

**MEMORANDUM**

July 20, 2020

TO: Public Safety Committee

FROM: Elaine Bonner-Tompkins, Senior Legislative Analyst  
Natalia Carrizosa, Legislative Analyst  
Office of Legislative Oversight

SUBJECT: **Worksession on OLO 2020-9, *Local Policing Data and Best Practices***

On July 23<sup>rd</sup>, the Public Safety Committee will hold a worksession on OLO Report 2020-9, *Local Policing Data and Best Practices*. The report will be released on July 21, 2020 and will be available online at <http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>. Councilmembers are asked to bring their copies of their reports to the worksession.

Expected attendees:

- Caroline Sturgis, Assistant Chief Administrative Officer
- Chief Marcus Jones, Montgomery County Police Department (MCPD)
- Assistant Chief Dinesh Patil, MCPD
- Adam Kisthardt, Director, Information Management and Technology Division, MCPD

The Executive Summary of OLO's Report 2020-9 is attached on © 1, followed by Chapter 6 of the report beginning on © 4, and the Chief Administrative Officer's comments on ©12.

OLO Report 2020-9 describes MCPD's practices for compiling data on police interactions with the public and their alignment with policing data best practices for advancing constitutional and community policing. Metrics on MCPD-interactions with the public described in the report include data on detentions, complaints against the police, surveys of police-community relations, and police- and resident-initiated contacts with the police. The purpose of this worksession is brief the Committee on the report and to discuss the report's findings and recommendations.

Based on reviews of the research literature on policing data best practices, annual reports on policing data from state and local sources, interviews with MCPD leadership and staff, and available codebooks for MCPD datasets, five key project findings emerge.

1. Best practices recommends that law enforcement agencies collect and monitor policing data that tracks their interactions with the public by race, ethnicity, and location.
2. MCPD currently tracks several policing data points and will track more as required under the Community Policing Act (Bill 33-19).

3. Several MCPD policing datasets and practices align, at least partially, with recommended best practices.
4. MCPD’s internal databases offer more comprehensive information than their annual reports or Data Montgomery datasets.
5. Available data on traffic stops, traffic violations, and uses of force evidence wide disparities by race and ethnicity in police-public interactions.

Based on these findings, OLO offers six recommendations for County Council and MCPD action:

1. County Council define the term “detention” in the County’s Community Policing Law to include all stops, searches, citations, arrests, and uses of force.
2. MCPD track and report data to the public on street stops (stops and frisks) and field interviews.
3. MCPD survey residents and staff on police-community relations and contacts with the police.
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 data and policing datasets on Data Montgomery that align with internal datasets, including data on criminal and civil citations.

ATTACHMENTS	BEGINS AT:
Executive Summary of OLO Report 2020-9, July 21, 2020	© 1
Chapter 6, Findings and Recommendations, OLO Report 2020-9	© 4
Chief Administrative Officer Andrew Kleine’s comments on OLO Report 2020-9, July 17, 2020	© 12

# Local Policing Data and Best Practices

Executive Summary of OLO Report Number 2020-9

July 21, 2020

**Summary:** This report describes the Montgomery County Police Department's practices for compiling data on police interactions with the public, and their alignment with best practices to advance constitutional and community policing. Overall, OLO finds that:

- MCPD tracks a number of policing metrics that align with best practices and will report more data publicly to comply with the Community Policing Law (Bill 33-19) in February 2021.
- MCPD does not track data on street stops (e.g. stop and frisks) and does not consistently record data by ethnicity, which may undercount MCPD's interactions with Latinx residents.
- Available data demonstrates wide disparities in police-public interactions by race and ethnicity in the County, especially for traffic stops and violations, arrests, and use of force.

These findings suggest that improved collection and monitoring of MCPD policing data is warranted to evaluate and monitor for constitutional and community policing. Based on these, OLO offers six recommendations for improving the alignment of local policing data practices to best practices.

## Best Practices for Policing Data

MCPD, like most other law enforcement agencies, prioritizes the collecting and reporting of crime statistics as performance measures of effectiveness. To ensure that agencies do not undermine the law to enforce the law, researchers recommend that agencies also track and monitor policing data that describes their interactions with the public to assess how well they conduct their work. Two sets of policing data best practices emerge from the research:

- Collect and monitor data on police interactions with the public by race and ethnicity.
- Collect and monitor data on four sets of police interactions with the public:
  - 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 and law enforcement.

## MCPD Policing Data Practices and Alignment to Best Practices

MCPD collects a variety of crime and policing data in electronic and paper files as noted in Chart 1.1. In general, MCPD's internal datasets offer more information than the subsets of data excerpted on Data Montgomery or described in MCPD annual reports. Additionally, several MCPD datasets, at least partially, align with policing data best practices. These include tracking data on:

- **Detentions** by race and ethnicity for traffic stops, violations, searches and arrests tracked via E-Tix, arrest data tracked in CRIMS, and use of force data compiled from MCP Form 37.
- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD's Computer Aided Dispatch system; and

**Local Policing Data and Best Practices**

- **Police complaints** tracked by the Internal Affairs Division.

Yet, MCPD’s policing data practices do not completely align with best practices. For example:

- MCPD’s detention datasets do not track street stops (i.e. stop and frisks) between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of criminal and civil citations (including trespassing tickets) that would enable them to monitor for disparities;
- MCPD’s existing forms and systems do not consistently record data on ethnicity. Race and ethnicity data are also not collected as fields in the Computer Assisted Dispatch;
- MCPD’s internal affairs police complaints database does not collect race and ethnicity data for every complainant, despite prompts for doing so included in Form MCP 580; and
- MCPD neither surveys nor reports residents’/staff’s perceptions of police-community relations.

**Chart 1.1: Montgomery County Police Department Crime and Policing Datasets**

Category		Database	Datasets/Forms	
<u>Electronic Data Sets</u>	<b>Crime Data</b>	E-Justice	Crime Incidents*Δ	
			Bias Incidents*Δ	
	<b>Policing Data</b>	Computer Assisted Dispatch	Police-Initiated Incidents Δ	
			Resident-Initiated Incidents Δ	
			CRIMS (DOCR)	Arrests*
			Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
			Community Engagement Division	Community Engagement Events*Δ
			Vehicle Pursuits	MCP 610 Forms*
			Use of Force	MCP 37 Forms*
			Delta Plus (Maryland State Police)	E-Tix (Traffic Violations) Δ
Automated Crash Reporting System Δ				
Field Interview Reports				
<u>Paper Data Sets</u>	<b>Policing Data</b>	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)	
		Civil Citations	Alcohol Beverage Violation	
			Possession of Marijuana (< 10 grams)	
			Smoking Marijuana in Public Place	
			Other infractions (Municipal, DNR)	

Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

\* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>

## **Disparities in Local Police-Public Interactions**

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Available data displays wide disparities in police interactions by race and ethnicity. For example, compared to representing 18 percent of the County’s population, African Americans accounted for:

- 32% of MCPD traffic stops in 2018;
- 44% of MCPD arrests in 2017; and
- 55% of MCPD use of force cases compared in 2018.

Further, an analysis of 2019 traffic stop and violation data suggests that:

- 27% of Black adults experienced a traffic stop compared to 14-17% of White and Latinx adults, and 7% of Asian adults;
- Black men were three times as likely as White men to receive any traffic violation (46% v. 17%), Latino men were nearly twice as likely (32% v. 17%) and Other men were more than twice as likely (42% v. 17%).

These racial and ethnic disparities in police interactions with the public suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities in police-community interactions may signal biased policing. While disparities do not prove biased policing, they signal that unconstitutional policing could be a problem that merits investigation.

## **OLO Recommendations**

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Based on these findings, OLO offers six recommendations for improving the alignment of MCPD policing data practices to best practices.

- 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.**

For a complete copy of OLO-Report 2020-9, go to:

<http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>

## Chapter 6: Findings and Recommendations

This report responds to the County Council’s request for the Office of Legislative Oversight to review and describe Montgomery County Police Department’s datasets and data practices. This report is intended to improve Council’s understanding and oversight of MCPD operations by helping to inform the Council’s requests for MCPD data with an understanding of the metrics it tracks. Given this Council’s focus on community policing, racial equity, and social justice, this report highlights MCPD’s policing datasets that describe MCPD’s interactions with the public.

Several sources of information were compiled and analyzed for this report. These include reviews of:

- Research literature on policing data best practices,
- Annual reports of policing data from state and local sources,
- Codebooks for existing MCPD datasets, and
- Interviews with MCPD leadership and staff.

This chapter is presented in two parts to describe five key project findings and six recommendations for County Council and MCPD action.

### Findings

***Finding 1: Best practices recommend law enforcement collect and monitor policing data that tracks their police-community interactions by race, ethnicity, and location.***

While law enforcement agencies care about a number of priorities, what often gets prioritized for performance management is crime prevention. In response to the question of “What metrics does MCPD track?” the most often cited answer among various MCPD respondents was crime statistics.

Jessica Sanders of the RAND Corporation, however, warns that to “focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals.”<sup>48</sup> She warns that in addition to statistics on property and violent crimes, police departments need “performance metrics to incentivize and demonstrate **constitutional policing** that is bias free” and that “placing all emphasis on crime levels creates a dangerous tension because it overlooks police officers other roles and functions that should include **police-community relations**.”<sup>49</sup>

Researchers such as Sanders and others find that best practices for tracking policing data have emerged from lessons learned among jurisdictions that have been under consent decrees to address biased policing. In particular, best practices for compiling and monitoring policing data have emerged from the experiences of New York City and Los Angeles’s police departments while under federal monitoring. These jurisdictions commit to two policing data priorities:

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<sup>48</sup> Jessica Sanders, The RAND Corporation, Performance Metrics to Improve Police-Community Relations, before the Committees on Public Safety, California State Assembly and Senate, February 10, 2015  
[https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND\\_CT423.pdf](https://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT423/RAND_CT423.pdf)

<sup>49</sup> Ibid

## *Local Policing Data and Best Practices*

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- Compiling and monitoring **data on police interactions with the public by race, ethnicity and location** for residents and personnel to uncover and track disparities in police interactions with the public that may result from biased policing.
  
- Collecting data across four sets of police-interactions with the public –
  - **Detentions** that include stops, searches, citations, arrests, and use of force incidents. In particular, data are tracked for all stops and searches, not just those that result in law enforcement (e.g., citation, summons, or arrest).
  
  - **Police- and Resident-Initiated Contacts and Traffic Accidents** to understand whether disparities among these interactions with law enforcement account for disparities in detentions if evident by race, ethnicity and location.
  
  - **Police Complaints** that describes civilian and internal complaints against police employees by reason, disposition, and consequence.
  
  - **Police-Community Relations Surveys** of residents and law enforcement employees that assess and monitor perceptions of police-community interactions and trust.

***Finding 2: MCPD currently tracks several policing data points and will track more as required under the Community Policing Act***

As summarized in the chart on the next page, MCPD currently collects both crime and policing data across several datasets that are maintained electronically and by paper. Of note, the Department of Corrections and Rehabilitation serves as the source of MCPD’s arrest data, and physical records of civil and criminal citations issued by MCPD are maintained at their district stations and by the District Court.

Excerpts of the crime and policing datasets that MCPD compiles and utilizes are available as open data in Data Montgomery and marked by delta (Δ) on Chart 6.1. These include data on:

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| • Crime incidents                 | • Internal affairs                 |
| • Bias incidents                  | • Community engagement             |
| • Police-initiated events (CAD)   | • E-Tix (Traffic Violations)       |
| • Resident-initiated events (CAD) | • Automated Crash Reporting System |
| • Arrests                         |                                    |

MCPD also releases annual reports utilizing several of its datasets as marked by an asterisk (\*) on Chart 6.1. These include annual reports on:

- |                    |                        |
|--------------------|------------------------|
| • Crime incidents  | • Community engagement |
| • Bias incidents   | • Vehicle pursuits     |
| • Internal affairs | • Use of force         |

**Chart 6.1: MCPD Data Sets**

Category		Database	Datasets/Forms	
Electronic Data Sets	<b>Crime Data</b>	E-Justice	Crime Incidents*Δ	
			Bias Incidents*Δ	
	<b>Policing Data</b>	Computer Assisted Dispatch	Police-Initiated Incidents Δ	
			Resident-Initiated Incidents Δ	
			CRIMS (DOCR)	Arrests*
			Internal Affairs Division	IAD Allegations (Police Complaints)*Δ
			Community Engagement Division	Community Engagement Events*Δ
			Vehicle Pursuits	MCP 610 Forms*
			Use of Force	MCP 37 Forms*
			Delta Plus (State Police)	E-Tix (Traffic Violations) Δ
Automated Crash Reporting System Δ				
Field Interview Reports				
Department of Juvenile Services	Data Resource Guide (Juvenile Citations)			
Paper Data Sets	<b>Policing Data</b>	Criminal Citations (e.g. Trespassing)	Uniform Citation Form (DC/CR 45)	
		Civil Citations	Alcohol Beverage Violation	
			Possession of Marijuana (< 10 grams)	
			Smoking Marijuana in Public Place	
			Other infractions (Municipal, DNR)	

\* MCPD publishes annual reports using these datasets <https://montgomerycountymd.gov/pol/crime-data.html>

Δ MCPD data posted in Data Montgomery <https://data.montgomerycountymd.gov/Public-Safety/Crime/icn6-v9z3>

In 2019, the Council enacted the Community Policing Law (Bill 33-19) requiring MCPD to report data on:

- Use of force and detention by race, ethnicity, and gender
- Civilian complaints against the police regarding the use of force, discrimination and harassment
- Officers suspended with and without pay
- Youth referred to intervention programs
- Service calls received for substance abuse and mental health issues

MCPD must submit data on these and other metrics annually to the Council by February 1<sup>st</sup>

**Finding 3: Several MCPD policing datasets and practices align with best practices**

MCPD collects and compiles several policing data points that align, at least partially, with best practices for monitoring policing data. These include tracking:

- **Detention** data points by race and ethnicity for
  - Traffic stops, traffic violations, searches, and arrests among drivers and passengers in E-Tix,
  - Arrest data tracked in CRIMS, and
  - Use of force data compiled from MCP Form 37.



## **Local Policing Data and Best Practices**

- **Police-public interactions** distinguishing between police- and resident-initiated contacts tracked by MCPD’s Computer Aided Dispatch system; and
- **Police complaints** tracked by the Internal Affairs Division.

Chart 6.2 summarizes the local datasets that align, at least in part, with policing data best practices. The data points included in these datasets, however, are incomplete. More specifically:

- MCPD’s detention datasets do not track street stops between officers and residents that do not result in an arrest, citation or summons;
- MCPD does not maintain an electronic database of the criminal and civil citations that it issues that would enable them to monitor for disparities among these law enforcement actions;
- Existing forms and systems do not consistently record data on ethnicity and therefore likely undercount interactions with Latinx individuals;
- Race and ethnicity data are not collected as fields in the Computer Assisted Dispatch;
- The internal affairs database does not collect race and ethnicity data for every complainant;
- A MCPD dataset of survey responses regarding police and community relationships does not exist because MCPD does not survey its personnel or residents.

**Chart 6.2: MCPD Datasets that Align with Policing Data Best Practices**

<u>Database</u>	<u>Datasets/Forms</u>	<u>Data Limits</u>
<b><i>Detention Metrics</i></b>		
<b>Delta Plus</b> (Maryland State Police)	E-Tix (Traffic Violations)	No data on street stops
<b>CRIMS</b> (DOCR)	Arrests	
<b>Department of Juvenile Services</b>	Data Resource Guide (Juvenile Citations)	Other = Latinx/Asian
<b>Criminal Citations</b>	Uniform Citation Form (DC/CR 45)	Data at MCPD District Stations and District Court
<b>Civil Citations</b>	Alcohol Beverage Violation	
	Possession of Marijuana (<10 gm)	
	Smoking Marijuana in a Public Place	
<b>Use of Force</b>	MCP 37 Forms	
<b><i>Police-Public Interactions</i></b>		
<b>Computer Assisted Dispatch</b>	Police-Initiated Incidents Resident-Initiated Incidents	No race, ethnicity data No data on referrals
<b>Delta Plus</b> (Maryland State Police)	ACRS (Collisions)	No data on race, ethnicity
<b><i>Police Complaints</i></b>		
<b>Internal Affairs</b>	IAD Allegations	Incomplete information

**Finding 4:** *MCPD's internal databases offer more comprehensive information than their annual reports or Data Montgomery datasets.*

As mentioned in Finding 2, MCPD relies on its internal datasets to produce several annual reports, and to provide open data to the public via Data Montgomery. MCPD's annual reports and open datasets, however, tend to include only a subset of the information included in their internal databases. This is the case for arrest data posted on Data Montgomery that only provides a month's worth of data and excludes defendant's race and ethnicity. It is also the case with the police complaint data posted on Data Montgomery that it excludes complainants' race and ethnicity and also fails to describe the consequences of case dispositions.

The Community Policing Act requires that MCPD provide more substantive information on detention trends by race, ethnicity, and gender that will include arrest data. The Act also requires that MCPD provide additional data on the police complaint process that includes the number of:

- Civilian complaints about the use of force by officers
- Civilian complaints regarding discrimination and harassment
- Officers suspended with pay
- Officers suspended without pay

As the Council considers other questions of MCPD in its oversight role, it should continue to pose questions directly to the department rather than to rely on their annual reports, or Data Montgomery datasets, because their internal databases often provide more extensive information.

**Finding 5:** *Available data on traffic stops, traffic violations, and use of force evidences wide disparities by race and ethnicity in police-public interactions*

The State of Maryland requires each law enforcement agency to submit data into its E-Tix database describing police-interactions with the public to populate the Race-Based Traffic Stop Dashboard for each jurisdiction. This state requirement makes MCPD's traffic violations dataset one of its most comprehensive policing datasets and instructive for analyzing disparities in police interactions with the public by race and ethnicity.

**Traffic Stops:** An analysis of 2018 traffic stop data for MCPD and population data for the County based on estimates from the American Community Survey shows that Black drivers experienced a significantly higher share of traffic stops in Montgomery County. More specifically:

- Black people accounted for 18 percent of all residents v. 32 percent of MCPD traffic stops;
- White people accounted for 44 percent of all residents v. 35 percent of MCPD traffic stops;
- Latinx people accounted for 19 percent of all residents v. 20 percent of MCPD traffic stops;
- Asian people accounted for 15 percent of all residents v. 7 percent of MCPD traffic stops.

An analysis of 2019 traffic stop data further estimates that 27 percent of Black adults in the County experienced a traffic stop compared to 17 percent of Latinx adults, 14 percent of White adults, and 7 percent of Asian adults.

**Searches During Traffic Stops:** An analysis of the 2018 Race-Based Traffic Stop Data Dashboard also shows that MCPD searched Black drivers more often during traffic stops than other racial and ethnic groups. More specifically, 4.4 percent of Black drivers were searched in 2018 compared to 3.3 percent of Latino drivers, 2.0 percent of White drivers, and 1.3 percent of Asian drivers. Further, an analysis of 2019 traffic stop data shows that among those receiving violations, 6-7 percent of Black and Latino men were searched compared to 2-3 percent of Asian, White and Other men, and 1 percent of Asian, White, and Other women.

**Traffic Violation Enforcement:** MCPD's Traffic Violations dataset posted on Data Montgomery enables an analysis of MCPD's interactions with the public resulting in citations, warnings, and repair orders (SEROs) by race, ethnicity, and gender. An analysis of this data shows that Black, Latinx, and Other men experienced the highest violation rates in 2019. More specifically,

- Black men were three times as likely as White men to receive **any violation** (46% v. 17%), Latino men were twice as likely (32%) and Other men were more than twice as likely (42%).
- Black men were also three times as likely as White men to receive **a citation** (19% v. 6%), Latino men were more than twice as likely (15%) and Other men were twice as likely (13%).
- Other men were nearly three times as likely as White men to receive **a warning** (28% v. 10%), Black men were more than twice as likely (26%) and Latino men were 50% more likely (15%).
- Black, Latino, and Other men were nearly three times as likely to receive **a repair order** than White men (1.6% v. 0.6%).

**Use of Force:** An analysis of MCPD's 2018 use of force data and population data for the County from the American Community Survey also shows that MCPD disproportionately used force among African Americans. More specifically:

- Black people accounted for 18 percent of all residents v. 55 percent of use of force incidents
- White people accounted for 44 percent of all residents v. 26 percent of use of force incidents
- Latinx people accounted for 19 percent of all residents v. 18 percent of use of force incidents
- Asian people accounted for 15 percent of all residents v. 1 percent of use of force incidents

The persistent disparities by race and ethnicity captured among the few MCPD policing datasets with complete demographic data suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities by race and ethnicity in police-community interactions may be symptomatic of differential policing that is antithetical to the constitution and the goals of community policing.

Disparities in police-community interactions do not prove biased policing. However, they signal that unconstitutional policing could be a problem that needs to be investigated and addressed. Collecting and analyzing more policing data points by race and ethnicity is necessary to understanding the potential scope of the problem of biased policing so that it can be addressed and resolved.

Recommendations

As demonstrated in this report, MCPD collects and tracks data on several policing data metrics that align with best practices. Experts recommend that police departments seeking to advance constitutional and community policing should track data on detentions, police- and resident-initiated calls, complaints of police misconduct, and surveys of personnel and the public to assess the effectiveness of police efforts. Best practices further recommend that law enforcement agencies track this information by race, ethnicity, and location to assess whether police departments are serving all residents well.

MCPD's policing data practices generally align with recommended practices, but this report's analysis identifies a few opportunities for improving alignment. They include MCPD collecting and monitoring data on street stops (i.e. stop and frisks) with pedestrians, surveying personnel and the public regarding police-community relations, and monitoring race and ethnicity data for every policing data dataset. To address these gaps between recommended and current practice, OLO offers six recommendations for County Council and MCPD action aimed at advancing constitutional policing, community policing, racial equity, and social justice in law enforcement.

***Recommendation 1. County Council define the term "detention" in the County's Community Policing Law to include all stops, searches, citations, arrests, and use of force.***

The Community Policing Act requires MCPD to report demographic information "regarding individuals **detained** by the Department" annually by February 1<sup>st</sup>. Detained and detention, however, are not defined in the legislation. OLO recommends the Council define detention to include all stops (including stops and risks that do not result in citations or arrests), searches, citations, arrests and use of force incidents for data reporting purposes so that the Council can consider changes across these policing metrics as it administers oversight of MCPD's constitutional and community policing investments.

***Recommendation 2. MCPD track and report data on street stops (stops & frisks) and field interviews.***

Some MCPD interactions with non-motorists are documented; others are not. To promote transparency and an improved understanding of police-interactions with the public, OLO recommends that MCPD track and report all stops and searches, and provide information and analysis of the data it collects on "persons of interest" as part of its Field Interview Reports. Data reported on street stops and field interviews should include demographic data on race, ethnicity, gender, and location.

***Recommendation 3. MCPD survey residents and staff on police-community relations and contact.***

Building trust and mutual accountability between law enforcement and community members is a primary goal of community policing. Assessing progress on this goal requires regular assessments of representative groups of residents and law enforcement personnel to gauge whether community engagement efforts are working as intended. As such, OLO recommends that MCPD work with external partners to develop and implement an annual/biannual assessment of police and resident perceptions of police-community interactions and climate and that they share this information with the public. Additionally, OLO advises that MCPD administer a police-public contact survey to a representative sample of County residents to improve theirs, the Council's and the public's understanding of how resident contacts with law enforcement may vary by race, ethnicity, gender, and location.

**Recommendation 4. MCPD build capacity to use policing data to advance best practices in constitutional and community policing.**

To focus on crime prevention, MCPD has developed an infrastructure where crime analysts systematically examine crime data to target MCPD effort and resources. To focus on constitutional and community policing, the Center for Policing Equity recommends that police departments develop parallel infrastructures to analyze and act on data on police-community interactions. Their recommended “Compstat for Justice” approach parallels the investment police departments have made in using crime data to target their crime prevention and reduction efforts. OLO recommends that MCPD adopt a “Compstat for Justice” approach by assigning MCPD staff to collect and analyze policing data to target MCPD effort and resources to advance constitutional and community policing.

**Recommendation 5. MCPD collect and report race and ethnicity data for every policing dataset.**

MCPD collects race and ethnicity data on most metrics of police-community interactions, but not all. For example, according to IAD staff, race and ethnicity data for complainants of police misconduct are not routinely collected or solicited. Further, some policing datasets, while tracking race, fail to track ethnicity and in turn may conflate outcomes between White, Non-Hispanic and Latinx subgroups. Analyses of disparities by race and ethnicity to track constitutional and community policing cannot be accomplished if datasets do not capture police-community interactions by race and ethnicity. OLO recommends that MCPD collect and report race and ethnicity data for every dataset it maintains internally and posts on Data Montgomery.

**Recommendation 6. MCPD post additional data and policing datasets on Data Montgomery that align with internal datasets, including data on criminal and civil citations.**

The inclusion of MCPD datasets in the Data Montgomery open data portal promotes transparency and trust between the police and the public. To further these two central tenets of community policing – transparency and trust – OLO offers two related recommendations for MCPD action.

- OLO recommends that MCPD update its arrests and internal affairs datasets posted on Data Montgomery to include race and ethnicity data, more than a month’s worth of arrest data, and information about allegations and investigation outcomes in the IAD dataset on Data Montgomery.
- OLO recommends that MCPD commit to adding the following internal datasets to Data Montgomery to further promote transparency and trust in police-community relations:
  - Use of force
  - Field interview reports
  - Juvenile citations
  - Criminal citations (including trespassing citations)
  - Alcohol beverage violations
  - Possession of marijuana violations (less than 10 grams)
  - Smoking marijuana in public places

Making the MCPD datasets posted on Data Montgomery more consistent and inclusive of the data that MCPD compiles internally will enhance the usefulness of MCPD datasets posted to Data Montgomery to the Council and to the public at large.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

Andrew Kleine  
*Chief Administrative Officer*

**Memorandum**

July 17, 2020

To: Chris Cihlar, Director  
Office of Legislative Oversight

From: Andrew Kleine, Chief Administrative Officer *AWK*

Subject: OLO Draft Report 2020-9: Local Policing Data and Best Practices

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2020-9: Local Policing Data and Best Practices. We have reviewed the report, find it to be informative and insightful, and generally agree with the recommendations. The information from this report will be very useful in our Reimagining Public Safety initiative.

If you have questions or need additional information, please contact Caroline Sturgis, Assistant Chief Administrative Officer, who will be coordinating all aspects of this report with our Reimagining Public Safety initiative.

I thank the Office of Legislative Oversight for its thorough and expert work on this report.

cc: Fariba Kassiri, Deputy Chief Administrative Officer  
Caroline Sturgis, Assistant Chief Administrative Officer  
Dale Tibbitts, Special Assistant to the County Executive  
Debbie Spielberg, Special Assistant to the County Executive  
Marcus Jones, Chief, Montgomery County Police Department  
Tiffany Ward, Chief Equity Officer  
Dinesh Patil, Assistant Chief, Montgomery County Police Department