



# Montgomery County Government

MONTGOMERY COUNTY COUNCIL  
OFFICE OF LEGISLATIVE OVERSIGHT

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## TITLE

### An Evaluation of the Alarms Law, Chapter 3A, Montgomery County Code

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## I. SUMMARY CONCLUSIONS AND ORGANIZATION OF REPORT

This report evaluates the implementation of Chapter 3A, Alarms, Montgomery County Code, 1984, and concludes that:

- Since enforcement of the alarm law began in 1984, the total number of nonresidential false alarms has declined approximately 11% while the number of residential false alarms has increased over 25%;
- 91% of all nonresidential alarm users are able to operate within a limit of five false alarms each year;
- Alarm business licenses and alarm user permits are issued and renewed efficiently;
- Certain aspects of the alarm law are not being enforced effectively; and
- The administrative cost of the law is offset by revenues received through alarm business license and user permit fees.

The report recommends that the alarm control statute continue to be part of County law and that the alarm programs remain self-supporting. However, for the law to have a greater effect upon reducing false alarms, a number of legislative, administrative, and enforcement changes should be made, including:

- Change the flat \$30 response fee to a system of graduated response fees;
- Simplify the definition of false alarm;
- Use the alarm business license as a more effective lever to enforce greater compliance with the law;
- Increase Police Department enforcement of the alarm law; and
- Improve communication among the Office of Consumer Affairs, the Police Department, and the County Attorney's Office.

The report is organized as follows:

- Section II reviews the report's scope, methodology, and definitions;
- Section III provides background on the false alarm problem and legislative history of the County alarm law;

- Section IV describes the provisions of Chapter 3A, Alarms;
- Section V describes and evaluates the implementation of the alarm law; conclusions are included at the end of each major issue discussed;
- Section VI contains recommendations as to how the alarm law can be more effective;
- Section VII outlines several other matters encountered during the course of work on this report; and
- Section VIII contains comments received from other departments.

## II. AUTHORITY, SCOPE, METHODOLOGY, AND DEFINITIONS

A. Authority. Council Resolution #10-1148, Subject: CY 1985 Work Program of the Office of Legislative Oversight, adopted February 5, 1985.

B. Scope. This report evaluates the implementation of Chapter 3A, Alarms, Montgomery County Code, 1984. Specifically, it examines how efficiently the law is administered and how effectively the law has reduced the number of false burglar and hold-up alarms in the County.

C. Methodology. The evaluation was conducted by Karen Orlansky, OLO Program Evaluator, during July - November 1985, and included interviews, field visits, and document reviews. Interviews were conducted with a wide range of individuals include County staff from the Office of Consumer Affairs (OCA), the Police Department, and the County Attorney's Office, owners and operators of alarm systems, representatives from alarm businesses, and others.

Field visits were made to alarm businesses, banks and other non-residential alarm users; this evaluator also attended a Maryland Police Chief's forum on false alarms and an in-service training class for County police officers.

During this evaluation, OLO received full cooperation and assistance from all parties.

D. Definitions. Unless otherwise stated, this report uses the definitions adopted in Section 3A-1, Alarms, Montgomery County Code. A copy of the entire alarms law is included as Exhibit A. All dates are in calendar years unless designated as fiscal years (FY).

## III. BACKGROUND

### A. The False Alarm Problem

1. Soaring increases in the number of false alarms have stimulated the passage of alarm control laws across the country. The Institute for Local Self-Government estimates that over 2,000 cities, towns and counties are now enforcing some type of alarm control ordinance.

2. Law enforcement studies of alarms consistently show that 5-99% of alarm service calls do not warrant emergency police response. In most communities, alarm calls constitute 10-12% of all requests for police service. Montgomery County's statistics mirror the pattern observed elsewhere:

- Alarm calls in the County account for an estimated 13-15% of all calls received requesting emergency police assistance; and

- The Police Department estimates that 99% of all alarm calls to which the Police respond are false.

3. Before the alarm law was implemented, the number of false alarms in the County had been increasing steadily at a rate of 4-6% per year; in 1981 police officers responded to 27,789 false alarms and by 1983 this number had grown to 30,274. This volume of false alarms causes significant problems:

- a) Cost. The cost of responding to false alarms is substantial. A false alarm involves time and equipment for the Emergency Operations Center (EOC), a primary patrol unit, and more often than not, a back-up patrol unit. The Police Department estimates that it cost the County \$740,000 to respond to false alarms in 1984.\*

- b) Officer Complacency. When officers are dispatched on a regular basis to false alarms at the same locations, they become psychologically unprepared to encounter a valid alarm situation. This complacency endangers officers' safety and reduces effective law enforcement.

- c) Officer Diversion. When an officer is wasting time responding to a false alarm, it reduces the time and attention devoted to dealing with real criminal behavior.

- d) Nuisance. Whether audible false alarms are responded to by the Police, they constitute a nuisance to the community. In addition to being annoying, an alarm that sounds frequently soon becomes ignored as a potential signal of genuine criminal activity.

## B. Causes of False Alarms

1. According to law enforcement, alarm industry, and insurance industry research, it is generally agreed that there are three major and several minor causes of false alarms:

- a) User Errors account for between 40% and 60% of all false alarms. The major portion of these result from careless alarm users who fail to lock doors or windows, forget to deactivate an alarm when entering a premise, or accidentally trip an alarm switch. In most studies, the category of user errors also includes incidents where an alarm is purposely activated to test the speed of police response.

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\*Based upon average costs of patrol officer, vehicle, and EOC time spent responding to false alarms.

b) Alarm Business Personnel account for between 15% and 25% of all false alarms; these alarms are typically activated when employees of alarm businesses are installing or servicing alarm systems.

c) Faulty Alarm Equipment accounts for between 10% and 20% of all false alarms. This includes improper installation, malfunction of a sensor unit, faulty wiring, or improper placement of alarm system components.

d) Weather Conditions and Telephone Line Problems are the most often cited minor causes of false alarms.

#### C. Legislative History of Chapter 3A, Alarms

Alarm legislation in the County was first introduced in March 1982. After seven months of Council worksessions involving representatives from the Police Department, the Office of Consumer Affairs, the Office of Management and Budget, and private alarm businesses, Bill #8-82 was enacted on October 19, 1982, and became effective on January 19, 1983 as Chapter 3A. In December 1983, Bill #46-83, amended Chapter 3A to specify the procedures for adopting alarm law regulations. In November 1984, Bill #52-84 repealed and reserved Section 3A-7 as a duplicative provision relating to the applicability of the alarms law within municipal corporations.

#### IV. DESCRIPTION OF CHAPTER 3A, ALARMS, MONTGOMERY COUNTY CODE

##### A. Licenses for Alarm Businesses

1. As of April 1, 1983, all alarm businesses that have consumers in Montgomery County, are required to obtain a license from the Office of Consumer Affairs (OCA).

2. OCA is responsible for establishing procedures and fees for issuing licenses to alarm businesses; and for collecting the fees for alarm business licenses.

3. OCA is authorized to revoke or suspend an alarm business' license under certain conditions including:

a) The alarm business persistently fails to perform work in a workmanlike manner;

b) The alarm business sells or services an alarm system that belongs to a nonresidential alarm user who does not have an alarm user permit; or

c) The alarm business fails to report required information to the Police Department when reporting an alarm.

Chapter 3A also outlines a hearing and appeals procedure OCA must follow before an alarm business license can be suspended or revoked.

4. The County Executive is authorized to establish regulations outlining the information alarm businesses must provide when reporting alarms directly to the Police, and establishing procedures and fees for the issuing of licenses, permits and permit decals.

5. Violations of Chapter 3A by alarm businesses are Class A violations. (Criminal Violation: maximum fine \$1,000 and minimal jail term of 6 months; Civil Violation: \$250 for initial offense and \$500 for repeat offenses.)

#### B. Permits for Users of Nonresidential Alarm Systems

1. As of April 1, 1983, all nonresidential alarm users must obtain an alarm user permit and permit decal from OCA; this permit decal must be prominently displayed in a location where it can be read from outside the building.

2. OCA is responsible for establishing procedures and fees for issuing permits and permit decals; and for collecting the fees for alarm users permits.

3. If an alarm user has no more than five false alarms in any one year, the alarm user permit fee remains the same for the next year. However, for every false alarm over five, to which the police respond, the alarm user permit fee is raised \$30.

4. Alarm users who fail to obtain a permit and/or display the permit decal are subject to a Class C violation. (Criminal Violation: maximum fine \$50; Civil Violation: maximum fine \$25 for initial offense, \$50 for repeat offenses.)

#### C. Time Limit on Audible Alarms

1. As of January 1, 1983, all audible alarm systems must automatically shut-off within 30 minutes.

2. This provision applies to all alarm systems in the County, both residential and nonresidential.

### V. EVALUATION OF ALARM LAW IMPLEMENTATION

#### A. Organization of Evaluation:

•Section B outlines the goals of the alarm law;

•Section C examines the false alarm data to determine how the alarm law has changed the pattern of false alarms activated and responded to by the Police;

•Section D describes and evaluates how the Office of Consumer Affairs and the Police Department administer and enforce the alarm business license and alarm user permit programs;

●Section E reviews and evaluates the enforcement of the 30-minute time limit on audible alarms; and

●Section F summarizes and critiques the overall administrative, enforcement, and staffing costs of the alarm law.

●Conclusions on goal achievement and implementation are included at the end of Sections C through F.

#### B. Goals of Alarm Law

1. A review of the legislative history of Bill #8-82 indicates that the overall intent of the alarm law was to:

●Reduce the number of false alarms in the County;

●Reduce the number of hours police officers spend responding to false alarms;

●Increase police officer safety;

●Reduce the incidents of audible alarms ringing endlessly;

and

●Charge reasonable fees for alarm business licenses and alarm user permits to cover administrative costs.

2. Licensing alarm businesses was intended to reduce the number of false alarms by improving the quality of alarms systems installed and operated; and increase officer safety by providing better information about alarm situations to police officers who respond to alarm calls.

3. Issuing unique permit numbers to nonresidential alarm users was intended to reduce false alarms by establishing a tracking system for the number of false alarms responded to at each location. This enables the County to charge response fees for an excessive number of false alarms, and create a financial incentive to minimize false alarm incidents.

4. Establishing a 30-minute time limit on audible alarms was intended to set an outside limit of time that an alarm could emit sound. Because the problem of endlessly ringing alarms was seen as one affecting residential and commercial alarms equally, this provision applies to both residential and nonresidential alarms.

### C. False Alarm Data

1. Source of The Data. The Police Department tabulates the number of false alarms based upon the response codes officers use when clearing events. The current Police Department directive (DD 85-17) governing enforcement of the alarm law allows officers to clear a false alarm as caused either by an error, an equipment malfunction, or a deliberate attempt to summons the Police to a non-emergency situation. Furthermore, the directive states that if the officer cannot determine the cause of the alarm, the call should be cleared as a "dash-6," which means it is recorded as a "non-event" and not as a false alarm.

For the 1% of alarm calls that result in a reportable event such as a burglary, robbery, or theft, the police officer's response is cleared according to the specific event and not recorded as a false alarm.

2. The Number of False Alarms. Data for the years prior to implementation of the alarm law show that the number of false alarms had been increasing steadily at a rate of 4-6% per year. At the time Bill #8-82 was being considered, approximately 70% of all false alarms were from nonresidential locations.

Over time, an increase in false alarms can be attributed to increases in the number of operating alarms systems and/or increases in the incidents of false alarms per alarm system. Although no definitive data are collected on the universe of operating alarm systems in the County, it is generally acknowledged that the total number has increased in the past decade and will continue to increase in the foreseeable future.

The alarm law became effective on January 31, 1983. Due to delays that will be discussed later in the report, enforcement of much of the law did not begin until March 1984. Table I compares the total number of false alarms the first year the alarm statute was enforced (March 1984-February 1985) to the same time period the previous year. The data indicate that during this first year of enforcement:

- The total number of all nonresidential false alarms (including bank alarms) declined 8.2% while the total number of residential alarms increased 5.9%.

- The greatest change came from banks where false alarms declined 16.7%; this is a particularly interesting statistic because in contrast to the total number of commercial alarms which varies from year to year, the total number of bank alarms remains relatively constant.

- If one assumes that without the alarms legislation, nonresidential alarms would have increased by at least the same rate as residential alarms, the net reduction in nonresidential alarms may have been closer to 14% (5.9% + 8.2%).

TABLE I  
NUMBER OF FALSE ALARMS: FIRST YEAR OF ENFORCEMENT

	<u>Mar. 1983-Feb. 1984</u>	<u>Mar. 1984-Feb 1985</u>	<u>% Change</u>
Total Nonresidential	20,500	18,811	- 8.2%
Banks	3,568	2,973	-16.7%
Other Commercial	16,932	15,838	- 6.5%
<u>Total Residential</u>	<u>10,054</u>	<u>10,648</u>	<u>+ 5.9%</u>
<u>TOTAL FALSE ALARMS</u>	<u>30,554</u>	<u>29,459</u>	<u>- 3.6%</u>

Table II compares the number of false alarms for the nine month period, March through November, for three consecutive years, 1983-1985. The data show that during this nine month period:

●False alarms from banks continued to decline significantly through both the first and second year the alarm law was enforced.

●False alarms from commercial establishments other than banks declined 7.1% in the first year of enforcement and remained basically constant during 1985 for a net decline of 6.7% over the two year period.

●Since the alarm law has been enforced, the average number of nonresidential false alarms responded to by the Police each month has declined 11%, while the number of residential alarms increased over 25%.

TABLE II  
NUMBER OF FALSE ALARMS: 1983-1985, NINE MONTH COMPARISON

	<u>Mar. - Nov.</u> <u>1983</u>	<u>Mar. - Nov.</u> <u>1984</u>	<u>% Chg</u>	<u>Mar. - Nov.</u> <u>1985</u>	<u>% Chg.</u>
Total Non-Residential	15,170	13,860	- 8.6	13,527	- 2.4
Banks	2,741	2,315	-15.5	1,931	-16.6
Other Commercial	12,429	11,545	- 7.1	11,596	+ 0.4
<u>Residential</u>	<u>7,616</u>	<u>7,958</u>	<u>+ 4.5</u>	<u>9,693</u>	<u>+21.8</u>
<u>TOTAL FALSE ALARMS</u>	<u>22,786</u>	<u>21,818</u>	<u>- 4.3</u>	<u>23,220</u>	<u>+ 6.4</u>

The data for false alarms since 1983 also indicate that residential alarms as a percent of total alarms have increased significantly. During the first year that the alarm law was enforced, the percent of false alarms from nonresidential locations declined from 70% to 64% of all false alarms, while the percent of false alarms from residential locations increased from 30% to 36% of the total. The alarm totals for the first nine months of 1985 suggest this trend has continued through the second year of alarm law enforcement, with residential alarms constituting an even higher percentage (40%) of all false alarms.

3. Other Alarm Patterns. The false alarm data kept by OCA and the Police Department reveal a number of other facts:

●Although the actual number of nonresidential alarm calls has been reduced, alarm calls as a whole continue to constitute between 13-15% of all requests for emergency Police assistance.

●Alarm calls are not received uniformly by all five Police precincts in the County; of the 26,070 alarm calls received from January - October 1985, 11% came from Wheaton, 14% from Germantown, 15% from Silver Spring, 29% from Rockville, and 31% from Bethesda.

●The pattern of residential and nonresidential alarms received also differs by Police precinct. Through October 1985, Rockville and Bethesda together constituted 71% of all residential and 51% of all nonresidential alarm calls; in contrast, Germantown accounted for only 7% of all residential and 18% of all nonresidential alarm calls.

●In 1984, 91% of all nonresidential alarm users with permits had five or fewer false alarms.

●The 9% minority of alarm users who had more than five false alarms in 1984 were responsible for 48% of all false alarms recorded by OCA. In this group, the number of false alarms activated by any one user ranged from six to 34; response fees paid by these users ranged from \$30 to \$870 respectively.

●No obvious characteristic is shared among the alarm users who appear to have a chronic false alarm problem. Of the ten alarm users who activated the highest number of false alarms in 1984, three were banks, two were department stores, two were office buildings, and three were other kinds of private businesses. These ten alarm users are located throughout the County, and are also serviced by different alarm businesses.

●Further examination of OCA's records indicates that the frequency of false alarms does not appear to be correlated with the size or complexity of the alarm system. A number of banks and department stores with many branches throughout the County have excellent false alarm records, while some single location businesses have chronic false alarm problems.

#### 4. Conclusions on False Alarm Statistics

a. Before the alarm law, the number of both residential and nonresidential false alarms had been increasing annually at a 4-6% rate.

b. Since enforcement of the alarm law began, the total number of nonresidential false alarms has been reduced while the number of residential false alarms has increased. During the first year of enforcement, nonresidential false alarms declined 8.2% while the total number of residential false alarms increased 5.9%; during the second year of enforcement, nonresidential alarms have declined an additional 2.4%, while residential alarms have increased a dramatic 21.8%.

c. Police officers spend less time responding to nonresidential false alarms, but the time "saved" has been offset by the increased time required to respond to residential alarms; alarm calls as a whole continue to constitute between 13-15% of all requests for emergency police assistance.

d. The alarm law appears to have had the greatest net impact on a reduced number of false alarms from banks; the less dramatic impact on other nonresidential alarms may be explained by the growing number of other commercial alarms systems operating in the County.

e. The record indicates that the technology and management techniques exist to control the number of false alarms activated; although a small percentage (5-10%) of false alarms will probably continue to be caused by "uncontrollable" events such as a power outage, evidence suggests that almost all (91%) alarm users are able to live within a limit of five false alarms each year.

#### D. Alarms Business Licenses and Alarm User Permits

1. General. This section describes and evaluates how the Office of Consumer Affairs (OCA) and the Police Department manage the two major programs set up in the alarm law. Although the programs to license alarm businesses and issue alarm user permits are discussed separately, the two efforts are so interrelated that the conclusions are presented together.

#### 2. Implementation of Alarm Business Licenses

a. Procedures and Fees. As originally enacted, the alarm law (Section 3A-2(c)) specifically gave OCA the responsibility of establishing procedures and fees for licensing alarm businesses. As amended by Bill #46-83, the alarm law now gives a similar authority to the County Executive in Section 3A-2(f).

In practice, there have been no problems of duplication because OCA continues to establish the procedures and fees using internal office memos. However, based upon the intent of Bill #46-83, to establish an open process for adopting and publishing rules for government programs, the procedures and fees governing alarm licenses should become part of the

Executive regulations process established in Section 2A-15 of the County Code.

In early 1983, an internal OCA memo established the annual fee for an alarm business license at \$100. The \$100 fee was based upon an estimate of revenue needed to cover the cost of administering the alarm program. Alarm business licenses must be renewed annually; because the renewal date is set for one year after an alarm business application is approved, renewal dates are staggered throughout the year.

The alarm business license application is a one page form that must be signed by the president or owner of the business. The alarm business is asked to supply basic information about the business, and to answer two questions; one question concerns any prior felony, misdemeanor, or theft convictions, and the other asks about any history of business license suspension or revocation. Although the application requires alarm businesses to answer these questions, the alarm law fails to either establish any criteria, or authorize OCA to develop their own criteria by which OCA can refuse to grant an alarm business license.

When OCA assumed responsibility for administration of the alarm law, the office began the process of automating their licensing procedures. Due to delays in purchasing and installing the computer and software, all alarm business files were maintained manually until December 1983. Today, OCA's computer tracks licensed alarm businesses by name, address, and license renewal date.

b. Number and Annual Cycle of Alarm Businesses Licenses.

In February 1983, the Licensing Unit of OCA began to advise area alarm businesses that as of April 1, 1983, any alarm company that does business in Montgomery County must be licensed. By July 1983, 52 alarm business licenses had been issued. Table III shows the number of alarm business licenses issued annually since 1983, and the revenue collected in alarm business license fees. OCA's revenue projections for FY 86 and FY 87 are lower because OCA anticipates lowering the license fee in 1986. This decision, based on current administrative cost calculations, is discussed later.

TABLE III

ALARM BUSINESS LICENSES

<u>Fiscal Year</u>	<u>Number of Licenses Issued</u>	<u>Revenue Collected</u>
1984	52	\$5,200
1985	88	\$8,800
1986*	95	\$4,750
1987*	95	\$4,750

\*Projected by OCA based upon plans to reduce license fee from \$100 to \$50 in 1986.

OCA's procedures ensure that all licensed alarm businesses are automatically notified two months before their current license expires. Since the beginning of the alarm business licensing program, 23 businesses have not renewed their licenses. Businesses did not renew their license because they no longer conducted business in Montgomery County, merged with another alarm company, or left the alarm industry altogether. OCA projects that the number of new alarm businesses is likely to balance out the number of non-renewals, thereby leading to a steady 95-100 alarm business licenses issued/renewed annually.

Despite some annoyance with "another government program," most alarm businesses find the licensing and renewal process to run smoothly and the \$100 fee to be "reasonable." The majority interviewed specifically commented upon the professionalism and responsiveness of the OCA staff. The most common complaint voiced about the licensing program concerned OCA's recent efforts to enforce the regulation requiring certain information to be provided to the Police when reporting an alarm.

c. Enforcement of Regulation Requiring Information to be Provided to EOC. One theme of the legislative debate leading up to enactment of the alarm law was the threat to officer safety caused by inadequate information. The alarm law provided an opportunity to impose a requirement upon alarm businesses that they supply certain information when reporting an alarm so that the officer dispatched to respond is as knowledgeable as possible about the alarm situation.

The alarm law authorizes regulations outlining the pertinent information needed from alarm businesses when reporting alarms directly to the police. The law provides a lever to enforce this provision by specifying that failure to provide the required information may be cause for the suspension or revocation of the alarm business' license.

On August 19, 1983, the County Executive issued Executive Regulation #17-83 outlining the following aspects of an alarm situation that an alarm business is required to report:

1) Name of the alarm company reporting the activated alarm, name of the alarm company employee making the report, and a call-back telephone number.

2) Permit number issued, if it is a nonresidential alarm user.

3) Location of the activated alarm, to include complete business name and street address.

4) Type of alarm (i.e., audible or silent, hold-up, intrusion, perimeter, vault, motion detection etc.) and the number and location of exit doors.

5) Any available information about the alarm site (i.e., if the business is open or closed, guards on site, guard dogs, hazardous materials within the location).

6) Additional actions to be taken by the alarm company (i.e., notifying owner/representative of the user, alarm company representative responding).

In 1983, Regulation #17-83 was developed by the Police Department. Last year, #17-83 was reissued without change by OCA as Regulation #39-84.

When asked how necessary is all the information outlined in Regulation #39-84, the majority of police officers interviewed agreed that these are all important facts that could potentially save an officer's life. Officers also agreed, however, that certain aspects of an alarm situation are more critical than others.

The majority of alarm business representatives interviewed support the concept of requiring certain information to be reported to EOC. Most felt that it was reasonable to require everything called for in Regulation #39-84, except for the number and location of exit doors, and "other" information about the alarm site such as whether the business is open or closed. Alarm company representatives felt it was unfair to hold them accountable for providing such detailed data about all alarm situations.

EOC's records indicate that a significant number of alarm activations has been called in without all of the required information. For example, in January 1985, out of 1,977 nonresidential alarm calls, there were 357 instances where a permit number was not provided, 106 instances where no information was provided about the alarm site, and 22 instances where the type of alarm was not reported.

In July 1985, OCA undertook an active campaign to enforce Regulation #39-84. OCA sent letters to the 20 alarm businesses that had repeatedly failed to report required information to EOC. The letter enclosed a chart that showed what data had not been provided on which dates, and warned each business that continued failure to report the information could result in the revocation or suspension of its alarm business license.

Despite a defensive reaction from the alarm businesses, a review of OCA's and EOC's records indicate that the July 1985 letter campaign had some measurable impact; for example:

- In June 1985, there were 220 instances when alarm businesses did not provide the permit number when reporting an alarm; in September, there were only 151 such instances, and in October 141.
- Approximately half of the alarm businesses contacted showed an improved record of providing full information to EOC in September and October as compared to May and June; for example, one alarm business failed to report information 27 times in June, but only eight times in September; another company had 41 incomplete reports in June, but only 18 in September and eight in October.

Although there have been some noticeable improvements, there are still instances where vital information is not given to the police officer dispatched to respond to an alarm call. One apparent problem is that OCA's enforcement leverage with monitoring stations is limited. Monitoring stations, which are companies that do not install or service alarm

systems, but contact the Police Department when an alarm activates, account for 10-15% of all alarm calls. Under the current law's definition of alarm business, these monitoring stations (some of which are located outside of Maryland) are exempt from the alarm law. Although OCA is able to send letters to these monitoring stations, OCA has little leverage with which to enforce compliance with a County law or regulation.

The lack of information being provided about alarm situations as a continuing problem was verified through interviews with police officers. Officers noted that it is rare when they are fully informed about the details of an alarm call. Several officers commented that the breakdown in communication could also be occurring in EOC, and that the dispatchers may be receiving the information from alarm businesses, but not passing it all along to the officers in the field.

### 3. Implementation of Alarm User Permits

a. Start-up Obstacles. OCA encountered significant start-up obstacles to establishing an efficient system for issuing alarm user permits. Because the volume of permits was expected to be high, OCA felt it necessary to have an automated alarm tracking system in place before beginning to issue user permits.

Within ten days after the alarm legislation was signed by the County Executive, OCA submitted a supplemental appropriation request to OMB. From that time, it took a full year to receive approval for the supplemental appropriation, and purchase and install the necessary hardware and software. Due to the delays encountered in setting-up a system, it was not until December 1983, (almost one year after the alarm law became effective), that OCA began to issue alarm user permits. The Police Department did not begin active enforcement of the alarm law until March 1984.

b. Procedures and Fees. OCA established the alarm permit user fee at \$15. In December 1983 and January 1984, OCA publicized the existence of the alarm law to over 5,000 nonresidential alarm users in the County.

The alarm user permit application is a one page form. The alarm user is asked to supply very basic information such as the name, mailing address and phone number of the alarm's location; the alarm user must also indicate who will call the Police if the alarm activates and who should be contacted in the event of an alarm.

OCA assigns each alarm user a unique "permit number" and sends the user both an alarm user permit plus an alarm permit decal (see Exhibit B for samples). The alarm user is instructed to prominently display the permit decal where it can be read from outside the building; if the user is located inside an office building, the user is instructed to display the decal outside the office door.

All alarm user permits expire on April 1st of each year. In January, OCA sends each user a permit invoice and renewal application. The invoice indicates the number of false alarms the user had during the previous calendar year and assesses the user the appropriate renewal fee.

For alarm users who had no more than five false alarms, the renewal fee is \$15.\* For those alarm users who had more than five false alarms, the renewal fee is \$15.00 plus \$30.00 for each additional false alarm over five. The \$30.00 response fee for each false alarm over five is the amount designated in the alarm law.

Over the past two years, OCA has automated the alarm user permit program. Today, the OCA system tracks alarm users by name, address, permit number, and number of false alarms. Each month, the computer generates letters to all alarm users who have experienced a false alarm during the previous month. The letter includes a tabulation of all false alarms recorded so far in the calendar year, and reminds the user that a response fee of \$30 will be included at renewal time for each false alarm over five.

The OCA computer is also equipped to generate annual renewal notices. A recent upgrade to the system will enable OCA to send all users a pre-printed application form and invoice at the same time.

c. Number of Permits Issued and Revenue Collected. In 1984, OCA issued 2,902 alarm user permits and decals, and approximately 90% of these alarm users renewed their permits for 1985. The major reasons cited by users for non-renewal were that they no longer used their alarm systems, or had simply moved out of the County. In addition to renewals, OCA uses the daily police log of false alarms to seek out names and locations of nonresidential alarm users who are operating without the required permit; this results in 20-30 new permits issued each month.

Table IV shows the revenue received from alarm user permits in 1984 and through October of 1985. Almost all of the revenue is collected during February, March, and April which is the time that alarm users renew their permits for the coming year. Approximately half of the \$78,930 collected in FY 1985 came from the basic \$15 fee for alarm user permits; the other half came from response fees collected for excess false alarms.

In 1984, approximately 91% of all alarm users with permits had between 0 and 5 false alarms in one year; the remaining 9% of users experienced between 6 and 34 false alarms. This finding is consistent with the pattern of false alarms recorded in other jurisdictions, that is, a fraction of the community accounts for a disproportionate number of alarm calls.

\*Based upon current administrative cost calculations, OCA plans to lower the alarm user permit fee to \$10 in 1986.

TABLE IV

Alarm User Permits

<u>Permits for Calendar Year</u>	<u>Total Permits Used</u>	<u>Revenue Collected</u>
1984	2,902	\$43,530
1985 (through 10/85)	2,906	\$78,930
1986*	3,000	\$82,750
1987*	3,200	\$68,000

\*Projected by OCA based upon reduction in permit fee from \$15 to \$10 in 1986.

d. Problems Encountered with Alarm User Permit Program

Three major and one minor problems encountered with the alarm user permit program will be discussed.

Problem #1: Response Fees Do Not Always Work.

Experience with the alarm user permit program indicates that assessing response fees does not always reduce the number of false alarms activated. Although cases can be cited where an alarm user's false alarm record noticeably improved after being charged a response fee, other alarm users do not seem deterred by paying costly fees for renewal of their alarm user permits.

Table V compares 1984 and projected 1985 false alarm records for the ten alarm users who experienced the highest number of false alarms last year. All of these alarm users paid relatively high renewal fees in 1985, and the data indicate that all ten users will again pay for excess false alarms in 1985. Half of these users are projected to pay even more in 1986 than they did in 1985. Apparently, assessing the flat \$30 response fee for each false alarm is not a sufficient tool for reducing false alarms.

TABLE V

Comparison of 1984 and 1985 False Alarm Records

<u>Company</u>	<u>False Alarms in 1984</u>	<u>False Alarms 1/85 - 9/85</u>	<u>Projected for 1985</u>
The A Company	34	44	58
The B Company	34	34	45
The C Company	33	12	16
The D Company	33	18	24
The E Company	31	9	12
The F Company	29	12	16
The G Company	28	19	25
The H Company	28	41	55
The I Company	26	15	20
The J Company	25	44	58

The system of response fees may not always work to reduce false alarms because some businesses:

- Find it cheaper to pay \$30 for every false alarm than to pay for reducing the number of false alarms which can involve installing new equipment and training employees;

- Feel it is "worth" paying the \$30 per false alarm to have police officers check out their premises on a regular basis; and

- Are not aware of false alarms as a problem in the County, and do not see reducing the number of false alarms as a high priority.

The alarm law does not require OCA to take any special action against businesses that continue to experience an excessive number of false alarms, but who also continue to pay the County the required amounts in annual response fees. However, the goal of the alarm law to reduce the number of false alarms can better be achieved if OCA takes action to alter the behavior of those constantly activating false alarms.

Limited staff resources have constrained the number of chronic false alarm situations that OCA can act upon. The record indicates, however, that when OCA has intervened, using their proven negotiation skills, the outcome is fewer false alarms. For example, OCA convened a special meeting among the Police, an alarm user with 92 false alarms in four

months, and the user's alarm company; the result was necessary changes to the alarm system, improved employee training, and a reduction in recorded false alarms from 23 to 3 per month.

Problem #2: Not All False Alarm Responses are Recorded. An examination of Police and OCA records indicate that at the beginning of the alarm control program, less than half of all false alarm responded to by the Police were being credited to specific alarm users. Table VI shows that this percentage has significantly improved since July 1985, so that currently almost three-fourths of all false alarms are being tracked by OCA.

TABLE VI  
THE PERCENTAGE OF TOTAL FALSE ALARMS  
 RESPONDED TO BY POLICE AND CREDITED BY OCA

<u>Time Period</u>	<u>Total Non-Residential False Alarms Cleared by Police</u>	<u>False Alarms Credited by OCA to Specific Alarm Users</u>	<u>Percentage Credited</u>
7/1/84 thru 6/30/85	18,652	8,200	44%
7/1/85 thru 9/30/85	4,262	3,129	73%

The closing of this gap is due to OCA's pressure on alarm businesses to provide permit numbers when reporting an alarm plus OCA's efforts to manually review Police printouts and enter permit numbers that are not provided. Even with these improvements, more than 4,000 nonresidential false alarms will probably go "uncredited" this year.

The gap between the number of false alarms responded to by Police and the number credited by OCA exists because not all nonresidential alarm users have permits, alarm businesses do not always provide the permit number when reporting an alarm, officers do not always verify the permit number when clearing an alarm, and some permit numbers are lost during the process of keypunching information from EOC cards into the Police computer.

Alarm industry experts agree that it is reasonable to assume at least half of the 15,000 businesses located in the County operate some kind of alarm system. Assuming at least 7,500 nonresidential alarm systems means that OCA has issued alarm user permits to less than half of those required to have one.

Enforcing the provision of the law that requires all nonresidential alarm users to have permits is the dual responsibility of OCA and the Police. OCA's authority comes through issuing permits to users and licenses to businesses. The Police Department's role is to verify user permit numbers and to issue civil citations to alarm users that do not have or display user permits.

OCA's initial outreach effort to alarm users was sensible, but their continued campaign to issue additional permits is limited. Moreover, OCA's ability to issue permits is linked to the Police Department's limited enforcement efforts.

Since March of 1984, approximately 300 civil citations have been issued for failure to have or display a permit. Police records, which show more than 10,000 false alarms in FY 85 and 2,000 so far in FY 86 came from nonresidential locations without permits, lead to the conclusion that officers are not consistently issuing citations for alarm permit violations.

Police officers do not always provide or verify alarm user permit numbers when clearing alarm calls because:

- The permit number is not always prominently displayed;
- Providing the permit number is not perceived as a priority; and
- Some officers see providing the permit number as the alarm business' responsibility.

The Police Department's Management and Budget staff responsible for monitoring enforcement of the alarm law recognized the lack of effort by officers to provide the necessary information. This fall and winter, the in-service training classes attended by all officers bearing the rank of sergeant and below include a special session on the alarm law. The classes emphasize the Police Department's responsibilities to issue civil citations and verify permit numbers.

Problem #3: Disputed Alarms. OCA receives the Police Department's daily printout of false alarms calls, and, wherever possible, credits the alarms to the permit records of specific alarm users. On a monthly basis, OCA sends letters to all alarm users who have had at least one false alarm during the previous month. The letter informs the user of the number, date, and time of the false alarms responded to during the past month, and a tabulation of the total number of false alarms reported so far this calendar year. The letter reminds the alarm users that they are only allowed five false alarms each year and that their alarm user permit fee for next year will be raised by \$30 for each alarm over five that is responded to by the Police.

The monthly notices serve as a vehicle for individuals to appeal the recording of certain alarms as "false." Since the law went into effect, OCA has received approximately 70 such appeals; slightly more than half of the disputed alarms have been erased from alarm user's records.

As of October 1985, no alarm user has legally challenged OCA's decision to erase or not to erase a false alarm. The current "appeals process," which developed informally out of a need to respond to the complaints received, appears to work satisfactorily. However, it already takes a significant amount of senior staff time to resolve these complaints, (sometimes involving lengthy phone conversations, searching through Police files, and even site visits), and could well consume even greater amounts of staff time in the future.

Problem #4: Minor Technical Problems. During the first year of issuing alarm user permits, OCA encountered a number of practical problems, such as how to issue one permit to tenants in a multiple tenant building all covered by one alarm system, and how to design a permit decal for businesses that do not have a clear window or door on which to display it. OCA's staff demonstrated creativity in finding practical solutions to these relatively minor, yet problematic situations.

4. Conclusions on Alarm Business Licenses and Alarm User Permits

a. Deficiencies in the Alarm Law

(1) Authorizes Duplicate Procedures and Fees. As amended by Bill 46-83, the alarm law is potentially confusing in that it twice authorizes the establishment of procedures and fees for the licensing and permit programs; the first time by OCA (Section 3A-3(c)) and the second by the County Executive (Section 3A-3(f)).

(2) No Criteria for Refusing Licenses. The alarm law fails to provide OCA with any criteria for refusing to issue an alarm business license.

(3) Definition of Alarm Business Excludes Monitoring Stations. The alarm law currently defines alarm business to exclude monitoring stations. Over the past 18 months, it has become apparent that alarm monitoring stations, (companies that do not install or service alarm systems, but that do call EOC to report an alarm activation), do not regularly provide all of the information required by executive regulation when reporting alarms. Because these monitoring stations are not licensed, OCA has virtually no leverage with which to force compliance with the alarm law and related regulations.

(4) The Flat \$30 Response Fee Does Not Always Work. Assessing a \$30 response fee for every false alarm over five has not proved to be a foolproof method for reducing the number of false alarms activated by certain alarm users. Of the ten nonresidential alarm users who experienced the highest number of false alarms in 1984, only half are projected to show improved records in 1985. Apparently, the financial incentive imposed by the current law is not sufficient to alter the incidents of false alarm in all cases.

(5) Definition of False Alarm Poses Operational Problems. The current alarm law requires someone to determine the cause of every false alarm. If the alarm is determined to be caused by a user error or an equipment malfunction, then the alarm is cleared as "false," and credited by OCA to the alarm user's permit record. If, however, the alarm is determined to be caused by an "Act of God," (thunderstorm, wind, power outage, etc.), or if the cause of the alarm is unknown, then the alarm is not cleared as "false," and the alarm response is not credited by OCA to any alarm user's permit record.

In practice, the current false alarm definition requires:

- Police officers, when responding to alarm calls, to spend time determining the cause of each alarm; and

- OCA to spend time resolving disputes over the crediting of certain false alarms to alarm user's records.

From a public expenditure point of view, the cause of an alarm does not really matter. Regardless of cause, an officer responding to an alarm must still spend the same amount of time driving to the alarm site, checking out the premises, and appropriately clearing the call before returning to other law enforcement duties. In addition, police officers are not trained alarm technicians and there are many instances where the cause of an alarm is not easily determined. In these cases, the alarm call is either cleared erroneously, or cleared as a non-event.

A legislative change to the definition of false alarm is necessary to reduce or eliminate the need for police officers to determine the cause, and the need for OCA to spend time resolving disputed alarm calls. An alternative definition is offered as a recommendation later in this report.

#### b. Administration and Enforcement

(1) Alarm User Permit Program Delayed. OCA began to issue alarm business licenses in the spring of 1983, shortly after the alarm law became effective. However, due to start-up problems with obtaining the desired software and hardware, OCA did not begin to issue alarm user permits until December 1983; and actual enforcement by the Police Department of the alarm user permit requirement did not begin until March 1984, approximately 11 months after the permit was required.

(2) OCA Issues Licenses and Permits Issued Efficiently. Despite some enforcement problems, OCA issues and renews alarm business licenses and alarm user permits efficiently; specifically:

- In 1983 and 1984, OCA conducted extensive outreach efforts to publicize requirements for obtaining alarm business licenses and alarm user permits;

- OCA has minimized administrative costs by automating much of the record keeping for the programs including the tracking of false alarms, and printing of renewal notices and invoices; and

- Alarm businesses and nonresidential alarm users generally perceive the cycle of issuing and renewing licenses and permits to run smoothly; most feel the OCA staff is very professional and responsive to their questions and problems.

OCA's ongoing efforts to publicize the law are not as systematic as the initial outreach. The procedures appear to be sufficient for alarm business licenses, but not for alarm user permits:

●For Alarm Business Licenses: OCA sends letters to any unlicensed business whose name and address appears either on the Police logs or in the Maryland Yellow Pages; this procedure results in a handful of new alarm business licenses issued annually. It appears that almost all alarm businesses with County customers are now licensed.

●For Alarm User Permits: OCA sends letters to any nonresidential alarm user without a permit whose business name and address appears on the Police Department's log of false alarms; this procedure was implemented during the past six months and results in 20-30 new alarm user permits issued each month. Since the law became effective, OCA has issued permits to an estimated one-half of all nonresidential alarm users.

(3) OCA's Enforcement is Limited. Due to constrained staff resources, enforcement of the alarm law by OCA has been limited; for example, OCA has not been able to:

●Consistently apply pressure on alarm businesses to provide required information to the Police when reporting an alarm activation to EOC;

●Regularly enforce the provision that requires alarm businesses to only install or service alarm users who have a current permit; or

●Systematically hold meetings with nonresidential alarm users and their respective alarm companies who constitute the 9% of alarm users with more than five false alarms each year.

(4) Police Department's Enforcement is Inconsistent. The Police are responsible for verifying alarm permit numbers when responding to false alarms at nonresidential locations, and for issuing citations to nonresidential alarm users who fail to own and/or display a current alarm permit decal.

The record indicates that officers do not consistently verify permit numbers or issue citations to alarm users without permits. Since the alarm law became effective, only 20-25 citations are issued each month; a significantly larger number (100-200) of false alarms appear monthly on the Police logs without permit numbers.

Police enforcement of the alarm law has been limited because:

●There was an unusually long lag between the time that the alarm law became effective and when the official Police Department directive outlining specific officer responsibilities under the law was issued; although headquarter's memoranda describing interim enforcement procedures were distributed soon after the alarm law was enacted, the official directive was not issued until July 1985;

- Until July 1985, there was not an efficient administrative process for issuing alarm law citations to businesses when they were closed;
- Enforcement of the alarm law is not perceived by some officers as a high priority; and
- The incentive to enforce the alarm law is reduced because officers receive little feedback on the impact of their efforts.

More regular enforcement of the alarm law should be seen over the next several months. In addition to receiving the official directive, a special class on enforcement of the alarm law was included in the in-service training classes attended this fall and winter by all officers bearing the rank of sergeant and below.

(5) The Gap Between Alarms Responded to and Alarms Credited. The responsibility for closing the gap between the number of false alarms responded to by the Police and the number OCA credits to specific alarm users rests with the two agencies involved. Since July 1985, the actions taken by OCA and the Police to improve this situation have alleviated, but not solved, this problem.

#### E. Time Limit on Audible Alarms

1. Responsibility to Enforce. The responsibility to enforce this provision of the alarm law rests with both OCA and the Police:

●OCA's responsibility is to control the licensing of alarm businesses that are not supposed to install or maintain any audible alarm system which does not automatically discontinue emitting an audible sound within 30 minutes.

●The Police Department's responsibility is to issue civil citations to alarm users who maintain audible alarms without the automatic 30-minute shut-off. An executive regulation established the initial civil fine for this violation at \$25; repeat violation fines are \$50.

2. Implementation. To date, OCA has not taken any specific actions to verify that licensed alarm businesses are in compliance with this provision of the law. Although there is no evidence to indicate any alarm business objection to the 30-minute time limit, a number of alarm companies interviewed were not aware that it applies to both residential and nonresidential audible alarms.

Until recently, the Police Department placed little emphasis on issuing civil citations to users for operating audible alarm systems without automatic shut-offs. In fact, a number of officers interviewed during this evaluation were not aware that the 30-minute time limit applied to both residential and nonresidential alarms.

The July 1985 Police Department directive on enforcement of the alarm law mentions the audible time limit. Exceeding the 30-minute time limit on an audible alarm is listed as one of the offenses officers can write civil citations for; a footnote in the directive goes on to explain that:

Officers must have personal knowledge of the 30-minute violation or use a witness to verify the offense. When using a witness, officers will record the witness information on the back of the court copy of the citation. Witness information will include name, address, age, and work/home phone numbers.

Although neither the Police Department nor the Division of Revenue keeps a tally of the citations issued to alarm users who are operating audible alarms without automatic shut-offs, the police officer who monitors the alarm law stated that since March 1984, most likely no more than five citations have been issued for this offense.

In addition to being an offense that has received little attention, there are practical obstacles to enforcement. Officers are unlikely to stick around an alarm scene simply to ascertain whether an alarm emits sound for more than 30 minutes. Furthermore, it is not often easy to locate a witness willing to testify that an alarm sounded for more than 30 minutes.

At the recent in-service training sessions offered to police officers, enforcement of the 30-minute time limit was highlighted. Emphasis was placed on informing officers that this provision applies to both residential and nonresidential alarms, and that it really was possible to convince a neighbor it was worth his/her time to serve as a witness.

### 3. Conclusions on 30-Minute Time Limit

a. Until recently, the Police Department has not placed much emphasis on issuing civil citations to alarm users for operating audible alarm systems which do not automatically discontinue emitting sound within 30 minutes.

b. Since July 1985, through an official directive and an in-service training class, more officers have been made aware of their responsibility to enforce the time limit on audible alarms at both residential and nonresidential locations.

c. Even with increased awareness about the 30-minute time limit requirement, police officers have issued only a handful of citations for violations of this provision. The explanation for this may be the practical problem of enforcing a law that requires an officer or another witness to testify that the audible alarm did, in fact, emit sound for longer than 30 minutes.

d. OCA has interpreted its role in enforcing this part of the alarm law as limited to informing alarm businesses that it is illegal to install or service an audible alarm system without an automatic 30-minute shut-off.

F. Administration and Staffing Costs of Alarm Law

1. Office of Consumer Affairs

a. Staffing and Equipment Costs. The alarm law imposed a significant additional cost for staff and equipment on the Office of Consumer Affairs. During the legislative debate on the alarm law, OCA's Consumer Affairs Advisory Committee sent a letter to the County Council requesting that if Bill #8-82 passed, additional monies be made available to OCA for administering the alarm control program so as not to dilute the office's primary mission of resolving consumer problems.

In FY 83, OCA requested and received Council approval for a one-time \$85,000 supplemental appropriation, of which \$72,000 was to procure an Integrated Information System to handle the additional data and word processing needs of the alarm program. The additional \$13,000 was to fund operating expenses for handling the expected increase in correspondence and record keeping associated with the alarm law. OCA also promoted and reassigned one full-time merit system employee to handle most of the alarm law work; in FY 83, OCA absorbed the cost of this employee from salary lapse and did not request any additional salary and wage appropriation.

Table VII outlines OCA's estimated costs to administer the alarm law from FY 84 through FY 87. Based upon these calculations and revenue projections, OCA plans to lower the annual alarm business license fee in 1986 from \$100 to \$50, and the alarm user permit fee from \$15 to \$10.

TABLE VII

OCA's ALARM LAW EXPENSES

FY 84	\$40,510
FY 85	\$62,980
FY 86*	\$65,330
FY 87*	\$70,480

\*Projected by OCA.

The calculation of OCA's expenses includes the costs for:

- 88% of a Program Specialist;
- 10% of OCA's Investigative Counsel;
- 10-15% of the Front Desk staff (answers phones, screens visitors, etc.); and
- Allocations of OCA's operating budgets for printing, postage, duplicating, computer maintenance, and part-time clerical assistance.

Even without dedicating additional staff, OCA's costs to administer and enforce the alarm law are projected to increase between 5-10% annually. This growth is based upon salary and fringe increases for the staff involved with the program, plus projected increases in operating costs.

Earlier it was discussed how the major obstacle to more active enforcement of the alarm law by OCA is lack of staff time. Basically, one Program Specialist, with some part-time clerical assistance, handles the routine administration of the alarm license and permit programs. This same individual is also responsible for five other licensing programs.

OCA's Investigative Counsel's role is to supervise the management of the alarm program, to advise the Program Specialist on specific problems, and to adjudicate disputes between OCA and alarm businesses and users. The Investigative Counsel's time is limited by his responsibilities for a significant number of other high priority and demanding OCA programs. In addition to acting as OCA's chief legal advisor, the Investigative Counsel supervises all licensing, and five major consumer complaint programs, including cable television. All of these duties leave little time to spend on enforcement of the alarm statute.

Overall, given limited staff resources, OCA has managed to accomplish a lot. The Program Specialist assigned to the alarm program is committed to doing the best job possible; OCA's Investigative Counsel attempts to spend as much time as his workload permits on overseeing the management of the alarm law. Alarm users and representatives of alarm businesses who were interviewed frequently commented upon the responsiveness and professionalism of the OCA staff.

However, even with the best intentions, OCA's current staff allocation limits administration and enforcement of the alarm law. Unless additional workyears are assigned, the effectiveness of the alarm law will continue to be restricted.

b. Internal Controls. In 1985, an outside auditing firm reviewed OCA's internal controls for collecting revenue. The final report recommended a number of changes to OCA's procedures such as:

- All cash collected must be logged-in with pre-printed serial numbered receipts;
- All revenue collected should be in a locked container and deposited with the Division of Revenue the same day it is received, or the following working day; and
- The duties of preparing billings, receiving revenue, and posting revenue should not be carried out by the same staff person.

With the exception of segregating revenue collection duties, the OCA Director has already implemented the recommended changes.

## 2. Police Department

a. Staff Costs. The alarm law has not eliminated the need for the Police to respond to false alarms. However, if the alarm law is credited with reducing the total number of nonresidential false alarms by approximately 10%, then it can be estimated that \$74,000 in police resources has been freed up from answering nonresidential false alarms.\* This "savings," however, has been offset by the additional time police have spent responding to residential false alarms, which have grown in number at a faster rate than nonresidential alarms have declined.

The incremental cost to the Police Department of implementing the alarm law came in developing the departmental directive describing enforcement of the law, and continues to be in tracking false alarms, writing citations for alarm law violations, and monitoring enforcement. These alarm law related activities have all been absorbed into ongoing departmental functions, and have not required the addition of staff.

b. Enforcement in Municipalities. During 1983, the Police and OCA met with representatives from each incorporated municipality about the alarm law; the result was that today, County police officers enforce the alarm law in every municipal jurisdiction except for in Chevy Chase Village; and the towns of Chevy Chase, Laytonsville, and Washington Grove.

At least to date, because the three municipal jurisdictions who chose not to adopt the alarm law are relatively small, and because very few businesses with alarms are located within the boundaries of these jurisdictions, the lack of uniform enforcement poses no real problem. If, however, an alarm control measure that applies to residential alarms is ever adopted, a concerted effort to have all municipal jurisdictions adopt the law will be necessary.

3. Other County Departments. The alarm law also imposed additional work on the Office of the County Attorney and the Division of Revenue in the Department of Finance. As with the Police Department, the additional workload has been absorbed into ongoing operations, and has not required any additional staff.

When an alarm law civil citation is issued, the County's copy is sent to the Division of Revenue for processing. The individual receiving the citation has 15 days in which to pay or to request a court date. If the citation is not paid within an additional 15 day period, the Division of Revenue forwards the citation to the County Attorney's Office.

According to the County Attorney's Office, no alarm law citations have yet been litigated. All citations not paid within the required time period have been either paid at a later time, or resolved between OCA, the County Attorney's Office, and the individual who received the citation. During the first year that alarm user permits were issued, the County

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\*Based upon average costs of patrol officer, vehicle, and EOC time spent responding to false alarms.

Attorney's Office received 50-75 inquiries about the alarm law; since that time, there have been few inquiries and few problems for the County's legal office.

In addition to tracking the payment of alarm law citations issued by the Police, the Division of Revenue processes the revenue collected by OCA for alarm business permits and alarm user permits. The monthly Finance Report includes a calculation of all revenue collected by OCA for the alarm programs; the funds collected are all lumped together in one entry titled "Burglar Alarms." Because all of the revenue is combined, it is not possible for OCA to reconcile their records on how much is separately collected for alarm business licenses and how much for alarm user permits.

#### 4. Conclusions on Administration and Staffing Costs

a. In all departments involved with implementation of the alarm law except for OCA, existing staff and resources have been able to absorb the incremental workload imposed by the new law.

b. The incremental staff and operating cost of the alarm law to OCA in FY 85 was approximately \$63,000; without hiring any additional staff this amount is expected to increase to \$70,000 in FY 87.

c. OCA's administrative cost of the alarm law is, at least for now, offset by the revenue received through alarm business license fees and alarm user permit fees.

d. With the current staffing level within OCA, however, certain aspects of the alarm law are not being enforced effectively due to lack of staff time and competing priorities.

e. There is no ongoing procedure for keeping the Police or OCA staff informed about the status of citations issued for alarm law violations.

## VI. RECOMMENDATIONS

A. General. The alarm control statute should continue to be part of County law. However, for the law to have a greater effect on reducing false alarms, a number of legislative, administrative, and enforcement changes should be made.

### B. Legislative Changes to Chapter 3A, Alarms

1. Clarify that County Executive Should Adopt Regulations. The alarm law should be amended to clarify that alarm business license procedures and fees are to be adopted by method (3) regulations outlined in Section 2A-15 of the County Code.

2. Authorize OCA to Develop Criteria for Refusing Business License. Chapter 3A should be amended to authorize OCA to develop criteria for refusing to issue an alarm business license.

3. Change \$30 Response Fee to System of Graduated Response Fees. Chapter 3A should be amended so that if the number of actual responses by the Police to alarm signals from any one nonresidential location exceeds five, the alarm user permit fee will be raised according to a schedule of graduated response fees. The exact fee schedule should be adopted by method (3) regulations. For example:

<u>Number of False Alarms Responded to by the Police During One Year</u>	<u>For Each Response the Permit Fee will be Raised by:</u>
0-5	\$ 0
6-10	\$ 30
11-15	\$ 60
16-20	\$100
Over 20	\$250

4. Expand Definition of Alarm Business to Include Monitoring Stations. Chapter 3A should be amended to expand the definition of "Alarm Business" to include monitoring stations. Out-of-state monitoring stations should be held accountable through their parent companies that do business in the County.

5. Simplify the Definition of "False Alarm." The alarm law adopts the philosophy that it is good public policy to encourage alarm users to minimize the number of alarm calls that are not legitimate requests for immediate Police response. The purpose of modifying the definition of false alarm would be to eliminate the current staff effort needed:

- To determine the cause of each alarm, and

- To resolve disputes arising over the recording of certain alarms as "false."

This can be accomplished by deleting the current definition of false alarm and building the system of response fees around the definition of "alarm signal" which is already defined in Section 3A-1 of the current law:

Alarm signal means the activation of an alarm system that requires a response by the Police, independent of cause.

Other parts of the alarm law would also have to be amended to restructure procedures around the number of "alarm signals" responded to by the Police instead of the number of "false alarms."

In practice, the changes would mean that every time a police officer responds to an alarm signal, the response would be credited by OCA to the alarm user's permit record. The advantages of this new definition would be to:

- Eliminate the need for responding police officers to determine the cause of alarm signals; if an officer responds to an alarm signal, then it is "counted," regardless of cause;

●Eliminate the need for OCA to mediate disputes over the causes of alarms;

●Simplify the system and increase the number of alarm responses that are credited to individual alarm users; and

●Recognize that, from a public expenditure point of view, the specific "cause" of an alarm call does not matter.

C. Administrative and Enforcement Changes

1. Office of Consumer Affairs

a. OCA should use their alarm business licensing authority more effectively as a lever to:

●Increase efforts to crackdown on the minority of alarm users who habitually activate false alarms;

●Regularly enforce the executive regulation that requires certain information to be provided to the Police when reporting alarms to EOC;

●Systematically enforce the provision of the alarm law requiring all nonresidential alarm users to obtain permits; and

●Verify that licensed alarm businesses only install or service audible alarm systems that are equipped with an automatic 30-minute shut-off.

b. OCA should provide greater feedback to the Police, alarm businesses, and alarm permit holders on the overall performance of alarm users, and the effect of enforcement efforts on the number of false alarms.

c. OCA should meet with representatives of the Police Department and the alarm business community to review the contents of Executive Regulation #39-84 which outlines the information required to be provided to EOC when reporting an alarm signal. If it is determined that some of the information required is not necessary, available, or accurate, then a revised executive regulation should be developed.

d. OCA should explore redesigning alarm user permit decals in such a way that the decals themselves are seen as a deterrent to criminal activity, making alarm users more enthusiastic about obtaining and displaying them. For example, the decals could be larger and include wording about how this property is protected by an alarm system registered with the Montgomery County Police.

e. The administration of the alarm control program can and should remain self-supporting. The alarm business license fee and the alarm user fee should be maintained at their current levels, (\$100 for business license; \$15 for user permit), and not lowered in 1986.

f. Realistically, OCA can only accomplish greater enforcement of the alarm law if the office is given sufficient budget and hiring authority to increase the staff effort devoted to the alarm law. An appropriate staffing pattern should be agreed upon during the FY 87 budget deliberations.

## 2. The Police Department

a. The Police should increase their efforts to enforce the alarm law. Specifically, officers responding to alarm calls should more consistently issue citations for alarm law violations, and verify alarm user permit numbers when clearing false alarm situations.

b. The Police should develop a notice that could be left at the scene of an audible alarm. The notice would inform the alarm user about the 30-minute time limit, and warn the user about the penalty for not having such a mechanism.

c. The Police should provide OCA with more feedback on the status of their alarm law enforcement efforts.

d. The Police clearance codes should be modified in such a way that the department's computer can automatically generate statistics on the number of alarm signals resulting in reportable events such as a burglary, theft, etc.

e. Police should do more community education on the problem of false alarms. The Police Department's Crime Prevention Unit currently conducts educational meetings with neighborhood and business groups on public safety topics of mutual interest. A segment on the problems and prevention of false alarms should be added to the Crime Prevention Unit's agenda.

D. Idea that Warrants Further Study: Expansion of Permit System to Residential Alarms. There is little doubt that false alarms from residential locations will continue to demand more public resources. However, with 228,000 residential units in the County (of which an estimated 15-20,000 have alarms), expansion of the alarm user permit and false alarm tracking system should not be undertaken until the administration and enforcement of the current program is running smoothly. The costs and benefits of the current law should be monitored for another two years. In early 1988, the OLO should be asked to recommend whether it is in the public interest to expand the alarm law to residential locations.

## VII. OTHER MATTERS

A. Setting Effective Dates for Legislation. Except for emergency legislation, almost all bills take effect 91 days after enactment. With legislation that establishes new programs requiring the hiring of staff and purchase of necessary support resources, 91 days is often not a sufficient time period to prepare for active enforcement of a new law. For example, in the case of the alarm law, a more realistic effective date

would have been 180 days after enactment. Having laws on the books that are not administered and enforced encourages disrespect for County law and harms the reputation of departments responsible for implementation.

When passing laws, the Council should work with the Executive branch to establish a realistic implementation schedule for new programs; the implementation schedule would build in the necessary time for such steps as a supplemental appropriation, while recognizing the Legislative branch's intent to take action as soon as possible.

B. County's Authority to Refuse Licenses. As discussed in this evaluation, Chapter 3A fails to authorize criteria by which OCA can refuse to issue an alarm business license. A review of County Code provisions indicates that the County's explicit authority to refuse licenses varies considerably. In some cases, specific criteria that must be met by an applicant before receiving a license is outlined in law; in others, no criteria is mentioned at all. The consistency and practice of the County in issuing and refusing to issue licenses and permits deserves additional study.

#### VIII. OFFICE/DEPARTMENT COMMENTS

A final draft of this report was distributed with a request for comments to appropriate Executive branch departments on December 19, 1985. All recommended factual changes have been incorporated into this final report, and the additional comments are presented on the following pages in their entirety.



Montgomery County Government

ROCKVILLE, MARYLAND 20850

MEMORANDUM

January 8, 1986

TO: Andrew Mansinne, Director, Office of Legislative Oversight

FROM: Robert K. Kendal, Assistant Chief Administrative Officer *RK*

SUBJECT: OLO Report 85-4: Departmental Comments

Attached are comments from the Police Department and the Office of Consumer Affairs on your report #85-4. In addition, the Finance Director advised me that he had no comments.

This report was well-done and meets the high standards of your office for legislative evaluations.

RKK:psa

Attachment

cc: Charles W. Gilchrist  
Lewis T. Roberts  
Chief Crooke  
Barbara Gregg



# Montgomery County Government

January 7, 1986

## M E M O R A N D U M

TO: Robert K. Kendal, Assistant Chief Administrative Officer

FROM: Barbara B. Gregg, <sup>BBG</sup> Executive Director, Office of Consumer Affairs

SUBJECT: Office of Legislative Oversight Report #85-4, An Evaluation of the Alarms Law, Chapter 3A, Montgomery County Code

I have reviewed the draft report on the Alarm Law and find it to be a fair, thorough and complete evaluation.

Regarding the recommendations for legislative, administrative, and enforcement changes, my comments are as follows:

1. Legislative Changes. I agree with the five proposed changes, and in particular support Items 2 (Authorize OCA to Develop Criteria for Refusing Business License) and 5 (Simplify the Definition of "False Alarm"). While I have some reservations regarding the amounts by which response fees would be graduated in Item 3, I support the general concept.

2. Administrative and Enforcement Changes. While I generally support these recommendations for increased enforcement, the extent of staff time for these efforts is limited. Therefore, we have directed our enforcement efforts towards those areas of greatest concern to the county and our citizens. The 30-minute audible alarm shut-off has not been a high priority as we have had only 5 complaints in almost 3 years regarding this issue. As regards redesigning the alarm permit decal, the current decals being used are the result of a redesign study initiated over a year ago as a result of complaints from the business community, and have been well-received by the alarm users.

In conclusion, I have already taken steps to implement some recommendations, such as setting fees by regulation, providing greater feedback to the Police, and setting up regular meetings with alarm users who have large numbers of false alarms.

BBG:GBR:ncb



## Montgomery County Government

### MEMORANDUM

To: Robert K. Kendal, Assistant Chief Administrative Officer

From: Bernard D. Crooke, Chief Of Police *B. D. Crooke*

Subject: Comments Concerning OLO Report #85-4, An Evaluation Of The Alarm Law, Chapter 3A, Montgomery County Code.

Date: January 7, 1986

After reviewing the OLO Draft report on the evaluation of the County Alarm Law, we find it to be accurate and complete with the following exceptions:

1. (Page 19), the Police Department's in-service training classes are attended by all officers of the rank of Sergeant and below as opposed to all officers below the rank of Sergeant, as stated in the report.
2. (Page 22), the report indicates the official police department directive outlining officer responsibilities was not issued until July 1985. In fact, the department issued four (4) Headquarters Memorandums outlining procedures officers were to follow to implement the enforcement of the new law. The dates of these memorandums were, January 27, 1984, February 22, 1984, March 26, 1984, and May 16, 1984. Enforcement efforts were instituted by the Department of Police in the form of official written warnings beginning February 1, 1984, and County Civil Citations issued after March 1, 1984, allowing for a one month grace period.
3. (Page 27), county police officers enforce the alarm law in every municipal jurisdiction in Montgomery County except four jurisdictions. These jurisdictions are, Chevy Chase Village, The Town of Chevy Chase, Laytonsville, and Washington Grove. The report list only three (3) omitting Chevy Chase Village.

We have been in contact with Karen Orlansky, of the Office of Legislative Oversight noting the corrections we have outlined above.

DC/vls



# Montgomery County Government

## MEMORANDUM

January 13, 1986

TO: Robert K. Kendal, Assistant Chief Administrative Officer

FROM: William H. Treworgy, Acting Director  
Office of Management and Budget

SUBJECT: Comments on OLO Report #85-4, An evaluation of the Alarms Law,  
Chapter 3A, Montgomery County Code

This memorandum responds to your request for comments on the above mentioned OLO report. Office of Management and Budget's review of the report concludes that the evaluation performed by OLO was thorough and sound. The recommendations that were offered were constructive and reasonable.

The only comment that is offered is a minor one and relates to the aspect of the report that suggests a change of the \$30 response fee to a system of graduated response fees (page 29). Although the graduated fee structure was only used as an example, the structure is confusing in that the application of the fees and how they are raised could be interpreted in several ways. While the concept of a graduated fee structure is supportable, the final OLO report should provide a clearer example of how the fee structure could be applied. In addition, OMB wishes to note that the allocation of resources for the Office of Consumer Affairs will be considered in the review of the FY 87 Operating Budget.

JHR:CH:dy  
1058S

Chapter 3A, Alarms,  
Montgomery County Code, as revised 1984  
Chapter 3A.

**ALARMS.\***

- § 3A-1. Definitions.
- § 3A-2. Alarm signal response fees.
- § 3A-3. Time limit on audible alarm systems.
- § 3A-4. Licenses and permits required; revocation and appeals.
- § 3A-5. Penalties.
- § 3A-6. Rules and regulations.
- § 3A-7. Applicability in municipalities.

**Sec. 3A-1. Definitions.**

When used in this chapter:

*Alarm signal* means the activation of an alarm system that requires a response by the police, independent of cause.

*Alarm business* means any business which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling at retail, servicing or responding to a burglar or holdup alarm system, but does not include telephone answering services which receive alarm activation signals and relay information to the Montgomery County police department, but do not function in any other manner as a security alarm business.

*Alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal an occurrence of an unauthorized entry or other activity requiring urgent attention and to which the police are expected to respond. "Alarm system" includes devices activated automatically such as burglar alarms, and devices activated manually, such as hold up alarms, but shall not include telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals might be transmitted, or alarm systems installed in motor vehicles, boats or aircraft.

*Alarm user* means the operator of any alarm system.

*False alarm* means any request for immediate police department assistance which is not in response to actual or threatened

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\*Cross reference—Standards and requirements for fire and burglar alarm systems, § 17-37.

criminal activity. "False alarms" include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; or signals which are purposely activated to summon the police in nonemergency situations. Signals activated by unusually severe weather conditions or other causes determined to be beyond the control of the alarm user or alarm business shall not be deemed false alarms.

*License* means a license issued to an "alarm business" with consumers in Montgomery County and issued by the office of consumer affairs.

*Permit* means a permit issued to a nonresidential "alarm user" by the office of consumer affairs.

*Permit decal* means a decal issued with the "permit" and will be displayed in a prominent location, visible from outside the nonresidential establishment. (1983 L.M.C., ch. 19, § 1.)

#### **Sec. 3A-2. Alarm signal response fees.**

(a) Within a calendar year, if the number of actual responses by the police to alarm signals from any one nonresidential location exceeds five (5), the alarm user permit fee for the next permit year will be raised thirty dollars (\$30.00) for every additional alarm signal to which the police do, in fact, respond. The response fee may be recovered by the user from the alarm business which sold the alarm system if the alarm signal is shown to have been the result of faulty or malfunctioning equipment supplied by them, or may be recovered by the user from the alarm business which installed or maintained the alarm system if the alarm signal is shown to have been the result of improper installation or maintenance by that alarm business. No fee will be charged if the police clear the incident as a reportable event as defined in police department procedures.

(b) The department of police will notify the office of consumer affairs of all alarm responses not cleared as reportable events.

(c) The office of consumer affairs will be responsible for publishing procedures and fees for the registration and the issuing of licenses to all alarm businesses that have consumers in Montgomery County and the issuing of the permits and permit decals

to non-residential alarm users. The office of consumer affairs will be responsible for the collection of the assessed fees hereunder.

(d) Nonresidential alarm users shall obtain from the office of consumer affairs an alarm user permit and permit decal.

(e) Nonresidential alarm users will prominently display the permit decal in a location where it may be read from outside the building. Failure to obtain and display the alarm permit and permit decal may result in the penalty as prescribed in section 3A-5(a).

(f) The county executive may adopt regulations, under method (3) of section 2A-15 of this Code, establishing procedures and fees for the registration and the issuing of licenses, permits and permit decals, and outlining the pertinent information needed from alarm businesses when reporting alarms directly to the police. Failure to provide the required information when notifying the police of an alarm may be cause for the suspension or revocation of the alarm business license by the office of consumer affairs. (1983 L.M.C., ch. 19, § 1; 1984 L.M.C., ch. 24, § 6A.)

**Sec. 3A-3. Time limit on audible alarm systems.**

On and after January 1, 1983, it shall be unlawful for any person to install or maintain any audible alarm system which does not automatically discontinue emitting an audible sound within thirty (30) minutes. (1983 L.M.C., ch. 19, § 1.)

**Sec. 3A-4. Licenses and permits required; revocation and appeals.**

(a) On or after April 1, 1983, it shall be unlawful for any person to engage in the alarm business, or to be an alarm user at a nonresidential location, within Montgomery County without having first received a license as an alarm business, or received a permit as an alarm user, as the case may be, with the Montgomery County office of consumer affairs.

(b) The license for an alarm business may be revoked upon a finding of persistent failure to perform work in a workmanlike manner.

(c) An alarm business may not sell, install, alter, lease, monitor, maintain, repair, replace or service the burglary or holdup alarm system of a nonresidential alarm user unless the alarm

user has initially possessed a valid alarm user permit and is prominently displaying a permit decal.

(d) Before revoking, suspending or refusing to grant or renew any license under this section, the office of consumer affairs shall afford the licensee an opportunity for a hearing to show cause why the license should not be revoked, suspended or refused. The director of the office of consumer affairs shall serve as hearing officer at any such hearing, or the director may appoint a hearing officer. No hearing shall be held except upon fifteen (15) days' written notice to the licensee of such hearing, by personal service or certified mail delivered to the last address recorded in the official county registry. Such notice shall specify the time, date and place of the hearing and shall contain sufficient information to give notice to the licensee of the nature of the complaint. Such notice shall specify that the licensee has a right to representation by counsel and that his license may be suspended, revoked or refused by the county.

(e) The hearing officer, upon finding a violation of this chapter, or the violation of any of the provisions of chapter 11 of this Code, or the violation of any other applicable provision of law or regulation relating to the sale, installation or maintenance of alarm systems, shall have the power to revoke, suspend or refuse to renew the license of any licensee. Any decision to revoke, suspend or refuse to renew a license shall be in writing and shall include a statement of the facts upon which it is based. Decisions shall be served upon a licensee by personal service or by certified mail. Any licensee aggrieved by a decision to revoke, suspend or refuse a license may appeal to the circuit court for the county in accordance with the procedure prescribed for administrative appeals by the Maryland Rules of Procedure. (1983 L.M.C., ch. 19, § 1.)

**Sec. 3A-5. Penalties.**

(a) Alarm users who fail to obtain a permit and/or display the permit decal will be subject to punishment for a class C violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense.

(b) Any alarm business found in violation of this chapter shall be subject to punishment for a class A violation as set forth

**ALARMS**

**§ 3A-7**

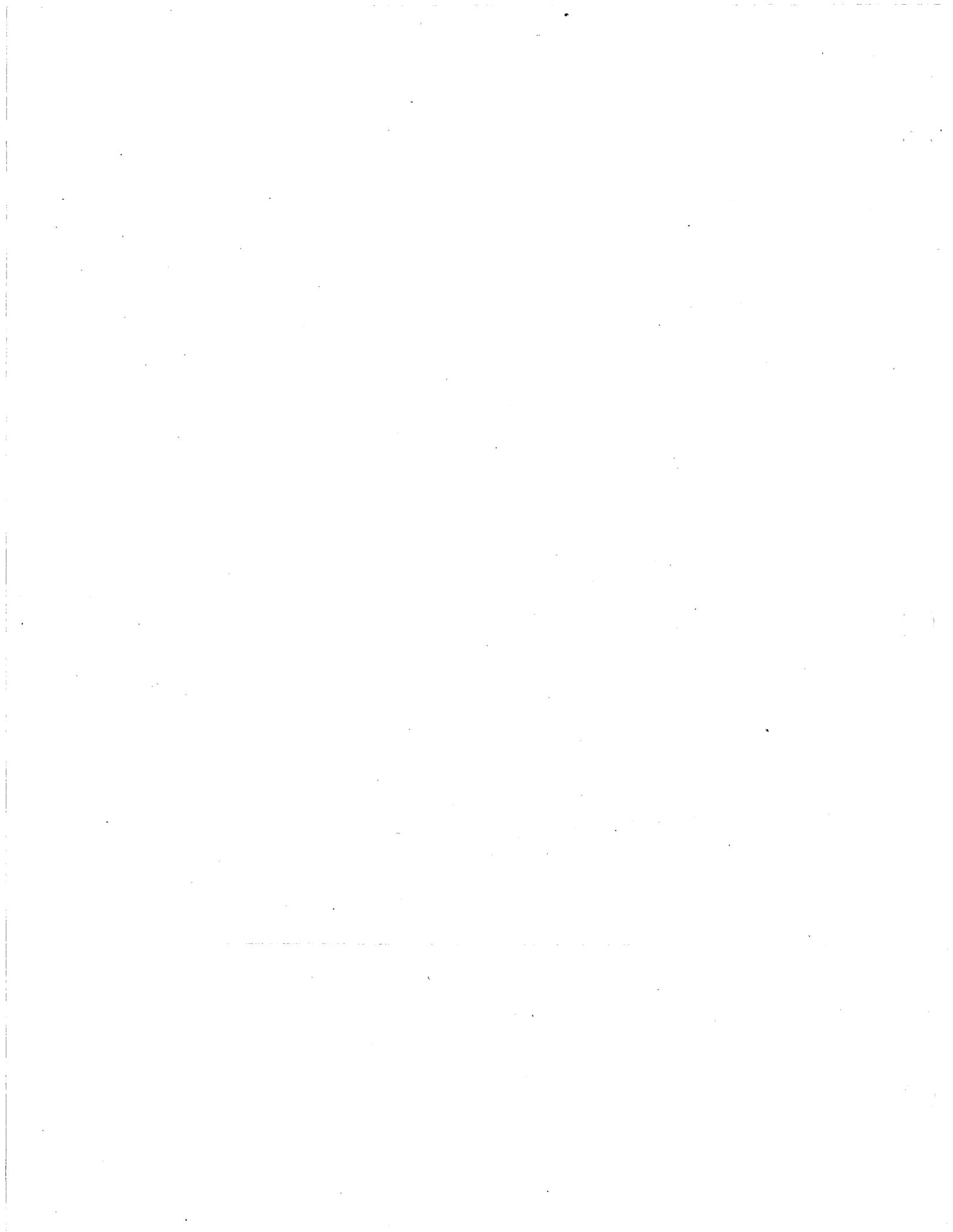
in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. (1983 L.M.C., ch. 19, § 1; 1983 L.M.C., ch. 22, § 6.)

**Sec. 3A-6. Regulations.**

The county executive shall adopt, under method (2) of section 2A-15 of this Code, reasonable and necessary regulations for the implementation and administration of this chapter. (1983 L.M.C., ch. 19, § 1; 1984 L.M.C., ch. 24, § 6A; 1984 L.M.C., ch. 27, § 7.)

**Sec. 3A-7. Reserved.**

**Editor's note**—Section 3A-7, relating to the affect of ch. 3A in municipalities in the county, derived from 1983 L.M.C., ch. 19, § 1, was repealed by § 3 of 1985 L.M.C., ch. 31. See § 2-96.



Sample of Alarm Permits for  
Single and Multiple Tenant Buildings



  
**Montgomery County Government**

**NOTICE**

This is a multiple tenant building. All tenants are covered under the Alarm User Permit Decal displayed at this location.

Office of Consumer Affairs

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100 Maryland Avenue, Rockville, Maryland 20850. 301/251-7345

