

Section II. Additional comments, questions, and data

Stops and Accidents

MCPD states that “The mission of the traffic enforcement in Montgomery County is to promote the safe and efficient travel of vehicles, pedestrians and bicycles on our roadways, by conducting data-driven enforcement operations to reduce the number of fatal & serious-injury traffic collisions, with the ultimate goal of reaching zero traffic related deaths in Montgomery County.”

MCPD notes in its response to our previous information request that “Our progress is measured by “Efforts”, or the amount of time and resources that are devoted to any area of the County. Our efforts are measured by results that are measured as “Outcomes”. Outcomes come in the form of a written warning, citation, or emergency repair order.”¹

However, this confuses inputs and outputs. These are *inputs* into traffic safety. The question is what “*outputs*” do they generate. Does MCPD have specific analyses that show the impact of specific traffic initiatives on accidents?

The table below, using data from the Open Data Portal, shows that of the top 20 accident locations in Montgomery County, only 6 are among the top 20 enforcement locations. Areas that have high numbers of traffic accidents in many cases have relatively few stops. Conversely, many areas that have either a handful of accidents or none at all have significant numbers of traffic stops (full table available on request).

A preliminary statistical analysis of the relationship between traffic stops and accidents (see Appendix below), again based on data from the Open Data Portal, shows that only about 20% of the distribution of traffic stops across Montgomery County is explained by the distribution of accidents.

Total Stops	Stops rank	Total Accidents	Accidents rank
5258	5	2499	1
3139	16	1224	2
1796	44	908	3
836	164	657	4
1339	72	485	5
5142	6	369	6
930	138	288	7
252	600	265	8
2285	30	261	9
2602	21	255	10
404	418	249	11
7318	1	247	12
519	313	241	13
231	623	237	14
174	742	225	15
172	748	223	16
3254	15	195	17
5764	4	190	18
997	123	166	19

¹ Reply to previous information request

Questions for MCPD:

- 1) Can the police provide a more detailed explanation of how traffic enforcement is related to accident prevention? What analysis is used to determine where traffic enforcement is most necessary. Can MCPD provide an example of this kind of analysis?

- The Montgomery County Department of Police subscribes to data-driven traffic enforcement. Location and times of enforcement are dependent on collision frequency, citizen complaints and identified needs of the Montgomery County government. In July of 2021, the Central Traffic Unit (CTU) was created as part of the department's commitment to the Vision Zero initiative. Members of the CTU are deployed to roadways in the county that meet the above criteria. These officers engage in high visibility traffic education and enforcement. Throughout their efforts, when officers identify roadway engineering issues, they will notify the State Highway Administration and the Montgomery County Department of Transportation to conduct road surveys and consider the implementation of suggested design/engineering changes/modifications.

- 2) Are there data and analysis that show that enforcement actions “reduce” accidents both in specific locations and across the county as a whole, and especially injury accidents? Can MCPD provide examples of this kind of analysis?

- The mission of the Central Traffic Unit is to reduce the number of collisions occurring throughout the county and increase the overall traffic safety for those who travel on our roadways, including motorists, bicyclists, and pedestrians. As was previously mentioned, the CTU engages in high visibility education and enforcement on roadways that have the highest number of collisions and/or complaints. The county has seen a decrease in the number of collisions in the weeks following a CTU deployment. In an effort to continue the downward trend in collisions for these locations, the CTU has developed a rotational coverage plan where they return every three weeks to these roadways to monitor driving behavior and assess efforts and adjust if necessary.

*For the three summer months in the two years prior to the pandemic (June – August 2018 and June – August 2019), the average number of collisions was 465 for the roadways where the CTU would eventually be deployed. In the three summer months post-pandemic (June – August 2021), the average number of collisions was 387 for those same roadways, **representing a 17% decrease**. Due to the COVID-19 pandemic, the three summer months in 2020 saw less traffic on the roadways and thus those numbers were not comparable.*

- 3) What percentage of stops are made by District officers rather than the central Traffic Unit?

- Prior to July of 2021, analysis indicated that 80% of all traffic stops were initiated by patrol officers and 20% were conducted by the District Traffic Officers. A deeper analysis since the creation of the Central Traffic Unit has not been completed, however, the early returns would suggest CTU Officers are on pace to exceed the percentage of the former District Traffic Officers.

- 4) Has MCPD completed or commissioned any studies that explore the relationship between accidents, injuries, and traffic stops?

*-Within the Montgomery County Department of Police's Crime Analysis Section, traffic analysts review collision reports and traffic stop data to establish patterns and assist with the deployment decisions. The traffic analysts provide data to the director of the department's Traffic Division, who then provides it to the supervisors of the CTU and to the Commanders of the six police districts. The CTU then coordinates efforts with the districts and takes a lead role in conducting high visibility education and enforcement on **major arterial roadways** with the highest number of collisions as indicated by the Crime Analysis Section. Personnel from the district stations will focus on secondary/residential roadways and routes.*

Pretextual stops

"Pretextual stops" are stops that are made on a pretext like a perceived safety issue or the (highly subjective) identification of an unsafe lane change. These stops offer police officers the opportunity to explore whether other offenses can be found and pursued. The Supreme Court has determined that pretext stops do not violate the Constitution. However, that does *not* mean that MoCo policy should permit pretext stops - the Court decision does not bind county policy to make them compulsory.

MCPD has previously stated that it is not feasible to distinguish between pretextual and other traffic stops, because it is "impossible to know an officer's mind."

MCPD has also stated that it cannot currently determine from the data collected which violation in a multi-violation stop was the actual cause of the stop.

Questions for MCPD:

- 1) Does MCPD plan to upgrade data collection so that the first cause of traffic stops is identified in the data?

-The DeltaPlus software, which is the system that is managed by the Maryland State Police, captures all traffic enforcement efforts by MCPD personnel. When officers are issuing multiple citations, they are required to indicate which violation caused the traffic stop to be initiated. It should be noted that the default violation will be whichever one the officer selects first.

- 2) Can MCPD provide data that show that traffic stops improve the safety of the community beyond the enforcement of traffic laws. For example,
 - a. How many guns were seized during traffic stops (for the past 5 years)?

- Montgomery County has seen an increase in the number of firearm-related violent crimes. These crimes include homicide, robbery, aggravated assault, and rape. From January 1, 2021 through June 30, 2021, the number of firearm-related violent crimes has increased approximately 57% compared to the same reporting period last year (193 vs 123).

*Due to the alarming increase in the number of firearm-related violent crimes occurring in the county, Montgomery County Department of Police Officers have increased their efforts to seize firearms **in an attempt to keep the community safe.***

- *From 2018-2020, there were 144 firearm arrests made as result of traffic stops.*
- *From January 1, 2021 through June 30, 2021 the number of firearm arrests from traffic stops has significantly increased from 2020 by over 100% (46 vs 22).*
- *Even more alarming, the year-to-date number of firearm arrests attributed to traffic stops in 2021 (46), has already exceed previous pre-pandemic reporting periods in both 2018 (40) and 2019 (32).*

- b. How many outstanding warrants led to arrests during traffic stops during the same period?

-The Montgomery County Department of Police does not track how many warrants were served as a result of a traffic stop. From 2018 through year to date, there have been 20,362 warrants served by department personnel.

c. What quantity of drugs for sale (i.e. not simple possession) were seized during traffic stops?

-The Montgomery County Department of Police does not track how many Possession with the Intent to Distribute (PWID) drug arrests have occurred as a result of a traffic stop. From 2018 through year to date, there have been 720 PWID arrests made by department personnel.

d. Can MCPD provide other data showing that traffic stops enhance community safety beyond the examples listed above, and beyond traffic enforcement itself

-As it relates to pretextual stops, which are permissible by the United States Supreme Court, the Montgomery County Department of Police believes that it is important to point out that pretextual stops are not exclusively used for criminal enforcement. Pretextual stops are also used by officers to increase/improve safety on our roadways. MCPD personnel who are conducting impaired driving enforcement will initiate traffic stops on vehicles that they believe are being operated by an individual who is under the influence of alcohol or drugs after they observe a traffic violation. By definition, this action would be considered a pretextual stop.

Costs of traffic stops

The Montgomery County operating budget for FY22 includes \$283m for MCPD, of which 84% is [personnel, according to data from the budget portal](#). Preliminary analysis of the MCPD [detailed expenditure budget](#) indicates that officer budget costs are approximately \$125m, and there are about 1,000 sworn officers, so each officer costs on the order of \$125,000 annually. Each officer works about 2,000 hours annually, so the direct hourly cost to keep an officer on the street is about \$62.50 (this excludes all indirect costs – support staff, senior management, capital costs). Thus very approximately, each traffic stop can be estimated to cost about \$20 (at 20 minutes per stop) in direct officer costs. MCPD make about 120,000 traffic stops annually, so the direct budgetary cost of stops is on the order of \$2.4 million.

Median household income in Montgomery County is \$110,000. Per capita income is \$54,000 (per Census estimates). Data on average individual earnings are harder to find, but can be estimated at about \$74,000, or about \$37 per hour. Thus traffic stops also impose time costs on motorists that can be roughly estimated at \$1.5 million annually.

Questions for MCPD:

- 1) Has MCPD undertaken any cost-benefit analyses in recent years to assess the costs and values of traffic stops relative to other policing expenditures? If so, please share the study with the PAC.

-The Montgomery County Department of Police has not conducted a cost-benefit analysis to assess the costs and values of traffic education & enforcement. Proper cost-benefit analysis requires a great deal of information, a certain number of assumptions, and the technical expertise to conduct the analysis and draw reasonable conclusions. That is something the department would have to hire an actual social science researcher to conduct.

In reference to the time costs imposed on motorists when traffic stops are conducted, the Montgomery County Department of Police would like to point out that the amount of time lost to motorists who are stuck in traffic as a result of a collision has been ignored. The resulting assessment of “time cost” is neither fair nor accurate.

Officer incentives and evaluations

It is a challenging job for police managers to determine whether officers out on the streets are operating effectively. One potential metric is to record the number of traffic stops, and the issuance of citations, warnings, and repair orders. MCPD has stated that officers have no individual incentives to generate stops (and

accompanying citations, warnings, and SEROs). However, MCPD also states (in its previous response to the PAC) that stops and the citations that flow from them are primary metrics for measuring the effectiveness of the traffic program (see above).

Questions for MCPD

- 1) Are the number and/or results from traffic stops inputs into the process used by management to assess officer activity levels and efficacy?

*-Traffic enforcement is one of the categories in which officers are evaluated on as part of their yearly performance evaluation. Officers are trained to identify traffic violations and take appropriate action when they encounter them during their duties. Officers are taught that the goal of traffic enforcement is to improve education and increase public safety. **The Montgomery County Department of Police does not impose quotas of any kind on its personnel.***

- 2) What other objective metrics are used in those assessments, both for beat officers and for those officers assigned to Traffic Units?

- Officers are evaluated on the following topics in their performance evaluations:

- i. *The officer is expected to be knowledgeable of the laws of arrest and probable cause requirements.*
- ii. *The officer is expected to have the ability to identify crime problems, crime trends and hazards within their assigned area of responsibility.*
- iii. *The officer is expected to have the ability to protect crime scenes and prevent destruction of evidence.*
- iv. *The officer is expected to have the ability to maintain an orderly case file.*
- v. *The officer is expected to respond to motor vehicle collisions and make assessment of injuries, property damage, evaluate the need for traffic control, identify witnesses and vehicle operators. Officers are expected to complete a thorough investigation.*
- vi. *The officer is expected to ensure all written reports, documentation, and correspondence are submitted in a clear and concise manner. The reports will be completed and accurate; using proper grammatical form and chronological order and follow established policies and procedures.*
- vii. *The officer is expected to maintain notes pertaining to roll call and the officer is expected to check their e-mail daily.*
- viii. *The officer is expected to be responsible for full compliance with all state, county, departmental, bureau and district rules, policies, directives, orders and laws.*

Centralization

The PAC has been informed that there are plans to centralize control of traffic enforcement by placing District Traffic Units under central control.

- 1) Is this planned transition anticipated?
- 2) If so when – and what is preventing implementation?

-The Central Traffic Unit became operational in July of 2021.