

## **Traffic Stop Information Request from Policing Advisory Commission**

### **1) What is the mission of traffic enforcement in Montgomery County?**

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. This will be accomplished with High Visibility Enforcement (HVE) in High Incident Networks (HIN) focusing on Aggressive, Distracted, Pedestrian and Occupant Protection violations. There will also be an emphasis on changing the dangerous behavior of drivers, pedestrians and bicyclists with enforcement, outreach, and education. As stated in the department's mission statement, "we are committed to working in partnership with the community to identify and resolve issues that impact public safety." This includes traffic safety concerns.

### **2) What are the rules?**

#### **Under what circumstances are patrol officers allowed/expected/required to stop a vehicle?**

It is the policy of this department to take enforcement action when traffic laws are violated. The level of enforcement should commensurate with the severity of the traffic offense. Enforcement will be accomplished in an impartial and courteous manner using written warnings, citations, and/or physical arrests. All uniformed officers are responsible for traffic law enforcement unless a specific situation dictates otherwise.

It should be noted that the policy of the Montgomery County Police Department is to treat all persons having contact with this agency in a fair, equitable, and objective manner, in accordance with law, and without consideration of their race, ethnicity, national origin, gender, religious dress or other individual characteristics. Discrimination in any form, including racial profiling, is strictly prohibited and the department will take immediate and appropriate action to investigate all allegations concerning such actions.

#### **Once stopped what are the procedures?**

Public safety and officer safety are the prime considerations when approaching a violator, and officers are encouraged to take all reasonable precautions. Procedures for approaching a vehicle will be in accordance with current training procedures promulgated disseminated by the Training and Education Division. When approaching a traffic violator, officers will:

- Activate Body Worn Camera System (BWCS).
- Approach in a manner that enhances officer safety.
- Present a proper and professional demeanor.
- Be certain of the alleged violation.
- Greet the violator with the time of day, state their name, inform the individual of the violation for which the violator was stopped, and request the violator's license and registration.
- Avoid arguing with the violator over the validity of the violation.
- Observe the violator for signs of physical impairment, emotional distress, as well as alcohol and/or drug use.
- If issued, explain the procedures for either paying the citation or requesting a court date.
  - Violators are not required to sign electronic traffic citations (Etix). Officers will explain the three options for payable fines: Paying the fine; pleading "guilty with an explanation" and appearing for a waiver hearing; or requesting a trial date and appearing for trial.

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- Notify the violator, they must comply with the citation by completing one of the following options within 30 days after receipt of the citation. If necessary, assist the violator in safely reentering the traffic flow.

### **How do officers decide whether to issue a warning/SRO/citation?**

Officers are given discretion in the enforcement of traffic laws. In some instances, a written warning may be appropriate. In other instances, the issuance of a citation may be appropriate. More serious violations may require a physical arrest.

A written warning is appropriate when the violator commits a violation which is due to ignorance of a recently enacted law or where a minor equipment defect is apparent.

The issuance of a citation is applicable in most cases where the violator has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, and parking violations.

The issuance of a safety equipment repair order (SERO) is applicable for the operating of unsafe and/or improperly equipped vehicles that are registered in Maryland.

When determining the appropriate level of enforcement, officers should consider:

- Whether or not the violation resulted in injury.
- Whether or not the violation resulted in a property damage accident collision.
- The degree of danger to the public posed by the violation.
- The use of alcohol or drugs CDS by the violator.
- The degree to which speed limits were violated.
- Safety/vehicle equipment violations.
- Whether or not the violator was a commercial carrier.
- The commission of multiple violations.
- Whether or not the violation was of a newly enacted law.
- Whether or not the area has been designated as a selective enforcement location.
- Whether or not the violation was intentional.
- The violator's driving history.

### **Under what circumstances do officers seek to search a vehicle? What is the procedure if the driver refuses permission to search?**

There are a multitude of reasons for officers to search a vehicle under existing Supreme Court law.

- A search warrant may be obtained from the courts, based on probable cause.
- "Terry" Searches: Are limited searches for weapons if there is reasonable articulable suspicion that occupants are armed and dangerous.
- Search incident to a custodial arrest: When an individual is arrested, officers may search the arrestee's person and those areas "within the immediate control of the arrestee" at the time of the arrest. This permits a search of the passenger compartment of a vehicle if an occupant is arrested.
- Inventory searches: An inventory search is conducted to identify and take possession, for safekeeping, of valuable property from a towed vehicle. Officers are required to conduct an inventory search of vehicles towed when the owner/operator is absent/incapacitated to protect

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the owner, operator, or legal possessor's property while it remains in the Department's custody, and to protect the officer and the Department from claims or disputes about lost, damaged, or stolen property.

- Carroll doctrine: Based on a Supreme Court ruling, that due to the mobility of vehicles, vehicles may be searched without warrants if the officer undertaking the search has probable cause to believe that the vehicle contains contraband.
- Consent: Officers may request consent to search a vehicle. In the event an officer requests consent when no warrantless search authority exists and the driver does not give permission, no search is permitted, and the driver is free to go.

### **What incentives influence officer activities? How is the effectiveness of officers in the traffic division measured? How do traffic stops affect effectiveness metrics for non-traffic patrol officers?**

- There is no such thing as a "Non-traffic Patrol Officers." This is a function of all MCPD officers. Yes, Traffic Officers have primary responsibility of traffic patrol, but all MCPD uniformed officers (Patrol Service Bureau) have responsibilities of traffic enforcement.
- There are no incentives provided by MCPD Management, the officers' direct supervisors, or other members of the county government for officers to conduct traffic education and enforcement.
- Effectiveness of this type of enforcement can be measured in a myriad of ways. For instance, if there is a speeding issue in a certain area, and that area may also have a high level of collisions, then officers may begin enforcing traffic-speed laser enforcement in the area. Analysts and officers would be looking to a lessening of collisions in that area and the lessening of speed-related traffic education as a positive metric.
- Officers assigned to patrol and those assigned as traffic officers do have differing main job responsibilities. Yet, conducting traffic-enforcement education is a part of a regular patrol officer's duties and responsibilities. In other words, there is not a metric/method in place to capture information in this area.

The Traffic Division is involved in many aspects of traffic safety outside of traditional traffic stops. This includes investigation of fatal collisions, school safety (crossing guards and safety patrol program), automated traffic enforcement, commercial vehicle inspections, alcohol initiative unit (coordinates the departments alcohol education and enforcement programs and the Drug Recognition Expert program), and management of breath and blood testing programs/equipment. Many of these "behind the scene" activities provide the backbone for the department's ability to prosecute serious traffic offenses and prevent traffic related tragedies from occurring. The success of these programs and the overall division must be looked at holistically and cannot be simply measured based on number of traffic stops, citations, etc.

Each of the six district stations has a Traffic Unit.. Each Traffic Unit has goals, visions, and mission set by the District Commander. District Commanders may use Traffic Units in different ways depending on the needs of their District, which may vary throughout the county. Traffic Unit officers have primary responsibility for traffic enforcement. Where those efforts are focused is up to the District Commander. In contrast, if the Department were to move to a central Traffic Unit approach, these efforts could be focused on one mission, vision, and goals. Traffic officers would focus exclusively on major arterial roadways where crashes are prevalent. This is what data driven is all about. The purpose for the enforcement is not decided by chance, but where it is determined they can be most effective. There is no incentive for a traffic officer to write more or less citations. The measure for success is the efforts put forth. When you break down efforts you will understand the outcomes. There are three types of outcomes; citations, warnings, and SERO's. Traffic officers

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and patrol officers are not rewarded for the number of citations, warnings, or SERO's they issue. It is about being a visible deterrent in any area of the county where collisions are occurring. The expectation of the department is that the effort is put forth by all officers to reduce collisions on our roadways.

### 3) Data tracking – What data is collected?

**Does the current data collection software have mandatory drop down options for the following categories?**

- **Race/ethnicity/gender of the driver** - Race and gender of the driver are captured in the ETix database. The race of the driver is open to the Officers interpretation because race and ethnicity are no longer on the Maryland Driver's license.
- **Location** – The location of the stop event is recorded within the ETix database
- **Time and date** – The date and time of the stop event is recorded within the ETix database
- **Reason for the stop** - There is a field in ETix but it is not mandatory. If no response is provided, the program defaults to the first charge. We do not have a mechanism to determine the reason for a stop. IE: Pretextual or not. It is not possible to get into the mind of the officers. Also, there are times when someone is stopped for a moving violation and there are companion citations for other violations that are discovered during computer checks, interviews, etc. When you are looking at this from the perspective of a traffic officer, the reason for the stop is determined by the type of enforcement that is being looked at.

Traffic Officers SHOULD be focused on 4 main violations - Aggressive, Distracted, Occupant Protection, and Pedestrian safety.

Patrol officers look for all types of violations while on patrol. Sometimes patrol officers observed unsafe traffic behavior that requires immediate intervention. Officers are also routinely notified of traffic concerns/safety issues through calls for service or conversations with community members. Patrol officers may also be aware of areas that have reoccurring traffic safety concerns and target their enforcement to that location. **Reason for each outcome type of citation, SRO, warning** – The outcome, such as the violation type is recorded within the ETix database.

- **Search/no search and reason for search** – We are not sure if this is a mandatory field because it seems incomplete in a few events. May need to ask this question to a more advanced ETix database user.
- **Arrest and reason for arrest** – There is a field that works collectively with the search field in ETix.
- **Car information make/type/age** – The year, make and model are recorded within the ETix database.
- **Officer Information** – The officer ID and the officer's assignment that is within ETix is recorded within the ETix data base. The name of the officer is not for public release.

**Are cameras required to be on for all stops? If they are not on, what are the consequences?**

- Cameras are required to be activated for all traffic stops by on-duty officers who have been issued BWC. This was addressed in above (ii). The consequences range from an MCP 30 (performance shortfall) all the way up to a formal investigation for multiple violations.

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### **4) Data Analysis:**

**Which of the following data analyses are undertaken on a regular basis by MCPD:**

- Relationship between location of traffic stops and accident hotspots – Reviewed on a Regular basis
- Relationship between type of stop and location of accident hotspots - Reviewed on a regular basis
- Disaggregation by officer, driver demographics - Periodically by Policy and Planning Division
- Analysis of arrests and searches - None
- Complaints - Addressed by community officers on a regular basis
- To what extent and in what way do current traffic enforcement patterns and procedures meet the mission

Resources allow for maximum productivity and performance levels of officers, while ensuring standardization for all traffic safety deployments. These strategies allow us to be more effective on several different levels as we are faced with enormous pressure from Vision Zero to operate more efficiently without sacrificing quality of service to the community. 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.

**Request that the department provide *all* analyses of traffic enforcement that are not officer specific.**

- Examples of analysis products not officer specific
  - Non-Motorist collision analysis
  - Off-road /parking area collisions
  - Area analysis, such as density maps, tessellation maps, and other types of mapping products.
  - Safe Route to school area analysis
  - Speed, DUI, seatbelt, and other types of related density location analysis
  - Top collision locations
  - Suggested Speed enforcement locations
  - Citizen requested area analysis
  - General data mapping
  - Fatal collision analysis and mapping
  - Assist DOT with collision analysis data within certain areas
  - Work with Vision Zero in general summary analysis
  - Many more other on demand analysis summaries

### **5) Briefing request: MCPD is requested to brief the PAC discretionary policing subcommittee on traffic enforcement.**