



**Policing Advisory Commission**  
**Monday, Oct 25, 2021**  
**Virtual Meeting**  
**6:30 – 7:30 pm**  
**Meeting Minutes**

**Commission Members Present:** Eric Sterling, Nadia Salazar, Robin Gaster, Alicia Hudson, Vernon Ricks, Justice Reid, Caroline Fredrickson, Dalbin Osorio, Jerome Price, Cherri Branson

**Ex-officio Members Present:** Cate Brewer

**Commission Members Absent:** Jasmine Williams, Jenn Lynn, Shabab Mirza

**Support Staff:** Susan Farag, Carlos Camacho

**Guests:** Heidi Rhodes (JUFJ; [hrcapitals@gmail.com](mailto:hrcapitals@gmail.com)), Leslie Rubin (OLO), Blaise DeFazio (OLO), Denyse Dillon, Cynthia McOliver, Susaanti Follingstad (SSJC; [sfolling@verizon.net](mailto:sfolling@verizon.net)), Peter Francis ([petergfrancis13@gmail.com](mailto:petergfrancis13@gmail.com)), Ally Austin ([allysonaustin@gmail.com](mailto:allysonaustin@gmail.com)), Robert Landau

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**Meeting was called to order at 6:35pm**

**Agenda:**

- 1. Attendance and Recording of Meeting:** Mr. Camacho took attendance and began recording the meeting. All guests were asked to enter their name, organizational affiliation, and contact info into the chat. Guests were invited to share their thoughts and comments in the chat with the understanding that Commissioners may keep these for their own records and that comments may be made public in the event of an MPIA request.
  - Ms. Fredrickson motioned to approve minutes from the Sept 13 meeting. Ms. Hudson seconded.
    - Aye – Dr. Gaster, Mr. Reid, Ms. Fredrickson, Ms. Hudson, Ms. Salazar, Mr. Ricks
    - Abstain – Mr. Sterling
      - Motion passed 6-0 with one abstention. The minutes from the Sept 13 meeting were approved.
- 2. Presentation by Leslie Rubin and Blaise DeFazio from the Office of Legislative Oversight (OLO) on their report titled - *A Study on Reassigning Traffic Enforcement from the Montgomery County Police Department to the Montgomery County Department of Transportation***
  - Vision Zero – strategy to eliminate traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all through: 1) roadway design and operation; 2) education and training; 3) traffic enforcement and traffic incident management.
  - Traffic stops are most common interaction police have with the public. Can be split into two categories:
    - Collision contributing traffic violations – unsafe driving behaviors that include speeding, aggressive driving, not yielding the right of way, and impaired driving.
    - Other Violations – minor driving violations, expired registrations, equipment malfunctions
  - In MD, localities can implement two types of enforcement: 1) in-person enforcement and 2)

automated enforcement. MD law states that only law enforcement agencies and sworn police officers can enforce traffic laws (both in-person and automated).

- Traffic officers conduct 20% of traffic enforcement, while patrol officers conduct 80% of enforcement.
- In 2020, MCPD re-focused traffic enforcement on violations most likely to result in crashes – distracted driving, use of occupant protection, impairment, aggressive driving, and pedestrian safety.
  - Used data to locate places in the County that experience high numbers of injuries (High Injury Networks) and targeted them with high visibility enforcement.
- In July 2021, MCPD centralized traffic enforcement by moving traffic officers from district stations to a central unit. Unit focuses on outreach and education.
- MCPD sets internal policies and procedures regarding traffic enforcement and how officers should apply state traffic laws.
- MCPD's goal for automated traffic enforcement is to achieve voluntary compliance with speed limits to ensure safety and reduce frequency and severity of crashes. County is permitted by state law to use speed cameras in school and residential zones, red light cameras, and school bus cameras. Data shows that cameras can prevent crashes and supports the County's vision zero goals.
- MCPD uses data to identify locations for the placement of cameras. Uses a corridor approach that periodically moves cameras on a roadway that data shows is a high crash zone. This also prevents drivers from becoming aware of the camera placement and only slowing down in these locations.
  - Insurance Institute for Highway Safety Report from 2015 studied the County's corridor approach and found that it drastically decreased the likelihood of a driver exceeding the speed limit by more than 10mph. County currently has 80 speed camera corridors.
- The State Highway Administration must approve placement of cameras on state owned roads and intersections. 17% of roads in the County are state owned yet 58% of serious injuries and 56% of deaths occur on state roads. Since 2011, the state has rejected 1/3 of the County's requests for red light cameras on state intersections.
- DOT and MCPD work together to advance the County's Vision Zero Goals
  - DOT is working on the redesign of the County's road and transit networks using Vision Zero principles. Has also developed a design guide with Park and Planning to provide guidance to the gov't, developers, and community members.
  - MCPD has centralized traffic enforcement and expanded its automated enforcement
  - They both share data on the County's high injury networks
- Changes in state law would need to occur for DOT to assume traffic enforcement duties. DOT would likely make few changes to the County's automated traffic enforcement program as MCPD and DOT use the same data. With respect to in-person traffic enforcement, if DOT assumed this responsibility, DOT would likely not conduct in-person traffic enforcement due to safety of employees and instead would rely on automated enforcement.
- In terms of racial bias in traffic enforcement, research shows that Black and Latinx drivers are both stopped and searched at disproportionately higher rates compared to White drivers. Most racial bias is seen in traffic stops for "other traffic violations," not driving behaviors that are most likely to lead to crashes.
  - June 2020 OLO Report on Local Policing Data and Best Practices showed local disparities in police traffic interactions by race and ethnicity, which merits further investigation into potential unconstitutional policing.
- Strategies aimed at reducing racial bias in traffic enforcement generally aim at reducing the number of in-person traffic stops:
  - Increase use of automated enforcement
  - Reduce/end stops for low level traffic offenses
  - Removing enforcement responsibilities from police
- OLO found 4 jurisdictions (Berkeley, CA; Washington DC; Brooklyn Center, MN; and Cambridge, MA) that have discussed moving traffic enforcement from police to non-law enforcement departments. None have implemented these changes or provided details on how they would implement these

changes.

- Several jurisdictions have moved to reduce the number of traffic stops by prioritizing safety-related stops and prohibiting stops for minor-level offenses:
  - Fayetteville, NC
  - Madison, WI
  - Lansing, MI
  - Philadelphia, PA
  - State of VA
- The County can and intends to expand the number of automated cameras but are limited in terms of placement and by requirements for approval on state roads
  - County could change its own policies to end/reduce traffic stops for secondary/other traffic violations.
- OLO recommends:
  - Continue funding Vision Zero and expand automated traffic enforcement
  - Ask County Executive (CE) to identify, evaluate, and implement changes to County traffic enforcement policies and procedures to increase equity and do not require changes to state law.
  - If Council is interested in moving any facet of traffic enforcement from MCPD to DOT then they would need to advocate for the necessary changes in state law.
- **PAC members posed questions to Ms. Rubin and Mr. DeFazio**
  - Ms. Branson - Could you talk a little more about recommendation #2?
    - Ms. Rubin - that recommendation talks about focusing on ways to reduce the number of traffic stops that occur in the County. This is how many jurisdictions are trying to reduce racial bias in traffic enforcement. There are ways that the County could direct officers to conduct traffic enforcement like not stopping for low-level violations. The recommendation is for the CE to look into implementing these types of changes.
    - Ms. Branson - has the Council taken up this recommendation?
      - a. Ms. Rubin - There have been discussions but the Council has not reached out to the CE specifically about doing this, at least to OLO's knowledge.
  - Dr. Gaster – First question is about the relationship between patrol officers and the central traffic unit (CTU). CTU does 20% of stops and focuses on arterial roadways (e.g. state roadways). Does OLO have the percentage of stops made on state-owned roadways?
    - Mr. DeFazio – don't have that data. That data is not on DataMontgomery
    - Dr. Gaster – Can automated enforcement be implemented anywhere on County roads?
      - a. Mr. DeFazio – no, they can only be put in school zones and residential zones.
        - i. Dr. Gaster - Seems like there are opportunities to expand automated enforcement through state law.
        - ii. Ms. Rubin - County is in the process of entering into a new contract with the automated camera provider and expand the number of cameras. Very few cameras have been placed in the last couple of years because the existing contract was coming to an end.
        - iii. Mr. DeFazio - MCPD plans to implement 25 new speed cameras and 25 new red light cameras in the first 5 years of the new contract.
    - Dr. Gaster – There seems to be little data on what patrol officers do in terms of traffic enforcement. The CTU seems to be taking a very analytical approach to traffic enforcement. Have you come across any data on district patrol officer traffic enforcement activities?
      - a. Ms. Rubin – We did not but it is also not something we requested. Don't think that is on DataMontgomery either.
  - Mr. Sterling – Can you talk about the traffic enforcement intervention that occurred in Fayetteville, NC, in which the police changed its practices to reduce disparities in traffic stops?
    - Ms. Rubin – The study was released in 2020 in the Journal of Injury and Epidemiology. They were having issues both with traffic collisions and with racial disparities. A new Police Chief was hired in 2013 and they directed their traffic officers to focus their priorities on the types

of behaviors that are most likely to lead to collisions. They also used data to find where the most collisions and injuries occurred in order focus enforcement in those locations. They did see a reduction in racial disparities in traffic enforcement. Fayetteville reverted back to previous enforcement policies because the Police Chief that instituted these policies left after three years.

- Mr. DeFazio – They really focused on moving violations and speeding.
- Mr. Ricks – Still think Police should stop people for non-moving violations that are safety concerns like driving without their headlights on in the rain.
  - Ms. Rubin – The studies that look at limiting the number and types of stops done by police did talk about officers still having discretion if they see dangerous behaviors. There could still be situation specific stops for “other violations.”
    - a. Mr. Ricks – my concern is when we start sending mixed messages about traffic enforcement directives.
  - Dr. Gaster – Don’t think that anyone is expecting us to move away from officers stopping vehicles being operated in a dangerous manner. The point is to focus on these types of behaviors and not on minor violations that take up time.
- Ms. Branson – In Fayetteville, when these changes were implemented, racial disparities decreased?
  - Ms. Rubin – yes and the study also compared numbers in Fayetteville to other control jurisdictions.
  - Ms. Branson – when this occurred, was there a correlation or some type of impact on accident rates? Was there a safety benefit?
    - a. Mr. DeFazio – yes, believe that traffic fatalities did decrease as well.
- Ms. Branson - The state of VA did something similar to this as well?
  - Ms. Rubin – in 2020, VA changed state laws to make some infractions secondary violations and limited officers to pulling people over only for primary violations, which were moving violations. Once pulled over, the officer can enforce the secondary violation but they cannot be the sole basis for a stop. Tried to find data on implementation but the changes are too recent.
- Ms. Branson – You also mentioned Cambridge, MA. Can you speak to what they have done?
  - Mr. DeFazio – They looked into moving traffic enforcement from police to transportation and they were supposed to do a report and analysis but they have not released anything thus far.
  - Ms. Branson – So is there any data on other jurisdictions besides Fayetteville?
    - a. Ms. Rubin – Madison, WI took steps to decrease the number of traffic stops. There were racial disparities before any changes were made. They did reduce the number of traffic stops but racial disparities persisted.
    - b. Mr. DeFazio – Oakland, CA had similar results as Madison with fewer stops and incidents of speeding but they still saw racial disparities.
- Mr. Ricks – Hope that we don’t get to the point where, like in DC, where they are putting in more speed bumps and cameras in areas where the purpose only seems to be to produce revenue, not increase safety or reduce speeding.
- Ms. Fredrickson – This is a great report and one of the PAC’s major charges is to engage the public and it is a shame to see so few members of the public here. Plan to make a motion at the next meeting to revert back to one meeting a month because it does not seem like we are doubling our productivity, while we are doubling our meetings. We have also been having issues with attendance. This will also allow us to focus more on engagement.
- Dr. Gaster – So these places that have reduced traffic enforcement and re-focused their efforts on more serious violations have not seen a reduction in racial disparities but they have seen a reduction in serious accidents, is that correct?
  - Mr. DeFazio/Ms. Rubin – Yes, but it depends on the jurisdiction. Fayetteville did show impacts on disparities but other jurisdiction did not see disparities reduce but did see reductions in traffic stops. Vision Zero actually recommends focusing on a limited number of violations as data shows that those are the violations that are likely to cause traffic collisions.
- Ms. Hudson – Believe that there a several members of the community that had a comment. Her

comment was that we should focus on the County and not DC.

- Ms. Denyse Dillon (community member) – Happy that the conversation was refocused. I am also a member of the Council’s Advisory Commission on Alcohol, Drugs, and Addiction. Have a lot of collaboration with other community partners so liked Ms. Fredrickson’s comment that the PAC should bring in more members of the public into meetings. Wanted to be a part of this conversation because wanted to hear about what was done. The Commission I participate on focuses on addiction and a lot of police stops that occur may impact the individuals that we are working with. Believe that all of the Council Commissions and Committees should work together to better serve the community.
  - a. Ms. Salazar – should focus on bringing the community in and hear their comments. Agree with Ms. Fredrickson in that we have to ensure that the public is listening to this. Notice of this meeting was shared so there are some folks that are participating. We have to continue doing outreach and we have had an extensive conversation on what the outreach should look like. However, even when we do outreach it doesn’t seem to bring the population that is most impacted by these issues.
- Ms. Branson – Fayetteville stands out as a place where both disparities decreased and collisions decreased but this was not so in other places. Did Fayetteville do something different or more compared to other jurisdictions?
  - Ms. Rubin – we don’t know. We didn’t necessarily compare the studies to each other. We mainly covered what they did and what were the findings.
    - a. Ms. Branson – How would we find out? Fayetteville may have done something else.
      - i. Dr. Gaster – I shared a presentation that does a good job describing the outcomes. It shows that they really pushed the number of safety stops and really reduced the number of other stops. We can start there and we can talk to the folks in Fayetteville.
      - ii. Mr. DeFazio – this would take a deeper level of analysis including speaking to these each jurisdiction.

### **3. PAC Traffic Enforcement Information Request to MCPD**

- Mr. Sterling – Could we move to adopt Robin’s analysis regarding MCPD’s answers on the traffic enforcement and to send those back to MCPD with a request that they be addressed?
- Ms. Hudson – Prior to voting, I want to know how many people on the Commission submitted their comments on the MCPD answers? I know I did but wanted to know.
  - Ms. Salazar – Did anyone else send comments? I think Ms. Hudson and Mr. Sterling may have sent some as well.
  - Ms. Fredrickson – I did not but read through them and thought they were great. Maybe we should give people another week to provide comments and then send to MCPD?
- Dr. Gaster – Want to make sure that the process is inclusive of all feedback from Commissioners. Also wanted to clarify a bit about this letter. Dalbin and Nadia were planning to send a letter to the Council and I advised against that. Believe that this interaction with the Police should continue one more round so they can answer their questions as fully as possible and then at that point the PAC can react, put together a document with all input, and then send to MCPD.
- Ms. Salazar – So I think we should give everyone the opportunity to submit any input on MCPD’s answers by Friday prior to sending a letter to the Council regarding MCPD’s response to the PAC’s questions.
  - Motion is to allow Commissioners to comment on MCPD’s answers to 2<sup>nd</sup> MCPD information request by Friday (10/29/21). Motion Passed.
    - Ayes – Mr. Sterling, Dr. Gaster, Ms. Branson, Mr. Reid, Mr. Price Ms. Hudson, Ms. Salazar, Mr. Osorio, Ms. Fredrickson
    - Nays - None
  - Motion that the PAC send the next letter regarding insufficient answers to MCPD, as opposed to the Council. Motion Passed.
    - Ayes – Dr. Gaster, Mr. Sterling, Ms. Branson, Mr. Price, Mr. Ricks, Ms. Hudson, Ms. Fredrickson

- Nays – Mr. Osorio, Ms. Salazar
- Ms. Hudson – Could we reach out to the Public Safety Committee and see if they would like to join/participate in any of the PAC’s meetings?
  - Ms. Salazar – We’ve had this conversation before with Council staff. They’ve said that we can meet with Councilmember staff. It seems like it is going to be a stretch to ask them to meet but what we can do is be present at the PS Committee meetings and continue to have conversations with staff. We will probably be limited to meeting with the Council once a year.
  - Ms. Branson – Can I suggest that this letter that is sent to MCPD also be sent to the PS Committee? We don’t expect a response from them but we are keeping them informed. I move that we CC the PS Committee members on the letter to MCPD.
    - a. Mr. Ricks questioned why we would send a letter to the Council when the Council appointed us to come out with a report. We do not have anything to report on. Don’t think it is necessary to CC them on everything we do.
    - b. Ms. Branson – CC doesn’t require them do anything but we are keeping them apprised of our actions. We should keep them apprised and keep the community apprised as well. Think it is totally appropriate.
    - c. Ms. Farag stated that Council Staff keeps the PS Committee apprised of what the PAC does.
  - The PAC voted to CC the PS Committee on the letter sent to MCPD regarding their answers to the PAC’s information request on traffic stops
    - a. Ayes – Mr. Sterling, Dr. Gaster, Ms. Salazar, Ms. Hudson, Ms. Branson, Mr. Price, and Mr. Osorio.
    - b. Nays – Mr. Ricks
      - i. The motion passed.
- Ms. Salazar - We agreed that we will have a response/letter to MCPD together by next Friday and CC the PS Committee. Also, each Subcommittee should still send their input on ELE4A Audit Recommendations by Friday.

#### 4. New Business

- Ms. Branson – We received information on two counties that are in the process of implementing legislation on the state mandated creation of the Police Accountability Boards. It wasn’t clear to me what we were being asked to do with that other than just review it.
  - Ms. Farag – it was just for informational purposes.
  - Ms. Branson – we as a Commission have not decided to seek that the Council move forward with that implementation of the sate law. Suggest that if people have time that we review this and to have some type of opinion on this.
  - Ms. Hudson – Also, can everyone take a look at the PS Committee session from 9/20/21 that talked in detail about the creation of these two entities.
- Mr. Camacho – Wanted remind the PAC that MCPD is scheduled to come and brief the PAC on traffic enforcement at the next meeting - 11/8/21. Also, the PAC is also scheduled to go in front of the PS Committee Meeting on 11/8/21.
  - Dr. Gaster – Think it would be a good idea to postpone our appearance before the PS Committee until after we are done with traffic enforcement, which will be soon. Doesn’t make much sense to brief the Committee on something we are close to finishing.
  - Ms. Farag - this is the PS Committee Chair’s decision to make. We can run it by him but the schedule is packed until the end of the year and then the Council focuses on the budget so there may not be time to re-schedule.
    - Dr. Gaster – so what would we be briefing them on?
      - a. Mr. Osorio – This is going to be our first time to go before the Committee and let them know what we have accomplished and also some of the challenges we have been having. What necessitated the proposed letter to the Council was our belief that MCPD’s responses were inadequate. We think that we can at least present our input on the audit. Do you think we will have something to presnet to

the Committee?

- i. Dr. Gaster – there are a ton of recommendations in the report so sorting through them is an exercise.
  - ii. Ms. Hudson – We have had these recommendations for months now.
  - iii. Mr. Osorio – once we finish everything by Friday then we will have something to present and we don't want to miss an opportunity to meet with them and receive feedback.
- Mr. Sterling – Would it be possible to share the feedback from all of the subcommittees prior to Friday?
    - a. Mr. Osorio – Our plan is to share a document with all of the feedback by Wednesday, Oct 27 and then to put together a cohesive document by Friday.
    - b. Mr. Sterling – it would be great to get this sooner as I will be out Wed through Fri.
  - Mr. Osorio – Ms. Salazar and myself will put together a shared document by Wednesday so that everyone will see it and have an additional week to provide feedback on the whole document. Then we will finalize the document by next Friday, Nov 5.
  - Ms. Hudson – Thank you Mr. Camacho for splitting the recommendations by Subcommittee. Would also hope that each Commissioner give deference to each Subcommittee's recommendation.

**5. Meeting Adjourned 8:01pm**