

## MEMORANDUM

October 26, 2020

**TO:** Public Safety Committee  
**FROM:** Susan J. Farag, Legislative Analyst  
**SUBJECT:** Briefing: Traffic Enforcement  
**PURPOSE:** Briefing – No Vote Expected

Today the Committee will receive a briefing on traffic enforcement. Councilmember Nancy Navarro requested a briefing on traffic issues, specifically including issues such as drag racing, loud vehicles, and excessive speeding. This briefing will cover those topics as well as provide a framework for how traffic enforcement is conducted in the County. Those expected to brief the Committee include:

Assistant Chief Tom Didone, Montgomery County Police Department (MCPD)  
Captain Dave McBain, Traffic Division, MCPD  
Richard Hetherington, Automated Traffic Enforcement Division, MCPD

### Overview

Nationally, about 33,000 people die from motor vehicle accidents each year. According to the Centers for Disease Control (CDC), the vehicular death rate in Maryland is lower than the national average, at 8.5 per 100,000 vs. 12 per 100,000 nationally.<sup>1</sup> In Montgomery County, there are about 20,000 traffic accidents each year. Those crashes result in about 400 serious injuries and 35-45 fatalities annually.<sup>2</sup>

Traffic enforcement is the responsibility of every Police Officer in the Department. Patrol Officers are responsible for about 80% of all traffic stops. Additionally, the Department has about 70 specialized Traffic police officers currently assigned to either a specialized unit, or to a police

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<sup>1</sup> [CDC Motor Vehicle Prioritizing Interventions and Cost Calculator for States](#)

<sup>2</sup> [Vision Zero Crash Data Explorer](#)

district. These officers conduct traffic enforcement, investigate serious traffic collisions, and provide safety education for students and the general public. They serve in the following units:

- Alcohol Initiatives Unit (AIU);
- Automated Traffic Enforcement Unit (ATEU);
- Collision Reconstruction Unit (CRU);
- Commercial Motor Vehicle Unit; and
- School Safety Section.

Within the specialized units, there are approximately 19 officers, three Corporals, and three Sergeants. There are also motor officers assigned to each district station. Each station has about six officers as well as one Corporal and One Sergeant.

District Community Action Teams (DCAT) (in all districts other than Bethesda (2D) and Rockville (1D)) conduct targeted enforcement operations in response to identified crime increases and crime trends. These teams engage the community in community policing efforts to sustain improvements achieved through joint partnership efforts. They also provide targeted traffic enforcement.

MCPD averages about 120,000 traffic stops each year. The outcomes of these stops vary, and include the issuance of citations, warnings, or Safety Equipment Repair Orders (SEROs). Circle 8 provides data on the numbers of each issued by year.

## **Safety Equipment Repair Orders**

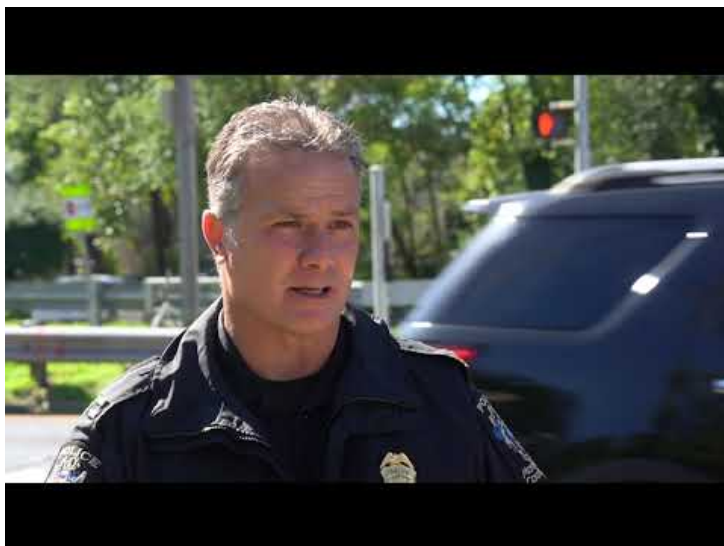
Unlike some other states, Maryland does not have annual vehicle inspection requirements. Police officers become the default enforcement mechanism to ensure that vehicles are safe to drive on the road. The Department issued just 9,800 SEROs last year, compared to 82,000 citations and 127,000 warnings.

## **Vision Zero**

Montgomery County's pedestrian safety initiative is called Vision Zero. Vision Zero's goal is to have zero serious or fatal collisions by 2030. To accomplish that, the Action Plan focuses on five key action areas:

- Engineering;
- Enforcement;
- Education and Training;
- Traffic Incident Management; and
- Law, Policy, and Advocacy.

As part of the Police Department's education initiatives, the following public service announcement discusses pedestrian safety, particularly during the fall when Day Light Savings Time ends (this Sunday, November 1).



## **Automated Traffic Enforcement Program**

The County's Automated Traffic Enforcement Program provides speed cameras, red light cameras, and school bus cameras. Citation data is included on ©16. This program has many benefits, including functioning as a force multiplier. It captures violations without having to deploy Police Officers, require that cars pull over, and that Police step out of their vehicles to converse with the driver. This increases safety for everyone near the site. In addition, a 2015 Insurance Institute of Highway Safety report demonstrates that compared to a similar jurisdiction in Virginia, Montgomery County's Speed Camera Program reduced speeding by 62% and reduced crashes with significant injury by 39%.<sup>3</sup>

## **Drag Racing and Loud Cars**

Councilmember Navarro has received number complaints and concerns about drag racing, excessive speed, and loud vehicles over the past several months. Assistant Chief Didone provided an overview of the situation in the October 15 Public Safety Committee worksession. While it seemed logical that the COVID-19 social distancing restrictions and business closures would significantly reduce traffic, and therefore traffic-related accidents, that was not the case. In the early days of COVID-19 social distancing, there were also fewer Police Officers on the road. This gave some people the leeway to drive at excessively high rates of speed, and crashes occurred more frequently. Several vehicles have been documented as going well over 100 mph in residential neighborhoods. Many of the crashes were single vehicle crashes, often fatal, where alcohol and

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<sup>3</sup> [Effects of Automated Speed Enforcement in Montgomery County, IIHS, 2015](#)

the failure to use seatbelts were contributing factors. As of October 15, there were 28 fatal accidents and 30 deaths in 2020. In 2019, there were 30 fatal accidents, so 2020 is on pace to meet or exceed last year's death rate. Of the 30 deaths in 2020, 11 were pedestrians.

In response to the increased reckless driving, Police increased traffic enforcement. One area of particular concern was the Wheaton area, near Georgia Avenue, Connecticut Avenue, Viers Mill Road, and the ICC. Fourth District Commander Marc Yamada repositioned portable speed cameras on roads where speeding was excessive, detailed his traffic squad to provide high visibility patrols, and focused DCAT resources on addressing loud muffler and other equipment violations.

In addition, the Department worked with Maryland Transit Authority (MDTA) Police, who patrol the ICC, modifying the MOU to allow MDTA to have traffic enforcement authority in the County. Prior to this, their authority was limited to within one mile of the ICC.

Another traffic-related issue contributing to excessive speeding is the meet ups or car rallies. These have increased in number since COVID-19 as a way for car enthusiasts to socialize outdoors and display their vehicles. Overwhelmingly, these have been law-abiding events, but about 10% of attendees end up engaging in high rates of speed and other reckless driving. The Department has collaborated with MDTA, the Maryland State Police, Gaithersburg City Police, and Rockville City Police to address traffic violations related to these events.

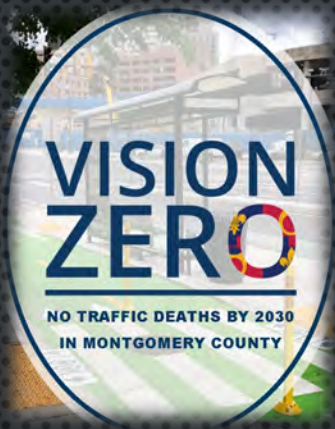
## **Discussion Issues**

1. There is concern that stopping vehicles for equipment repair violations may contribute to racial disparities in traffic stops. Is there a benefit to creating a state inspection program where mechanics, not police, are the ones who issue the repair orders? Or would an annual inspection program be more financially burdensome for many drivers?
2. What are the benefits or drawbacks of increasing the Automated Traffic Enforcement program, including speed cameras and red light cameras?
3. Does (or can) the Department track which traffic stops are pretextual? How often do these lead to arrests?
4. There has been some discussion about centralizing traffic enforcement. What are the benefits of that type of structure?
5. Are there additional resources that would be helpful to traffic enforcement?

**This staff report contains:**  
MCPD PowerPoint

**Circle #**  
1-24





# MONTGOMERY COUNTY POLICE

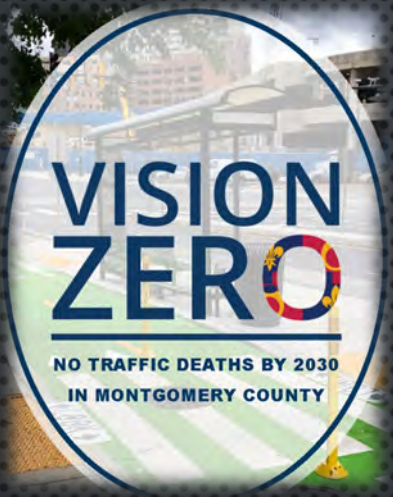
TRAFFIC ENFORCEMENT FOR TRAFFIC SAFETY

OCTOBER 29, 2020

MONTGOMERY COUNTY COUNCIL PUBLIC SAFETY COMMITTEE







# Principles of Traffic Enforcement

Each year, approximately 20,000 traffic crashes occur in Montgomery County, of which, 50% are reportable.

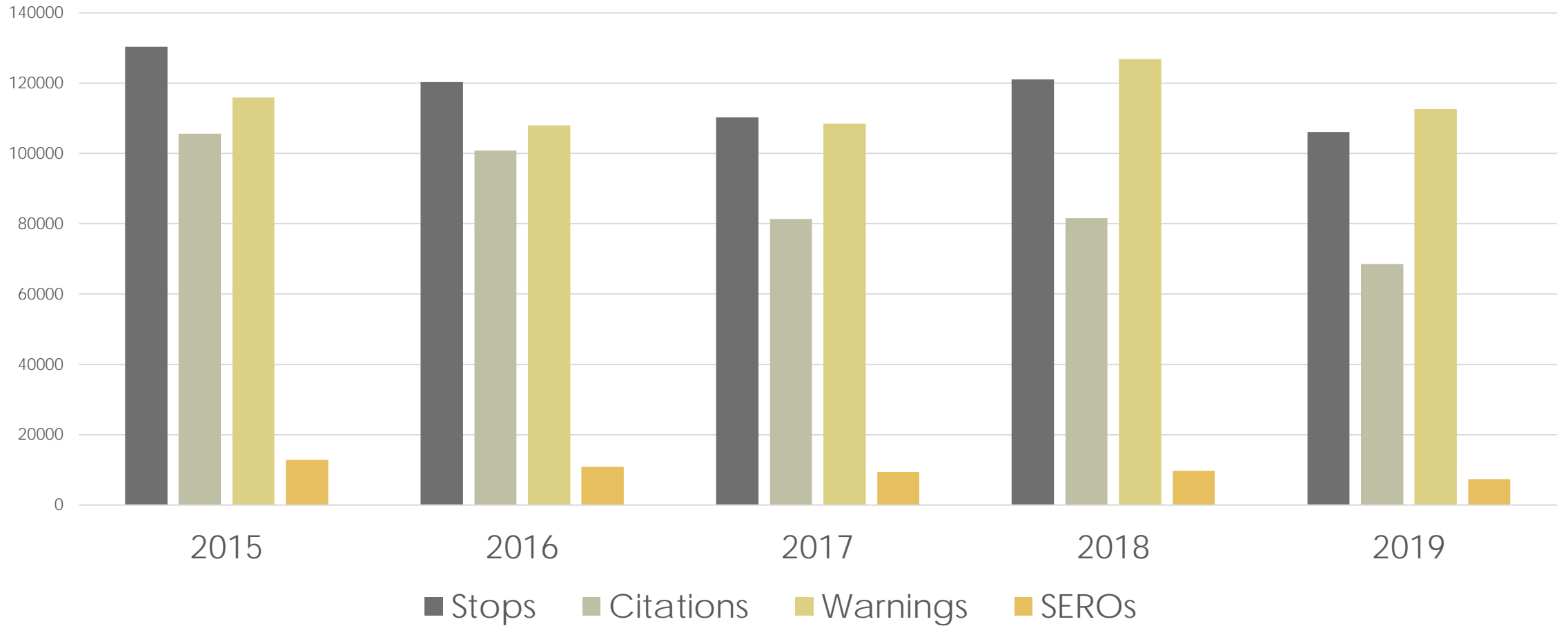
Traffic work is dangerous, approximately 1/3 of police officers that died in the line of duty died in a traffic related event.

Traffic enforcement is a responsibility of every police officer in Montgomery County.

A professionally conducted traffic stop is a valuable interaction between the police and the community.

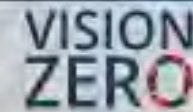


# TRAFFIC STOPS 2015-2019





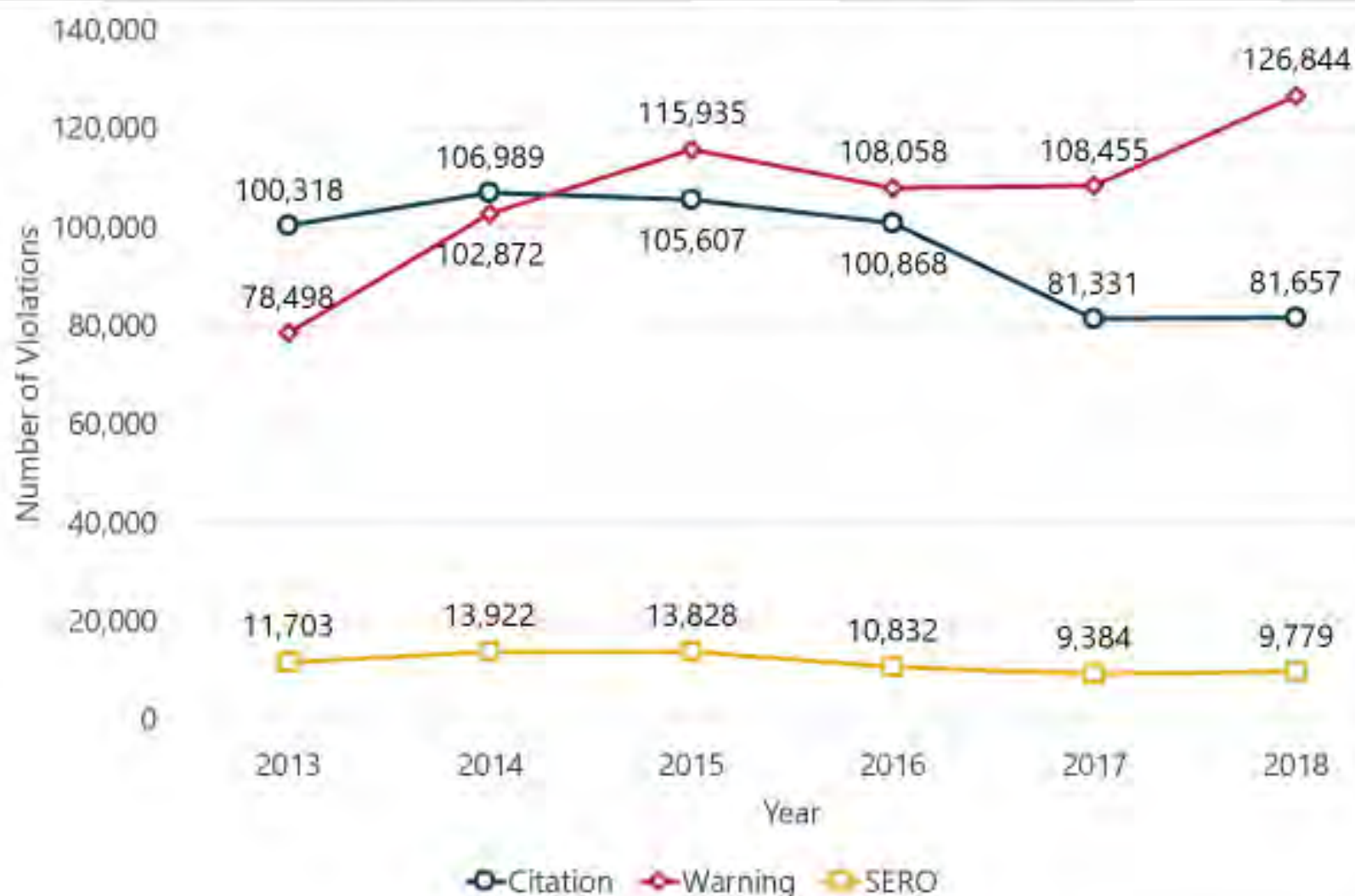
## 2013 TO 2018 TRAFFIC STOPS



Montgomery County Police averaged 120,665 traffic stops from 2013 to 2018. Each traffic stop averages 1.8 violations. 88% of people stopped have a Maryland driver's license, followed by 3% for DC and VA.



## 2013 TO 2018 TRAFFIC STOPS – CITATIONS VS. WARNINGS

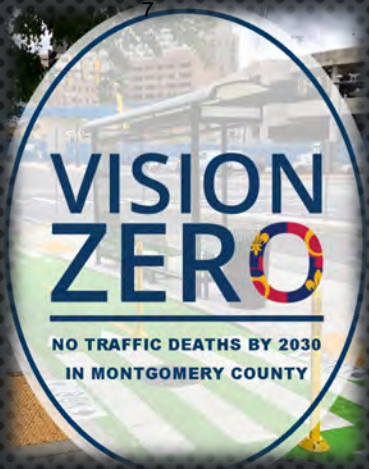


Starting in 2015, more warnings were recorded compared to citations. The number of Safety Equipment Repair Orders (SEROs) averaged 11,575 during the time period.

Year	Charge	General Definition	Total Citations
2019	21-801.1	EXCEEDING POSTED MAXIMUM SPEED LIMIT: 68 MPH IN A POSTED 30 MPH ZONE	8519
2019	16-101(a1)	DRIVING TO DRIVE MOTOR VEHICLE ON HIGHWAY WITHOUT REQUIRED LICENSE AND AUTHORIZATION	3909
2019	21-201(a1)	DRIVER FAILURE TO OBEY PROPERLY PLACED TRAFFIC CONTROL DEVICE INSTRUCTIONS	3062
2019	16-303(c)	PERSON DRIVING MOTOR VEHICLE ON HIGHWAY OR PUBLIC USE PROPERTY ON SUSPENDED LICENSE AND PRIVILEGE	2898
2019	16-112(c)	DRIVING WHILE LIC. SUSP. UNDER 16-203, 16-206A2 FAIL TO ATTEND DIP, 17-106, 26-204/206, 27-103	2687
2019	16-303(h)	FAILURE OF INDIVIDUAL DRIVING ON HIGHWAY TO DISPLAY LICENSE TO UNIFORMED POLICE ON DEMAND	2327
2019	13-409(b)	FAILURE TO DISPLAY REGISTRATION CARD UPON DEMAND BY POLICE OFFICER	2239
2019	21-902(b1i)	DRIVING VEHICLE ON HIGHWAY WITH SUSPENDED REGISTRATION	2234
2019	21-902(a1i)	DRIVER USING HANDS TO USE HANDHELD TELEPHONE WHILE MOTOR VEHICLE IS IN MOTION	2207
2019	21-901.1(b)	DRIVING VEH. WHILE IMPAIRED BY ALCOHOL	2198

# TOP TRAFFIC CHARGES OF 2019





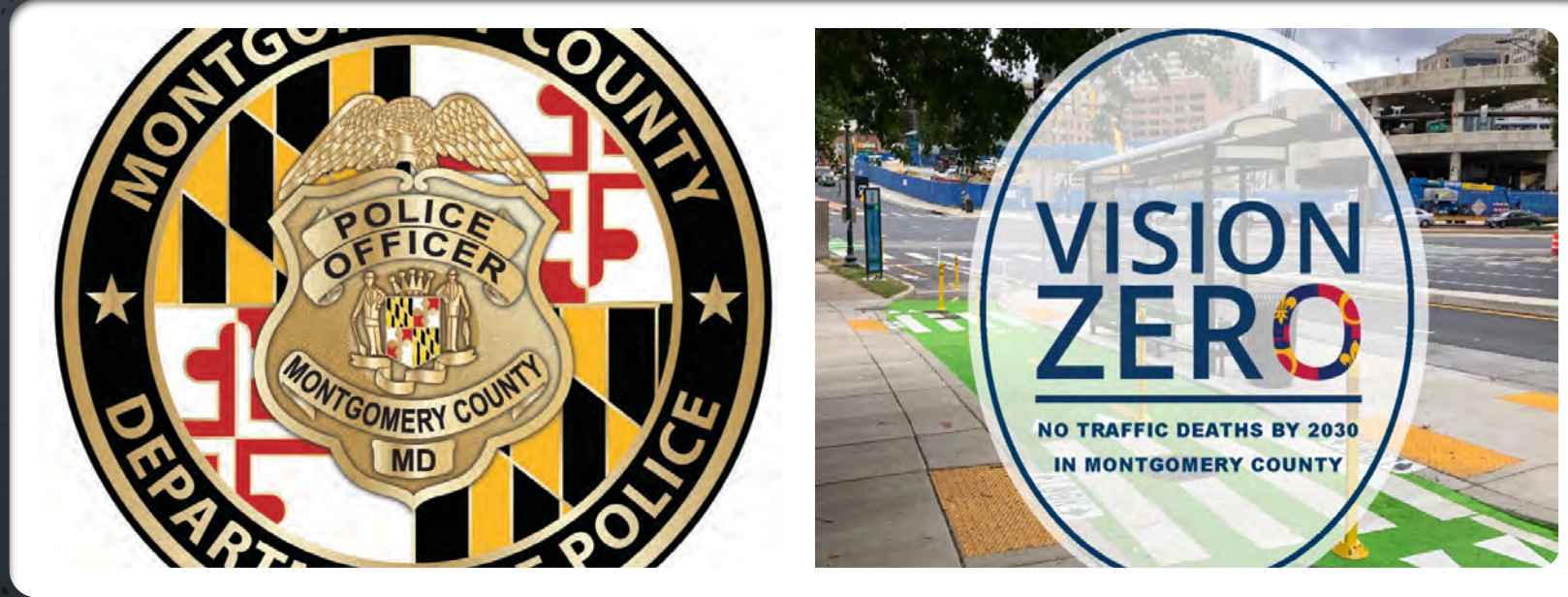
Patrol Officers, like all officers in the department, have a shared responsibility for traffic enforcement. Historically, patrol officers account for approximately 80% of the traffic stops for the department.

Traffic Officers focus on enforcement of traffic laws, investigation of traffic collisions, and providing safety education for the general public.

District Community Action Teams (DCATs) are deployed to conduct targeted enforcement operations in response to identified crime increases and crime trends. These teams engage the community in community policing efforts to sustain improvements achieved through partnership efforts.

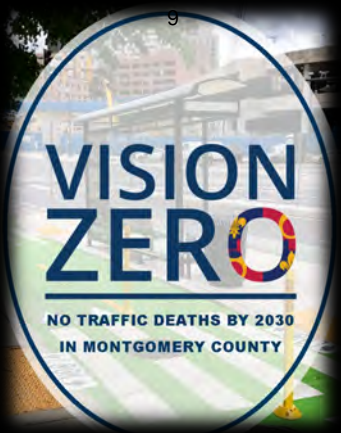






TRAFFIC ENFORCEMENT IS CRITICAL  
COMPONENT OF VISION ZERO

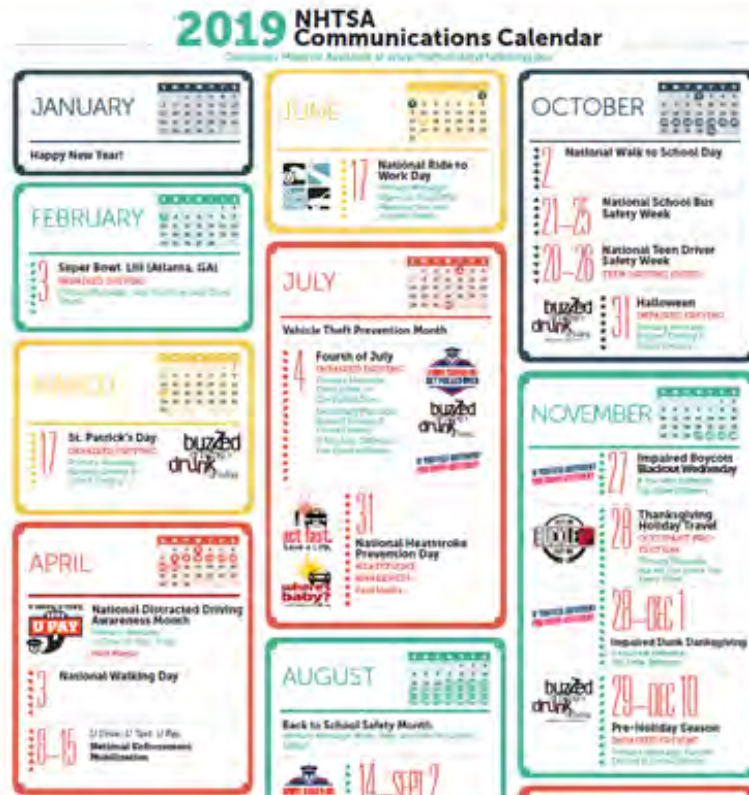




# POLICE RESPONSIBILITY TO VISION ZERO

## HIGH VISIBILITY ENFORCEMENT AGAINST DANGEROUS BEHAVIORS

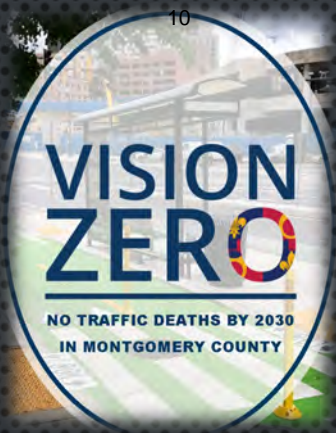
### EDUCATION AND ENFORCEMENT CALENDAR



For Vision Zero, the County utilizes the National Highway Traffic Safety Administration's (NHTSA's) annual communications calendar for issue specific timing. For example, each May is National Bicycle Safety Month, mid-September is Child Passenger Safety Week, and December is Impaired Driving deterrence. NHTSA and the Maryland Highway Safety Office (MHSO) provide marketing materials to anyone looking to spread the message.



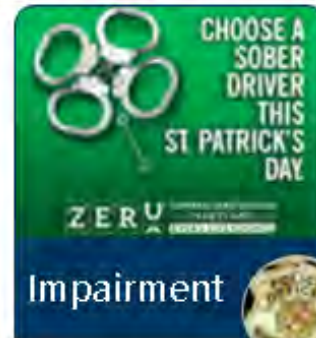




# POLICE RESPONSIBILITY TO VISION ZERO

## HIGH VISIBILITY ENFORCEMENT AGAINST DANGEROUS BEHAVIORS

### MCPD VISION ZERO EMPHASIS AREAS

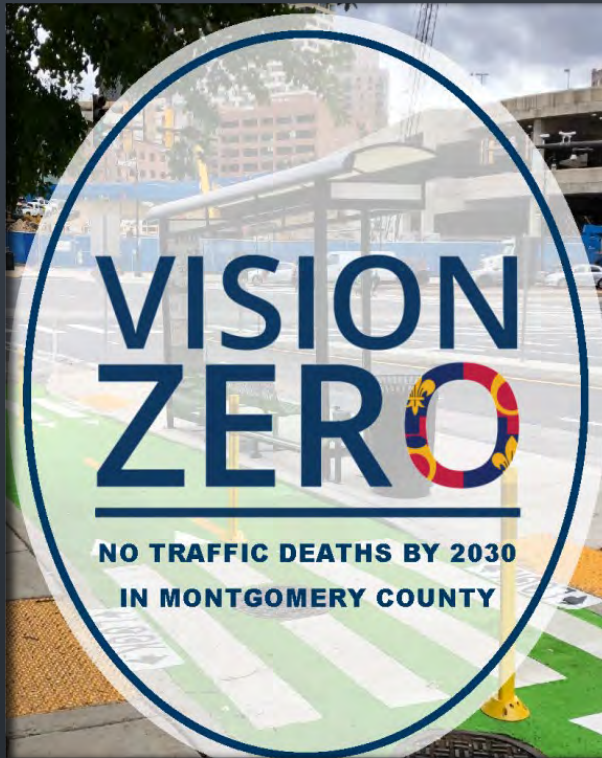


MCPD utilizes the Maryland Highway Safety Office's high visibility enforcement (HVE) calendar to perform regular stepped up enforcement all year round. MCPD utilizes analyses from MHSO, Traffic Division data analyst, and CountyStat to identify hotspots for crashes.

Enforcement is typically tied with education to inform residents of the dangerous behaviors, ways to curb the behaviors, and explain why we perform high visibility enforcement.







# VISION ZERO CENTRAL TRAFFIC STAFFING PLAN





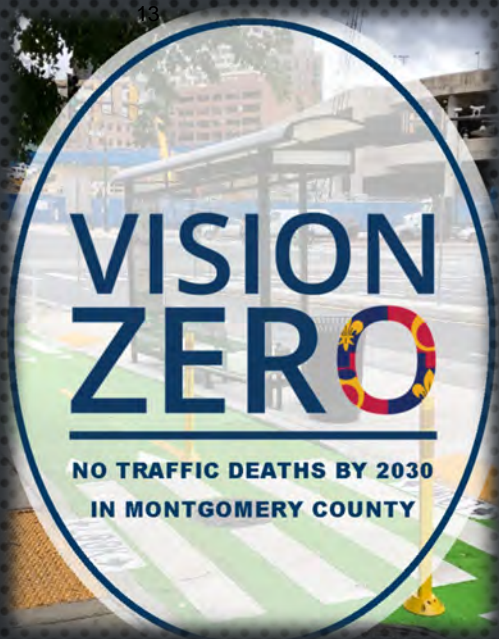


## POLICE RESPONSIBILITY TO VISION ZERO HIGH VISIBILITY ENFORCEMENT AGAINST DANGEROUS BEHAVIORS



THE VISION ZERO EQUITY TASK FORCE RECOMMENDED IMPLEMENTING A PROGRAM LIKE "FOCUS ON THE FIVE" TO ENSURE THAT ENFORCEMENT IS FOCUSED ON CURBING DANGEROUS BEHAVIOR AND LESS ON OTHER TRAFFIC VIOLATIONS THAT PRESENT SMALLER SAFETY ISSUES.



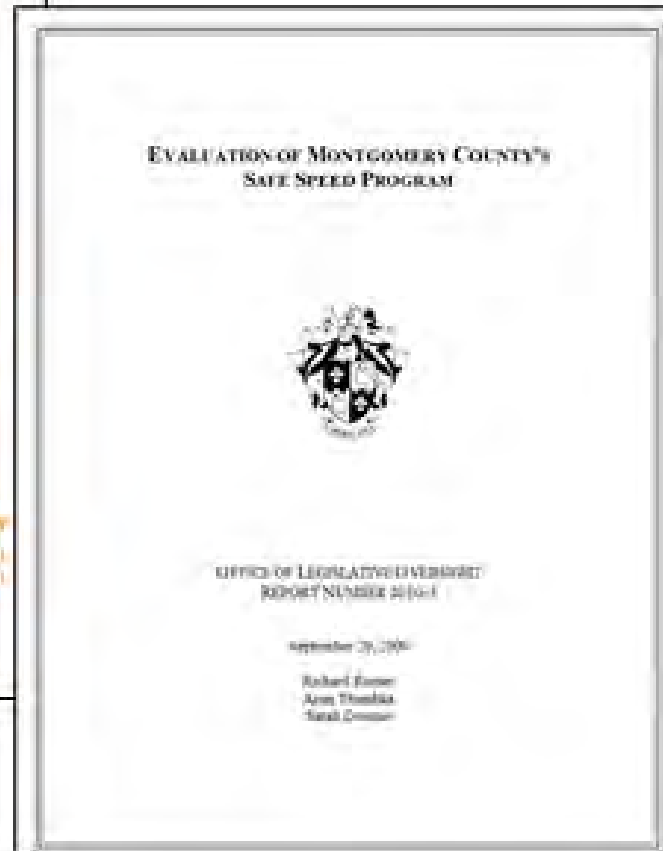
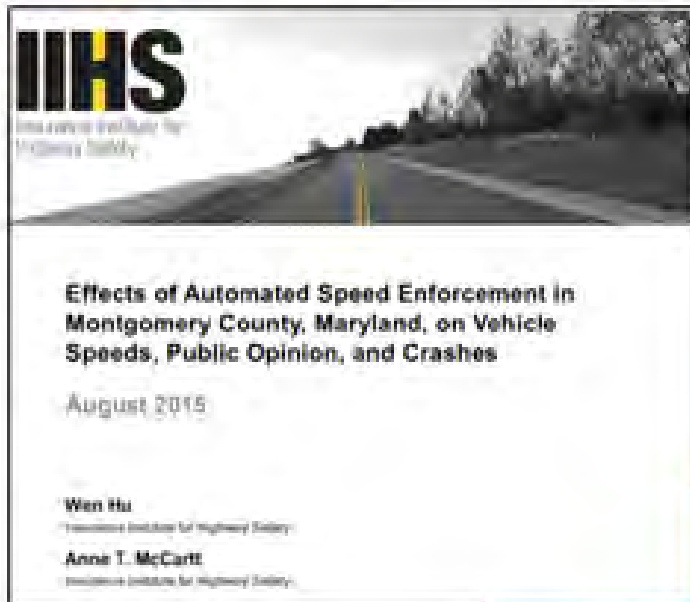


# Automated Traffic Enforcement





# 14 EVIDENCE OF SUCCESSFUL PROGRAM



- IIHS review showed:
- 10% reduction in mean speeds
  - 62% reduction in likelihood travelling 10 mph above speed limit
  - 39% reduction in likelihood that crash resulted in incapacitating or fatal injury



## CRITERIA FOR SPEED CAMERAS

### **Legal Requirements, cameras can only be placed**

- Residential roads with a speed limit of 35 MPH or less OR
- School Zones

### **Site Selection:**

- Pre-enforcement verification: requests from citizens, collision data, community and environmental concerns (places of worship, schools, public facilities, etc.), pedestrian activity
- Data collection and analysis
- Site Visit
- Approval by Citizen Advisory Board for Traffic Issues (CAB-TI), and the Director of MCP's Traffic Division. The Traffic Division Director has final approval.

VISION  
ZERO

Placement of speed cameras are set by Maryland state law, Traffic Article 21-809.







# TRAFFIC DIVISION

## AUTOMATED TRAFFIC ENFORCEMENT UNIT

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Speed	27,986	33,504	33,966	34,966	22,080	21,410	30,502	31,403	7,596				243,413
Red-Light	3,252	3,334	2,649	1,907	2,155	1,978	2,858	2,784	933				21,850
Bus	6,900	6,332	3,761	0	0	0	0	0	0				16,993
Totals	38,138	43,170	40,376	36,873	24,235	23,388	33,360	34,187	8,529				282,256

AVERAGE SCHOOL BUS CITATIONS PER DAY FOR SCHOOL YEAR 2019-2020: 388 PER DAY

TOTAL SCHOOL BUS CITATIONS ISSUED 10/13/16 – 5/15/20: 155,420

CITATIONS ISSUED 2016-2017 SCHOOL YEAR: 16,256

CITATIONS ISSUED 2017-2018 SCHOOL YEAR: 33,477

CITATIONS ISSUED 2018-2019 SCHOOL YEAR: 54,603

CITATIONS ISSUED 2019-2020 SCHOOL YEAR: 48,285 (THROUGH MAY 15<sup>TH</sup>)



## Revenue & Expenditure Summary - Speed Camera Enforcement

From FY'15 to March FY20

	FY15	FY16	FY17	FY18	FY19	FY20	TOTAL
Total Gross Revenue	\$18,706,240	\$19,714,005	\$17,748,658	\$15,965,214	\$14,078,255	\$ 12,920,384	\$ 99,132,756
Total Expenditure	\$ 8,514,549	\$11,119,746	\$ 8,925,488	\$ 5,780,595	\$ 8,724,141	\$ 9,201,942	\$ 52,266,460
Net Revenue	\$10,191,690	\$ 8,594,259	\$ 8,823,170	\$10,184,619	\$ 5,354,115	\$ 3,718,442	\$ 46,866,295
No. of Citations Issued (by FY20)**	507,531	415,935	509,542	422,851	373,169	355,786	2,584,814

## II. Revenue & Expenditure Summary - Red Light Program

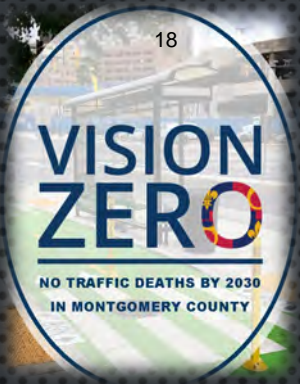
From FY'15 to March FY20

	FY15	FY16	FY17	FY18	FY19	FY20	TOTAL
Total Gross Revenue	\$ 4,702,369	\$ 4,831,355	\$ 4,359,449	\$ 3,885,511	\$ 3,834,710	\$ 2,780,320	\$ 24,393,714
Total Expenditure	\$ 1,900,506	\$ 2,487,859	\$ 2,123,862	\$ 1,753,468	\$ 1,687,627	\$ 1,239,621	\$ 11,192,943
Net Revenue	\$ 2,801,863	\$ 2,343,496	\$ 2,235,588	\$ 2,132,043	\$ 2,147,083	\$ 1,540,698	\$ 13,200,772
No. of Citations Issued (by FY20)**	69,385	56,108	68,056	56,506	54,572	39,205	343,832

\* Based on BI Reports FY20

\* BI Reports for May and June FY20 are still ongoing and totals may change





# Automated Enforcement



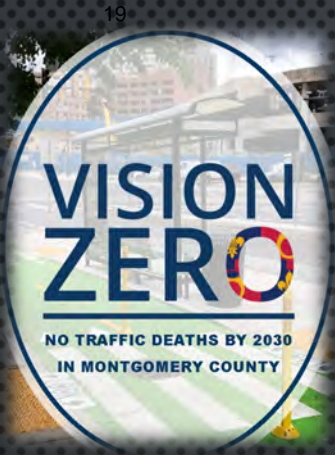
## Speed Camera

	2017	2018	2019
Citations Issued	470044	400292	357652
Controllable Rejects	25135	22815	24206
Issuable Events	495179	423107	381206
% of Issuance	95%	95%	94%

## Red Light

	2017	2018	2019
Citations Issued	60860	59751	46923
Controllable Rejects	5421	5909	7044
Issuable Events	66281	65660	53967
% of Issuance	92%	91%	87%





# Safety Equipment Repair Order (SERO)

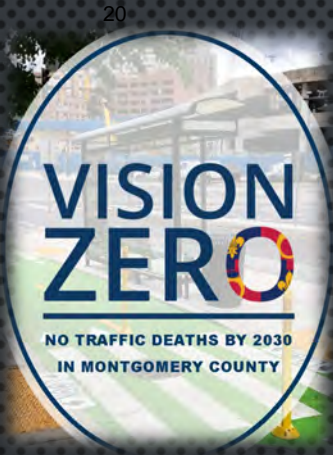
Maryland does not have an annual state inspection program, so officers are responsible for ensuring vehicles are safe on the roadways.

SERO may be issued if vehicle is observed to be defective according to Maryland vehicle safety standards.

Vehicle must be repaired within 10 days and certification of repair sent to MSP within 30 days.







# Pretextual Traffic Stops

"Discrimination in any form, including racial profiling, is strictly prohibited... Racial profiling is defined as any law enforcement-initiated actions (l.e. traffic stops, investigative stops, etc.) based on the individual's race, ethnicity, or national origin rather than the individual's behavior or identifying the individual as having engaged in criminal activity" - HQ Memo 14-02





# WHAT DO WE TRAIN?



- WE DO NOT, NOR HAVE WE EVER, TAUGHT OFFICERS TO CONDUCT TRAFFIC STOPS BASED ON SOMEONE'S PROTECTED CLASS
- WE TEACH OFFICERS CONSTITUTIONAL POLICING TECHNIQUES, SPECIFICALLY HOW IT RELATES TO TRAFFIC STOPS, AND HOW TO CONDUCT TRAFFIC STOPS IN A PROFESSIONAL MANNER
- WE TEACH OFFICERS THE CONSTITUTIONAL STANDARDS FOR CONDUCTING A TRAFFIC STOP.
- REASONABLE ARTICULABLE SUSPICION THAT A VIOLATION HAS OCCURRED



## EXAMPLES OF A PRETEXTUAL TRAFFIC STOP?

AN OFFICER IS DRIVING NORTH ON WISCONSIN AVENUE LEAVING THE DOWNTOWN BETHESDA AREA AT 1AM ON A SATURDAY MORNING. HE OBSERVES A VEHICLE SWERVING WITHIN ITS LANE AND THINKS THE DRIVER COULD BE IMPAIRED. THE OFFICER NOTICES THAT THE VEHICLE HAS A BREAK LIGHT OUT AND CONDUCTS A TRAFFIC STOP.

WAS THIS A PRETEXTUAL TRAFFIC STOP?

YES. THIS IS A CONSTITUTIONALLY PERMISSIBLE PRETEXT STOP. THE OFFICER IS MAKING THE TRAFFIC STOP BECAUSE HE HAS A BELIEF THAT THE DRIVER COULD BE IMPAIRED. HIS CONCERN IS NOT SO MUCH THE EQUIPMENT VIOLATION, BUT RATHER THAT THE OPERATOR IS DRIVING UNDER THE INFLUENCE





# WHAT ARE EXAMPLES OF A PRETEXTUAL TRAFFIC STOP?

AN OFFICER KNOWS THAT IN HER BEAT, THERE HAVE BEEN A RASH OF THEFT FROM AUTO'S IN A NEIGHBORHOOD. RING CAMERAS SHOW A WHITE SUV IS INVOLVED, BUT THERE IS NO FURTHER DESCRIPTION. ONE NIGHT, THE OFFICER SEES A WHITE SUV DRIVING AWAY FROM THE NEIGHBORHOOD. THE OFFICER NOTICES THAT THE VEHICLE IS MISSING ITS FRONT LICENSE PLATE AND CONDUCTS A TRAFFIC STOP.

WAS THIS A PRETEXTUAL TRAFFIC STOP?

YES. THIS IS A CONSTITUTIONALLY PERMISSIBLE PRETEXT STOP. THE OFFICER CONDUCTED THE STOP TO IDENTIFY THE DRIVER IN RESPONSE TO A CRIME TREND, NOT BECAUSE OF A CONCERN OVER THE LICENSE PLATE. HOWEVER, THE MISSING PLATE PROVIDED A VALID REASON TO MAKE THE TRAFFIC STOP AND IDENTIFY THE OPERATOR.







# SUMMARY

- TRAFFIC ENFORCEMENT IS THE PRIMARILY RESPONSIBLY OF THE POLICE DEPARTMENT AND CRITICAL COMPONENT OF VISION ZERO. ANNUALLY 20,000 TRAFFIC CRASHES ARE REPORTED IN MONTGOMERY COUNTY, IN WHICH, 30 PEOPLE LOSE THEIR LIFE. FATAL TRAFFIC CRASHES ARE A VIOLENT CRIME. WORKING ON OUR ROADWAYS IS A VERY DANGEROUS ENVIRONMENT.
- THE DEPARTMENT'S AUTOMATED ENFORCEMENT PROGRAM IS A NATIONAL MODEL DUE TO BE WELL MANAGED AND UTILIZING INNOVATED THINKING.
- THE DEPARTMENT DOES NOT CONDONE RACIAL PROFILING AND WILL HOLD OFFICERS ACCOUNTABLE FOR INAPPROPRIATE CONDUCT.