

MEMORANDUM

February 1, 2023

TO: Transportation & Environment Committee
Public Safety Committee

FROM: Natalia Carrizosa, Legislative Analyst
Office of Legislative Oversight (OLO)

SUBJECT: ***OLO Memorandum Report 2022-12, Analysis of dataMontgomery Traffic Violations Dataset***

On February 6, the joint committee will discuss the findings of OLO Memorandum Report 2022-12, which the Council received and released on October 25, 2022. The full report is available on [OLO's website](#). This staff report provides background on OLO Memorandum Report 2022-12 and summarizes its findings and recommended discussion issues. In addition, this staff report includes an additional analysis on reasons for traffic stops requested by Councilmembers, attached at ©1.

EXPECTED ATTENDEES

- Assistant Chief Marc Yamada, Field Services Bureau
- Captain Brian Dillman, Traffic Operations Division
- Commander David McBain, 3rd District
- Lieutenant John O'Brien, Field Services Bureau

OLO REPORT BACKGROUND

In 2020, the Council received and released OLO Report 2020-9: Local Policing Data and Best Practices. That report included an analysis of traffic enforcement data from the dataMontgomery Traffic Violations dataset, which is a public dataset. OLO Memorandum Report 2022-12 responds to the Council's request for an additional analysis of MCPD traffic citations, warnings, and safety equipment repair orders (SEROs) by the race or ethnicity of the driver. It describes data from the dataMontgomery Traffic Violations dataset for the five-year period from FY18-FY22. Specifically, this report:

- Provides background on racial inequities in traffic enforcement;
- Describes the scope of the dataset used for this report and its limitations;
- Offers summary data on traffic stops, citations, warnings, SEROs, searches, and arrests by the race or ethnicity of the driver, including trends over time;
- Describes data on traffic stops by the residency and race or ethnicity of the driver (County resident or non-County resident); and
- Describes traffic citations by the section of the Maryland State Code that was cited and the race or ethnicity of the driver.

SUMMARY FINDINGS

Overall, OLO Memorandum Report 2022-12 finds that while overall numbers of MCPD traffic stops declined between FY18 and FY22, racial disparities in traffic stops have persisted or worsened over the five-year period. OLO’s specific findings are listed below:

Background on Racial Inequities in Traffic Enforcement

- Traffic enforcement in the United States began in the early twentieth century and led to increased policing, increased discretion in policing and complaints of police abuse and violence towards Black drivers.
- National research shows that Black and Latinx drivers are stopped and searched during traffic stops for lower-level traffic violations at disproportionately higher rates compared to White drivers.
- In 2000, the U.S. Department of Justice (DOJ), Montgomery County, and the Fraternal Order of Police (FOP), Montgomery County Lodge 35 entered into a five-year Memorandum of Agreement (MOA) to settle an allegation that County police officers engaged in racially discriminatory conduct in violation of federal law.

Total MCPD Traffic Stops and Citations, Warnings and Safety Equipment Repair Orders

- Between FY18 and FY22, White female drivers were the most underrepresented group in traffic stops, and Black male drivers were the most overrepresented group;
- While overall numbers of traffic stops declined between FY18 and FY22, racial disparities in traffic stops have persisted or worsened over the five-year period; and
- From FY18 to FY22, the percentage of traffic stops where the driver’s race or ethnicity was listed as “other” doubled, from 7% to 14%.

Traffic Stops by the Residency of the Driver

- Nearly three-quarters of traffic stops reported involved drivers that reside in Montgomery County; and
- Data on traffic stops of drivers that reside in Montgomery County show similar racial disparities compared with data on all MCPD traffic stops from FY18-FY22.

Traffic Citations by the Section of the Maryland State Code That Was Cited

- Traffic enforcement in Maryland is governed by the Maryland Code, Transportation Article, Title 11 through Title 27 – known as the Maryland Vehicle Law.
- The majority of traffic citations during the five-year period (55%) related to Title 21, entitled “Rules of the Road.”
- Citations related to Title 21 (“Rules of the Road”) showed the smallest racial disparities, and citations related to Titles 16 (“Drivers’ Licenses”) and 17 (“Required Security”) showed the largest racial disparities.
- Within each title, racial disparities in traffic citations vary greatly by the specific section of the code, consistent with national research on racial disparities in traffic enforcement.

OLO DISCUSSION ISSUES

OLO offers two discussion issues for Council consideration, listed below.

1. What strategies are currently in place for assuring nondiscriminatory law enforcement in connection with traffic stops?
2. What opportunities exist to improve available data on MCPD traffic stops? For example, is it possible to capture race and ethnicity data based on how drivers self-identify, rather than based on the officer’s observation? Could the dataMontgomery Traffic Violations dataset be expanded to identify which violations were the initial reason for traffic stops?

REASONS FOR TRAFFIC STOPS

OLO Memorandum Report 2022-12 notes that the dataMontgomery Traffic Violations dataset does not include information on the initial reason for traffic stops. As such, it is not possible to use this dataset to distinguish between citations based on the initial reason for the stop rather than citations based on violations identified by the officer during the stop. OLO received a request to conduct an additional analysis to identify which violations (based on sections of the Maryland Vehicle Law) can *lead* to traffic stops from traffic violations that are typically identified by law enforcement officers *during* traffic stops. This analysis is attached at ©1.

Reasons for Traffic Stops

Office of Legislative Oversight

February 1, 2023

OLO Memorandum Report 2022-12 responds to the Council’s request for an analysis of MCPD traffic citations, warnings, and safety equipment repair orders (SEROs) by the race or ethnicity of the driver. It describes data from the dataMontgomery Traffic Violations dataset for the five-year period from FY18-FY22. The report includes an analysis of traffic citations by the section of the Maryland State Code that was cited and the race or ethnicity of the driver.

OLO Memorandum Report 2022-12 notes that the dataMontgomery Traffic Violations dataset does not include information on the initial reason for traffic stops. As such, it is not possible to use that dataset to distinguish between citations based on the initial reason for the stop rather than citations based on violations identified by the officer during the stop.

OLO received a request to conduct an additional analysis to identify which violations can *lead* to traffic stops, as opposed to traffic violations that are typically identified by law enforcement officers *during* traffic stops.

Traffic enforcement in Maryland is governed by The Maryland Code, Transportation Article, Title 11 through Title 27 – known as the Maryland Vehicle Law. The tables on the following pages list each section in each title that generated at least 500 citations over the five-year period and identifies whether violations of that section could lead to traffic stops. It also includes data on citations by the race or ethnicity of the driver and a racial disparity score for each section. High disparity scores indicate relatively larger racial disparities, and low disparity scores indicate relatively lower racial disparities (see pages 13-14 of [OLO Memorandum Report 2022-12](#) for a more detailed explanation of how disparity scores were calculated). To provide context for the tables on the following pages, the table below lists the six *titles* of the Maryland Vehicle Law with the most citations, and percentages of citations by year.

Traffic Citations by Title of the Maryland State Code Transportation Article, FY18-22

Title	FY18	FY19	FY20	FY21	FY22	Total
Total	81,252	75,989	50,102	23,481	27,699	258,523
Title 21: Rules of the Road	52%	53%	55%	66%	59%	55%
Title 16: Drivers' Licenses	24%	24%	23%	17%	18%	23%
Title 13: Cert. of Title and Reg. of Vehicles	15%	14%	13%	8%	13%	13%
Title 22: Equipment of Vehicles	4%	4%	4%	3%	3%	4%
Title 20: Accidents and Accident Reports	2%	2%	2%	3%	3%	2%
Title 17: Required Security*	2%	2%	2%	2%	3%	2%
Other titles	1%	1%	1%	1%	1%	1%

Source: OLO Memorandum Report 2022-12, Analysis of dataMontgomery Traffic Violations Dataset, p. 13

* "Required Security" refers to vehicle liability insurance requirements

Title 21 (“Rules of the Road”): Traffic Citations by Race or Ethnicity of the Driver by Section, FY18-22

(Sections with at least 500 citations over the five-year period)

Section Number and Description of Violation*	Total	Asian	Black	Latinx	White	Other	Disparity Score	Possible Reason For Stop
Adult Population	819,119	16%	18%	19%	43%	4%		
Larger Disparities by Race and Ethnicity								
21-1003 Parking/stopping in or near crosswalk, hydrant or where prohibited	1,707	4%	34%	35%	12%	15%	87 pts	✓
21-1001 Standing vehicle obstructing free passage of roadway	539	4%	48%	29%	16%	3%	81 pts	✓
21-904 Failing to stop or fleeing on foot or other means to elude officer	709	2%	53%	23%	18%	4%	79 pts	**
21-604 Improper turn or turning without signal	674	4%	37%	35%	21%	4%	71 pts	✓
21-901.1 Reckless driving	14,043	4%	30%	37%	25%	4%	61 pts	✓
21-902 Driving while impaired by alcohol/other substance	23,991	3%	28%	38%	28%	3%	59 pts	
21-204 Driver failing to stop at flashing red traffic signal stop line	2,495	6%	35%	28%	24%	7%	58 pts	✓
21-601 Turn from improper road position, failure to enter lawful lane	718	4%	39%	23%	26%	6%	57 pts	✓
21-309 Unsafe lane changing, failure to obey lane directions	5,211	6%	32%	31%	25%	6%	57 pts	✓
21-310 Following vehicle too closely	1,451	4%	27%	32%	29%	7%	51 pts	✓
21-405 Failure to change lanes or slow while passing emergency vehicle	2,307	8%	31%	27%	26%	8%	51 pts	✓
21-201 Driver failure to obey traffic control device instructions	11,718	6%	30%	29%	29%	6%	48 pts	✓

* Descriptions of violations are intended to be illustrative of the types of actions that are prohibited by the section, but may not include all actions that violate it.

** MCPD staff report that a violation of Section 21-904 could lead to a stop if associated with a lookout

Table continued on following page.

Title 21 (“Rules of the Road”): Traffic Citations by Race or Ethnicity of the Driver by Section, FY18-22, cont.

(Sections with at least 500 citations over the five-year period)

Section Number and Description	Total	Asian	Black	Latinx	White	Other	Disparity Score	Possible Reason For Stop
Adult Population	819,119	16%	18%	19%	43%	4%		
Smaller Disparities by Race and Ethnicity								
21-301 Failure to drive on right half of the roadway when required	2,930	5%	27%	32%	31%	4%	46 pts	✓
21-801 Failure to control vehicle speed on highway to avoid collision	11,459	5%	27%	29%	32%	6%	44 pts	✓
21-401 Failure to yield intersection right-of-way to another vehicle	888	9%	28%	26%	30%	7%	41 pts	✓
21-314 Driving in HOV lane when not authorized	1,550	5%	36%	15%	38%	6%	40 pts	✓
21-202 Failure to stop before right turn, at stop sign or red arrow signal	5,482	8%	28%	25%	32%	7%	38 pts	✓
21-402 Driver failure to yield when turning left	2,574	9%	26%	23%	35%	7%	30 pts	✓
21-801.1 Exceeding the posted speed limits	32,192	6%	25%	20%	39%	10%	30 pts	✓
21-502 Failure to stop for pedestrian in crosswalk	1,003	7%	28%	17%	40%	8%	29 pts	✓
21-707 Failure to stop at stop sign line or at stop sign	4,026	8%	23%	24%	38%	7%	27 pts	✓
21-1124.1 Use of text messaging device while driving	1,120	8%	20%	13%	50%	8%	26 pts	✓
21-304 Unsafe passing of vehicle (e.g. passing on the right)	667	7%	24%	15%	46%	8%	26 pts	✓
21-1124.2 Use of handheld telephone while motor vehicle is in motion	6,253	7%	21%	20%	43%	9%	19 pts	✓
Other Sections	5,945	6%	29%	28%	31%	6%	46 pts	NA

* Descriptions of violations are intended to be illustrative of the types of actions that are prohibited by the section, but may not include all actions that violate it.

Other Titles: Traffic Citations by Race or Ethnicity of the Driver by Section, FY18-22

(Sections with at least 500 citations over the five-year period)

Section Number and Description	Total	Asian	Black	Latinx	White	Other	Disparity Score	Possible Reason For Stop
Adult Population	819,119	16%	18%	19%	43%	4%		
Title 16 (“Drivers’ Licenses”)								
16-105 Holder of learner’s permit driving without required supervision	2,577	2%	32%	48%	14%	5%	88 pts	
16-101 Driving motor vehicle without license	14,687	1%	37%	41%	17%	4%	84 pts	
16-303 Person driving on revoked/suspended license	22,094	2%	49%	25%	20%	4%	75 pts	
16-112 Failure of driver to display license to police on demand	10,841	2%	35%	39%	20%	4%	75 pts	
16-301 Possessing/displaying suspended license	3,605	3%	47%	23%	23%	4%	68 pts	
16-113 Violating restricted license requirement (e.g. alcohol in blood)	1,718	3%	24%	41%	28%	4%	58 pts	
16-116 Failure to notify administration of change of address within 30 days	1,624	5%	41%	21%	28%	6%	54 pts	
16-115 Driving vehicle on highway with an expired license	894	5%	36%	24%	28%	6%	51 pts	
Other sections in Title 16	581	2%	27%	44%	22%	5%	72 pts	NA
Title 13 (“Certificates of Title and Registration of Vehicles”)								
13-703 Unauthorized display and use of registration plate	1,655	2%	56%	23%	16%	3%	85 pts	
13-401 Driving unregistered vehicle or vehicle with suspended registration	9,221	3%	45%	21%	26%	5%	61 pts	✓
13-409 Failure to display registration card on demand	8,215	5%	37%	26%	27%	5%	55 pts	
13-411 Displaying expired registration plate or plate without current tabs	14,284	4%	42%	18%	30%	6%	51 pts	✓
Other sections in Title 13	1,179	4%	39%	25%	26%	6%	59 pts	NA

* Descriptions of violations are intended to be illustrative of the types of actions that are prohibited by the section, but may not include all actions that violate it.

Other Titles: Traffic Citations by Race or Ethnicity of the Driver by Section, FY18-22, cont.

(Sections with at least 500 citations over the five-year period)

Section Number and Description	Total	Asian	Black	Latinx	White	Other	Disparity Score	Possible Reason For Stop
Adult Population	819,119	16%	18%	19%	43%	4%		
Title 22 (“Equipment of Vehicles”)								
22-204 Vehicle manufactured after 1971 without adequate tail lamps	620	1%	42%	37%	15%	5%	87 pts	✓
22-412.2 Failing to secure child under age 8 in child safety seat	977	4%	32%	44%	15%	6%	81 pts	✓
22-226 Failure to display two lighted front lamps when required	572	2%	40%	34%	20%	3%	76 pts	✓
22-201.1 Failure to display lighted lamps in low visibility conditions	929	4%	34%	36%	22%	4%	69 pts	✓
22-406 Driving vehicle with unauthorized window tinting material	1,724	3%	35%	31%	25%	6%	62 pts	✓
22-412.3 Operator or occupant not restrained by seat belt	2,573	4%	29%	29%	30%	8%	52 pts	✓
Other sections in Title 22	2,519	2%	29%	42%	22%	5%	71 pts	NA
Title 20 (“Accidents and Accident Reports”)								
20-105 Failure to stop/notify after unattended vehicle damage accident	1,663	3%	29%	36%	28%	3%	57 pts	✓**
20-104 Failure of driver in accident to render reasonable assistance	751	2%	32%	33%	30%	3%	57 pts	✓**
20-105.1 Failure of driver in accident to give insurance policy information	1,152	4%	28%	35%	29%	4%	53 pts	✓**
20-103 Failure to remain at scene after accident involving damage	1,750	3%	27%	36%	30%	4%	52 pts	✓**
Other sections Title 20	385	3%	33%	38%	24%	2%	69 pts	NA

* Descriptions of violations are intended to be illustrative of the types of actions that are prohibited by the section, but may not include all actions that violate it.

** Violations of these sections related to hit and runs can be a reason for a stop if it is associated with a look out

Other Titles: Traffic Citations by Race or Ethnicity of the Driver by Section, FY18-22, cont.

(Sections with at least 500 citations over the five-year period)

Section Number and Description	Total	Asian	Black	Latinx	White	Other	Disparity Score	Possible Reason For Stop
Adult Population	819,119	16%	18%	19%	43%	4%		
Title 17 (“Required Security” – refers to vehicle liability insurance)								
17-107 Knowingly driving or permitting driving of uninsured vehicle	4,144	2%	53%	23%	18%	4%	79 pts	
17-104.2 Failure present evidence of insurance on request	1,184	4%	44%	25%	22%	5%	67 pts	
Other sections in Title 17*	371	2%	53%	28%	14%	3%	90 pts	NA
Other Titles								
14-110 Using falsified vehicle registration plate or falsifying official doc.	578	1%	59%	21%	15%	4%	87 pts	
Other sections	1,804	2%	35%	35%	22%	6%	70 pts	NA

* Descriptions of violations are intended to be illustrative of the types of actions that are prohibited by the section, but may not include all actions that violate it.