are reported to the state via E-Tix, while data on civil citations are housed at district police stations and shared with District Courts. Alternatively, between 2014 and 2018, the state required MCPD to submit data on criminal citations inclusive of race, ethnicity, gender, age, and charges to the Maryland Statistical Analysis Center (via Delta plus), while the Department of Juvenile Services compiles juvenile citation data. The state’s criminal citation report,²³ however, was not as useful as DJS’s Data Resource Guide because it did not disaggregate data by race and ethnicity by jurisdiction.

Chart 3.3 describes local and state sources of citation data for Montgomery County by citation type. An analysis of 2019 data shows that Black children between the ages of 11 and 17 were more likely receive juvenile citations and be referred to DJS than other groups of youth. Whereas,

- Black children accounted for 20 percent of youth, they were 54 percent of DJS referrals
- White children accounted for 37 percent of youth, they were 20 percent of DJS referrals
- Latinx/Other children accounted for 43 percent of youth, they were 33 percent of DJS referrals

Chart 3.3: Publicly Reported Data on Citations

	<u>Drivers, Passengers, and Pedestrians</u>
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q No local datasets on civil citations, criminal citations or juvenile citations posted
MCPD Annual Reports	No current MCPD annual reports on traffic violations, civil citations, criminal citations or juvenile citations; unclear if MCPD Community Policing Reports required under the Community Policing Act will require MCPD to publicly report data on citations
State Annual Reports	Criminal Citations Report (available 2014 – 2018) https://goccp.maryland.gov/wp-content/uploads/criminal-citations-report-2018.pdf Data Resource Guide (Department of Juvenile Services) https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf No State annual reports issued on traffic violations or civil citations

The Community Policing Act requires MCPD to annually report the number of youth under the age of 18 referred to intervention programs by officers. The Act also requires MCPD to report demographic information “regarding individuals **detained** by the Department” annually by February 1st. Detained and detention, however, are not defined terms in the legislation. As such, it remains unclear whether the law requires MCPD to describe the demographics of residents who receive citations and summons.

²³ With the sunset of SB 422, Maryland no longer requires police departments to submit criminal citation data.

D. Arrest Data

Examining arrest data by race, ethnicity, and other factors is another policing data best practice. Disparities in arrest rates may signal biases in policing that should be investigated and addressed. Montgomery County arrest data, resulting from traffic stops, are reported to the state via E-Tix. All local arrests (traffic and non-traffic) are also tracked in the CRIMS database maintained by the Department of Corrections and Rehabilitation. Data Montgomery reports daily arrest data by name, age, address and offense but not by race or ethnicity for defendants or arresting officers. As such, no local data is publicly reported to discern whether there are disparities in overall arrest rates by race or ethnicity.

According to MCPD, the daily arrest data compiled in CRIMS differs from the FBI arrest statistics for Montgomery County that the state references its Uniform Crime Reports (UCR). The DOCR/CRIMS arrest data refers to the actual number of arrests while the FBI arrest statistics track arrest data among closed cases. As such, the FBI arrest data compiled by the State tracks a smaller universe than the CRIMS arrest data (incidents v. crimes). Local law enforcement agency data on arrests rates are included in the Maryland UCR report by offense type and among adults and juveniles, but are not publicly reported by race, ethnicity or gender. OLO's Racial Equity Profile, however, reports that Black and Latino persons accounted for 44% and 26% of MCPD arrests in 2017 compared to accounting for 20% and 19% of County residents.²⁴

Chart 3.4 describes local and state sources of arrest data for Montgomery County drivers, passengers and pedestrians. An analysis of the 2018 data shows higher MCPD arrest rates Black and Latino drivers during traffic stops: 2.2 – 2.3 percent of Latinx and Black drivers were arrested compared to 1.3 percent of White drivers and less than one percent (0.9%) percent of Asian drivers.

Chart 3.4: Publicly Reported Data on Arrests

	<u>Drivers and Passengers</u>	<u>Pedestrians</u>
Data Montgomery	Traffic Violations Dataset https://data.montgomerycountymd.gov/Public-Safety/Traffic-Violations/4mse-ku6q	Not reported on Data Montgomery, but available via CRIMS.
	Daily Arrests Dataset https://data.montgomerycountymd.gov/Public-Safety/Daily-Arrests/xhwt-7h2h	
MCPD Annual Report	No current reports, but the Community Policing Act requires annual reporting of persons detained by MCPD by race, ethnicity, and gender by February 1 st	
State Annual Reports	Race-Based Traffic Stop Data Dashboard http://goccp.maryland.gov/reports-publications/data-dashboards/traffic-stop-data-dashboard/	No state level data reported on pedestrian arrests
	2018 Uniform Crime Report lists arrests by jurisdiction https://mdsp.maryland.gov/Document%20Downloads/Crime%20in%20Maryland%202018%20Uniform%20Crime%20Report.pdf	

²⁴ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

E. Use of Force Data

Use of force refers to whenever force is used to counteract a physical struggle, or when a firearm is discharged. It is one of the most common metrics for considering disparities in policing practices. Maryland requires law enforcement agencies to report the use of tasers (electronic control devices) and officer-related deaths. For tasers, the state requires data reported by defendant race, ethnicity, age, time, date, zip code, precipitating event, reason for discharge, location, and injury/death resulting from tasers. The state also requires reporting on race and ethnicity of officers in the death of a civilian.

Additionally, MCPD produces an Annual Use of Force Report describing the types of force most often used and the demographics of civilians and officers in use of force incidents.²⁵ MCPD Function Code 131 requires the Use of Force and Weapons Review Committee to review the Use of Force annual report, and after reviewing it, report its analyses and any recommendations to the Chief of Police.

Chart 3.5 describes local and state sources of use of force data for Montgomery County. An analysis of MCPD's 2018 use of force data, and population data for the County from the American Community Survey, shows that MCPD disproportionately used force among African Americans. More specifically, in Montgomery County:

- Black people accounted for 18 percent of all residents v. 55 percent of use of force incidents
- White people accounted for 44 percent of all residents v. 26 percent of use of force incidents
- Latinx people accounted for 19 percent of all residents v. 18 percent of use of force incidents
- Asian people accounted for 15 percent of all residents v. 1 percent of use of force incidents

Chart 3.5: Publicly Reported Data on Use of Force

Data Montgomery	No local datasets on Use of Force Data
MCPD Annual Reports	MCPD Annual Use of Force Reports https://www.montgomerycountymd.gov/pol/data/use-of-force-report.html
State Annual Reports	Electronic Control Device Data Reports (2013 – 2016) http://goccp.maryland.gov/reports-publications/law-enforcement-reports/electronic-control-device/ Deaths Involving a Law Enforcement Officer Reports http://goccp.maryland.gov/reports-publications/law-enforcement-reports/deaths-involving-law-enforcement/

F. Field Interview Reports

The intent of Field Interview Reports is to document potential subjects of interest for current and future investigations. In other jurisdictions, Field Interview Reports can be used to document warnings and suspects for trespassing.²⁶ Disparities by race, ethnicity and other factors may signal unconstitutional policing practices that warranted further investigation.

²⁵ The Commission on Accreditation for Law Enforcement Agencies (CALDEA) requires accredited agencies to report their use of force data annually.

²⁶ See for example Takoma Park Police Department, General Orders No. 656

In Montgomery County, police officers can photograph persons they consider suspicious and enter their photos and contact information into a Field Interview Report. As noted in MCPD Function Code 625, “field interview information is intended for use in conjunction with other types of information for the purpose of developing leads on crime patterns, criminal activity, or homeland security special activity.” There are no public report data on Field Interview Reports; the FIR data collected by officers is entered into the state’s Delta Plus database that includes E-Tix and ACRS data.

Chart 3.6: Publicly Reported Data on Field Interview Reports

	Drivers and Passengers	Pedestrians
Data Montgomery	No local datasets on Field Interview Report	
MCPD Annual Reports	None; unclear if Community Policing Act will require MCPD to publicly report data on Field Interview Reports	
State Annual Reports	No state reports on Field Interview Reports	

2. Police- and Resident-Initiated Contacts and Traffic Accidents

In addition to having an understanding of disparities in detention rates by race, ethnicity, and location, it is also a best practice for law enforcement to have a broader understanding of disparities in police interactions with the public. Monitoring data on three types of interactions can assist toward this end:

- **Resident-initiated contacts** with police that including reporting a crime, disturbance, or suspicious activity; reporting a non-crime emergency, such as a medical emergency or participating in an anti-crime program; or approaching the police for another reason.
- **Police-initiated contacts** when police approach or stop individuals. These include being stopped while in a public place or a parked car (i.e. street stop), being stopped while driving a motor vehicle (i.e. traffic stop) or riding as a passenger in a car that was stopped, being arrested, or being stopped or approached by the police for some other reason. Police-initiated contacts are broadly defined as detentions, because police detain individuals in these encounters.
- **Traffic accidents** that resulted in police contacts.

Monitoring and comparing trends among these three metrics can be useful for considering whether disparities in contacts reflect differences in policing or other factors. For example, differences in traffic accident rates among populations likely reflect objective differences in driving patterns, whereas differences in resident- and police-initiated contacts may reflect a mix of differences in the actual occurrence of crimes as well as some bias in perceptions of what constitutes suspicious activity. As such, traffic accident data can be used as a counterfactual to resident- and police-initiated contact data to consider whether disparities, if evident, reflect objective differences in the occurrence of crime or potential biases in policing or resident reporting by race, ethnicity, or location.

The Bureau of Justice Statistics periodically conducts the Police-Public Contact Survey as a supplement to the National Crime Victimization Survey to describe the experiences of individuals age 16 or older with the police. Table 3.1 describes the results of the most recent PPC survey administered in 2015.²⁷

²⁷ Elizabeth Davis, Anthony Whyte, and Lynn Langston - Contact Between Police and the Public, 2015 – Special Report, U.S. Department of Justice, October 2018

Table 3.1: Percent of U.S. Residents age 16 or older with Any Police Contact, 2015

Demographics	Any Contact	Police-Initiated	Resident-Initiated	Traffic Accident
Total	21.1%	10.8%	10.7%	3.1%
Male	22.0%	12.5%	10.2%	3.2%
Female	20.2%	9.2%	11.1%	3.0%
White	22.7%	11.2%	11.9%	3.2%
Black	19.8%	11.3%	8.7%	3.4%
Latino	16.8%	9.0%	8.0%	2.6%
Other ²⁸	18.4%	10.6%	8.3%	3.1%

The PPC 2015 data shows common accident rates by race and gender (ranging from 3.0 – 3.2%), but disparities in resident-initiated contacts, with White residents being more likely to contact the police than Black, Latino, or Other residents (11.9% v. 8.0 – 8.7%). Disparities by group, in rates of resident-initiated contacts, are wider than disparities by group in rates of police-initiated contacts. However, the disparities between resident- and police-initiated contacts within groups by race and ethnicity is striking: whereas similar rates of White and Latino residents had contact with the police based on either resident- and police-initiated contacts, Black residents were far more likely to have contact with the police based on police-initiated contacts than resident-initiated contacts.

In Montgomery County, the ability to compile local data on resident- and police-initiated contacts could potentially rely on an analysis of MCPD’s Computer Assisted Dispatch (CAD) data. Analogous to the PPC survey, MCPD’s CAD system, records two different types of calls:

- Officer-initiated calls. The call source for these in the CAD are marked “FIELD”
- Resident-initiated calls. The call source for these in the CAD are marked “911”

MCPD dispatcher data is also marked by police district and GPS location, permitting an analysis of officer- and resident-initiated contacts by location. Yet, while the CAD system can be used to collect race, ethnicity, and gender data of suspects, it does not track the race or ethnicity of residents who initiate calls. Nor does the traffic accident data compiled in the state’s ACRS system by driver, non-motorist, and incident track the race, ethnicity or gender of persons involved in traffic accidents. A local survey of County residents analogous to the national Police-Public Contact Survey described above, however, could improve MCPD’s, the Council’s and the public’s understanding of how resident contacts with law enforcement may vary by gender, race, and ethnicity locally.

²⁸ Includes Asians, Native Americans, Other Pacific Islanders, American Indians and Alaska Natives, and persons of two of more races.

In sum, existing sources of dispatcher and traffic accident data cannot be used to track or consider the source of disparities in police- and resident-initiated contacts in Montgomery County. A survey of residents regarding their interactions with law enforcement may be necessary to compile this information. Of note, the Community Policing Act requires MCPD to annually report the number of calls for service for substance abuse and mental health crises by February 1st beginning in 2021.

Chart 3.7: Publicly Reported Data on Incidents and Traffic Accidents

	<u>Incidents and Accidents</u>
Data Montgomery	Police Dispatched Incidents: https://data.montgomerycountymd.gov/Public-Safety/Police-Dispatched-Incidents/98cc-bc7d Crash Reporting – Driver’s Data https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Drivers-Data/mmzv-x632 Crash Reporting – Non-Motorist Data https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Non-Motorists-Data/n7fk-dce5 Crash Reporting – Incident Data: https://data.montgomerycountymd.gov/Public-Safety/Crash-Reporting-Incidents-Data/bhju-22kf
MCPD Annual Reports	No current reports, but the Community Policing Act requires annual reporting of number of youth referred to intervention programs by officers, number of calls for service for substance abuse, and number of calls for service for mental health by February 1 st

3. Police Complaint Data

The collection and analysis of data on civilian and internal complaints against the police is another recommended policing data practice. LAPD publicly reports internal disciplinary program data on personnel complaints initiated, the results of investigations, and any associated discipline as part of its constitutional policing oversight. LAPD also issues an annual report that provides detailed information about the characteristics and outcomes of complaints of biased policing.

A number of MCPD department rules guide the processing of police complaints from residents. Residents are encouraged to complete Form MCP 580 to describe their complaint. The form solicits racial data for the complainant, but it is not required. The form also solicits an opened ended response to “what happened?” that Internal Affairs Division classifies as allegations of an officer breaking a specific departmental rule listed in Function Code 300.

After the complaint is submitted, IAD staff input data into the IAD log and decide whether the complaint will be declined or investigated as a minor allegation of misconduct through the employee’s supervisor or as a major allegation of misconduct through employee’s chain of command or IAD investigators due to allegations of breaking the law. For complaints alleging brutality, complainants must be sworn prior to any investigation and the complaints must be made within a 90-day time limit in most circumstances.

Excerpts of the data MCPD IAD collects on police complaints are available to the public through two sources. The Internal Affairs Allegations dataset posted on Data Montgomery describes the date of the complaint, its source (external or internal), the department rules that were allegedly violated, the status of the investigation, and the disposition. The Internal Affairs Division also publishes an annual report that describes the number of allegations, allegations investigated as intakes (minor incidents of misconduct) v. formal complaints (more serious allegations), dispositions, and demographics of the department and officers accused of misconduct.

Of note, the IAD dataset posted on Data Montgomery does not describe the race or ethnicity of the complainants or the employees accused of misconduct. Nor does the IAD dataset or IAD annual report describe the locations/police districts where allegations arise. Although the IAD annual report describes the demographics of MCPD personnel overall accused of misconduct, it does not describe the demographics of complainants. Finally, neither the IAD dataset nor annual report describes the consequences employees face if allegations against them are sustained. The Community Policing Act, however, requires MCPD to annually report on the number of officers suspended with or without pay, and the number of civilian complaints against IAD regarding allegations of excessive use of force, discrimination, and harassment.

Chart 3.8: Publicly Reported Data on Police Complaints

	<u>External and Internal Complaints</u>
Data Montgomery	Internal Affairs Allegations https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2
MCPD Annual Report	Internal Affairs Division Reports, 2017 and 2018 https://www.montgomerycountymd.gov/pol/data/iad-reports.html Additionally, the Community Policing Act requires MCPD to describe by February 1 st of each year: • Number of civilian complaints about the use of force by an officer • Number of civilian complaints regarding discrimination and harassment • Number of officers who were suspended without pay • Number of officers who were suspended without pay

4. Survey Data on Police-Community Relations

Surveys of police-community relations are critical to understanding whether police departments are making progress on their community policing goals of building trust with community members. The Center for Policing Equity recommends the use of survey data to track perceptions of police-community relations among residents and officers as a best practice. LAPD regularly surveys their employees about their perceptions of police-community interactions. LAPD also surveys a representative sample of residents regarding their perceptions of police-community relations, and disaggregates findings by race, ethnicity, and location.

No regular assessments of police-community relationships occur among civilians or officers in Montgomery County. However, there were two community surveys in 2019 that asked residents what the priorities of MCPD should be and about their perceptions of safety in their communities.

- **Police Chief Recruitment Community Input Survey** was administered online and elicited 1,123 responses. The sample was not randomized so its results are not generalizable. Nevertheless, survey participation was ethnically diverse, although biased by gender (58% of respondents women), age (80% of respondents age 45 or older), and income (68% of respondents had annual household incomes of \$100,000 or more). Of note, responses to the question of “what should the chief focus on” varied by race and ethnicity with “crime and safety” emerging as the top response for White and Asian residents while “community outreach/engagement” was the top response for Latinx and African American residents.
- **National Community Survey**, also administered in 2019, includes several prompts about public safety and resident’s perceptions of MCPD. The County mailed the survey to 5,000 residents in randomly selected households and received feedback from 954 respondents. The results, published in NCS Community Livability Report for Montgomery County, are generalizable to the County overall and for White, Non-Hispanic compared to Hispanic and/or non-White residents (i.e. People of Color). Montgomery County also administered the NCS in 2017, so trend data on changing perceptions of public safety are available.

Chart 3.9: Publicly Reported Survey Data on Police-Community Relations

	Resident Surveys
County Results	Police Chief Recruitment Community Input Survey, 2019 https://montgomerycountymd.gov/OPI/Resources/Files/2019/PoliceChiefSurveyResults-6-2019.pdf Crime and Public Safety Prompts from 2019 National Community Survey https://www.montgomerycountymd.gov/OPI/survey2019.html

5. Summary of MCPD Policing Datasets Alignment with Best Practices

MCPD’s datasets that align, at least partially, with best practices for monitoring policing data include:

- **Detention** data points tracked by race and ethnicity on
 - Traffic stops, traffic violations, searches, and arrests among drivers and passengers in E-Tix,
 - Arrest data tracked in CRIMS, and
 - Use of force data compiled from MCP Form 37.
- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD’s Computer Aided Dispatch system; and
- **Police complaints** tracked by the Internal Affairs Division.

The data points included in these datasets, however, are at best incomplete. More specifically:

- The detention datasets do not track street stops between officers and residents that do not result in an arrest, citation or summons;

- MCPD does not maintain an electronic database of the criminal and civil citations that would enable them to monitor for disparities;
- Race and ethnicity data are not collected as fields in the CAD;
- The police complaints database does not collect race and ethnicity data for every complainant;
- A MCPD dataset of survey responses regarding police and community relationships does not exist because MCPD does not survey its personnel or residents. As such, there are no datasets that track the effectiveness of MCPD's community engagement activities.

Chart 3.10 describes the local datasets that align, at least in part, with policing data best practices.

Chart 3.10: MCPD Datasets that Align with Policing Data Best Practices

<u>Database</u>	<u>Datasets/Forms</u>	<u>Data Limits</u>
<i>Data on Detentions</i>		
Delta Plus (Maryland State Police)	E-Tix (Traffic Violations)	No data on street stops
CRIMS (DOCR)	Arrests	
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)	Other = Latinx/Asian
Criminal Citations	Uniform Citation Form (DC/CR 45)	Data at MCPD District Stations and District Court
Civil Citations	Alcohol Beverage Violation	
	Possession of Marijuana (<10 gram)	
	Smoking Marijuana in a Public Place	
Use of Force	MCP 37 Forms	
<i>Data on Police-Public Interactions</i>		
Computer Assisted Dispatch	Police-Initiated Incidents Resident-Initiated Incidents	No race, ethnicity data No data on referrals
Delta Plus	ACRS (Collisions)	No data on race, ethnicity
<i>Data on Police Complaints</i>		
Internal Affairs	IAD Allegations	Incomplete information

Chapter 4. Data Collected by MCPD

This chapter describes in detail the data that MCPD collects electronically across its divisions and compares it with the data that are made available through Data Montgomery, the County Government's open data portal. The chapter is organized by the data system in which the data are collected and is organized as follows:

- **Section A** describes data collected in the County's Computer Aided Dispatch system (CAD);
- **Section B** examines data collected in E*Justice, an electronic tool for writing Police reports;
- **Section C** describes arrest data compiled in the Correction and Rehabilitation Information Management System (CRIMS)
- **Section D** examines data available from Field Interview Reports;
- **Section E** describes data on use of force by police officers;
- **Section F** summarizes data on vehicular pursuits;
- **Section G** examines data available in the Automated Crash Reporting System;
- **Section H** describes data available in E-Tix;
- **Section I** describes data from the Internal Affairs Division on internal and external complaints about Police officers; and
- **Section J** describes the Community Engagement Division's database of events.

A. Computer Aided Dispatch System

The County's Computer Aided Dispatch System (CAD) is the system used by the Emergency Communications Center (ECC) to dispatch Montgomery County public safety services, including Police and Fire and Rescue, and track their activities during the response. In 2017, the County acquired a new CAD system.

The CAD captures all dispatched calls for service and police self-dispatches to an incident. It also captures other incidents reported to police: if a resident walks into a station and reports an incident, then a CAD event is created. However, the CAD records only basic information while the officer(s) respond(s) to the incident and does not include updated information in response to investigations. The table on the following page summarizes data points captured in the CAD.

The CAD also captures further details about incidents as comments. These unstructured entries can include basic descriptions of persons involved (e.g. drivers, suspects or victims) and their status, as well as updates on the response provided by officers.

Chart 4.1: Data Points in the Computer Aided Dispatch System (CAD)

Source (e.g. 911 or “Field” which indicates self-dispatch)
Caller • Name (may be first name only) • Phone number
Date and time • Incident start • First unit dispatched • First unit en route • First unit arrived
Each unit and officer dispatched • Call sign • Vehicle identification number • Officer name • Officer identification number • Time dispatched, en route, on scene, and cleared
Location to which units were dispatched • Intersection • Longitude and latitude • City • Police district, beat and police reporting area (PRA)
Incident • Initial incident type • Incident type at end of call • Call disposition at the time last unit cleared • Priority level of the dispatch • Link to incident report in E*Justice and/or crash report in ACRS where available
Vehicles involved in incident • Role • Make and color • VIN • License plate and state • If towed, tow reason, date and storing company

Data limitations. As noted above, the CAD captures only basic data points about an incident. The information in the CAD is not as detailed as an incident report (see section on E*Justice below), and is not updated when new information becomes available. For example, Police personnel may be dispatched to a particular address, which would be recorded in the CAD, but then learn that the incident occurred at a different address. The CAD would only include the address to which the officer(s) is dispatched. Similarly, the call disposition entered into the CAD provides information into the basic nature of the incident as described to the dispatcher, but does not reflect information that may later be revealed during the course of an investigation or even during the response.

A further limitation results from the fact that demographic details of persons involved in incidents, such as age, sex, race, and ethnicity, when provided, are not verified and are captured as unstructured comments rather than in individual fields. As a result, it may be time-consuming to incorporate these elements into a data analysis. The CAD software includes fields to record numerous characteristics of the caller and persons involved in an incident, including hair color, eye color, gender, age, and race, but most of these fields are not currently being used.²⁹

Finally, the CAD does not capture all police interactions with the public. For example, officers that are patrolling an area on foot are not required to report into the CAD stops of pedestrians or others that do not result in an arrest or citation. Additionally, by collective bargaining agreement, policy and law, officers are not required to report traffic stops to the CAD.

CAD Data Available on Data Montgomery. Data Montgomery includes a dataset on police-dispatched incidents since April of 2017, based on data from the CAD. This dataset includes most of the data points listed in Section 1 above, including a timeline for the overall response. However, it does not include the following data points:

- Source of the dispatch (e.g. 911 call or self-dispatch)
- Units that were dispatched (including vehicle identification numbers and officer names and identification numbers) or a timeline of each specific unit's response;
- Details of any vehicles involved in the incident (such as make, license plate, VIN number); or
- Incident details, such as descriptions of persons involved (e.g. drivers, suspects or victims) or their status.

Additionally, many of the entries in the "Disposition Description" column are abbreviated, and their meaning is not apparent in all cases. No documentation is available that might clarify the meaning of these entries.

B. E*Justice (Incident Reports)

Police officers are required to write an incident report for incidents of crime and other events, such as suicide attempts and missing persons, that are verified and reportable based on a variety of Federal, State and County requirements. Not every incident captured in the CAD results in an incident report. For example, traffic collisions are reported in a separate system and would not result in an incident report unless an incarcerable traffic violation occurred. On the other hand, every incident report must have a corresponding record in the CAD.

E*Justice is MCPD's electronic incident report-writing tool and records management system and is a legacy system. At the time of writing of this report, MCPD was in the process of procuring a new electronic records management system. The table on the following page summarizes data points available in E*Justice.

²⁹ "Premier One: Reporting Data Warehouse (RDW) Data Dictionary Version 4.4 CU3", Motorola Solutions Inc., 2019

Chart 4.2: Data Points Captured in E*Justice

Location where the incident occurred • Intersection • Longitude and latitude
Details of each specific offense associated with the incident • An offense category and code for the specific offense • Whether the offense was attempted or completed • The type of location where the offense occurred • Whether evidence of a hate crime or bias incident was found • Offense status (open or closed, and how it was closed, for example through arrest) • Weapons involved • Suspected use of alcohol, drugs, or computer equipment • Other details specific to offense types (e.g. method of entry for burglaries or auto thefts)
Officers that responded to incident and/or approved the report • Name • Identification number
Details of victims, witnesses, arrestees, and suspects including: • Name (required) • Date of birth (required) • Sex (required) • Race (required) • Role (required) • Resident or non-resident (required) • Ethnicity • Social Security Number • Address • Phone number(s) • Physical characteristics such as height, weight, build, and hair color • For arrestees, arrest date and type (e.g. on-view arrest versus summons/citation)
Names and addresses of businesses involved in the incident
Vehicles involved in the incident • Make, Year and Color • Vehicle type • License plate • VIN number
Lost, stolen or seized property • Type of property • Make, model and color • Dollar value (except for drugs or narcotics seized in connection with a drug-related offense) • Status (lost, stolen, seized) • Owner details
Other associated incidents

Incident reports also include an incident narrative, which is a chronological written account of the investigation. Subsequent to the filing of the initial report, supplemental reports must be submitted when new information is obtained, or to document new developments in the case.

Data Limitations. Officers are required to enter in a “Race” for each victim, witness, arrestee and suspect. A separate field for “Ethnicity” exists in E*Justice, but it is not a required field. Because the “Race” field does not have the option to indicate that a person is Latinx, data from E*Justice likely underreports numbers of Latinx victims, witnesses, arrestees, and suspects.

E*Justice Data Available on Data Montgomery. Data Montgomery includes two datasets derived from E*Justice. The first dataset, “Crime”, includes data points from E*Justice reports between July 1, 2016 and the present. The second dataset, “MCPD Bias Incidents”, is specific to incidents where evidence of a hate crime or bias incident was found. The “Crime” dataset is the most comprehensive, and it includes basic data points about each incident, including the specific offense, the location (longitude and latitude) and the date and time the incident occurred. However, it does not include:

- Demographic details or other information on the persons or businesses involved;
- Information on any arrests made or the type of arrest;
- Information on the officers that responded;
- Information on any property that was stolen, lost or seized;
- Information on vehicles involved in the incident;
- The status of the case

The “MCPD Bias Incidents” dataset provides some additional basic data points for each incident where evidence of a hate crime or bias incident was found, including the targeted group (e.g. anti-Jewish, anti-Hispanic), the nature of the crime (e.g. vandalism), the status of the case, and the number of suspects by age group. Neither dataset includes information from the incident report narrative.

C. Correction and Rehabilitation Information Management System (CRIMS)

The Correction and Rehabilitation Information Management System (CRIMS) is the Department of Correction and Rehabilitation’s (DOCR) jail management system. This system records all arrests in the County, as opposed to incidents which are captured in E*Justice. The table on the next page lists the data points that are captured in CRIMS.

Data Limitations. MCPD staff report that it is not currently possible to automatically link arrestees in the CRIMS database to suspects and other persons entered into E*Justice. Staff are currently working to develop this capability.

CRIMS data available in Data Montgomery. The Daily Arrests dataset in Data Montgomery provides the names, ages, addresses, arrest dates and alleged offenses for all persons arrested during the prior 30 days. This dataset does not include race or gender information, and arrests are removed from the dataset after 30 days.

Chart 4.3: Data Points in Correction and Rehabilitation Information Management System (CRIMS)

Arrestee • Name • Date of birth • Home address • Place, state and country of birth • Country of Birth • State of Birth • Race • Gender
Arrest • Date and time • Arresting officer • Officers involved in transport, search, and collection of possessions • Arresting agency • Type of arrest (criminal, traffic, civil) • Type of booking (statement of charges or warrant) • Type of warrant • Warrant number • Police arrest record number
Court information • Court case number • Court (District Court Rockville, District Court Silver Spring, Circuit Court) • State filing number
Charges • Offense code • Statute code • Date of charge • Location of charge • Statement of charges

D. Field Interview Reports

MCPD uses field interview reports to record data on certain interactions between police officers and members of the public. An officer who observes behavior deemed suspicious or concerning typically initiates these interactions. The interactions recorded in field interview reports do not result in arrests or citations, but may be relevant at a future date. Data Montgomery does not include any data from MCPD field interview reports. Field interview reports are stored in a system called Delta Plus, which is maintained by the State of Maryland. Field interview reports include the location of the interview (address and longitude/latitude), and the following data on the person that was interviewed:

- Name
- Age
- Race/ethnicity
- Alias
- Identification information (e.g. driver's license)
- Various descriptors (skin tone, hair color, facial hair, build, eye color, eye wear, height, weight)
- Scars, marks, tattoos, and other "identifiers"

- Clothing

The report also includes a narrative of the interview and a photograph.

E. Use of Force

The Commission on Accreditation for Law Enforcement Agencies has accredited MCPD since 1993. CALEA requires law enforcement agencies to report annually on use of force by officers. MCPD policy³⁰ requires officers to complete a Use of Force Report (MCP 37) for the following types of incidents:

- Any time force is used to counteract a physical struggle.
- Following the use of any force that results in an injury to an individual.
- When an individual claims to have been injured as a result of use of force.
- Whenever force is applied using a protective instrument.
- Whenever a firearm is discharged other than authorized target practice.
- Whenever a department canine inflicts injury on any subject or suspect.
- Any time an officer is assaulted or ambushed.

Chart 4.4: Data Points Captured in MCPD's Use of Force Reports

Suspect • First and last name • Race • Sex • Age • Height & weight • Use of alcohol or drugs • Whether mental illness is suspected • Type of injury or injuries sustained and treatment received
Officer(s) involved • Identification number • Race, sex, & age • Height & weight • Tenure at MCPD (years) • District/Unit of assignment • Whether the officer was assaulted • Whether the officer was injured, and type of injury or injuries sustained • Whether the officer was ambushed • Type of force used by officer • If electronic control device was used, type of deployment and point of impact • Treatment received
Incident category • Reason type for completing Use of Force Report (e.g. injury, accidental discharge) • Activity code (e.g. arrest, traffic stop)

³⁰ "Use of Force," FC No. 131, 9/21/2016, Montgomery County Police Department

MCPD has an online system for collecting and maintaining Use of Force reports submitted by officers. The following table summarizes the data points collected in MCPD's Use of Force Report (MCP 37). No public datasets on Use of Force Reports are available on Data Montgomery.

Data Limitations. The fields for the race of the suspect and officers involved are open-ended, and no field exists for ethnicity. As such, data on the race or ethnicity of suspects and officers may be based on inconsistent terminology from reports. In addition, the data may undercount Latinx suspects or officers, if the officer writing the report does not consider Latinx to be a race.

F. Vehicular Pursuits

MCPD policy requires that any time an MCPD officer engages in a vehicular pursuit, a supervisor from the officer's district must complete a Motor Vehicle Pursuit Report (MCP 610) and forward it through the chain of command to the respective assistant chief. A vehicular pursuit is "An active attempt by an officer in a vehicle to apprehend an occupant of a moving motor vehicle who exhibits a clear intention to avoid apprehension."³¹

MCPD uses a Microsoft Access database to store data collected from Motor Vehicle Pursuit Reports (MCP 610). The table on the following page summarizes the fields on the Motor Vehicle Pursuit Report. Motor Vehicle Pursuit Reports also include a supplementary narrative as written by the supervisor. No public datasets on Vehicular Pursuits are available on Data Montgomery.

Data Limitations. The fields for the suspect's race are open-ended, and no field exists for ethnicity. As such, data on the race or ethnicity of suspects may be based on inconsistent terminology from reports. In addition, the data may undercount Latinx suspects if the supervisor writing the report does not consider Latinx to be a race.

³¹ "Vehicular Pursuits," FC No. 135, 5/22/2009, Montgomery County Police Department

Chart 4.5: Data Points Captured in MCPD's Vehicular Pursuits Reports

Suspect • Race • Sex • Age
Primary pursuing officer • Name • Identification number
Date and time • Date • Time started • Time ended
Location • District where pursuit was initiated • Address/GPS location or cross street started • Address /GPS location or cross street ended • Whether pursuit extended outside County boundaries • Category of area(s) traveled through (commercial, residential, school/recreation, open country, other) • Road condition (wet, dry, snow, ice, or other) • Traffic density (light, medium, heavy, other)
Police vehicles and other resources involved in pursuit • Primary vehicle stock number • Primary vehicle type (marked or unmarked) • Whether primary vehicle used siren • Whether primary vehicle used emergency lights and which type (e.g. dash lights, 4-corner strobes) • Total unmarked and marked police vehicles • Additional resources used (none, aircraft, other department, PMARS, stop stick, other)
Notifications • Whether supervisor was notified, time of notification and supervisor name and identification number • Whether the Duty Commander was notified, time of notification and Duty Commander's name and identification number
Reason and results • Reason pursuit initiated (felony, DUI, assisting another agency, other) • If suspect was apprehended, how (e.g. voluntarily stopped, collision, road block) • If suspect escaped, how (e.g. outran police, police vehicle in collision, pursuit ordered terminated) • Suspect charged (felony, DUI or other) • Whether a collision occurred • If a collision occurred, whether it resulted in injuries and if so, their severity • Whether non-vehicular property damage occurred
Review of pursuit • Supervisor's rank, name and identification number • Supervisor's answer to "Did the pursuit comply with department policy?" (Yes or No) • Unit Commander's rank, name and identification number • Unit Commander's answer to "Did the pursuit comply with department policy?" (Yes or No)

G. Maryland State Police Automated Crash Reporting System

The Maryland State Police Automated Crash Reporting System (ACRS) is the system used to collect data on motor vehicle collisions across the State. ACRS replaced the state's previous motor vehicle collision reporting system, the Maryland Automated Accident Reporting System (MAARS) in 2015. MCPD policy requires police officers to conduct collision investigations and report data to the State for all serious motor vehicle collisions including:

- Fatal collisions;
- Collisions that resulted in injuries;
- Collisions associated with an incarcerable offense such as hit-and-run;
- Collisions involving government owned vehicles;
- Collisions after which a vehicle cannot be safely driven from the scene; and
- Collisions involving hazardous materials.³²

ACRS is a highly structured database with 165 separate fields used to document data on every collision, including each vehicle and each person involved or who witnessed the collision. The ACRS Field Reporting Guide provides details on the data in each field. The following provides a high-level summary of the data points available in ACRS:

- **Crash elements.** 44 fields capture information on the collision and the circumstances surrounding it, including the location, the type of collision (e.g. head-on), and road and weather conditions.
- **Vehicle elements.** 41 fields collect details on each vehicle involved in the collision, the damage sustained to it and the role of the vehicle in the collision.
- **Driver elements.** 28 fields capture information on each driver, including the driver's address and phone number, whether the driver was at fault, their injuries and condition, as well as the results of any alcohol or drug tests. Demographic details are limited to date of birth and sex.
- **Passenger elements.** 18 fields describe the passenger, their address and phone number, position in the vehicle at the time of the collision and the severity of the passenger's injuries. Demographic details are limited to date of birth and sex.
- **Non-motorist elements.** 28 fields capture information on each person other than the occupant of a motor vehicle in transport, such as pedestrians, bicyclists, and occupants of stationary vehicles. These fields include the person's date of birth and sex, address and phone number, their position and actions at the time of the collision, whether the non-motorist was at fault, the severity of any injuries and results of any drug or alcohol tests.
- **Witness elements.** 6 fields capture each witness's name, address, and phone number.

Data entered into ACRS produces a State of Maryland Motor Vehicle Crash Report, which also includes a short narrative and accident diagram.

Data limitations. Demographic details for persons involved in motor vehicle collisions are limited to date of birth and sex. ACRS does not have fields to enter race or ethnicity.

³² F.C. No. 1021

ACRS Data Available on Data Montgomery. Data Montgomery offers three datasets that contain data from ACRS: “Incidents Data,” “Drivers Data,” and “Non-Motorists Data.” Each of these datasets can be linked with the other datasets via a report number. These datasets contain numerous data points from ACRS and therefore provide extensive details on motor vehicle collisions in Montgomery County, including the roles of each driver and non-motorist (e.g. pedestrians or cyclists). These datasets do not include any identifying or demographic information (such as age or sex) for drivers, non-motorists, or any other persons involved in collisions. The datasets also do not provide any information on passengers or witnesses.

H. Electronic Traffic Information Exchange (E-TIX)

State law requires that law enforcement officers in Maryland report information for each traffic stop they conduct, meaning when an officer stops a driver or non-motorist for a violation of the Maryland Vehicle Law. The law requires officers to report specific data points including the gender, date of birth and race or ethnicity of the driver.³³ Law enforcement agencies must report aggregate data on traffic stops to the State. Of note, the following types of stops are excluded from this reporting requirement:

- A checkpoint or roadblock stop;
- A stop of multiple vehicles due to a traffic accident or emergency situation;
- A stop based on the use of radar, laser, or vascar technology; or
- A stop based on the use of license plate reader technology, such as a speed camera or red-light camera.

The Electronic Traffic Information Exchange (E-TIX) is the electronic system for issuing traffic citations and tracking data on traffic stops in Maryland, and is managed by the Maryland State Police. The table on the following page summarizes the data points captured in E-TIX. E-TIX data may include some stops that are excluded from the reporting requirement, such as stops based on the use of radar or laser, if the officer used E-TIX to issue the citation.

Data Limitations. MCPD staff report that the County does not have full access to E-TIX reporting tools, because E-TIX is a State system. As a result, MCPD is limited in the nature of the data analysis it can conduct with E-TIX. Citations based on speed cameras and red-light cameras, which cite the vehicle, not the driver, are not reported in E-TIX and do not have demographic data associated with them.

E-TIX Data Available on Data Montgomery. The Data Montgomery Traffic Violations Dataset includes data on traffic stops from 2012 to the present that resulted in a citation, warning, or safety equipment repair order. The dataset includes several fields from E-TIX. These include some demographic information on the driver, including race/ethnicity, gender and the city where the driver resides, information on the stop itself, the search if applicable and the violation. The dataset does not include:

- Identifying information on the driver or the officer that conducted the stop;
- The duration of the stop; or
- Whether an arrest was made.

The dataset also does not include any stops that did not result in a citation, warning or safety equipment repair order.

³³ MD Code, Transportation, § 25-113

Chart 4.6: Data Points Captured in E-TIX

Driver • Driver's License number, class and state of issue • Name • Address • Race or ethnicity (Asian, Black, Latino, White, or Other) based on officer's observation • Gender • Date of Birth • Height & Weight • Vehicle registration number and state • Vehicle make, model and color
Traffic stop • Date • Time • Location • Duration • Whether a warning, safety equipment repair order, or citation was issued as a result of the stop and if so, the basis for it • Whether an arrest was made and if so, the crime charged
Search conducted (if applicable) • Whether a search was conducted as a result of the stop • The reason for the search • Whether the search was consensual or nonconsensual • Whether a person and/or a person's property was searched • Whether any contraband or other property was seized in the course of the search
Information related to the violation • Whether the violation contributed to an accident • Whether seat belts were used • Whether a person was injured • Whether property damage occurred • Whether a fatality occurred • Whether the violation involved hazardous materials • Whether the violation occurred in a work zone
Units/Officers Conducting the Stop

I. Internal Affairs Division Data

The Internal Affairs Division (IAD) is the entity responsible for investigating internal and external complaints of employee misconduct, and for implementing and coordinating disciplinary actions and procedures instituted by the Office of the Chief. The Law Enforcement Officers' Bill of Rights, a State law, governs significant aspects of the complaint and disciplinary process. The process map below summarizes the process. IAD uses a database to collect and track complaints of employee misconduct. The table on the following page summarizes the data points in IAD's database on complaints of MCPD employee misconduct.

Chart 4.7: Montgomery County Police Department Disciplinary Process

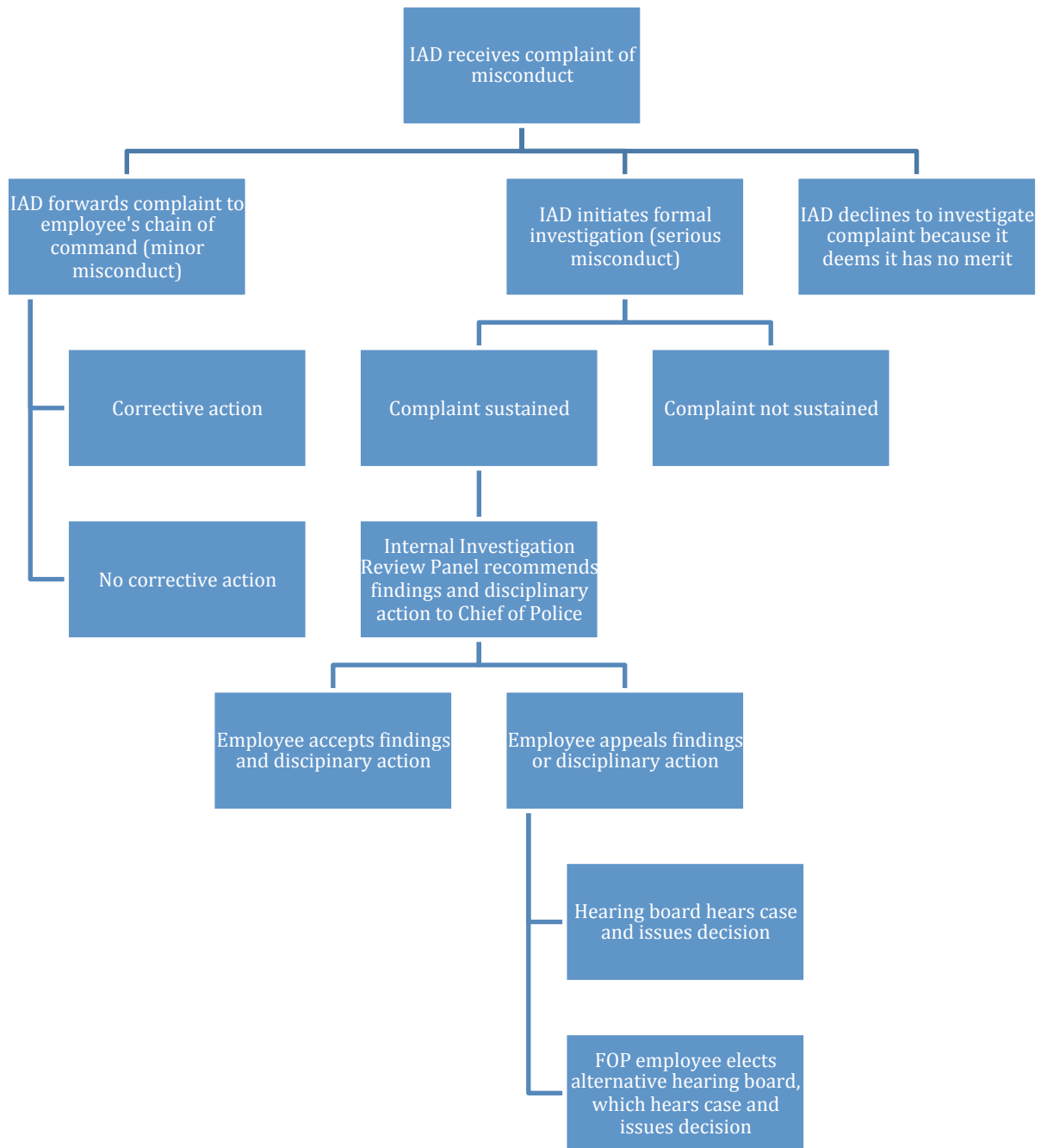


Chart 4.8: Data Points Captured in the Internal Affairs Division Database

Complainant (optional to provide) • Name • Date of birth • Sex • Race • Phone number • E-mail • Street address • Internal or external complainant
Allegation • Date and time complaint was received • Date and time of alleged incident • Address or location of alleged incident • Witness name(s) and contact details • The rule that the employee allegedly broke
Employee • Name • Demographic details from personnel database
Disciplinary process • Initial determination by IAD as to whether allegation is minor, serious or has no merit • Finding(s) following investigation

The database also includes a narrative of the complaint as reported by the complainant.

Data limitations. IAD's database has several limitations, as listed below:

- No information on the source of the complaint (e.g. phone, mail, in-person) is available;
- Staff report that most complainants do not report their race. Although the form used to document complaints, MCP 580, has a space to list the complainant's race, IAD staff report that they prefer to not request that complainants state their race when they make a complaint by phone.
- In conformance with requirements in State law, information on sworn officers associated with minor allegations are expunged after one year, and information on sworn officers with serious allegations that were not sustained are expunged after three years. Complainant information does not get expunged.
- IAD's database does not contain information on the disciplinary action taken or any appeals filed by employees that are the subjects of complaints.

Data available on Data Montgomery. The Data Montgomery Internal Affairs Allegations dataset provides basic data points regarding complaints received by IAD since August of 2013. This dataset includes the date of each allegation, whether it was an internal or external complaint, the nature of the allegation, the status (active or completed), and a finding for completed investigations. The following are limitations of this dataset:

- No demographic data on complainants or employees are provided;
- No location data, such as the location of the alleged incident or the complainant's address (e.g. ZIP code) are available;
- The entries for the rule that the employee allegedly broke do not appear to be standardized – for example, 24 allegations are categorized as “Discrim/Race/Sex” and 46 are categorized as “Discrimination/Harassment”, yet both of these categories refer to the same rule.
- The dataset does not specify whether the allegation was deemed minor or serious by IAD, and a user would need to be familiar with IAD's processes to deduce this from the “Findings” column; and
- Many entries are incomplete – for example, 148 of the allegations listed as “completed” do not have an associated finding.

J. Community Engagement Division Event Data

The MCPD Community Engagement Division (CED) tracks events in the community that MCPD hosts, facilitates, presents at, or attends. This dataset is hosted on Data Montgomery, and a person must be a County employee to access the full dataset. CED tracks the following data points:

- Event Name
- Facility name and/or address
- Start Date and time
- End Date and time
- Police District(s)
- Event Type
- MCPD level of participation (hosted, facilitated/presented at, or attended)
- Target audience
- Contact name
- Contact e-mail

Data limitations. This dataset has two limitations. First, the events in the dataset cannot easily be mapped geographically because the location information is not presented in a standard format. Second, some types of events may be listed in some years but not in others. For example, the corresponding public Data Montgomery dataset lists 78 “recruitment” events in 2019, but no “recruitment” events in the previous two years.

Data available on Data Montgomery. Data Montgomery also hosts a corresponding public dataset with many of the same data points. The publicly available Data Montgomery Police Community Event dataset does not include the following data points:

- MCPD level of participation
- Target audience
- Contact name
- Contact e-mail

Chapter 5. Avenues for Future Data Analysis and Reporting

As shown in Chapter 4, MCPD collects and stores a wide range of data points in several data systems. These include data on dispatches of police officers, crime, use of force by police officers, vehicular pursuits, traffic collisions, traffic stops, and internal and external complaints about MCPD employees. The Council requested that OLO describe how available data could inform their oversight and ongoing policy making, with an emphasis on MCPD interactions with the public by tracking race, ethnicity, and other demographic factors. This chapter provides examples of analyses that can be performed with four datasets currently available on Data Montgomery. It is organized as follows.

- **Section A** provides an overview of the datasets available on Data Montgomery;
- **Section B** provides an example of analysis from the Police Dispatched Incidents dataset;
- **Section C** describes an example of analysis that can be conducted with the Crimes dataset;
- **Section D** provides examples of analysis of the Traffic Violations dataset; and
- **Section E** summarizes data on community events organized or attended by MCPD officers.

A. Overview of Data Available on Data Montgomery

Data Montgomery contains ten datasets related to MCPD, listed in the table below. These datasets are derived from seven different databases – the CAD, E*Justice, ACRS, E-TIX and the IAD’s database on internal and external complaints (see chapter 4 for information on these databases). As shown on the table below, three of the datasets contain some demographic data. No demographic data on police officers are included in these datasets.

Table 5.1: Data on MCPD Available on Data Montgomery

Dataset	Database	Data From	Updated	Demographic Data	CY2019 Data
Police Dispatched Incidents	CAD	April 2017	4X Daily	None	210,118 incidents
Crime	E*Justice	July 2016	Daily	None	51,051 incidents of crime
MCPD Bias Incidents	E*Justice	January 2016	Monthly	Suspects by age	112 hate crimes or bias incidents
Crash Reporting - Incidents Data	ACRS	January 2015	Weekly	None	11,658 crashes
Crash Reporting - Drivers Data	ACRS	January 2015	Weekly	None	20,931 drivers involved in crashes
Crash Reporting - Non-Motorists Data	ACRS	January 2015	Weekly	None	657 non-motorists involved in crashes
Traffic Violations	E-TIX	January 2012	Daily	Driver’s race, ethnicity & gender	188,555 violations
Internal Affairs Allegations	IAD	August, 2013	Weekly	None	521 allegations
Police Community Events	Community Engagement	July, 2016	Weekly	None	2001 events
Daily Arrests	CRIMS	Past 30 days	Daily	Defendants’ age	None (data removed after 30 days)

Source: OLO review of Data Montgomery

These datasets contain a wealth of data on the incidents to which MCPD officers respond. MCPD staff currently conducts extensive analysis of crime and traffic collisions. Given the data currently included in these datasets, OLO found that four datasets – Police Dispatched Incidents, Crime, Traffic Violations, and Community Events – contain the most useful information that might inform the Council’s oversight of MCPD.

B. Example Analysis of Police Dispatched Incidents

As described in Chapter 4, the County’s Computer Aided Dispatch System (CAD) is the system used by the Emergency Communications Center (ECC) to dispatch Montgomery County public safety services, including Police, and Fire and Rescue, and track their activities during the response. The Data Montgomery Police Dispatched Incidents dataset contains data from the CAD on incidents to which police officers were dispatched. As noted above, for calendar year 2019 the dataset includes 210,118 incidents. To provide additional context on this dataset, the table below summarizes the ten most common types of incidents to which police responded in 2019, as categorized at the end of the dispatch.

Table 5.2: Ten Most Frequent Incident Types in the Police Dispatched Incidents Dataset, CY 2019

Incident type	CY2019 Incidents
Traffic/transportation incident	17,831
Suspicious circumstance, persons or vehicle	15,161
Disturbance/nuisance	11,149
Alarm - residential burglary/intrusion	11,032
Traffic violation	10,817
Domestic disturbance/violence	9,857
Check welfare	9,521
Noise	6,724
Alarm - commercial burglary/intrusion	6,245
Trespassing/unwanted	5,943

Source: OLO analysis of Data Montgomery Police Dispatched Incidents dataset

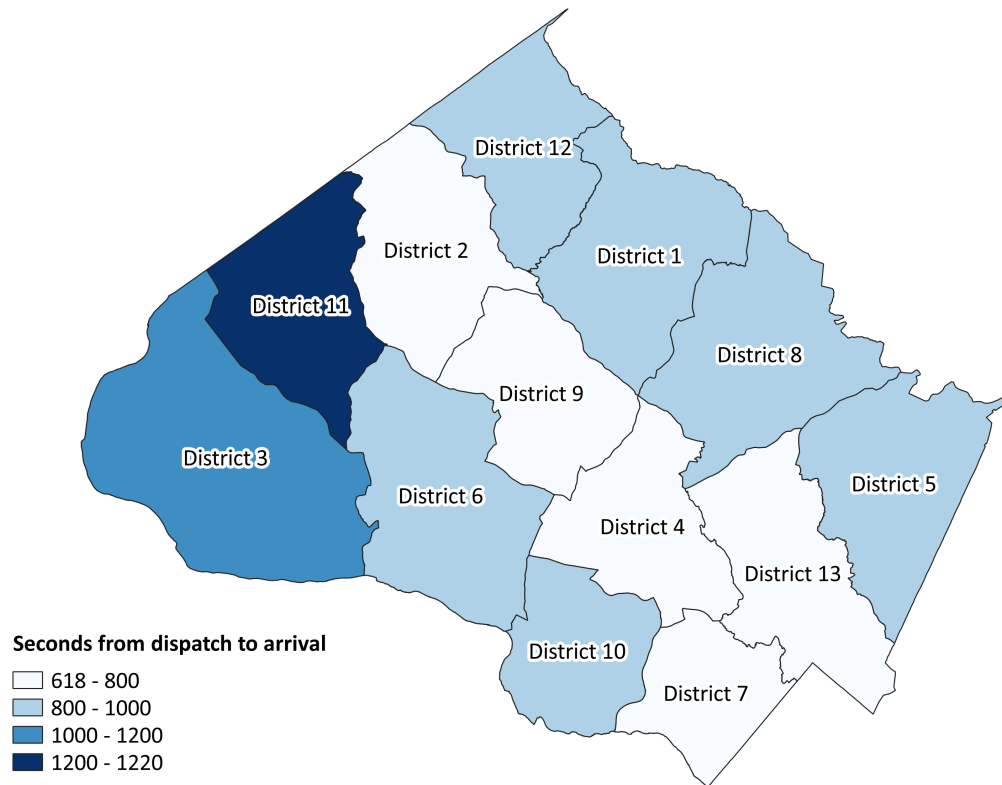
The Police-Dispatched Incidents dataset includes information on the timeline of the police response, including:

- Seconds from call pickup to first unit dispatched
- Seconds from first unit dispatched to first unit arrived on-scene
- Seconds from first unit arrived on-scene to last unit cleared.

The exhibit on the following page maps the average number seconds from first unit dispatched, to first unit arrived on scene for each of the County’s administrative election districts.³⁴

³⁴ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). In 2020, Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

Exhibit 5.1: Average Seconds From Dispatch to Police Arrival By Election District, CY2019



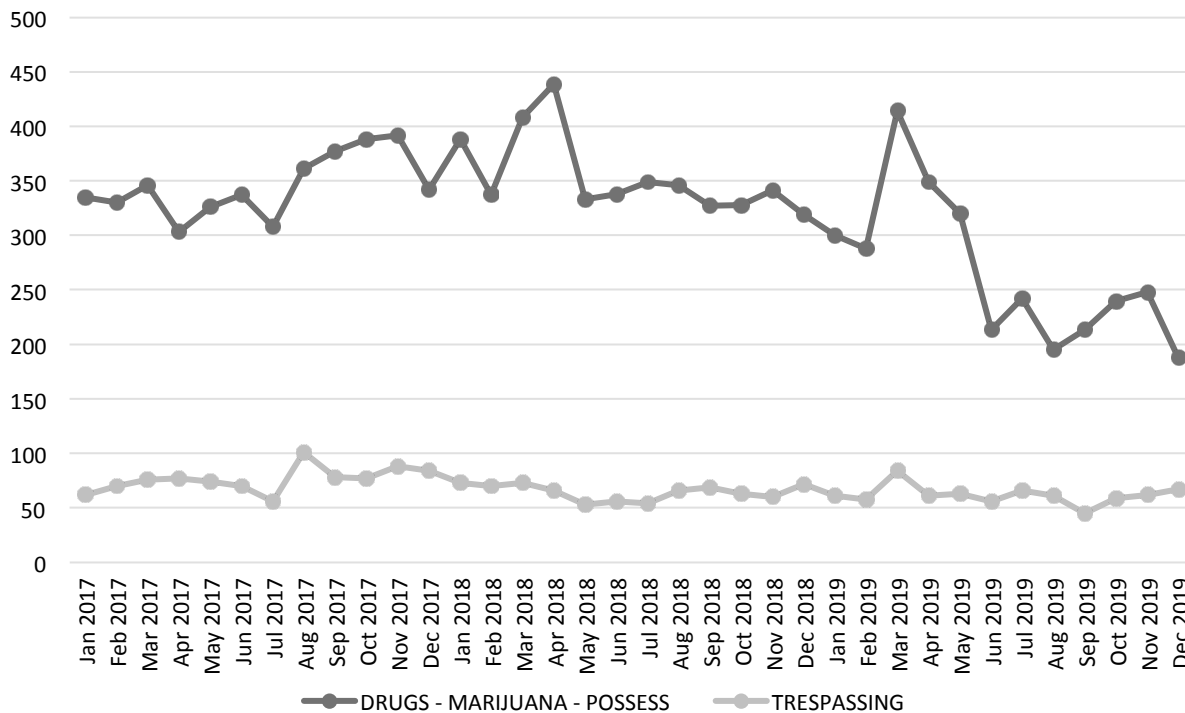
These data show that average Police response times in 2019 ranged from 618 seconds, or about 10 minutes, to 1,220 seconds, or about 20 minutes. The map shows that average response times were shortest in the I-495 and I-270 corridors. For future analyses, these data could be filtered by call type and/or the priority level of the call, mapped onto smaller geographic areas, and/or analyzed for changes over time. Of note, these data include self-dispatched incidents. However, the Data Montgomery dataset does not specify whether a dispatch resulted from a call to 911 or if a police officer self-dispatched to an incident.

A. Example Analysis of Crime Dataset

As noted in Chapter 4, police officers are required to write an incident report for incidents of crime and other events, such as suicide attempts and missing persons. E*Justice is MCPD's electronic incident report-writing tool and records management system. The Data Montgomery Crimes dataset provides access to basic data points from E*Justice, including the location and nature of crimes that MCPD police officers investigated.

For each incident, the Crimes dataset lists the specific crime that was committed. For example, the chart below provides data on incidents of marijuana and trespassing offenses from calendar years 2017 to 2019. It shows that MCPD investigations of marijuana offenses decreased from 2018 to 2019, apart from a sharp spike in early 2019. This chart also shows fairly consistent incidences of trespassing over time. While these data do not provide information on the reasons for any increases, decreases or stagnations, they provide a starting point for better understanding MCPD's enforcement efforts.

Chart 5.1. Marijuana and Trespassing Offenses, FY2017-CY2019



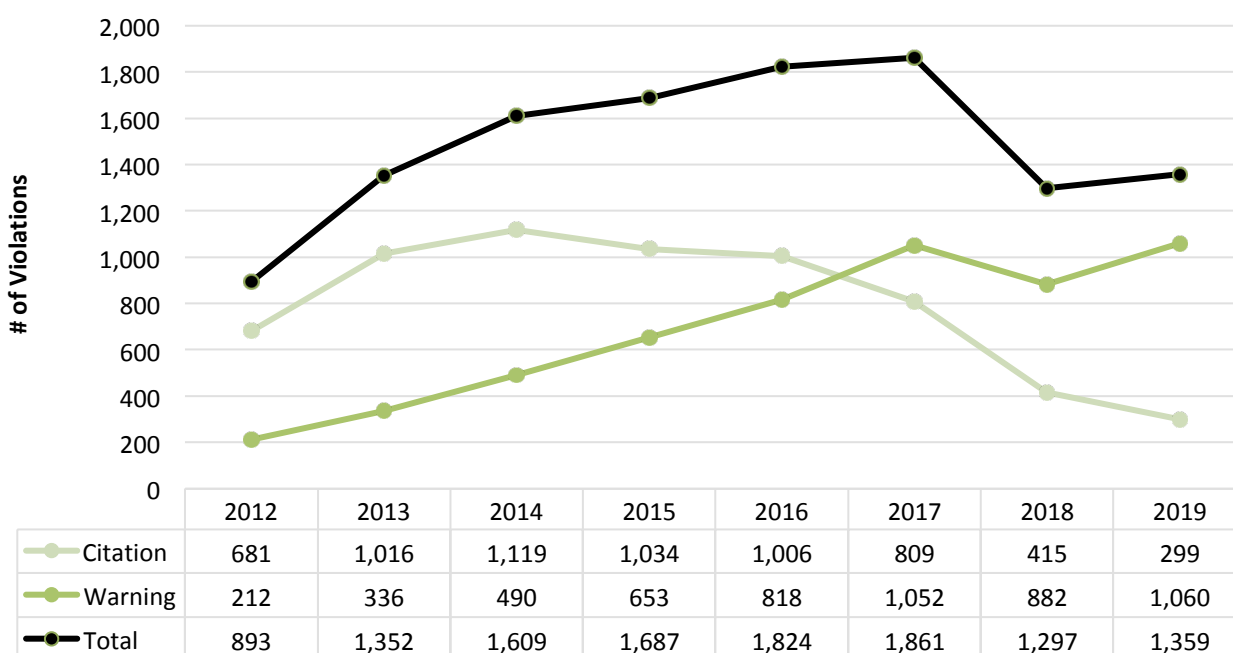
B. Example Analyses of Traffic Violation Data

As noted in Chapter 4, the Electronic Traffic Information Exchange (E-TIX) is Maryland's electronic system for issuing traffic citations and tracking data on traffic stops and is managed by the Maryland State Police. State law requires officers to report specific data points on traffic stops including the gender, date of birth, and race or ethnicity of the driver. The Data Montgomery traffic violations dataset includes data on individual traffic violations for which drivers received a citation, a warning, or a safety equipment repair order (SERO). This dataset includes the driver's race or ethnicity and the driver's gender. This section provides examples of analyses that could be conducted with these data. In the future, the data points presented below could be tracked over time and/or mapped geographically.

1. Enforcement Trends

For each violation, the Traffic Violations dataset specifies the statute violated. Similar to the Crimes dataset, the Traffic Violations dataset therefore offers information on trends in MCPD's enforcement of specific areas of the law. For example, the chart below displays the number of violations related to pedestrians' rights and rules from 2012 to 2019. It shows that overall, MCPD's enforcement actions regarding rules related to pedestrians (such as yielding to a pedestrian in a crosswalk) increased steadily between 2012 and 2017 and then decreased sharply in 2018. Between 2012 and 2018, issuance of citations decreased while issuance of warnings increased. While these data do not provide information on the reasons for any increases or decreases, they provide a starting point for better understanding MCPD's enforcement efforts.

Chart 5.2: Violations Related to Pedestrians' Rights and Rules, CY2012-CY2019



Source: OLO analysis of Data Montgomery Traffic Violations dataset, filtered for those with charges related to MD Transportation Title 21, Subtitle 5

A similar trend analysis could be conducted for other rules of the road, such as rules related to speeding or stoplights.

2. Violations by Race, Ethnicity, and Gender

The Traffic Violations dataset offers several ways to analyze MCPD's interactions with the public by race, ethnicity, and gender. This section provides six examples of analyses:

- Traffic stops by race, ethnicity, and gender
- Traffic violations by race, ethnicity, and gender
- Number of traffic violations by race and ethnicity
- Percentage of violations that resulted in citation, warning or safety equipment repair order by race, ethnicity, and gender
- Percentages of stops that resulted in a search by race, ethnicity, and gender
- Violations by race, ethnicity, and statute
- Violations by geographical location, race and ethnicity.

Traffic Stops. The table below compares the County's adult population to the number of 2019 traffic stops by race, ethnicity, and gender to calculate traffic stop rates by subgroup. It shows that Other and Black men had the highest traffic stop rates (38 – 42%) followed by Latino men (25%) while Asian women had the lowest rates (6%).

Table 5.3: Traffic Stops by Race, Ethnicity, and Gender, CY 2019

Driver Characteristics	Adult Population (18-64)	Number of Traffic Stops	% Adult Stopped
Black	116,432	31,866	27.4%
Female	62,045	11,285	18.2%
Male	54,275	20,575	37.9%
White	282,509	38,151	13.5%
Female	145,243	15,419	10.6%
Male	137,235	22,730	16.6%
Latino	122,879	21,091	17.2%
Female	60,722	5,908	9.7%
Male	62,031	15,178	24.5%
Other	24,628	8,162	33.1%
Female	12,579	2,689	21.4%
Male	12,070	5,117	42.4%
Asian	93,360	6,706	7.2%
Female	49,375	2,784	5.6%
Male	44,005	3,920	8.9%
Native American	856	99	11.6%
Female	427	36	8.4%
Male	429	63	14.7%

Traffic Violations. The table below displays the numbers of violations and violations per 1,000 persons by race, ethnicity, and gender during calendar year 2019. This analysis is similar to that presented by Mark Pastor during a public hearing in 2019 regarding Bill 14-19.³⁵ These data show that Black drivers received violations at the highest rates (321 violations per 1,000 population), followed closely by drivers whose race or ethnicity was identified as “Other” (319 violations per 1,000 population).

Table 5.4: Traffic Violations by Race, Ethnicity, and Gender, CY2019

Driver Characteristics	Violations				Violations Per 1,000 Population			
	All	Citations	Warnings	SEROs	All	Citations	Warnings	SEROs
Black	60,970	23,222	35,563	2,185	321	122	187	12
Female	20,142	6,681	12,708	753	199	66	126	7
Male	40,817	16,537	22,848	1,432	461	187	258	16
White	60,834	19,664	38,994	2,176	132	43	84	5
Female	23,220	6,633	15,813	774	98	28	66	3
Male	37,611	13,028	23,181	1,402	168	58	103	6
Latino	43,098	19,098	21,915	2,085	215	95	109	10
Female	10,401	3,647	6,306	448	105	37	64	5
Male	32,685	15,440	15,608	1,637	323	152	154	16
Other	12,816	3,546	8,798	472	319	88	219	12
Female	4,104	1,044	2,909	151	200	51	142	7
Male	8,270	2,460	5,489	321	420	125	279	16
Asian	10,661	3,007	7,262	392	70	20	48	3
Female	4,269	1,054	3,074	141	53	13	38	2
Male	6,389	1,953	4,185	251	89	27	58	3
Native American	176	36	127	13	126	26	91	9
Female	55	6	46	3	79	9	66	4
Male	121	30	81	10	173	43	116	14

Source: OLO analysis of Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

³⁵ Mihill, A., Memorandum: Bill 14-19 - Police, Policing Advisory Commission – Established, November 27, 2019, Montgomery County Council, ©24-30.

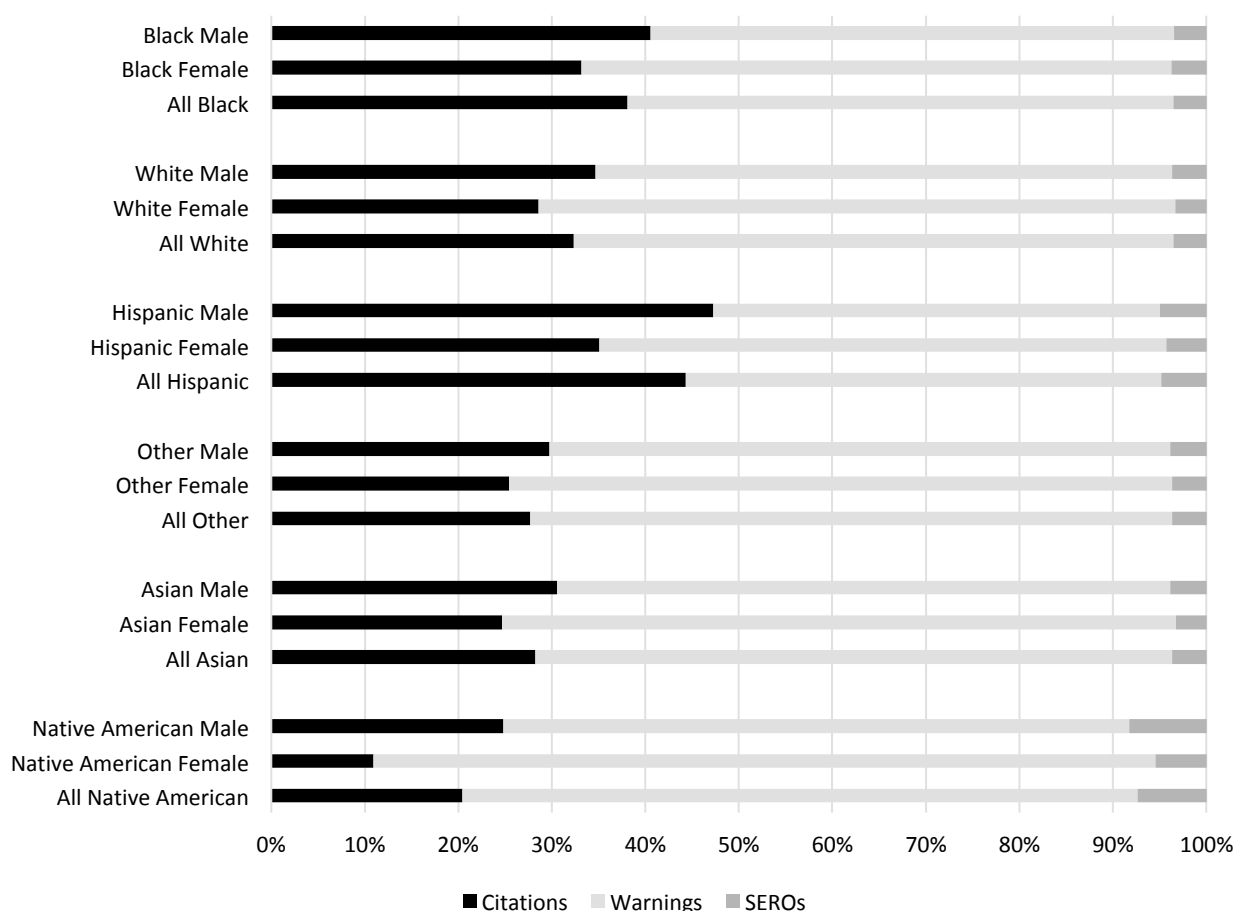
Number of Violations. The table below describes the number of violations issued per traffic stop by race and ethnicity for 2019. It shows that Latinx and Black drivers were more likely to earn six or more violations during a single traffic stop than any other racial and ethnic group.

Table 5.5: Number of Violations Per Traffic Stop by Race and Ethnicity

Race and Ethnicity	1	2 to 3	4 to 5	6 or more
Asian	41%	40%	12%	7%
Black	30%	37%	16%	17%
Latino	27%	35%	15%	22%
Native American	35%	36%	20%	9%
Other	42%	40%	11%	6%
White	43%	36%	12%	10%

Violations Resulting in Citations, Warnings, and SEROs. Data Montgomery's Traffic Violations dataset can also provide insight into the shares of violations that resulted in citations, warnings, and SEROs. As shown on the chart below, Hispanic drivers, especially males, received citations rather than warnings at higher rates, as a share of total violations, than other population groups.

Chart 5.3: Percentages of Violations That Resulted in Citations, Warnings and SEROs, CY2019



Traffic Violations with Searches. The Traffic Violations dataset also includes data on whether the officer(s) conducted a search. Data on searches are available for approximately two thirds of stops in CY2019. The table below displays the percentage of stops for each group of drivers that resulted in a search. The data shows that Black and Latino drivers, especially males, are subjected to searches at higher rates than other groups. The data also show that over half (54%) of searches conducted during stops of Black drivers were based on probable cause, whereas for White and Latinx drivers the share of searches based on probable cause was under 40%.

Table 5.6: CY2019 Traffic Violations With Searches Conducted

Drivers' Race, Ethnicity and Gender	% of Stops With Search	Share of Searches by Reason			
		Probable Cause	Incident to Arrest	Consensual	K-9 (Canine)
All drivers	2.6%	45%	37%	12%	4%
Black	3.8%	54%	26%	14%	4%
Female	1.9%	53%	31%	8%	5%
Male	4.9%	55%	26%	15%	4%
Latino	3.4%	37%	51%	9%	1%
Female	1.5%	52%	40%	5%	0%
Male	4.1%	35%	53%	10%	1%
White	1.6%	37%	41%	13%	6%
Female	0.9%	38%	48%	6%	8%
Male	2.1%	37%	40%	15%	6%
Other	1.4%	45%	41%	10%	3%
Female	0.6%	40%	60%	0%	0%
Male	1.9%	46%	38%	11%	3%
Asian	1.0%	34%	43%	18%	5%
Female	0.4%	50%	38%	0%	13%
Male	1.4%	31%	44%	22%	3%
Native American	0.0%	0%	0%	0%	0%
Female	0.0%	0%	0%	0%	0%
Male	0.0%	0%	0%	0%	0%

Source: OLO analysis of Data Montgomery Traffic Violations

Violations By Statute. The Data Montgomery Traffic Violations dataset lists the statute associated with each violation. The table on the following page displays numbers of violations for the top ten most frequent statutes violated, as well as percentages of violations for each statute by race/ethnicity. The data show that the distribution of violations by race and ethnicity varies significantly depending on the nature of the violation. For example, White drivers accounted for 42% of speeding violations but only 18% of violations related to driving without a license.

Table 5.7: Violations for Ten Most Frequently Cited Statutes, CY2019

Description of violation	Total	White	Black	Hispanic	Asian	Native American	Other
Population data³⁶	1,040,133	44%	18%	19%	15%	<1%	4%
Violations related to actions while driving							
Exceeding the speed limit³⁷	22,772	42%	24%	18%	7%	<1%	9%
Driver failure to obey traffic control sign, signal, marking or device³⁸	17,984	39%	28%	19%	7%	<1%	8%
Failure to stop at stop sign or line or yield sign or line³⁹	6,527	44%	23%	17%	9%	<1%	8%
Driver using hands to use telephone while vehicle is in motion⁴⁰	5,005	40%	25%	20%	7%	<1%	8%
Driving vehicle in excess of reasonable and prudent speed⁴¹	3,764	38%	29%	20%	6%	<1%	7%
Violations related to license, registration, or registration plates							
Failure to display registration card upon demand by police officer⁴²	8,036	32%	34%	20%	7%	<1%	7%
Displaying expired registration plates⁴³	5,277	39%	35%	14%	6%	<1%	6%
Failure to display license to uniformed police on demand⁴⁴	4,634	23%	36%	32%	4%	<1%	5%
Driving vehicle with suspended registration⁴⁵	4,400	27%	44%	21%	3%	<1%	5%
Driving vehicle without required License and authorization⁴⁶	4,226	18%	38%	39%	2%	<1%	4%

Source: OLO analysis of Data Montgomery Traffic Violations dataset

³⁶ American Community Survey 2014-2018 5-Year Estimates; percentages for “White” and “Other” are for non-Hispanic White and non-Hispanic “Some other race” and “Two or more races”, respectively.

³⁷ Statute cited: MD Code Ann. Transportation Art. §21-801.1

³⁸ Statute cited: MD Code Ann. Transportation Art. §21-201(a1)

³⁹ Statute cited: MD Code Ann. Transportation Art. §21-707(a)

⁴⁰ Statute cited: MD Code Ann. Transportation Art. §21-1124.2(d2)

⁴¹ Statute cited: MD Code Ann. Transportation Art. §21-801(a)

⁴² Statute cited: MD Code Ann. Transportation Art. §13-409(b)

⁴³ Statute cited: MD Code Ann. Transportation Art. §13-411(f)

⁴⁴ Statute cited: MD Code Ann. Transportation Art. §16-112(c)

⁴⁵ Statute cited: MD Code Ann. Transportation Art. §13-401(h)

⁴⁶ Statute cited: MD Code Ann. Transportation Art. §16-101(a1)

Stops By Geographical Location. The Data Montgomery Traffic Violations dataset includes geographic data for each violation/stop. OLO used GIS software to map traffic stops by the County's administrative election districts.⁴⁷ Tables 5.8 and 5.9 show the number of stops by district, as stops per 100 population by district, percentages of stops by the race and ethnicity of the driver, along with population data for each district. The data show that District 13 (Silver Spring & Wheaton-Glenmont), the County's most populous district, had the largest number of traffic stops. However, District 11 (Barnesville) and District 7 (Bethesda, Glen Echo & Somerset) had the most stops per 100 population. Of note, while police stopped Black drivers at disproportionate rates across the County, police stopped Black drivers at particularly disproportionate rates in Districts 7 (Bethesda, Glen Echo & Somerset), 4 (Rockville), and 13 (Silver Spring & Wheaton-Glenmont).

Table 5.8: Traffic Stops By Geographical Location, CY2019

District	Place(s)	Population	Stops	Stops Per 100 Population
13	Silver Spring & Wheaton-Glenmont	268,180	28,876	11
9	Gaith., Mont. Vill. & South Germtwn	183,988	18,661	10
7	Bethesda, Glen Echo & Somerset	99,768	13,725	14
4	Rockville	128,906	13,592	11
5	Burtonsville and White Oak	112,658	8,036	7
2	Clarksburg & north Germantown	58,836	6,193	11
8	Olney & Brookeville	49,193	3,075	6
6	Darnestown & North Potomac	51,377	2,723	5
10	Potomac	37,196	1,886	5
1	Laytonsville	21,580	1,261	6
11	Barnesville	2,075	1,113	54
12	Damascus	19,696	945	5
3	Poolesville	6,680	454	7

Sources: Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

⁴⁷ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). In 2020, Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

Table 5.9: Traffic Stops By Geographical Location, Race, and Ethnicity, CY2019

District	Place(s)	Percentage of	Asian	Black	Latinx	Native American	Other	White
13	Silver Spring & Wheaton-Glenmont	Stops Population	4% 9%	36% 22%	27% 27%	0.1% 0.2%	8% 4%	25% 38%
9	Gaith., Mont. Vill. & South Germtn	Stops Population	7% 16%	31% 19%	24% 29%	0.2% 0.1%	7% 4%	30% 31%
7	Bethesda, Glen Echo & Somerset	Stops Population	6% 9%	20% 4%	12% 8%	0.1% 0.1%	8% 3%	54% 76%
4	Rockville	Stops Population	9% 20%	25% 9%	17% 15%	0.1% 0.1%	9% 5%	40% 52%
5	Burtonsville and White Oak	Stops Population	5% 15%	49% 40%	19% 18%	0.1% 0.1%	6% 3%	20% 25%
2	Clarksburg & north Germantown	Stops Population	8% 23%	30% 21%	14% 15%	0.2% 0.3%	8% 3%	40% 37%
8	Olney & Brookeville	Stops Population	6% 12%	21% 10%	13% 10%	0.0% 0.2%	12% 4%	48% 64%
6	Darnestown & North Potomac	Stops Population	13% 30%	17% 9%	12% 10%	0.1% 0.0%	7% 4%	52% 47%
10	Potomac	Stops Population	10% 21%	13% 6%	8% 7%	0.2% 0.0%	10% 3%	58% 62%
1	Laytonsville	Stops Population	6% 13%	23% 17%	16% 13%	0.2% 0.0%	11% 4%	44% 52%
11	Barnesville	Stops Population	3% 5%	7% 5%	2% 4%	0.0% 0.0%	4% 1%	84% 85%
12	Damascus	Stops Population	3% 7%	18% 8%	14% 12%	0.0% 0.1%	4% 4%	62% 69%
3	Poolesville	Stops Population	6% 3%	10% 7%	11% 9%	0.0% 0.7%	3% 2%	70% 79%

Sources: Data Montgomery Traffic Violations Dataset Based on Population Data from the American Community Survey, 2018 5-Year Estimates

C. Police Community Event Data

The Police Community Event dataset lists events in the community that MCPD hosted, facilitated, presented at, or attended. This dataset provides insight into MCPD's community engagement efforts. Table 5.10 lists events by year and the category listed in the dataset. The data show 2,001 events for 2019, significantly more than those listed for 2017 and 2018. The increase in the number of events listed may reflect the inclusion of certain events (e.g. recruitment) that were not included in the dataset in previous years. While the current dataset does not allow for geographical mapping, events can be categorized by the Police district where they were held.

Table 5.10: Police Community Events by Type, 2017 - 2019

Event Category	2017	2018	2019
Engagement	416	353	470
School Event	303	301	462
Prevention	189	236	350
Training/Education	105	139	345
Crime Updates/Trends/Awareness	154	139	150
Chief/Commander Advisory Meeting	42	36	51
Recruitment			78
Faith/Interfaith Meeting	13	26	26
Award/Recognition	14	13	21
Town Hall	10	12	9
Planning			30
County Council/PSC Meeting			2
No Category Listed			7
Total	1,246	1,255	2,001

Source: OLO Analysis of Data Montgomery Police Community Event Data

Chapter 6: Findings and Recommendations

This report responds to the County Council’s request for the Office of Legislative Oversight to review and describe Montgomery County Police Department’s datasets and data practices. This report is intended to improve Council’s understanding and oversight of MCPD operations by helping to inform the Council’s requests for MCPD data with an understanding of the metrics it tracks. Given this Council’s focus on community policing, racial equity, and social justice, this report highlights MCPD’s policing datasets that describe MCPD’s interactions with the public.

Several sources of information were compiled and analyzed for this report. These include reviews of:

- Research literature on policing data best practices,
- Annual reports of policing data from state and local sources,
- Codebooks for existing MCPD datasets, and
- Interviews with MCPD leadership and staff.

This chapter is presented in two parts to describe five key project findings and six recommendations for County Council and MCPD action.

Findings

Finding 1: Best practices recommend law enforcement collect and monitor policing data that tracks their police-community interactions by race, ethnicity, and location.

While law enforcement agencies care about a number of priorities, what often gets prioritized for performance management is crime prevention. In response to the question of “What metrics does MCPD track?” the most often cited answer among various MCPD respondents was crime statistics.

Jessica Sanders of the RAND Corporation, however, warns that to “focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals.”⁴⁸ She warns that in addition to statistics on property and violent crimes, police departments need “performance metrics to incentivize and demonstrate **constitutional policing** that is bias free” and that “placing all emphasis on crime levels creates a dangerous tension because it overlooks police officers other roles and functions that should include **police-community relations**.”⁴⁹

Researchers such as Sanders and others find that best practices for tracking policing data have emerged from lessons learned among jurisdictions that have been under consent decrees to address biased policing. In particular, best practices for compiling and monitoring policing data have emerged from the experiences of New York City and Los Angeles’s police departments while under federal monitoring. These jurisdictions commit to two policing data priorities:

⁴⁸ Jessica Sanders, The RAND Corporation, Performance Metrics to Improve Police-Community Relations, before the Committees on Public Safety, California State Assembly and Senate, February 10, 2015
https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND_CT423.pdf

⁴⁹ Ibid

- Compiling and monitoring **data on police interactions with the public by race, ethnicity and location** for residents and personnel to uncover and track disparities in police interactions with the public that may result from biased policing.
- Collecting data across four sets of police-interactions with the public –
 - **Detentions** that include stops, searches, citations, arrests, and use of force incidents. In particular, data are tracked for all stops and searches, not just those that result in law enforcement (e.g., citation, summons, or arrest).
 - **Police- and Resident-Initiated Contacts and Traffic Accidents** to understand whether disparities among these interactions with law enforcement account for disparities in detentions if evident by race, ethnicity and location.
 - **Police Complaints** that describes civilian and internal complaints against police employees by reason, disposition, and consequence.
 - **Police-Community Relations Surveys** of residents and law enforcement employees that assess and monitor perceptions of police-community interactions and trust.

Finding 2: MCPD currently tracks several policing data points and will track more as required under the Community Policing Act

As summarized in the chart on the next page, MCPD currently collects both crime and policing data across several datasets that are maintained electronically and by paper. Of note, the Department of Corrections and Rehabilitation serves as the source of MCPD’s arrest data, and physical records of civil and criminal citations issued by MCPD are maintained at their district stations and by the District Court.

Excerpts of the crime and policing datasets that MCPD compiles and utilizes are available as open data in Data Montgomery and marked by delta (Δ) on Chart 6.1. These include data on:

- | | |
|-----------------------------------|------------------------------------|
| • Crime incidents | • Internal affairs |
| • Bias incidents | • Community engagement |
| • Police-initiated events (CAD) | • E-Tix (Traffic Violations) |
| • Resident-initiated events (CAD) | • Automated Crash Reporting System |
| • Arrests | |

MCPD also releases annual reports utilizing several of its datasets as marked by an asterisk (*) on Chart 6.1. These include annual reports on:

- | | |
|--------------------|------------------------|
| • Crime incidents | • Community engagement |
| • Bias incidents | • Vehicle pursuits |
| • Internal affairs | • Use of force |

Chart 6.1: MCPD Data Sets

Category		Database	Datasets/Forms
<u>Electronic Data Sets</u>	Crime Data	E-Justice	Crime Incidents*Δ
			Bias Incidents*Δ
	Policing Data	Computer Assisted Dispatch	Police-Initiated Incidents Δ
			Resident-Initiated Incidents Δ
		CRIMS (DOCR)	Arrests*
		Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
		Community Engagement Division	Community Engagement Events*Δ
		Vehicle Pursuits	MCP 610 Forms*
		Use of Force	MCP 37 Forms*
		Delta Plus (State Police)	E-Tix (Traffic Violations) Δ
			Automated Crash Reporting System Δ
			Field Interview Reports
		Department of Juvenile Services	Data Resource Guide (Juvenile Citations)
<u>Paper Data Sets</u>	Policing Data	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)
		Civil Citations	Alcohol Beverage Violation
			Possession of Marijuana (< 10 grams)
			Smoking Marijuana in Public Place
			Other infractions (Municipal, DNR)

* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>

Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

In 2019, the Council enacted the Community Policing Law (Bill 33-19) requiring MCPD to report data on:

- Use of force and detention by race, ethnicity, and gender
- Civilian complaints against the police regarding the use of force, discrimination and harassment
- Officers suspended with and without pay
- Youth referred to intervention programs
- Service calls received for substance abuse and mental health issues

MCPD must submit data on these and other metrics annually to the Council by February 1st

Finding 3: Several MCPD policing datasets and practices align with best practices

MCPD collects and compiles several policing data points that align, at least partially, with best practices for monitoring policing data. These include tracking:

- **Detention** data points by race and ethnicity for
 - Traffic stops, traffic violations, searches, and arrests among drivers and passengers in E-Tix,
 - Arrest data tracked in CRIMS, and
 - Use of force data compiled from MCP Form 37.

- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD's Computer Aided Dispatch system; and
- **Police complaints** tracked by the Internal Affairs Division.

Chart 6.2 summarizes the local datasets that align, at least in part, with policing data best practices. The data points included in these datasets, however, are incomplete. More specifically:

- MCPD's detention datasets do not track street stops between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of the criminal and civil citations that it issues that would enable them to monitor for disparities among these law enforcement actions;
- Existing forms and systems do not consistently record data on ethnicity and therefore likely undercount interactions with Latinx individuals;
- Race and ethnicity data are not collected as fields in the Computer Assisted Dispatch;
- The internal affairs database does not collect race and ethnicity data for every complainant;
- A MCPD dataset of survey responses regarding police and community relationships does not exist because MCPD does not survey its personnel or residents.

Chart 6.2: MCPD Datasets that Align with Policing Data Best Practices

Database	Datasets/Forms	Data Limits
Detention Metrics		
Delta Plus (Maryland State Police)	E-Tix (Traffic Violations)	No data on street stops
CRIMS (DOCR)	Arrests	
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)	Other = Latinx/Asian
Criminal Citations	Uniform Citation Form (DC/CR 45)	Data at MCPD District Stations and District Court
Civil Citations	Alcohol Beverage Violation	
	Possession of Marijuana (<10 gm)	
	Smoking Marijuana in a Public Place	
Use of Force	MCP 37 Forms	
Police-Public Interactions		
Computer Assisted Dispatch	Police-Initiated Incidents	No race, ethnicity data
	Resident-Initiated Incidents	No data on referrals
Delta Plus (Maryland State Police)	ACRS (Collisions)	No data on race, ethnicity
Police Complaints		
Internal Affairs	IAD Allegations	Incomplete information

Finding 4: MCPD's internal databases offer more comprehensive information than their annual reports or Data Montgomery datasets.

As mentioned in Finding 2, MCPD relies on its internal datasets to produce several annual reports, and to provide open data to the public via Data Montgomery. MCPD's annual reports and open datasets, however, tend to include only a subset of the information included in their internal databases. This is the case for arrest data posted on Data Montgomery that only provides a month's worth of data and excludes defendant's race and ethnicity. It is also the case with the police complaint data posted on Data Montgomery that it excludes complainants' race and ethnicity and also fails to describe the consequences of case dispositions.

The Community Policing Act requires that MCPD provide more substantive information on detention trends by race, ethnicity, and gender that will include arrest data. The Act also requires that MCPD provide additional data on the police complaint process that includes the number of:

- Civilian complaints about the use of force by officers
- Civilian complaints regarding discrimination and harassment
- Officers suspended with pay
- Officers suspended without pay

As the Council considers other questions of MCPD in its oversight role, it should continue to pose questions directly to the department rather than to rely on their annual reports, or Data Montgomery datasets, because their internal databases often provide more extensive information.

Finding 5: Available data on traffic stops, traffic violations, and use of force evidences wide disparities by race and ethnicity in police-public interactions

The State of Maryland requires each law enforcement agency to submit data into its E-Tix database describing police-interactions with the public to populate the Race-Based Traffic Stop Dashboard for each jurisdiction. This state requirement makes MCPD's traffic violations dataset one of its most comprehensive policing datasets and instructive for analyzing disparities in police interactions with the public by race and ethnicity.

Traffic Stops: An analysis of 2018 traffic stop data for MCPD and population data for the County based on estimates from the American Community Survey shows that Black drivers experienced a significantly higher share of traffic stops in Montgomery County. More specifically:

- Black people accounted for 18 percent of all residents v. 32 percent of MCPD traffic stops;
- White people accounted for 44 percent of all residents v. 35 percent of MCPD traffic stops;
- Latinx people accounted for 19 percent of all residents v. 20 percent of MCPD traffic stops;
- Asian people accounted for 15 percent of all residents v. 7 percent of MCPD traffic stops.

An analysis of 2019 traffic stop data further estimates that 27 percent of Black adults in the County experienced a traffic stop compared to 17 percent of Latinx adults, 14 percent of White adults, and 7 percent of Asian adults.

Searches During Traffic Stops: An analysis of the 2018 Race-Based Traffic Stop Data Dashboard also shows that MCPD searched Black drivers more often during traffic stops than other racial and ethnic groups. More specifically, 4.4 percent of Black drivers were searched in 2018 compared to 3.3 percent of Latino drivers, 2.0 percent of White drivers, and 1.3 percent of Asian drivers. Further, an analysis of 2019 traffic stop data shows that among those receiving violations, 6-7 percent of Black and Latino men were searched compared to 2-3 percent of Asian, White and Other men, and 1 percent of Asian, White, and Other women.

Traffic Violation Enforcement: MCPD's Traffic Violations dataset posted on Data Montgomery enables an analysis of MCPD's interactions with the public resulting in citations, warnings, and repair orders (SEROs) by race, ethnicity, and gender. An analysis of this data shows that Black, Latinx, and Other men experienced the highest violation rates in 2019. More specifically,

- Black men were three times as likely as White men to receive **any violation** (46% v. 17%), Latino men were twice as likely (32%) and Other men were more than twice as likely (42%).
- Black men were also three times as likely as White men to receive **a citation** (19% v. 6%), Latino men were more than twice as likely (15%) and Other men were twice as likely (13%).
- Other men were nearly three times as likely as White men to receive **a warning** (28% v. 10%), Black men were more than twice as likely (26%) and Latino men were 50% more likely (15%).
- Black, Latino, and Other men were nearly three times as likely to receive **a repair order** than White men (1.6% v. 0.6%).

Use of Force: An analysis of MCPD's 2018 use of force data and population data for the County from the American Community Survey also shows that MCPD disproportionately used force among African Americans. More specifically:

- Black people accounted for 18 percent of all residents v. 55 percent of use of force incidents
- White people accounted for 44 percent of all residents v. 26 percent of use of force incidents
- Latinx people accounted for 19 percent of all residents v. 18 percent of use of force incidents
- Asian people accounted for 15 percent of all residents v. 1 percent of use of force incidents

The persistent disparities by race and ethnicity captured among the few MCPD policing datasets with complete demographic data suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities by race and ethnicity in police-community interactions may be symptomatic of differential policing that is antithetical to the constitution and the goals of community policing.

Disparities in police-community interactions do not prove biased policing. However, they signal that unconstitutional policing could be a problem that needs to be investigated and addressed. Collecting and analyzing more policing data points by race and ethnicity is necessary to understanding the potential scope of the problem of biased policing so that it can be addressed and resolved.

Recommendations

As demonstrated in this report, MCPD collects and tracks data on several policing data metrics that align with best practices. Experts recommend that police departments seeking to advance constitutional and community policing should track data on detentions, police- and resident-initiated calls, complaints of police misconduct, and surveys of personnel and the public to assess the effectiveness of police efforts. Best practices further recommend that law enforcement agencies track this information by race, ethnicity, and location to assess whether police departments are serving all residents well.

MCPD's policing data practices generally align with recommended practices, but this report's analysis identifies a few opportunities for improving alignment. They include MCPD collecting and monitoring data on street stops (i.e. stop and frisks) with pedestrians, surveying personnel and the public regarding police-community relations, and monitoring race and ethnicity data for every policing data dataset. To address these gaps between recommended and current practice, OLO offers six recommendations for County Council and MCPD action aimed at advancing constitutional policing, community policing, racial equity, and social justice in law enforcement.

Recommendation 1. County Council define the term "detention" in the County's Community Policing Law to include all stops, searches, citations, arrests, and use of force.

The Community Policing Act requires MCPD to report demographic information "regarding individuals **detained** by the Department" annually by February 1st. Detained and detention, however, are not defined in the legislation. OLO recommends the Council define detention to include all stops (including stops and risks that do not result in citations or arrests), searches, citations, arrests and use of force incidents for data reporting purposes so that the Council can consider changes across these policing metrics as it administers oversight of MCPD's constitutional and community policing investments.

Recommendation 2. MCPD track and report data on street stops (stops & frisks) and field interviews.

Some MCPD interactions with non-motorists are documented; others are not. To promote transparency and an improved understanding of police-interactions with the public, OLO recommends that MCPD track and report all stops and searches, and provide information and analysis of the data it collects on "persons of interest" as part of its Field Interview Reports. Data reported on street stops and field interviews should include demographic data on race, ethnicity, gender, and location.

Recommendation 3. MCPD survey residents and staff on police-community relations and contact.

Building trust and mutual accountability between law enforcement and community members is a primary goal of community policing. Assessing progress on this goal requires regular assessments of representative groups of residents and law enforcement personnel to gauge whether community engagement efforts are working as intended. As such, OLO recommends that MCPD work with external partners to develop and implement an annual/biannual assessment of police and resident perceptions of police-community interactions and climate and that they share this information with the public. Additionally, OLO advises that MCPD administer a police-public contact survey to a representative sample of County residents to improve theirs, the Council's and the public's understanding of how resident contacts with law enforcement may vary by race, ethnicity, gender, and location.

Recommendation 4. MCPD build capacity to use policing data to advance best practices in constitutional and community policing.

To focus on crime prevention, MCPD has developed an infrastructure where crime analysts systematically examine crime data to target MCPD effort and resources. To focus on constitutional and community policing, the Center for Policing Equity recommends that police departments develop parallel infrastructures to analyze and act on data on police-community interactions. Their recommended “Compstat for Justice” approach parallels the investment police departments have made in using crime data to target their crime prevention and reduction efforts. OLO recommends that MCPD adopt a “Compstat for Justice” approach by assigning MCPD staff to collect and analyze policing data to target MCPD effort and resources to advance constitutional and community policing.

Recommendation 5. MCPD collect and report race and ethnicity data for every policing dataset.

MCPD collects race and ethnicity data on most metrics of police-community interactions, but not all. For example, according to IAD staff, race and ethnicity data for complainants of police misconduct are not routinely collected or solicited. Further, some policing datasets, while tracking race, fail to track ethnicity and in turn may conflate outcomes between White, Non-Hispanic and Latinx subgroups. Analyses of disparities by race and ethnicity to track constitutional and community policing cannot be accomplished if datasets do not capture police-community interactions by race and ethnicity. OLO recommends that MCPD collect and report race and ethnicity data for every dataset it maintains internally and posts on Data Montgomery.

Recommendation 6. MCPD post additional data and policing datasets on Data Montgomery that align with internal datasets, including data on criminal and civil citations.

The inclusion of MCPD datasets in the Data Montgomery open data portal promotes transparency and trust between the police and the public. To further these two central tenets of community policing – transparency and trust – OLO offers two related recommendations for MCPD action.

- OLO recommends that MCPD update its arrests and internal affairs datasets posted on Data Montgomery to include race and ethnicity data, more than a month’s worth of arrest data, and information about allegations and investigation outcomes in the IAD dataset on Data Montgomery.
- OLO recommends that MCPD commit to adding the following internal datasets to Data Montgomery to further promote transparency and trust in police-community relations:
 - Use of force
 - Field interview reports
 - Juvenile citations
 - Criminal citations (including trespassing citations)
 - Alcohol beverage violations
 - Possession of marijuana violations (less than 10 grams)
 - Smoking marijuana in public places

Making the MCPD datasets posted on Data Montgomery more consistent and inclusive of the data that MCPD compiles internally will enhance the usefulness of MCPD datasets posted to Data Montgomery to the Council and to the public at large.

Chapter 7: Agency Comments

OLO recognizes and appreciates the technical comments offered by Montgomery County Department of Police Chief Marcus Jones to draft version of this report. This final report was updated based on this feedback. The Chief Administrative Officer's comments to a final draft of this report are attached.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Andrew Kleine
Chief Administrative Officer

Memorandum

July 17, 2020

To: Chris Cihlar, Director
Office of Legislative Oversight

From: Andrew Kleine, Chief Administrative Officer *AWK*

Subject: OLO Draft Report 2020-9: Local Policing Data and Best Practices

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2020-9: Local Policing Data and Best Practices. We have reviewed the report, find it to be informative and insightful, and generally agree with the recommendations. The information from this report will be very useful in our Reimagining Public Safety initiative.

If you have questions or need additional information, please contact Caroline Sturgis, Assistant Chief Administrative Officer, who will be coordinating all aspects of this report with our Reimagining Public Safety initiative.

I thank the Office of Legislative Oversight for its thorough and expert work on this report.

cc: Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Dale Tibbitts, Special Assistant to the County Executive
Debbie Spielberg, Special Assistant to the County Executive
Marcus Jones, Chief, Montgomery County Police Department
Tiffany Ward, Chief Equity Officer
Dinesh Patil, Assistant Chief, Montgomery County Police Department

Economic Impact Statement

Office of Legislative Oversight

BILL 45-20 Police – Community Policing – Data

SUMMARY

The Office of Legislative Oversight (OLO) believes that enacting Bill 45-20 would have no direct economic impacts on private organizations or residents in the County.

BACKGROUND

Enacting Bill 45-20 would change the requirements for the annual reports that the Montgomery County Department of Police (MCPD) submits to the County Executive and Council. Under existing law, one of the requirements for the annual reports is to include demographic information on individuals who have been detained by MCPD. Bill 45-20 would require that the annual reports include demographic information on individuals “stopped (including a stop and frisk that does not result in a citation or arrest), searched, cited, arrested, or the subject of a use of force incident.”¹ Bill 45-20 would also require MCPD to post certain datasets on Data Montgomery, which would include race and ethnicity data regarding use of force incidents, field interview reports, juvenile citations, criminal citations (including trespassing citations), alcohol beverage violations, possession of marijuana violations less than 10 grams, and smoking of marijuana in public places.²

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Policing practices can create economic impacts for individuals and private organizations. It is possible that the new reporting requirements could alter MCPD stops, searches, citations, arrests, and use of force incidents and the economic impacts associated with these practices. To illustrate, a decrease in these practices due to greater scrutiny would, in turn reduce the economic costs for individuals who would otherwise be targeted (i.e., preventing time away from work and reducing bail costs). A decrease in these policing practices could also impact crime rates – either reducing or increasing rates depending on their effectiveness – and, in turn, the economic costs associated with crime. While OLO acknowledges the possibility that reporting requirements could indirectly change policing behavior by MCDP officers, the direction and secondary economic effects of this potential change are well beyond the scope of an economic impact analysis.

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

¹ Montgomery County Council, Bill 45-20, Police – Community Policing Data – Data, Introduced on November 17, 2020, Montgomery County, Maryland, 3.

² Ibid, 4.

Economic Impact Statement

Office of Legislative Oversight

VARIABLES

The variables that could affect the economic impacts of enacting Bill 45-20 are the following:

- number of stops, searches, citations, arrests, and use of force incidents; and
- crime rates.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO believes that Bill 45-20 would have no direct impacts on private organizations in the County in terms of the Council's priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.³

Residents

OLO believes that Bill 45-20 would have no direct impacts on County residents in terms of the Council's priority indicators.

QUESTIONS FOR CONSIDERATION

OLO does not recommend any questions regarding the economic impacts of Bill 45-20 for the Council to consider.

WORKS CITED

Montgomery County Council. Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

Montgomery County Council. Bill 45-20, Police – Community Policing – Data. Introduced on November 17, 2020. Montgomery County, Maryland.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative

³ For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

Economic Impact Statement

Office of Legislative Oversight

CAVEATS (cont.)

process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.