

Town of Somerset Police Program: History, Challenges, and Alternatives

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Introduction

The Town Council has asked the Public Safety Committee (PSC) to evaluate the Town's police program.¹ The Town currently employs two excellent police officers as part-time employees, and we appreciate their dedication. Their efforts have been professional and thorough.

Developments in our Town's public safety programs, societal changes, evolving public expectations, and changes in policing in general have inspired some to question whether it is prudent to spend money on a Town police program that (1) has significant limitations and (2) duplicates services the Town already receives at no cost from Montgomery County.²

The question has been asked: Should the Town transition to a holistic and effective public safety program that actually addresses the Town's needs?

No one is questioning the quality of our Town police officers. Their integrity, dedication, and quality are undisputed. 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?
- 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? (This last question is a secondary issue.)

¹ The information in this article is based upon a variety of sources, including statements by Town officials, Town documents, articles in the *Town Journal*, Town Council packets, documents provided by the Town staff, Montgomery County documents and reports, Data Montgomery (the County's data portal), the Montgomery County Police Department crime map, contemporaneous notes of meetings, news reports, and the Town's police activity logs. The PSC has requested all documentation on the Town's police program but received only a limited set of documents.

² We do not use the term "at no cost" to imply that the services are free. We merely use the term to indicate that County services are already paid for by residents' income taxes and County property taxes.

No doubt the police play an important role in the detection and prevention of crime—and the Town already receives the benefit of these services from the Montgomery County Police.

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.

History

The police program began in 2007, when the Town Council voted to declare a state of emergency because of traffic violations and appropriated \$5,000 to hire police to enforce speed limits and stop signs. Over the years, the budget gradually increased, and in Fiscal Year (FY) 2020, the Council doubled the budget to \$50,000 as part of a renewed effort to address stop sign running. (Our officers have since told us that they are unable to make traffic stops for speeding, because they lack the required laser equipment, and Somerset lacks a stretch of road long enough for the police to “pace” a vehicle.)

Data were supposed to be collected to determine the traffic safety impact of doubling the budget, but the Town did not collect data.

For the current fiscal year (FY 2024), the budget for the program is \$37,180, which allows for one officer to be in Town for 1.9 hours per day, on average—i.e., 8% of the time. The Town pays officers \$55 an hour.

Because we have one Town officer on duty for only 1.9 hours a day on average, **our regular Montgomery County Second District police officers respond to the vast majority—about 90%—of the incidents in Town.**

During the beginning of the program, the officers regularly made traffic stops and issued warnings and citations. For example, in the December 2007 Town Journal, Council Member Lesley Simmons reported that the Town’s officer:

issued ten failure to stop at STOP sign citations in Somerset, five of them to Somerset residents. In addition, nine failure to stop at STOP sign warnings were given. He issued seventeen parking citations, fifteen for parking in NO PARKING AT ANY TIME zones and 2 for vehicles parked in fire lanes. Two warnings were given for vehicles parked in areas marked NO PARKING AT ANY TIME and two for vehicles parked in a fire lane. In addition, 2 registration citations and 2 registration warnings were given.

Throughout all years of the program, officers have also responded to the occasional 911 emergency (about one per quarter), nonemergency incidents (such as parking complaints or a water main break), and requests from the Town Hall for various situations (this last category is a rare occurrence).

Early on, Town officers also occasionally performed what might be termed “concierge” services—such as providing a jump start for a dead battery or reporting a malfunctioning street light—but they no longer do.

Calendar year to date (2023), our officers have responded to a total of nine incidents or situations in Town. Our Town police classified all of these incidents as nonemergencies. **Meanwhile, our regular Second District police officers (i.e., not Town-hired officers) respond to about 90% of all police-dispatched incidents in Town.**³

Although the explicit goal of the program has been traffic enforcement—particularly through traffic stops and issuance of traffic tickets—traffic stops in Somerset dropped during the pandemic. **The Town’s police activity log shows no traffic stops during all of 2021 and 2022.** (Officers are required to document each shift’s activities in the log.)

Since then, traffic stops by our Town police have not rebounded, despite several requests from the Town’s Traffic Committee and the Town Staff to the Town police to step up enforcement. **The last traffic stop by our Town police was nine months ago, according to the police activity log. And the log states that this year to date, our Town police have issued only one traffic ticket.**

The last time a Town police officer issued a ticket for a stop sign violation was in March 2019—more than four years ago—according to the police activity log.

The reasons for this are likely manifold and beyond the scope of this article. County-wide, traffic stops plummeted during the pandemic; they have rebounded only slightly. As of July 2022, County-wide traffic stops numbered only about one third of what they were before the pandemic. For statistics on County traffic stops, see this Office of Legislative Oversight report: https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

Note that the police have discretion as to whether to make a stop and whether to issue a citation, issue a written warning, issue an oral warning, or take no further action. (Traffic stops must also comply with constitutional, legal, and departmental standards.) The PSC believes that the Town cannot compel officers to make stops or issue citations (or even warnings).

Partly due to the lack of traffic stops, the Town’s Traffic Committee sent the Town Council a letter on September 22 stating that the Town’s police program is not increasing stop sign compliance or general traffic safety and that the committee is exploring other approaches to address traffic safety.

³ See footnote 8, below, for examples of these incidents.

Public Safety Committee Findings

The Town’s Public Safety Committee has spent two years studying the Town’s police program. Among the PSC’s findings are:

- **The data show that the Town police program has little to no impact on Somerset’s crime rate.** Even as Town police hours have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 9 crimes so far this year (not including financial crimes such as identity theft, check forgery, or credit card fraud, which the police program is not designed to prevent). Most of the crimes in Town are property crimes.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes⁴:

FY 20⁵	\$36,000	13 crimes
FY 21	\$50,000	17 crimes
FY 22⁶	\$50,000	13 crimes
FY 23	\$33,000	9 crimes (calendar year to date)⁷

To view the County’s crime map, visit <https://www.montgomerycountymd.gov/pol/crime-data.html>

- **Nearby neighborhoods that don’t hire police have crime rates similar to Somerset’s** (e.g., Chevy Chase West, Edgemoor, and Drummond).

⁴ This chart reports crimes per calendar year. Calendar years are offset from fiscal years by six months. The fiscal year runs from July 1 through June 30.

⁵ Source: August 3, 2020 Council packet. Actual figure is \$35,870.27

⁶ Note that the Town’s FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that the Town paid out only about \$50,000 to the officers.

⁷ This number includes three crimes that occurred at Somerset Elementary. (It is not uncommon for incidents to occur at County schools. Note that information from the police regarding juveniles—as either victims or responsible parties—is limited.) Our Town police are not responsible for patrolling the school grounds.

The number of crimes cited does not include financial crimes such as identity theft, check forgery, or credit card fraud, which the police program is not designed to prevent. It also does not include crimes reported by residents that occurred outside of Somerset, such as a “larceny from building,” for which Data Montgomery gives a location of “4900 block of Dorset Ave.” but which occurred at a community center in March 2023. The address given for many crimes is the home address of the complaining party—not the location where the crime occurred.

- The Town police have little opportunity to take police action in Somerset. This is not a commentary on the quality of the Town police. This year (to date), according to the police activity log, our Town police:

responded to 9 incidents in Town (about 1 per month on average). Our Town police classified all of the incidents 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.)

responded to 2 incidents outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

made 0 arrests (and 0 arrests in the last 5 years).

issued 1 traffic ticket.

issued 5 warnings. 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.)

- Since we have only 1 Town 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. And our leafy Town, with its hilly, curvy streets and multiple entrances, does not lend itself well to parking a police vehicle in a central location that can be viewed from all around as a deterrent.
- **Our regular Second District Montgomery County police respond to about 90% of the incidents in Town.⁸ So even without our police program, Somerset enjoys a robust police presence provided by Montgomery County.**

⁸ 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, missing persons (for example, the dementia patient who wanders or drives away), 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.

These calls also include persons needing a mental health evaluation, runaways, “family trouble,” juvenile issues, and an attempted suicide by overdose (in October of 2023). Even in our affluent, well-educated Town, our residents and guests are not immune to societal problems—many of which are unlikely to be prevented by the presence of a police officer in Town. While “quick availability” is helpful when incidents do occur, the fact is that our Town police are present for so little time that they are likely to miss 90% of all incidents in Town. List of types of incidents is from Data Montgomery, <https://data.montgomerycountymd.gov/Public-Safety/Police-Dispatched-Incidents/98cc-bc7d>.

- **Even when we have had a Town police officer on duty, crimes have still occurred in Town.⁹**

A Town police officer was on duty at the same moment that a carjacking occurred on Essex Ave. in January 2021.

An unlawful entry on Cumberland Ave. in December 2021 occurred while a Town police officer was on duty.

- **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>
- **Our officers are prohibited from driving around and patrolling the Town under the Town’s current arrangement**, according to the Town Attorney. This prohibition (in the County’s collective bargaining agreement with its officers) has existed since 2017 or earlier, according to the Town attorney. Instead, the officers go from one location to another and sit parked for up to 60 minutes at a time.
- As explained by the then-chair of the PSC in the November 2021 *Town Journal*, the Town has 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.**
- The Town police program is very expensive. Up until this fiscal year, our Town police officers were the highest paid of any of our Town employees, on an hourly basis. At the current budgeted amount of \$37,180, we have only 1 officer on duty 1.9 hours a day, on average. And for the price the Town is paying, the Town police are not even able to drive around; instead, they sit parked for up to 60 minutes at a time at 1 location until

Many of the incidents in Town 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. Montgomery County has begun to use other agencies instead of the police for certain types of incidents.

⁹ **This is no fault of our Town officers.** They can’t be everywhere at once, and they are prohibited from patrolling the Town (according to the Town Attorney). They sit parked in one location for up to 60 minutes at a time. With five road entrances and several pedestrian entrances, the chance of a criminal seeing an officer and being deterred is slim.

Hiring more officers would be an expensive proposition. Employing just two officers for 12 hours a day would require more than half a million dollars per year—and that’s for coverage for just half the hours in the day. Such an undertaking would require doubling the Town’s property tax rate. Even Chevy Chase Village, with a sworn complement of 11 police officers, has scores of crimes every year.

they are dispatched on a call or need to take police action. And we cannot select the dates or the times of day/night that the Town officers work here.

- **Infrastructure could be more effective than the police program at inducing 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. (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.)

Montgomery County, Washington, D.C., and other progressive jurisdictions are looking at infrastructure solutions for traffic safety problems. For more information, see the County's pedestrian master plan at <https://montgomeryplanning.org/planning/transportation/pedestrian-planning/pedestrian-master-plan/>

Infrastructure or other improvements could include pedestrian-scale lighting, roadway markings, pedestrian-controlled traffic signals, road improvements to address pedestrian safety concerns, hiring crossing guards, and elimination of sidewalk tripping hazards.

- The police have told us repeatedly that most crimes are preventable. As Town residents have begun heeding the police's advice on taking basic precautions (such as locking house doors and vehicles), the Town has managed to lower the incidence of crime.

Obviously, there are no guarantees—and the Town has more work to do. Every year we have about two vehicle thefts and one or two house break-ins. **But even in years of high police expenditures, the numbers of those crimes have held steady.**

Even Chevy Chase Village, with a full-time police force (that actually patrols the Village) and a police budget of \$2 million, still has several crimes each year, and the Village police chief has to constantly remind residents to take precautions.

- Some residents' fear of crime is real and needs to be addressed. (Fortunately, violent crimes in Somerset are rare.) But given the above facts, hiring the police may not be 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.

Moreover, the County already provides the Town with a robust police presence, because our regular Second District police officers respond here twice a week on average. So even without a Town 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 have mistaken the Second District officers for our own Town officers.

- The Town already enjoys quick availability for emergencies—at no cost—from the regular Second District Montgomery County police.¹⁰
- 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 and after multimillion-dollar settlements by police departments in Maryland.

The Town has neither assessed its liability nor evaluated its financial risk for operating a police program. Significantly, as a condition of employing Montgomery County police officers as part-time employees, the County requires the Town to “save harmless Montgomery County from any and all claim or liability resulting from such employment.”¹¹

- Conditions have significantly changed since 2007, when the Council created the Town’s police program.

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 for mental health emergencies; and assistance for the unhoused);
- increased use of holistic approaches to public safety (such as infrastructure and policy changes mentioned above and described in the County’s Pedestrian Master Plan, Vision Zero plan, Safe Streets Act, and the report of the Reimagining Public Safety Task Force¹²);
- innovations in police investigatory tools and techniques (cell phone trackers, drones—which the County police department plans to acquire—license plate reader cameras, search warrants and subpoenas for geolocation information¹³, and other tools);

¹⁰ 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.

¹¹ Department of Police, Montgomery County, Md., “Secondary Employer Agreement for Security Related Work,” Rev. 08/19.

¹² <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf>

¹³ 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

- and evolving public perceptions and expectations regarding law enforcement.

Conclusion

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), confusion about the program, lack of documentation, and the public's perceptions regarding both crime and law enforcement.

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

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”).