Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 45-20: POLICE- COMMUNITY POLICING- DATA

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 45-20 to favorably impact racial equity and social justice among the County residents by narrowing disparities in public safety.

BACKGROUND

The County Council introduced Bill 45-20 on November 17, 2020. It seeks to strengthen the Community Policing Law (Bill 33-19[1]) by modifying the Montgomery County Police Department's (MCPD) data tracking requirements based on recommendations from the Office of Legislative Oversight's (OLO) Report Number 2020-9.[2]

According to its sponsor, Bill 45-20 focuses on "enhancing the Council's data-driven decision making, reducing biases in policing and increasing transparency in the County to help build public trust."[3] Bill 45-20 strives to reduce racial disparities in the County relating to public safety and provide more policing information via its open data system.[4]

If implemented, it would make the following modifications to County Law: [5]

- Require the Montgomery County Police Department to make certain reports;
- Require the Montgomery County Police Department to post certain datasets on Data Montgomery; and
- Generally, amend the law governing policing.

Earlier this year, the Council tasked OLO to produce a report describing MCPD's practices for compiling data on police interactions with the public and identify how they compare to best practices for advancing constitutional and community policing. At a recent council meeting, the bill's sponsor commented, "the report highlighted disparities and identified gaping holes in what data we don't collect.[6]" The OLO Report Number 2020-9 suggested that MCPD improve its collection and monitoring of policing data for constitutional and community policing;[7] the report also provided six recommendations for aligning local policing data practices to best practices.[8] Bill 45-20 seeks to amend the Community Policing Law that already requires increasing policing data collection, starting February 1, 2021.

DEMOGRAPHIC DATA

Understanding the impact of Bill 45-20 on racial equity and social justice in the County requires understanding the demographics of MCPD's data that describe their interactions with the public, including race and ethnicity. Police interactions with the public can be tracked though four sets of metrics of data on: [9]

- **Detentions** (including all stops, searches, citations, and use of force incidents),
- **Police- and resident-** initiated contacts,
- **Civilian and internal** complaints against the police, and
- **Surveys of police-community** relations from residents sond law enforcement.

According to OLO's policing report, there were disproportionate police interactions by race and ethnicity. For example, African Americans represent 18 percent of the County's population but accounted for:

- 32% of the MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases in 2018.[10]

Table 1: Traffic Stops by Race and Ethnicity 2019

Race and Ethnicity	Adult Population (18-64)	Percentage of Traffic Stops	Difference in Population and Traffic Stop Share
White	44.1%	34.9%	-9.2%
Black	18.2%	29.2%	+11.0%
Latinx	19.2%	19.3%	+0.1%
Asian	14.5%	6.1%	-8.4%
Other/Non-Reported	3.4%	7.4%	+4.0%
Native American	0.1%	0.1%	0%
Total Number	**640,664**	**109,075**	**N/A**

Source: OLO Local Policing Data and Best Practices Report

An analysis of data comparing the race and ethnicity of the County's reported traffic stops shows that:[11]

- Black residents were over-represented by 11 percentage points among traffic stops compared to County population (29.2% v. 18.2%);
- Asian and White residents were under-represented by 8.4 and 9.2 percentage points among traffic stops compared to County population (6.1% v. 14.5% for Asians; 34.9% v.44.1% for Whites); and
- Latinx residents were proportionately represented among traffic stops as compared to their population (19.2% v. 19.3%).

Yet, as noted in the OLO policing data report, Latinx drivers like Black drivers were more likely to be ticketed for several violations per traffic stops as compared to White and Asian drivers.

The OLO report also identified gaps in MCPD's policing data practices: [12]

- street policing practices like "stop and risk" are not tracked in a database;
- MCPD does not consistently collect data disaggregated by race and ethnicity via their forms and systems;
- MCPD does not keep an electronic database that tracks criminal and civil citations that could identify disparities;
- police complaints collected by MCPD internal affairs are not consistently monitoring for race and ethnicity in their database; and
- MCPD does not survey or report residents/staff's impressions on police-community relations.

ANTICIPATED RESJ IMPACTS

Understanding the impact of establishing additional policing data requirements on RESJ requires an understanding of how data-driven decision-making can reduce disparities in equitable treatment and outcomes. As noted in OLO Report 2018-8,[13] compiling data to benchmark disparities by race and ethnicity and to track progress toward reducing disparities are a best practice for advancing equity in government decision-making. The use of disaggregated data enables agencies to make data-informed decisions to achieve their policy goals.

A key goal of MCPD is to advance constitutional and community policing to ensure that all residents are treated fairly. Yet, as noted in the OLO policing data report, MCPD analyzes too few data points to monitor its progress toward these ends. OLO finds that collecting additional disaggregate data on police interactions with the public is essential to MCPD implementing practices to narrow disparities. OLO finds that requiring the collection of additional policing data can lead to MCPD identifying and adopting best practices that narrow racial and ethnic disparities in policing interactions. As such, OLO predicts a favorable RESJ impact of this bill in Montgomery County.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information, including the OLO policing report and the Montgomery County Racial Equity Profile.[14]

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.[15] As suggested by the OLO policing report, this RESJ impact statement offers two recommended amendments:

- MCPD regularly survey residents and staff on police-community relations and contact; and
- MCPD post additional policing data on Data Montgomery that aligns with their internal datasets, including data on criminal and civil citations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

[1] Montgomery County Council, Bill 33-19, Police-Community Policing, Introduced October 15, 2019, Montgomery County Maryland https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2631_1_9748_Bill_33-19_Introduction_20191015.pdf&fbclid=IwAR2uJrrMWiyDPI27HR6FD4PJveYSDduXejx-FjvILQsb8Y_AYop8A1G_0aM

[2] Elaine Bonner-Tompkins and Natalia Carrizosa, Local Policing Data and Best Practices, July 21, 2020, Office of Legislative Oversight, Montgomery County, Maryland. https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOReport2020-9.pdf

[3] Bill XX-20, Police- School Resources Officers- Prohibited, Montgomery County, MD.

[4] Ibid

[5] Ibid

[6] https://www.youtube.com/watch?v=fZF23jgp734&feature=youtu.be

[7] Constitutional Policing (which can be described as legal policing, unbiased policing, procedural justice or fair and impartial policing) refers to policing conducted in accordance with the parameters set by the U.S. Constitution, state constitutions, and the many court decisions that have defined what the text of the Constitution means relative to policing practices.
Community policing, or community-oriented policing, refers to a strategy of policing that focuses on building ties and working closely with members of communities to build mutual understanding and trust

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

[9] Local Policing Data and Best Practices

[10] Ibid

[11] Ibid

[12] Ibid

[13] Elaine Bonner-Tompkins and Victoria H. Hall, Report Number 2018-8, Racial Equity in Government Decision-Making: Lessons from the Field, September 25, 2018, Office of Legislative Oversight, Montgomery County, Maryland. https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

[14] Jupiter Independent Research Group "Racial Equity Profile Montgomery County," Montgomery County Office of Legislative Oversight, July 2019. https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf.

[15] Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Montgomery County, MD.