

## Somerset Town Council Work Session

Topic: Somerset Council Work Sessions 2024

Time: Feb 20, 2024 05:30 PM Eastern Time (US and Canada)

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|-----------|--|
| 5:30 p.m. | Police – Discussion on path forward with Chair of Public Safety Committee                  |
| 6:10 p.m. | Antisemitism Resolution  |
| 6:25 p.m. | Tree Code Discussion   |
| 6:45 p.m. | Building Lot Coverage  |
| 6:55 p.m. | Arbor Day/Tree City Proclamation   |
| 7:00 p.m. | Solar Panel Installation at Town Pool – Environment Committee Request for budget amendment |
| 7:10 p.m. | Committee Membership & Recruitment   |
| 7:20 p.m. | Privacy Permissions Policy (Communications Committee)                                      |
| 7:25 p.m. | Budget Hearings  |

TOWN OF SOMERSET  
PUBLIC SAFETY COMMITTEE

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

DATE: October 18, 2023

TO: Town of Somerset Council

FROM: Kumar Vaswani, Chair, Public Safety Committee (PSC) 

SUBJECT: Recommendations Regarding Town Police Program

**INTRODUCTION**

President Surko and Council Member Rovak have asked the Public Safety Committee (PSC) to evaluate the Town's police program.

Please note that:

- (1) No one is questioning the quality of our Town police officers. Their integrity, dedication, and quality are undisputed.<sup>1</sup>**
- (2) The PSC has met with the Town's lead officer several times and has always had a collegial relationship with him.**

Additionally, the PSC chair has known one of the Town officers for more than two decades.

However, the issue is not the quality or dedication of our Town police officers.

**The issues are:**

Does the Town's police program provide **a good return on our investment?**

Is the program **a good fit for the Town?**

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<sup>1</sup> In attempting to explain the benefits of the police program, Town officials have stated that we have two very good officers here. But no one is questioning the quality of our Town police officers. Please see the PSC's July 13, 2022, memo to the Council, which is incorporated herein by reference, for more information.

**Are there more effective and more fiscally prudent alternatives?**

**Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?**

(3) During the sixteen years of the Town police program's existence, the Council has never been fully briefed on the program. Consequently, there is a great deal of confusion surrounding the program. In this memo, we present data and evidence and address some of the confusion and misconceptions regarding the program.

(4) No doubt the police play an important role in the detection and prevention of crime—and the Town should ensure that it continues to receive the benefit of these services from the Montgomery County Police Second District. But any Town police/security efforts need to be part of a holistic, coordinated program that includes monitoring, supervision, public education, engagement (and proactive action) by the public, as well as collaboration with our public safety partners at the county, state, and federal levels.<sup>2</sup>

(5) Somerset has an enviably low crime rate. However, the PSC is in no way minimizing or trivializing any of the crimes that have occurred in Town. Any crime is one crime too many. The PSC recognizes the physical and psychological toll of crime and will continue to seek effective ways to prevent crime.

(6) The PSC has the expertise to address these issues and make recommendations to the Council.

Two PSC members are attorneys, at least one of whom has worked on criminal issues. While police officers certainly have valuable experience, it is attorneys who work with policy and larger issues related to law enforcement. The heads of departments and government components that have significant law enforcement roles—such as USDOJ, DHS, FBI, ATF, DEA, etc.—are attorneys—not police officers.

Two PSC members have extensive public safety experience and have worked and interacted with scores of police officers at the federal, state, and local levels. Members of the PSC have worked with victims of crime. **The PSC is familiar with the benefits, costs, and challenges of police programs.**

(7) The Town's police program presents numerous challenges because of its complexity, its interconnection with the Montgomery County Police Department (our officers essentially have two employers simultaneously), previous Councils' lack of oversight, confusion about the program, lack of documentation, and the public's perceptions regarding both crime and law enforcement.

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<sup>2</sup> Two of the PSC's goals are to use a holistic approach to public safety and to instill a public safety ethos in our Town government.

The PSC applauds all Council Members, the Mayor, the Town Manager, and the Deputy Town Manager for taking on these challenges.

## **RECOMMENDATIONS**

The PSC met on October 10 and voted to make the below 5 recommendations to the Council.

The PSC respectfully **asks the Council to vote to:**

### **(1) Maintain the current moratorium on hiring of new police officers.**

JUSTIFICATION: Two years ago, the Town Manager agreed to a moratorium on hiring of police officers. The moratorium should continue.

**The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.**

(a) On September 22, 2023, the Traffic Committee sent the Council a letter stating: “We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program . . . have not effected the increase in traffic safety we expected. . . . [W]e have not seen an increase in stop sign compliance, which was our main goal.”

(b) **The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town’s crime rate.** In fact, even as police expenditures have remained the same or dropped, crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.

Please see the below Executive Summary (item #1) for additional data.

(c) The Town is not set up to hire new officers. We have no policing policy, no personnel practices regarding Town police officers, and no processes for screening, recruiting, hiring, evaluation, and onboarding.

### **(2) Discontinue the Town’s police program effective close of business April 30, 2024 (or sooner if the Council desires).**

JUSTIFICATION: The Town’s police program has not met the Town’s expectations. Additionally, the program does not provide a good return on our investment.

The Town started the police program in 2007 to address traffic safety concerns. However, in its September 22 letter to the Council, the Traffic Committee stated, “**the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as we had hoped.** . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety.” [emphasis added]

**Moreover, the data show that the police program has little to no impact on Somerset’s crime rate.** (Please see the crime statistics and police expenditures in the Executive Summary, item # 1 below.)

For all the reasons stated in this memo, the program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

### **(3) If the Council feels the Town needs a security presence:**

**The Council could explore the option of hiring unarmed safety patrols (i.e., personnel who will drive around the Town in marked vehicles).**

As part of this exploration, the Town should study the legal and social implications as well as the experiences of nearby neighborhoods and municipalities.

JUSTIFICATION: Somerset has an enviably low crime rate. Although there are no guarantees, violent crime in Town is fortunately extremely rare. Most crimes in Town are property-related, and the police have repeatedly told us that most of these crimes are preventable.

The evidence and data do not indicate that hiring a security presence would significantly reduce Somerset’s already low crime rate. Even without our Town police program, Somerset already has a police presence; the police respond to calls in Somerset an average of two times a week. The majority of those calls (90%) are handled by the regular Second District police officers (not our Town police).

The PSC also believes that better communication with residents and the Montgomery County Police Second District, as well as infrastructure improvements, may well do more to enhance residents’ feelings of safety than a hired security presence would.

However, if the Council desires a security presence in Town, the Council could consider contracting with a firm to provide **unarmed safety patrols in marked vehicles.**

For example, a **University of Maryland task force has recommended that the university “increase the use of non-sworn staff for routine patrols”** as part of an effort to “consider new approaches that would ensure a greater sense of community safety and trust, particularly among those who are most vulnerable to discriminatory police actions.”

<https://president.umd.edu/administration/commissions-task-forces-and-councils/task-force-on-community-policing>

We note that safety patrol personnel would not be able to issue traffic citations or warnings.

We also note that there are legal, racial equity, and social justice implications with hiring any type of security presence – whether the police or private safety patrols.

**(4) In the interim, until the police program’s discontinuation:**

**Direct Deputy Town Manager Hardwick to:**

- (a) monitor the police activity log on a daily basis, effective immediately;**
- (b) immediately instruct the Town police to again resume documenting each shift in the police activity log, as recommended by the PSC and approved by the Council in August 2022;**
- (c) ensure that the Town police continue to document each shift in the police activity log, so there are no more gaps in the log in the future;**
- (d) ensure that the officers enter in the log the reasons for any traffic stops, for any warnings issued, and for any citations issued, effective immediately.**

JUSTIFICATION: **This is essentially *res judicata*.** The Council approved the PSC’s recommendation to resume use of the police activity log **over a year ago**. Please see the PSC’s memo of July 13, 2022, for more information.

Although the Town resumed use of the log in February of this year, the Town officers have again stopped using the log. As the PSC chair emailed Town Manager Trollinger on August 26, the daytime officer stopped documenting his shifts in the log on **August 17 of this year**. The night officer stopped documenting his shifts in the log on **September 6**.

The PSC chair never heard back from the Town Manager. As of October 18, the officers are still not documenting their shifts in the log.

It appears that through no fault of his own, the Town Manager -- the officers' supervisor -- may not have time to adequately supervise the Town police, including monitoring the police activity log.

**Therefore, the Council should transfer the Town Manager’s duties to another employee who has time to do the work.**

Although incompletely filled in, **the police activity log has been the sole source of transparency regarding the current activities of the police program, including the number of calls responded to, the number of tickets issued, the nature of the calls responded to, etc.**

In the November 2020 “Somerset-Montgomery County Police Forum,” a resident stated, “If we keep hiring them [the police], you should ask for them to keep lists of their contact with the community and what they are doing . . . because it’s our Town money that’s going out to them. I haven’t figured it out yet.”

Her comments were on point. The log has enabled the PSC to respond to inquiries from Council Members and residents.

For example, a Council member recently asked questions about: what the Town police do during their shifts, the number of night hours worked every week, the times of night the officers work, and the number of night shifts worked every week.

**It is only because of the police activity log that the PSC was able to respond to the Council member’s questions.**

The police activity log has also enabled the PSC to introduce some transparency to the police program by informing the public (as the Town used to do routinely) about: the nature of the calls responded to by Town officers, the number of calls responded to per month, the number of warnings issued per month, and the number of traffic stops made per month.

**It was only after the Town resumed maintaining the police activity log in February of this year that the PSC was able to resume publishing summaries of Town police activity (quarterly) in the Town Journal.**

However, **the value of the police activity log diminishes when the officers do not document their shifts.**

This is not the first time the Town has failed to ensure that the log is being filled in.

There are months-long gaps in the log for both 2021 and 2022 -- which is precisely why the PSC recommended in July 2022 that the Town resume using the log to document each shift.

The Town finally resumed using the log in February of this year, **but now the officers have again stopped documenting their shifts.**

The PSC is monitoring the log, but it is the Town staff’s responsibility to monitor the log as well. And the staff should ensure that the officers are properly documenting each shift in the log, as required by the Council.

We understand that because Town Manager Trollinger is overworked, he may not have had time

to remind the Town police to document each shift in the log, even after receiving the PSC chair's email notifying him of the daytime officer's failure to do so. (Subsequently, the night officer has stopped documenting his shifts in the log as well.)

And the Town Manager probably does not have time to monitor the police activity log on a daily basis or to adequately supervise the police.

**Therefore, the Council should delegate tasks relating to the police activity log to Deputy Town Manager Hardwick.**

**(5) Request the Town's auditing firm to:**

- (a) investigate and explain the \$14,000 discrepancy for the police program in FY 22;**
- (b) report back to the Council by December 4, 2023; and**
- (c) send an email copy of the report to the chair of the PSC.**

**JUSTIFICATION:** For FY 22, the police program was budgeted at \$50,000. According to the final audited financial statement provided by the Town's auditing firm and included in the Council meeting packet, the Town spent \$64,000 on the program. This represents a 28% cost overrun.

In a January 9 email, the Town Manager stated that he paid out to officers "\$49,995. It looks like the auditors added something else to this account."

The Town Manager stated that he would get back to the PSC on this. The PSC never heard anything further on this.

**The Council has a fiduciary responsibility to ensure that taxpayer funds are spent in a fiscally prudent manner and that budgeted funds are not diverted or misspent. The Town should investigate the discrepancy.**

**EXECUTIVE SUMMARY**

Although the Town's police program was started with good intentions, the program is providing a low return on investment and is not a good fit for Somerset.

Without question, we have two outstanding police officers. This is beyond dispute. No one is questioning the quality of the officers.



However, the police program is not a good fit for Somerset for the following reasons, among others:

**(1) The data show that the Town police program has little to no impact on Somerset's crime rate.**

Decreasing our police hours has not resulted in a higher crime rate for our Town.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:

FY 20 <sup>3</sup>	\$36,000	13 crimes
FY 21	\$50,000	17 crimes
FY 22 <sup>4</sup>	\$50,000	13 crimes
FY 23	\$33,000	7 crimes (calendar year to date)

**Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.**<sup>5</sup>

The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.

**(2) The Town police have little opportunity to take police actions in Somerset.**

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

Following is a summary of Town police activity this year.

<sup>3</sup> Source: August 3, 2020 Council packet. Actual figure is \$35,870.27

<sup>4</sup> Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

<sup>5</sup> We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

This year (to date) the Town police:

**Responded to 7 calls in Town this year (less than 1 call per month on average)**, according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

**In previous years, based on the police activity log, our Town police responded to an average of 1 Town emergency every 3 months.**

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

**Made 0 arrests this year to date (and 0 arrests in the last 5 years), according to the police activity log.** (The PSC has logs going back 5 years.)

**Possibly issued 1 ticket this year to date, according to the police activity log.** (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

**Issued 5 warnings year to date, according to the police activity log.** One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

**Wrote 2 community notices that we can recall this year.** (The Town Manager distributed these notices via Town Announcements.)

Please see additional details on the low level of Town police activity under “Background” (below).

**(3) Even when we have had a police officer in Town, crimes have still occurred.**

A Town police officer was on duty at the same moment that the carjacking occurred in January 2021. The Town police officer’s presence did not deter the crime, and she did not catch the suspect.

And the unlawful entry on Cumberland in December 2021 occurred while a Town police officer was on duty. Again, the Town police officer’s presence did not deter the crime, and he did not catch the suspect.

**(4) The Question of What Services the Town Police Can Provide**

Town officials have suggested meeting with Second District officials to ask them what services the Town police can provide for us.

(a) **The Town has already asked the Second District this question (twice):**

**At a March 30, 2023 meeting with Second District Commander Daum, Town Manager Trollinger asked her what services the Town police can provide for us.**

**In reply, Commander Daum stated that it would be unethical for her to answer this question.** (If the Town has questions about the legality or ethics of the Second District answering this question, the Town should consult with the Town Attorney).

**At a November 2020 Town forum,** President Shaul asked a similar question of Commander Gagen. **He never answered the question.**

**(b) This seems to be a recurrent theme – the Town’s constant struggle to find things the Town police can do for us.**

(c) **The answer to this question seems rather elusive,** which could mean that the police program is a solution in search of a problem.

**(5) High Cost and Low Return on Investment from the Police Program**

**(a) The Town has spent \$300,000 on the police program so far during the past 16 years.**

**(b) The Town is spending approximately \$715 a week on the police program, which has been deemed ineffective by the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee).**

(c) At the current rate of spending, if the Council were to continue the program, the Council would spend **an additional \$370,000 (at a minimum)** on the program over the next decade.<sup>6</sup>

The Council should apply a high standard when deciding how to spend these funds. That \$370,000 could be used for a number of worthy projects, such as pedestrian-scale lighting, infrastructure improvements to address pedestrian safety concerns, hiring crossing guards, hiring a part-time staffer to ease the burden on the Town Hall staff, or other projects for the public good (should the Council deem them appropriate), such as converting the pool house to a year-round facility.

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<sup>6</sup> Financial analyses of the expense and impact of government programs typically examine the program over a 10-year span. See, e.g., “About Congressional Budget Office: Baseline Budget and Economic Projections,” <https://www.cbo.gov/about/products#6>

**(d) The data show that the police program has little to no impact on the Town's crime rate.** Please see the data showing crime numbers and police expenditures for the past four years in the Executive Summary, item #1.

**(e) For the price the Town is paying, the Town police do not even drive around;** instead, they sit parked for up to 60 minutes at a time at 1 location.

**(f) And for that price, we cannot even control the dates or the times of day/night** that the Town officers work here.

**(g) For the current budgeted amount, we only have 1 Town officer on duty for 1.8 hours a day** on average. **This is less than 8% of the time.**

**(h) Up until this fiscal year, the Town police were the highest paid of any of our Town employees, on an hourly basis.**

**(i) For the amount we are paying, we are not even getting a visible presence during all of the hours that the Town police work. One of our officers is sometimes here in an unmarked vehicle, thus defeating the goal of a visible presence.**

At an April 2022 meeting with Council member Barr, Council member Rovak, and Chair Hurwit, the Town Manager stated that an unmarked vehicle would help the police make traffic stops. **But the proof is in the pudding: the Town police have hardly made any stops for the last 3 years.**

**(j) As a side note, the Town has not conducted a legal review of its Town police program or assessed the Town's liability for operating its current police program.**

#### **(6) Lack of Patrols**

According to the Town Attorney, the County's collective bargaining agreement **prohibits the Town officers from driving around and patrolling the Town, unless the Town pays the County for vehicle expenses – which the Town does not.**

Instead, the officers go from one location to another and **sit parked for up to 60 minutes at a time.**

#### **(7) Lack of Control Over the Town Police Officers' Schedules**

We have no control over the dates or times of day/night that the officers work. The officers set their own schedules, working around their County jobs and their personal schedules.

**The Town sometimes goes 4 – 5 days without a Town officer on duty.**

This might explain why the Town staff stated that they asked the regular County Second District police to monitor the pool after the break-ins there and to monitor the area around the recent water main break (at Warwick and Falstone).

**(8) The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.**

The Traffic Committee has concluded that the program is ineffective for traffic law compliance. The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town's crime rate.

**(9) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.**

Montgomery County, Washington, D.C., and other progressive jurisdictions are looking at infrastructure solutions for traffic safety problems. **Infrastructure could induce traffic law compliance 24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.<sup>7</sup>

**(10) The available evidence indicates that through no fault of their own, the Town staff lacks the time and resources to adequately monitor/supervise the police program and to communicate with** and engage in a collaborative process with the police, residents, and committees.

**(11) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.**

Please see details further down in this memo.

**(12) The police program is not an efficient use of resources.**

In today's world (particularly in our low-crime, suburban-type community<sup>8</sup>), where much of policing is driven by 911 calls, rather than by the discovery of incidents by "the officer on the beat," it is inefficient for the Town to hire officers to sit parked waiting for a call.

For example, the Town police respond to only 1 emergency in Town per quarter on average. And two of the emergencies to which the Town police responded this year were outside of Town.

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<sup>7</sup> About 50% of Town police hours are worked during the daytime. The other 50% of the hours are worked at night, often from 7 pm to 1 am, when traffic is at a minimum.

<sup>8</sup> No doubt, some will dispute the description of Somerset as a "suburban-type community." Some might describe the Town as "dense suburban" or "urban." Others might call it a "close-in suburb." Perhaps the best description would simply be its zoning classification: "R-60."

As another example, **our Town police are hardly giving any parking tickets.**

But residents are calling 911 (or the police nonemergency number) with parking complaints. The Second District is dispatching officers here to address those complaints. In one case a Second District officer responded just 45 minutes after our Town officer ended his shift.

The PSC is not necessarily advocating for more tickets. But if residents have to call 911 with parking complaints, and the Second District police are responding to do what we have been expecting our Town police officers to do, **then the Town is not getting good value for its money.**

### **(13) Racial Equity and Social Justice Considerations**

**There are racial equity and social justice considerations with hiring any type of security presence** – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

Our Town police officers are well trained and professional. However, **in its Black Lives Matter resolution, the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with evolving public perceptions regarding law enforcement and many communities’ efforts to seek alternatives to the use of the police as part of a more holistic, effective approach to public safety.

**(14) The purported direct connection to the Montgomery County Police Department (cited as a benefit of the Town’s police program) is already available for free from MCPD.** It is not fiscally prudent to pay for this service. **In any case, the purported direct connection to the MCPD (via our Town police) isn’t working.** Please see details under Background, below.

## **BACKGROUND**

**(1) The data show that the Town police program has little to no impact on Somerset’s crime rate.**

Decreasing our police hours has not resulted in a higher crime rate for our Town.

**Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:**

FY 20	\$36,000	13 crimes
FY 21	\$50,000	17 crimes

FY 22<sup>9</sup> \$50,000 13 crimes

FY 23 \$33,000 7 crimes (calendar year to date)

Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.<sup>10</sup>

**The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.**

**(2) The Town police have little opportunity to take police actions in Somerset.**

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

**We have a very low crime rate in Town;** we are more likely to be felled by a heart attack, stroke, vehicle collision while driving to or from Somerset, or some other medical calamity, than to be the victim of a violent crime in Town.

**We have almost no traffic collisions or pedestrians struck by vehicles. We do not have the pattern of criminal activity**, such as shootings, muggings, or outdoor drug dealing, that exists in areas of D.C, Silver Spring, or Prince George's County.<sup>11</sup>

The police tell us that **most of the crimes here are preventable.**

**Following is a summary of Town police activity this year.**

This year (to date) the Town police:

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<sup>9</sup> Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

<sup>10</sup> We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

<sup>11</sup> Again, this is not to minimize the toll that these types of incidents can inflict on the victims. See Introduction, item #5.

**Responded to 7 calls in Town this year (less than 1 call per month on average),** according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

In previous years, based on the police activity log, our Town police responded to **1 Town emergency every 3 months on average.**

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

**Made 0 arrests this year to date (and 0 arrests in the last 5 years),** according to the police activity log. (The PSC has logs going back 5 years.)

**Possibly issued 1 ticket this year to date,** according to the police activity log. (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

**Issued 5 warnings year to date,** according to the police activity log. One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

**Wrote 2 community notices that we can recall this year.** (The Town Manager distributed these notices via Town Announcements.)

Note that the above incidents are only a fraction of the incidents that have occurred in Town this year. By examining a list of police dispatched calls in Data Montgomery for a 36-week period this year, the PSC found that the police respond to calls in Somerset an average of two times a week.

We compared this data with the Town’s police activity log and found that **almost all those calls (90%) were handled by the regular Montgomery County Second District police (not by our Town officers).**<sup>12</sup>

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<sup>12</sup> Those calls run the gamut from activated burglar alarms (this type of call predominates, but most of them are accidental alarms or malfunctions—some Data Montgomery entries actually include the phrase “cry wolf”), fraud complaints, animal issues, welfare checks, persons needing a mental health evaluation, missing persons (for example, the dementia patient who wanders or drives away), runaways, “family trouble,” suspicious persons or vehicles (usually resulting in nothing found), aggressive solicitors, reports of a crime that occurred in the past, parking complaints (even though our Town police do not proactively issue parking tickets, residents are calling the police, and the Second District is dispatching its own officers to deal with parking complaints), noise complaints, and so on.

Many of these calls are non-emergencies or could be addressed by services other than law enforcement. But because we often rely on the police as the “go-to” response agency for any kind of trouble, the police end up getting dispatched.



Our Town police responded to only about 10% of incidents during that period -- which makes sense, given that our Town police are here only 8% of the time.

**(3) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.**

The Town already receives ample coverage by the County police, who respond quickly to any emergency in Town.

In fact, according to Data Montgomery, the police respond to calls in Town twice a week on average. **Montgomery County's Second District police officers (not our Town police) respond to 90% of police-dispatched incidents in Town.**

And as the Town Manager has remarked, the service provided by our public safety agencies is excellent.

It is not fiscally prudent for the Town to pay for these services.

**(4) The Town police do not assist the school crossing guard.**

Town officials have stated that the Town police have been deployed because drivers were harassing the crossing guard. The Town officers may have helped the crossing guard when the program was started in 2007, but they have not done so for at least five years.

**This is an example of the confusion that surrounds the police program.**

The police activity logs show that:

**(a) The Town police have never assisted the school crossing guard in the last 5 years.** (The PSC has logs going back 5 years.)

**(b) The Town police have never been stationed at Dorset and Warwick during school hours during the last 5 years.**

**The Town officials might have seen the regular County Second District police assisting the crossing guard.**

The crossing guard is a Montgomery County Police Department employee, so if she needs assistance, it would make sense that she would contact her supervisor, who would then send a Second District officer to assist her.

Another Town official had mistakenly believed that our Town police are spending time out of

their vehicles and interacting with kids at Dorset and Warwick. This has never happened in the last 5 years, according to the police activity logs. So this Town official also may have mistaken the Second District officers for our own Town police.

#### **(5) Residents' Complaints About the Police Program**

Although there have been positive comments about our Town police officers, **there have been hundreds of complaints and questions about the program over the years**, according to the Mayor.

(a) For example, residents have complained that the officers sit parked instead of driving around to patrol the Town.

(b) Residents have complained that it is unnecessary to have Town police here during broad daylight.

(c) Residents have complained that it is not a productive use of Town funds to hire police officers.

**(d) Three Traffic Committee members have complained about our Town officers' inability to carry out the Town Manager's request that the officers issue traffic citations.**

(e) A Council member has -- at least twice -- remarked upon our Town officers' inability to issue traffic citations.

**(The most recent traffic stop was made at least 6 months ago.)**

(f) The Town staff has not responded to any of these concerns. (Again, we realize that the Town staff is overworked and lacks the time to adequately supervise the police program.)

#### **(6) Racial Equity and Social Justice Considerations**

**There are racial equity and social justice considerations regarding any type of security presence** – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

As part of the national reckoning that has taken place since the police killings of George Floyd, Breonna Taylor, and others, the **Town Council declared in its December 6, 2021, Black Lives Matter resolution** that the Town was “saddened and angered by the disproportionate killing of Black people by police in our country” and that “in our own Montgomery County, County police stop Black drivers at disproportionate rates, and disproportionately arrest, and use force against Black people.”

As the Montgomery County Reimagining Public Safety Task Force has stated, “Montgomery County has its own uncomfortable truth regarding the lack of concern towards members of Black communities.” <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf> .

In 2000, as the Montgomery County Office of Legislative Oversight (OLO) noted, the County signed a Memorandum of Agreement with the U.S. Department of Justice to settle allegations that County police officers engaged in racially discriminatory conduct in violation of federal law. [https://www.montgomerycountymd.gov/OLO/Resources/Files/2022\\_reports/OLORReport2022-12.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf)

The OLO also noted last year that “[W]hile overall numbers of Montgomery County Police Department traffic stops declined between FY18 and FY22, **racial disparities in traffic stops have persisted or worsened over the five-year period.**”

An examination of data related to disparities in policing in Montgomery County would consume more space than would be permitted in this memo, but various County boards, commissions, and task forces, as well as advocacy groups and MCPD itself, are examining these issues and have produced highly relevant reports that the Town should consider.

Our Town police officers are well trained and professional. However, **the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with many communities’ efforts to seek alternatives to the use of the police as part of a more holistic approach to public safety.<sup>13</sup>

In evaluating the police program, the Town should also ask: is the program simply providing a perception of safety that isn’t proven by the statistics and reality?

**(7) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.**

**(a)** This is the trend that Montgomery County, D.C., and other progressive jurisdictions are following. **The Traffic Committee has concluded that the police program is ineffective for traffic safety purposes.** The Traffic Committee is now looking at alternative methods to achieve stop sign compliance and improve traffic safety.

**(b)** Infrastructure could induce traffic law compliance **24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.

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<sup>13</sup> See also, “Town of Somerset Declarations of Inclusion & Sustainability,” on the Town’s home page.

(c) Despite some residents' concerns about speeding in Somerset, it is not an option for the Town police to pull over and ticket speeders. Town police officer Sgt. Cheoung told the PSC at least a year ago that the Town police officers cannot make stops for speeding because they lack the laser equipment and our Town lacks a stretch of road long enough for the police to "pace" a speeding vehicle.

The Town police have never made a stop for speeding, according to all of the available police activity logs.

Infrastructure, such as the speed display signs that the late Council member Alan Proctor set up, as well as public education, could provide some of the most practical solutions for speeding.

(d) The Town could reallocate police funds for:

(i) **Repair of sidewalk tripping hazards that have languished for decades**

These tripping hazards have already caused injury to residents. Residents have complained about the tripping hazards for years.

(ii) **Pedestrian scale lighting** to address pedestrian safety concerns and to allay some residents' fears about personal security.

(iii) **Raised crosswalks** to address pedestrian safety concerns.

(iv) **Pedestrian-activated stop lights** to address pedestrian safety concerns.

(8) **The police program has little to no impact on traffic safety.**

Somerset started the Town's police program in 2007 to address traffic safety concerns.

**On September 22, 2023, the Traffic Committee sent the Council a letter stating:**

We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program (doubled from \$25,000 in FY19 to \$50,000 for FY20, per the request of our Ad Hoc committee in March of 2019) have not effected the increase in traffic safety we expected. **Although the number of hours police officers work in Town did double from 8.75 per week to 17.5 per week, we have not seen an increase in stop sign compliance, which was our main goal.** [emphasis added]

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At this point, the Traffic Committee has concluded that **the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as**

**we had hoped. . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety.** [emphasis added]

Attached is the Traffic Committee's letter to the Council.

**(9) Infrequency and Brevity of Town Police Shifts**

**We only have 1 Town officer on duty for 1.8 hours a day on average. This is less than 8% of the time.**

**The Town sometimes goes for stretches of 4 – 5 days with no Town police officer on duty,** because we do not control the officers' schedules.

One response to the infrequency and brevity of shifts might be to increase police hours. But this would be an extremely expensive proposition because of the high cost of the officers' salaries.

For example, it would cost more than \$240,000 annually to have a single Town police officer here just 50% of the time. This would require a 33% increase in the Town's property tax rate to raise the funds needed. And this tax increase would still not eliminate crimes. See Executive Summary item #3, and Background item #12.

**(10) Lack of Control Over the Town Police Officers' Schedules**

The Town has no control over the dates or times of day/night the Town police officers work. The officers set their own schedules, working around their County jobs and their personal schedules. This was apparently the arrangement when the Town hired the officers.

The Town sometimes goes for stretches of 4 – 5 days without a Town-hired police officer here.

Holiday weekends are when residents tend to go out-of-town. This year, July Fourth was essentially a four-day holiday weekend for people who could get Monday off. **However, no Town officer worked here during any of those four days – either day or night.**

For Labor Day weekend this year, a Town officer was in Town up until Friday night at 8 pm. The next time a Town officer worked here was on the following Tuesday starting at 7 pm. **So no Town officer was here during the entire three-day weekend – either day or night.**

When our Town residents go on vacation, our Town officers may also be going on vacation.

So if some residents are concerned about crime when they are out of town, their concerns will not be allayed; our Town police officers are less likely to be here when residents are out of town.

**(11) Our Town has likely done more to reduce crime by encouraging residents to take basic precautions, rather than by hiring police as a crime deterrent.**

In FY 21 and FY 22, the Town spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv about thefts from vehicles at night (in April and again in October 2021).

**This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).**

We have managed to lower the incidence of crime by encouraging residents to take basic precautions, even as Town police hours have decreased in the last year.

Obviously, it's too early to brag. And we have more work to do. Every year we have about two car thefts and one or two house break-ins. **But even in years of high police expenditures, the numbers of those crimes have held steady**, and it is not likely that higher police expenditures will completely eliminate these few break-ins and vehicle thefts.

**Even Chevy Chase Village, with a full-time police force (that actually patrols the Village) and a police budget of \$2 million, still has scores of crimes each year.**

In fact, every municipality cited by the Town staff as hiring the police (in some cases for significant numbers of hours) have crimes occurring in their jurisdiction.

**(12) Response to the argument that it's beneficial for the Town police officers to sit where they are, so the officers can catch a suspect in case there is an incident.**

(a) **The Town police have never caught a suspect in the last 5 years.** (The PSC has police activity logs going back 5 years.)

**Even Town Officer Livingston, who responded to the carjacking on Essex in 2021 while she was on duty here in Town, did not catch the carjackers.**

(b) We have 5 road entrances into the Town and at least 5 pedestrian entrances, so it is impossible for an officer to cover every exit route.

(c) The Town police are often sitting parked at locations other than Town entrances.

(d) Since we have only 1 officer in 1 location for less than 8% of the time, a criminal has less than an 8% chance of encountering one of our Town police officers.

**According to Second District Cdr. Daum, criminals most likely do not "case" the Town--they are not scoping us out repeatedly for days in advance to see if the police are here.** Criminals likely come through Town occasionally and commit crimes on the spot (opportunistically).

**(13) Response to the Argument that the Police Program is Inexpensive on a Per-Household Basis**

An assertion was made in a Council meeting that the police program is inexpensive (“\$3 a week per household”).

(a) One could advance this argument about any program. But this argument fails to address the real issue. Government spending is not evaluated solely by calculating the per-household cost.

(b) The relevant issues are:

**Does the Town’s program provide a good return on our investment?**

**Is the program a good fit for the Town?**

**Are there more effective and more fiscally prudent alternatives?**

**Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?**

(c) For example, one could say the Town should hire a short-order cook at \$3 a week per household to prepare meals for the Town Hall staff on demand. This program would be a bargain on a per-household basis.

But is hiring a short-order cook an effective use of tax money?

(d) **That \$3 a week per household is more than half a million dollars over the course of 10 years -- \$644,280, to be exact** ( $\$3 \times 52 \text{ weeks} \times 413 \text{ houses} \times 10 \text{ years}$ ).

That \$644,280 could be used for a number of other purposes -- converting the pool house into a year-round facility, installing pedestrian scale lighting, etc.

**(14) The Purported "Quick Availability" Benefit of the Police Program**

A Town official has touted “quick availability” as a benefit of the police program.

(a) Granted, when the officers are here they provide a quick response. But the Town has only 1 officer on duty for less than 8% of the time, based upon the current year's \$37,180 budget.

**In other words, the Town police likely miss about 90% of the calls residents make to 911.**

This is confirmed by Data Montgomery, which indicates that **almost all incidents (90%) are handled by the regular Montgomery County Second District (not by our Town officers).**

**(b) Two of the emergencies the Town police have responded to this year were outside of Town.** When we pay for "quick availability," we are also paying for quick availability for adjacent neighborhoods.

**(c)** Even when there is a Town police officer here, residents still have to call 911. Residents have no way of contacting Town officers directly.

**(d)** The Town already enjoys quick availability for emergencies—at no cost—from the regular Second District police officers.<sup>14</sup>

**(15) Response to the Argument That We Will Never Know How Many Criminals Have Been Deterred by a Police Officer Sitting in a Parked Car**

A Town official has stated that we will never know how many criminals have been deterred by a police officer sitting in a parked car.

**(a)** We can't know specifically how many criminals have been deterred by the Town police. But **we can empirically study the crime rate in Town and compare it to the Town's expenditures on the police program.** (Expenditures are directly related to the number of hours the Town police work.)

**The fact is that decreasing our police hours has not resulted in a higher crime rate for our Town.** Please see the data in the Executive Summary (item #1) comparing Town police expenditures to numbers of reported crimes. **Our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.**

**So the data show that our Town police program has little to no impact on the Town's crime rate.**

**(b)** The issue is not whether the presence of a police officer will deter crime. (There is little doubt that an officer will deter crime -- in the immediate vicinity of the officer. But we can't park a police car every 100 feet in Town. That would cost millions of dollars.)

**The issue regarding deterrence is: Is the program effective at deterring crime in Town as a whole?**

On the traffic side, the Traffic Committee says no.

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<sup>14</sup> We use the term "at no cost" to mean that the service is already paid for. Of course, Town residents are paying a hefty County property tax to cover the cost.



**As for other types of crime deterrence, the data show that the police program has little to no impact on the Town's crime rate.**

The officers just aren't here often enough to make much impact. Based on the current year's budget of \$37,180, we have 1 officer on duty for less than 8% of the time.

(c) Even if the officers were here 24 hours a day, we would still have crime. **Chevy Chase Village, with a 24-hour police force and a police budget of \$2 million, still had 39 larcenies in 2022.** See page 5 of *The Crier*:  
<https://www.chevychasevillagemd.gov/ArchiveCenter/ViewFile/Item/2000>

(d) Given how infrequently the Town police work here, the fact that one of our Town officers sometimes sits in an unmarked vehicle, the physical characteristics of our Town (hilly and curvy streets, which decrease the visibility of a parked police car), and our residents' socioeconomic status (criminals neither live nor hang out here), it's unlikely that the Town police have much effect on the crime rate.

**(e) Our Town has likely done more to reduce crime (even as Town police hours have decreased) by encouraging residents to take precautions, rather than by hiring police.**

In FY 21 and FY 22, we spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv during those years about thefts from vehicles at night (in April and October 2021).

**This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).**

Granted, we have had two cars stolen this calendar year (that's about par for every year) and two homes broken into. (In the case of a break-in in January, the resident said the house wasn't fully secured, and the car key "was on a table by the door.") So we still have some work to do.

The PSC is continuing the excellent work of Bruce Tully and Birdie Pieczenik in educating our residents about crime prevention measures.

#### **(16) Response to the Argument That Town Police Can Arrest Suspects**

In attempting to explain the benefits of the Town police program, a Town official has stated that the police can arrest suspects.

**But the Town police have never arrested anyone in the last 5 years.** (The PSC has police activity logs going back 5 years.)

**(17) Residents' Perceptions of Crime in Somerset**

(a) Some residents' fear of crime is real. But hiring the police is not a particularly effective solution for allaying residents' fears. The Town can enable residents to feel safer and empowered by helping them understand the nature of crime, common sense steps to prevent crime, and the excellent County services (law enforcement and otherwise) that prevent crime.

(b) Most individuals feel extremely safe in Somerset. Homes for sale in Somerset are almost always snapped up quickly. **Home buyers would not purchase \$3.5+ million homes in Somerset if crime were scaring home buyers away.**

(c) There is no doubt that the presence of a police officer can increase feelings of safety for some people.<sup>15</sup> But our police program isn't exactly calculated to advertise a visible presence. On average we have 1 Town officer for 1.8 hours a day.

**Moreover, a police officer sitting parked in an unmarked vehicle – sometimes in out-of-the-way locations – is not very visible.**

(d) And if the police program is for our residents' psychological benefit, then there was likely little benefit from doubling the budget in FY 20, because the Council did not announce the increase. Most residents probably were not even aware that the budget was doubled. And some did not even know that we hire the police, given the fact that after creating the program in 2007, the Council never discussed the program until October of 2021.

(e) Moreover, if the police program is for our residents' psychological benefit, then why was the budget reduced from \$50,000 in FY23 to \$37,180 in FY24?

(f) The County already provides the Town with a police presence, because they respond here twice a week on average. So even without a police program, residents would still see the police on a regular basis. Residents likely can't distinguish between our Town officers and the regular Second District police. In fact, some residents commonly mistake the Second District officers for our own Town officers.

**(18) The purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection is not working.**

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<sup>15</sup> Conversely, the presence of a police officer may undermine some residents', visitors', and employees' feelings of safety. See the section on Racial Equity and Social Justice.

A Town official has asserted that the most valuable aspect of the police program is that the program gives us a direct connection to the Montgomery County Police Department, enabling us to get information and updates about incidents that occur in or around Somerset.

**We don't need to hire officers to give us information that is already publicly available -- for free.**

In other words, that direct connection to the Montgomery County Police Department could exist without a Town police program.

**(a) The Town can always ask our Community Services Officer, Demond Johnson, for information about particular incidents.**

The community services officer's role is to act as a liaison to the community and to facilitate information flow.<sup>16</sup>

**(b) Incident information** is also available at the County crime incident map (on the County Police's website); and Data Montgomery (where the PSC regularly obtains lists of crimes, police dispatched incidents, and collisions).

**(c)** Any time we request, representatives of the County Second District police will come to our Town or do a public forum on Zoom and update us on crime trends and recent incidents.

**(d)** Fortunately we do not have the level of crime that is present in some communities in the U.S. -- shootings, robberies, pedestrians struck, etc. We are fortunate in that some of the incidents that have occurred in Town are essentially isolated incidents, and there is likely no discernible pattern or trend.<sup>17 18</sup> Again, this is not to minimize the impact of crime on victims. See Introduction, item #5.

The Town needs to continue to monitor incidents and ensure that they don't become trends; we need to continue to educate residents and urge them to take basic precautions; and we need to call upon Second District officials, if necessary, to address specific patterns that occur. But all of this is staff work—not work for Town police officers.

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<sup>16</sup> Officer Johnson's contact information is: **Officer Demond Johnson, Community Services Officer, 240-773-6728, Demond.Johnson@montgomerycountymd.gov**

<sup>17</sup> (other than issues such as check forgery and identity theft, which the police program is not designed to address)

<sup>18</sup> Mental health issues figure prominently in some incidents that have occurred in Town. But the police are not well-suited to dealing with people experiencing mental health crises. The County is attempting to de-couple the police from mental health responses and is expanding its mental health services, including spending millions of dollars to deploy mobile crisis outreach teams.

**(e) In any case, the purported direct connection to the MCPD (via our Town police) isn't working:**

Town officials have stated that the Town police provide us with updates. **But the police are not giving us updates.**

**The Town police have never automatically informed us of incidents, trends, or the resolution of any incident** unless we asked them first.

**(f) The PSC routinely learns about incidents in and around Somerset by looking at Data Montgomery. The Town police do not inform us of these incidents.**

The most recent incident that the Town police failed to notify us about occurred on October 5—just days ago, in the 5800 block of Warwick Place.

**(g) As another example, the Town police never informed the Town of a break-in and auto theft that occurred in Town on January 10.** We only learned about the incident because a resident posted information on a private listserv. And the police never followed up with the Town to tell us the outcome. Was the vehicle recovered? Were any suspects caught?

**(h) The Town police never notified the Town about a collision that occurred at the corner of Trent and Uppingham on November 22, 2022 (Montgomery County Crash Database, report # MCP287700B9).**

The PSC learned about the incident only by looking at Data Montgomery.

Given the fact that the very goal of the police program was to promote traffic safety and prevent collisions, it is startling that information has not flowed to the Town from the Second District via this purported direct connection.

**(i) The Town police never notified the Town about any of the animal incidents that Second District officers have been responding to (according to Data Montgomery), including at least one case of an injured deer in the roadway (possibly struck by a vehicle).**

If the Town police had been providing the Town with this “information and [these] updates about incidents that occur in or around Somerset,” the Town could have warned residents to be extra careful when driving and to keep an eye out for deer.

Instead, the Town is in the dark because the “direct connection” to the Montgomery County Police Department (a purported benefit of the Town police program) barely functions.

(j) Similarly, the Town police have never informed the Town of the nature of the several parking complaints that residents have called in to 911 (or the nonemergency number), to which Second District officers have responded, according to Data Montgomery.

If the Town staff had learned about these complaints, the staff could have reminded residents to refrain from committing these particular types of parking infractions. This could reduce the number of calls to 911 and even save our residents some money through fewer tickets.

**Communication and information are the essence of public safety—yet the purported communication through a “direct connection” to the MCPD (via our town police program) is virtually nonexistent.**

(k) Sgt. Cheoung used to give the Town staff **monthly incident reports** that the Town Manager would forward to the PSC.

**Those reports stopped coming to the PSC a year ago.**

(l) And the PSC has twice sent the Town staff a list of incidents that we requested the staff to ask the Town police to follow up on.

**The PSC never received the requested information.**

**We are not casting blame; we understand that the Town staff is overworked.**

**But the fact is that the Town staff does not have time to adequately manage the police program and ensure that direct connection to the MCPD.**

(m) The PSC chair also asked the Town staff to request Officer Olcott to brief the PSC on his investigation of the Zoom bombing of a Town Council meeting, given the horrific nature of the incident. Communities routinely request briefings from the police on horrific crimes, so this would seem to be a logical use of the purported direct connection.

On December 9, 2022, the Town Manager kindly replied, "I will check in with officer Olcott and get you a response."

**The PSC never received any further response, until the PSC chair once again emailed** the staff on September 28 of this year. At that time, instead of a briefing, the PSC received a one-sentence response stating that there was no way to identify the Zoom bomber.

In light of the nature of the crime and the strong condemnation by the Mayor, every Council member, and the Town Manager, the PSC had hoped to receive more than a one-

sentence response.<sup>19</sup> This indicates the Town's inability to make use of its so-called direct connection to MCPD.

In short, the purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection to the MCPD (via our Town police) isn't working.

**(19) Community policing -- a purported benefit of the police program -- is available from Montgomery County at no charge. In any event, Somerset does not practice community policing via its police program.**

At various times, a Town official has touted community policing as either a goal or a benefit of the police program.

**(a) The Town doesn't need to pay for community policing activities.**

The County already provides community policing for free. Council members have stated that they have seen the County police interacting with residents (including children) in Town.

It has been established that these officers are not our Town police officers, so they must be the regular Second District officers. (The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.) **So the Town is already receiving community policing from the County for free.**

Moreover, the County police Second District will be happy to come here for a forum or a presentation any time the Council desires. By law, the police have to engage in these activities.<sup>20</sup>

The County police also routinely attend community events, fire department open houses, forums, and festivals. If the Town wants to avail itself of community policing activities, the Town can simply arrange an event and invite the Second District (or any other police agency in whose jurisdiction we are located), and they will be happy to attend -- for free.

The County police would likely have been happy to come here for National Night Out, but the Town staff has not had time to arrange this event or other such events.

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<sup>19</sup> See, page 9 of the November 2021 Journal, <https://files.constantcontact.com/63a3d68b001/797776f2-d248-4901-9f4d-12d970209c73.pdf>

<sup>20</sup> Chapter 35 of the Montgomery County Code requires that "the Department must increase community outreach initiatives and officers must attend community events on behalf of the Department." County law also requires MCPD to report to the County Council the number of events they attend or arrange. So the County Police are always looking for events to attend.

Now that the Deputy Town Manager is on board, if the Council wishes, he can set up these events, and the County Police will attend and provide community policing activities at no charge to the Town.

(b) **In any event**, other than perhaps the annual Halloween event, **our Town government doesn't practice community policing** in the context of our police program.

The Town does not appear to have ever instructed our Town police officers to engage in much interaction with the public. The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.

(c) If the Council believes community policing activities would benefit the Town, it should direct the Town staff to create a community policing plan. (The Town doesn't need to employ police officers in order to have a community policing plan. The Town can simply create a plan, schedule events, and invite the Second District police.)

(d) In March, the PSC sent the Town Manager comments on his draft policing policy. The PSC included "community policing" in a list of critical elements to be added to the draft policy. The PSC never received a reworked draft thereafter.

(e) "Community policing" is more than just a phrase, and it is much more than public contact and events. For more information, please see Chapter 35 of the Montgomery County Code, which defines community policing. If the Town staff has a different definition or version of community policing, it would be beneficial if the staff would articulate it and explain how they intend for it to work in Somerset.

(f) Again, the issue is not the quality of the officers (and certainly not the quality of the Town staff). **The issue is the Town staff's lack of time and resources to manage the police program.**

## **(20) Town Staff's Lack of Time and Resources to Supervise the Police Program**

**This is not a commentary on the quality of the Town staff.**

We are simply noting that the Town government lacks the structure – and, through no fault of their own, the Town staff lacks the time and resources -- to adequately monitor/supervise the police program, to learn about the program, and to **communicate with**, and engage in a collaborative process with, the police, residents, and committees.

**In the same vein, the Town is not well positioned to replace the officer who is retiring this year.**

Again, we are not casting blame. We realize that through no fault of their own, the staff:

- (1) has not been afforded the opportunity to gain the required knowledge and training to manage and supervise the police program; and
- (2) is challenged in terms of workload, resources, and training.

The Town needs to consider the above issues before continuing to operate a police program.

As the previous chair of the Budget Committee has noted, the Town's resources are limited. Operating a police program seems to be too challenging for our Town staff to manage, given the staff's limited time and resources. If the Town staff had the time to create the systems, policies, and procedures that even the Council has deemed necessary, the staff would have created them by now.

Please note that even if the Town staff had the time and resources to adequately manage the police program, this would not detract from the fact that the program provides a low return on investment and is not a good fit for the Town.

The PSC has numerous examples of the Town staff's lack of time and resources for managing the police program, as well as other Town programs. Because these examples implicate personnel management and accountability issues, the PSC will send these examples separately to the Council President.

**(21) The Town staff has not been afforded the opportunity to receive training, knowledge, and experience (a) in how law enforcement in the County and state operate and (b) regarding the implications of operating a police program.**

(a) The Town Manager "inherited" the police program from his predecessor. He was never briefed on the program and was never given any guidance on how to manage the program. This has resulted in an *ad hoc* method of management, which is not appropriate for a public safety program.

(b) Until the Town Attorney advised the Council in August 2022, **the Town Manager -- the officers' supervisor -- was unaware that under the Town's current arrangement, the County's collective bargaining agreement prohibits the Town police from generally patrolling (driving around).**

**Through no fault of their own, the Town staff was unaware of this restriction,** despite the fact that the collective bargaining agreement has been in place since 2017, according to the Town Attorney.



(c) The chair of the PSC asked for a legal review of the police program more than a year ago. This review would have revealed the limits on the officers' activities and helped the Town staff understand how the police operate.

Additionally, in August 2022, the Council approved the PSC's recommendation that the Town assess its legal liability for the police program, particularly after the Maryland General Assembly raised the statutory cap on damages in 2022 for certain police-related lawsuits.

**Neither review was conducted.** This demonstrates that the Town has not been able to devote adequate resources to support the staff and operate the program effectively.

**Given the staff's heavy workload in the coming years** (stormwater SIPs, LED light replacement, pool renovation, road resurfacing, solar panel installation, monitoring of storm water infrastructure that the Council mandates for specific new home construction projects, periodic trimming of trees, Youth Town Council, and the myriad of new projects that the Council is approving), **the PSC sees no evidence that the staff will be able to devote time to supervising, learning about, monitoring, and facilitating information flow regarding the police program.**

## **CONCLUSION**

The Council started the police program with good intentions. However, the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

The program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

**In addition to the above reasons, conditions have significantly changed since 2007, when the Council created the program. These changes render the police program even less relevant and lower the return on investment even further.**

These changes include transformed lifestyles (**more Town residents are at home during the day, walking dogs, exercising outdoors, etc, thus keeping an eye on things and deterring unlawful behavior**); innovations in communication (wireless phones, social media, and other technology allow almost instantaneous alerts regarding hazards); expanded government services (such as mobile crisis outreach teams and assistance for the unhoused); increased use of holistic approaches to public safety (such as infrastructure improvements described in the County's Pedestrian Master Plan and policy changes described in the Safe Streets Act); innovations in police investigatory tools and techniques (cell phone trackers, drones—which the County police plan to acquire—license plate reader cameras, search warrants and subpoenas for geolocation

information<sup>21</sup>, and other tools we don't even know about); and evolving public perceptions and expectations regarding law enforcement. In the interests of time, this memo does not elaborate on these issues.

Thank you for considering these recommendations.

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<sup>21</sup> See, e.g., Justin Jouvenal, “‘Crime tourists’: An International Spree Targets D.C. Area’s Wealthy Asian Residents,” *Washington Post*, January 11, 2022, <https://www.washingtonpost.com/dc-md-va/2022/01/11/burglaries-crime-tourists-target-asians/> (“Song, the lead detective, had already turned to an investigative tool that has exploded in popularity in recent years. He filed a search warrant with Google for a list of all registered mobile devices that had been active in a zone around a handful of the Fairfax County homes that had been burglarized. Two of the cellphone numbers that were returned matched those of the two men who were arrested near Atlanta, according to a search warrant”).

2/20/2024

TO: Somerset Town Council  
FROM: Matt Trollinger, Town Manager  
RE: Police/Security Program and Evaluation

## **Introduction**

The Council President has called for a further discussion on the Town's police program, building on the previous meeting's conversation with Sgt. Cheoung. This memo aims to provide an overview of the current situation, address concerns, and present alternative options.

## **Current Police Program Overview**

The Town currently has a secondary employment agreement with one Montgomery County officer for off-duty coverage. (Sgt. Cheoung's secondary employment agreement ended at the end of the calendar year, and I have not renewed it out of deference to the Council's discussion and Committee's recommendations). However, the lack of defined policy or program goals has led to ad hoc requests, such as parking enforcement, without a clear strategy.

The Public Safety Committee suggests eliminating the police program, citing its ineffectiveness.

The police have requested that the Town consider a pay rate of \$80/hr. for the police officers if the Town wishes to continue with the program in FY25.

## **Traffic Concerns and Enforcement Strategies**

The Council has discussed traffic concerns, including failure to stop at stop signs and speed cameras, but no direction has been given to the officers on enforcement strategies.

### **Options for Traffic Concerns**

- 1) Wait for Legislation
  - a. As noted by Councilmember Barr, legislation may be under consideration in the future that would allow municipalities to use stop sign cameras.
- 2) Speed Management Strategies
  - a. Purchase or rent flashing speed signs to deter speeding; and/or
  - b. Purchase or rent speed counters, to get real data on how prevalent an issue speeding is.
- 3) Intersection Enforcement
  - a. Direct officers to observe and strictly enforce certain intersections.
- 4) Specialized Officers
  - a. Inquire about hiring separate officers to focus on stop signs and speeding violations.

None of the options for traffic safety are mutually exclusive and could be employed simultaneously or in tandem.

## **Alternative Security Options**

Aside from the current secondary employment arrangement with Montgomery County, the Council has briefly discussed other security options, including:

- 1) State Police Program.
  - a. Despite challenges in obtaining information, exploring the possibility of hiring off-duty state police.
- 2) Security Cameras
  - a. A recent inquiry for a “Mobile Video Guard” indicates a cost between \$500 – 850/month/camera at Town entrances that could license plate recognition and live video feeds.
- 3) Private Security Force
  - a. Exploring armed or unarmed private security officers, with due consideration to training, use of force, legal authority, cost, liability, and service quality (See below).

As was the case for traffic safety, none of the options are necessarily mutually exclusive.

Notably, private security is more common for HOAs, but the Maryland Municipal League was not aware of any municipality in Maryland that employs private security.

## **Private Security**

The use of private security is exceedingly rare for incorporated municipalities around the Country. As noted above, the Maryland Municipal League was unaware of any municipality in Maryland that employs private security.

Several examples can be found of municipalities that briefly considered, but ultimately rejected hiring private security, including those in Minnesota, Montana, and Pennsylvania. The concerns typically relate to accountability, socioeconomic impacts, effectiveness, and vigilantism. The potential benefits might include cost and hourly flexibility.

However, there are examples of homeowners associations that use private security. Kenwood, as a local example, uses private security, offering homes the service at an \$800 annual cost per home. Other municipalities have formed neighborhood watches, working in tandem with local law enforcement agencies.

The Deputy Town Manager has looked into pricing for private security firms in the area. There is a wide range of costs, from about \$50/hr. to up to \$150/hr. The services were described by one of the companies as:

*We provide security patrols as you mentioned frequently. Where we randomize the times each day to keep people guessing as to when we will be on-site. Then seek a high visibility presence when on patrol. We often work to deter thefts, trespassing and enforce no parking areas. Along with deterring other unwanted and nuisance activities. We track our security officers by GPS and have them complete online reports of any observations and actions taken. Our security team is supervised by off-duty Montgomery County Police Officers. Which is helpful when needing to coordinate with on-duty law enforcement.*

Based on the research thus far, I do not see a value-add in switching from Secondary Police to Private Security.

### **Comparison with Neighboring Municipalities**

A quick look at neighboring municipalities reveals that most employ off-duty Montgomery County Police officers. The exception is Chevy Chase Village, which operates its own police department.

- Chevy Chase View: Two off-duty MCPD officers, up to 10 hours/week.
- Chevy Chase Village: Own police department, FY24 budget = \$2.4 million.
- Garrett Park, Glen Echo: No police or security program.
- Kensington: Three off-duty MCPD officers, up to 27 hours/week, FY24 budget = \$125,000.
- Martin's Additions, Section 3, Section 5: Various off-duty MCPD officers with varying hours and budgets.
- Town of Chevy Chase: 17 off-duty MCPD officers, 16 hours/day, FY24 budget = \$476,500.

### **Community Discussion**

There does not appear to be a clear consensus among town residents, as seen in private listservs. The community's diverse opinions should be considered in any decision-making process, and a clear, transparent process for the discussion and consideration of the program's future.

**Town of Somerset  
Resolution Condemning Antisemitism**

Resolution No.: 1-24-AS  
Introduced:  
Adopted:  
Effective Date:

RESOLUTION CONDEMNING ANTISEMITISM AND ATTACKS ON  
RELIGIOUS INSTITUTIONS

WHEREAS, the Town of Somerset is committed to fostering an inclusive and welcoming community that respects and celebrates diversity, and

WHEREAS, the Temple Emanuel in the nearby Town of Kensington recently experienced an act of vandalism targeting its sign, which has been classified as a hate crime by the Montgomery County Police Department, and

WHEREAS, this incident is indicative of a concerning trend in the rise of antisemitism in Montgomery County, as evidenced by statistics from Maryland State Police and Montgomery County Police, which reveal that 90% of incidents motivated by bias towards religions in the past year were considered anti-Jewish, despite Jewish persons comprising only 10% of the county's population, and

WHEREAS, the Town of Somerset unequivocally condemns all forms of discrimination, hatred, and violence, particularly those directed towards religious institutions and communities, and

WHEREAS, it is essential for local governments to take a stand against antisemitism and work collaboratively to promote tolerance, understanding, and respect among all residents,

NOW, THEREFORE, BE IT RESOLVED that the Town of Somerset:

- Strongly condemns antisemitism in all its forms and manifestations, recognizing that acts of hatred against one religious group undermine the fabric of our diverse community.
- Expresses solidarity with the Temple Emanuel and all religious institutions that have been targeted by acts of vandalism or hate crimes.
- Urges all residents of the Town of Somerset to stand united against antisemitism and to actively work towards building a community that values diversity, inclusivity, and mutual respect.
- Encourages collaboration with local organizations, religious leaders, and community members to promote dialogue and understanding among different faiths and cultures.
- Supports initiatives that aim to create a more tolerant and accepting environment for all residents, regardless of their religious beliefs.

- Affirms its commitment to upholding the principles of justice, equality, and human rights for all.

This resolution shall take effect immediately upon its passage.

ATTEST:

TOWN OF SOMERSET

\_\_\_\_\_  
Matt Trollinger, Manager/Clerk-Treasurer  
Town of Somerset  
Approved:

\_\_\_\_\_  
Stephen Surko, President  
Town Council

\_\_\_\_\_  
Jeffrey Slavin, Mayor  
Town of Somerset

Date: \_\_\_\_\_

Dear Mayor and Town Council,

We are writing on the subject of the proposed Town resolution to condemn anti-semitism.

We also unequivocally condemn anti-semitism and welcome the Town's message of inclusion and tolerance towards all religions. In that light, we request that the title of the resolution be revised to "Resolution Condemning Bigotry, Hate Speech, Violence and Discrimination", that the text explicitly condemns bigotry, hate speech, discrimination and violence against any and all religious groups, and urges Town residents to stand united against such acts directed at any religious institution. Suggested edits attached.

As you are aware, Islamophobia has surged in the United States. According to the Council of American-Islamic Relations, there has been a 182% increase in bias incidents reported by Muslims compared to 2022. You are no doubt aware of the many incidents of violence and harassment directed at not only Muslims, but Arabs more broadly (and even South Asians who are often mistaken for Arab Muslims). Montgomery County has not been immune to such trends. We are concerned that well-intentioned resolutions such as the one proposed by the Town do not go far enough in acting against rising Islamophobia and anti-Arab racism.

Furthermore, we would appreciate clarification from the drafters on the definition of anti-semitism to ensure that the scope does not encompass criticism of the actions of the Israeli government or support for Palestinian rights. In this context, you might have seen yesterday's article in the Washington Post, [Opinion | Anti-Zionism isn't the same as antisemitism. Here's the history. - The Washington Post](#)

Thank you for your consideration,

Sherry and Rohit Khanna  
Falstone Avenue



Staff Comments

Tree Code (Construction)

2/20/2024

Councilmember Barr has requested that the Council briefly discuss the existing tree code and tree policies. It has been the general practice of the Town to prioritize the safety and preservation of canopy trees. However, several Council discussions regarding certain building permits have centered around ornamental trees, especially Cherry trees.

The Council may consider asking the Public Safety Committee to look into this issue and offer further guidance to the Council in alignment with the Committee's goals and town's vision.

## Staff Comments

### Building Lot Size

2/20/2024

Similar to the Tree discussion, I have noted that the size of houses has been a topic of discussion at many Council hearings. The Town does not currently have any lot restrictions for the main house, and must rely on the Montgomery County restrictions, which, for an R-60 zoned lot, allow for a building to take up no more than 30% of a lot for those up to 6000 sq. ft. For lots equal to or greater than 6000 sq. ft. but less than 16,000 sq. ft., the County permits a size of 30% minus 0.001 multiplied by the square foot of a lot area over 6000 sq. ft.

#### EXAMPLE:

Your lot size is 9458 sq. ft.

Minus - 6000 sq. ft.

Equals 3458 sq. ft.

Multiply times .001

Equals 3.45 percent

Base Coverage 30.00 percent

Minus 3.45 percent

Equals 26.55 percent

This is the new maximum amount of lot coverage for this lot.

The Council might discuss a way to determine whether or if they would like to impose restrictions on building size. Keep in mind that the Town does have sizing restrictions in place for accessory buildings. Building size is also restricted by features such as setbacks.



**TREE CITY USA**  
An Arbor Day Foundation Program

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\*\*\* **OFFICIAL PROCLAMATION** \*\*\*

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**WHEREAS** in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

**WHEREAS** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

**WHEREAS** Arbor Day is now observed throughout the nation and the world, *and*

**WHEREAS** trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

**WHEREAS** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

**WHEREAS** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

**WHEREAS** trees — wherever they are planted — are a source of joy and spiritual renewal.

**NOW, THEREFORE,** I, \_\_\_\_\_, Mayor of the City of \_\_\_\_\_, do hereby proclaim \_\_\_\_\_ as **ARBOR DAY**  
In the City of \_\_\_\_\_, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

**FURTHER,** I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

**DATED THIS** \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Mayor \_\_\_\_\_

Staff Comments

Arbor Day Proclamation

2/20/2024

I have attached the generic Arbor Day Proclamation that is drawn up by the Arbor Day Foundation. Passing a Proclamation is a requirement of the Tree City certification. In the past, I have made slight edits to reflect the Town of Somerset, and to make the proclamation on behalf of the entire Council.

# EC Recommends the Town Council Consider Installing Solar Panels at the Pool THIS YEAR

## Recommendation:

On February 9, 2024, the Environment Committee voted unanimously to recommend that the Town of Somerset go ahead immediately with the installation of solar panels on the Pool House roof. Although, it appears that there would need to be an amendment to this year's budget, it appears there is enough money to go ahead with this project.

The EC members will support Matt Trollinger in the development and review of this contract.

## Background:

- On May 4, 2021, TOS Declared a Climate Emergency
- On Sep 15, 2021, Mayor Slavin signed a Sierra Club pledge with a goal of our town using 100% clean, renewable energy
- On July 6, 2021, TOS Endorsed the Fossil Fuel Non-Proliferation Treaty
- Basically, the TOS is committed to finding ways to reduce its carbon footprint, and using solar panels as renewable energy is an excellent way to reduce the town's use of fossil fuels.

## Information:

- Presently, the town uses approximately 190k KWH annually, which includes street lighting, the town hall, and the pool (which uses the largest amount of KWH).
- Current SRECS, which are renewable energy credits, are approximately \$400 in DC and \$80 in MD. For purposes of comparison, a home in Somerset with solar panels pays \$0 in electricity fees and receives approximately \$900/month for SRECS in DC.
- The DC grid includes Dorset Ave and south, which includes the pool. Thus, the pool would be a part of the DC grid, and thus enjoy the valuable DC SRECS.
- **Although there is partial shade from the surrounding trees, our present contractor (who installed solar panels at the Town Hall), has been on the pool roof with measurement devices, and has indicated that 1/3 of the pool structure's roof is ideal for solar panels, and would offset approximately 30% – 40% of the pool's electric needs.**

If you have any questions, please contact Barton Rubenstein, EC Chair at [bartsher@gmail.com](mailto:bartsher@gmail.com)

## Staff Comments

### Environment Committee Recommendations

2/20/2024

As some additional background and a refresher, the Town had originally budgeted for solar panels to be installed at the Town Hall at the end of FY23; however, the project was delayed in part because the contractor had a severe injury that left him unable to work and then fall behind his regular schedule about 10 weeks. The Town was able to complete the solar panel installation this past fall at the Town Hall.

Furthermore, the Town had budgeted funds in this fiscal year to do installations on the Town Poolhouse roof. That money was largely used up by the work at the Town Hall (money does not carry over from one fiscal year to the next without a budget amendment).

I have concerns about the capacity to oversee this large capital project while we already have Town Pool construction ongoing. I do not advise undertaking this job while the pool is open. Unfortunately, the current schedule for the pool construction is a tight squeeze to try and finish before the pool opens, and I do not think the town would want the pool to open late to try and do the solar panel installations.

I am not against the solar panel installation at the Town Pool on the whole, and am happy to work with the committee to complete this project, if the Council would like to move forward with it. I do, however, recommend that the Environment Committee submit its request as part of the FY25 budget so it can be considered alongside the other committees' requests, and the Council can make a decision with all of the budget information available to them.

## Committee Membership Discussion

The Council may discuss the current makeup of Committees and ways to promote and increase participation, and/or the possibility of combining committees that have overlapping areas of interest (e.g., Public Safety and Traffic).

As it stands, the following committees are either inactive, are missing members, or are missing a Chairperson:

### **Audit**

This is one of the few committees in the Town Charter. Of note, it does not have to be a volunteer resident-led committee. The Charter simply says: The financial books and accounts of the town shall be audited annually by a certified public accountant and reviewed by an auditing committee appointed by the council. The Committee could entail, for example, the certified public accountant, the Town Manager, and the Mayor. Of course, residents are also an option.

Currently, the Committee has no members and is not active. Defining the expectations of the Committee might be a helpful practice, as the Committee has largely functioned merely ceremonially since the certified public accountant carries out the actual audit, rendering the committee's power nominal.

### **Budget**

The Chair is planning to “retire” at the end of this budget season. Mr. Medalia has also stayed on an extra year at the request of the Chair, after initially planning to “retire” last year. And the committee is currently missing a third member; so, at least three members will be needed.

### **Equity & Inclusion**

The Committee is currently without a Chair. The existing committee members are still interested in participating, but none of them are interested in chairing the committee.

### **PNRC**

Currently has an even number of committee members, so should be brought to an odd number to comply with the Town Code.

### **Revenue**

Has largely been inactive. The members could perhaps be interested in joining the budget or audit committee, or combining the committees into one to have a more year-round presence.

### **Traffic**

The Committee Chair has “retired” as of Dec. 31, and the committee has not been active since. The Committee could perhaps be absorbed by Public Safety, given their overlapping interests, though I have not discussed this with the members of either committee specifically.

## Communication Committee Recommendation for Safeguarding the Privacy and Confidentiality of Photographs of Town Minor Residents Distributed by Social Media

### Background:

At its November 2024 and December 2024 meetings, the Communications Committee discussed the issues regarding the protection of privacy and confidentiality for residents depicted in photographs on the Town's social media outlets, including the Town website. The conversation began as a concern regarding the customary use of such photos (accompanied by the name and street of the resident) in the Town Journal, now shared on the Town's public website.

As the discussion continued, it became clear that the issue is not confined to the Town Journal, but to any photographs of Somerset residents shared over the Town's website and its social media outlets. The committee recognized the problem for all residents, but was particularly concerned about the issue regarding photographs of minor children. It made a recommendation to the Town Council that a consent form be developed for the use of such photos, and the Town Attorney provided a form and presented it at the December 2023 Council meeting (see attached).

The committee believes that the initially proposed form is pro forma for use in commercial instances. The committee also believes that the Town of Somerset, as a public entity, is not required to follow the commercial legal standard. Our foremost goal is to develop a policy that respects parents' wish to protect their minor children's identity. The committee is concerned that the form as it stands will likely frighten Town residents, leading to unnecessary refusals to sign it. Therefore, the Committee makes the following recommendations.

### Recommendations:

The Committee proposes that Council consider and appropriately codify the numbered recommendations listed below for the use of photos in Town media. The Committee further proposes that once it codifies photo use, that Council authorize the development of an appropriate consent form for use as stipulated in the Town's photo use policy (see #4 below).

The committee recognizes that the Town is not required to obtain consent to use images, photographs, and/or videos taken at public settings where there is no reasonable expectation of privacy. Therefore, the following recommendations focus on photographs in which additional identifying information (e.g., name, street of residence) is provided.

1. The Town should discontinue the mention of streets of residence when identifying any Town residents (minor or adult) by name in the text of any material shared via social media, unless the address is critical to the content (e.g., the identification of a home for which a building permit has been submitted). Town residents can find this information in the Town Directory, which is available only to them.



2. Written consent from a parent or guardian should be obtained for the use of photographs of minor children when the child is identified by name.
3. The consent form should convey the policy intent and protection it offers in simple yes/no language.

a. We provide an example of a possible consent form here:

I, \_\_\_\_\_  
(Print name of parent/guardian)

( ) do  
( ) do not

consent to having the photograph and name of my child \_\_\_\_\_  
(Print name of child)

used in the Somerset Town Journal or other social media used by the Town.

\_\_\_\_\_ Signature of parent or Guardian

**Town of Somerset**  
**Consent and Release for Use of Photographs in Media**  
***(introduced at Town Council Meeting, December 4, 2023)***

Throughout the year, the Town of Somerset (the Town) may take images, photographs, and/or videos of residents and guests who are “in the news” or otherwise participating in Town activities. These images, photographs, and/or videos may appear in various Town publications, including, but not limited to, the Town Journal and Town website (www.townofsomerset.com), or other media outlets.

The Town Journal is the official monthly publication of the Town and serves as an important means of communication, covering the actions of the Mayor and Town Council, news of the various Town committees, issues affecting the community, and local news and events in Somerset and in nearby areas. It often includes features about Somerset programs, activities, and events.

Although execution of this Release is not required for the Town to use images, photographs, and/or videos taken at public settings where there is no reasonable expectation of privacy, the Town may wish to confirm consent from time to time. Accordingly, this Release can be used in such instance.

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I, the undersigned, hereby give permission to the Town of Somerset to use and reproduce my image, likeness, photographs of me, and my name (collectively, “Image”) and to authorize others to use my Image in any manner the Town elects in any and all media now known or hereafter discovered or developed, in perpetuity, including but not limited to reproducing my Image in print publications, websites, media outlets, and audio/ visual broadcasts. I understand and agree that the Town will own all rights in my Image, including all rights under copyright.

I expressly waive any right I may have of prior approval over how and where my Image is used and compensation and all rights of privacy. I forever release and discharge the Town, and its officers, employees, agents, contractors, editors, and other persons acting within the scope of their authority from any and all claims or causes of action, now known or later discovered, relating to or arising out of use of my Image, including by not limited to claims for invasion of privacy or misappropriation, right of publicity, commercial use, and defamation arising out of the use and exploitation of my Image.

I represent that I am over the age of 18 years or am represented by a parent or guardian. I have read this permission, am fully familiar with its contents and meaning, and have been given the opportunity to consult counsel of my choosing prior to signing this Release.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

If under the age of 18 years: Printed name (of minor): \_\_\_\_\_

Signature (of parent or guardian): \_\_\_\_\_ Date: \_\_\_\_\_

Printed name (of parent or guardian): \_\_\_\_\_



## Communications Committee Recommendations

Privacy Memo

Staff Comments

2/20/2024

I offer very few comments on this issue. The points addressed by the committee are primarily administrative matters related to the Town Journal. Somerset's town journal is more robust than many of our neighboring municipalities, and has historically used more photographs for public dissemination than our neighbors. Some points worth considering:

- The Town of Chevy Chase has the same consent form that was previously drafted by the Town Attorney, but the Committee is concerned it is too frightening. In practice, the Town does not use its consent form, although it was developed with children's privacy in mind.
- The Village of Chevy Chase does not identify people in official photographs.

I believe the Committee's recommendations are consistent with the practices of the other communities, and do not foresee any issues with it, provided the Town Attorney does not have any issues.

Sincerely,

Matt Trollinger

## **Budget Hearings**

The Budget Committee has requested the following dates for the budget work sessions:

- Monday, March 18 (regular work session date)
- Monday, March 25

Furthermore, the Council should mark the following dates for its calendar:

Budget Introduction: Monday, April 1, 2024

Budget Adoption: Monday, May 6, 2024