

Comments by Councilmember Martha Solt

November 12, 2024

On the Public Safety Committee Report and Recommendations
on the use of off-duty Montgomery County Police
Officers to enhance Village Safety
dated July 10, 2024

Relying on the Public Safety Committee's report to make decisions about safety and security in the Village is a mistake.

The report does not answer the broader, most important question facing the Village: *how can we enhance safety and security in the already-very-safe Village of Friendship Heights?*

Looking at only one tool, the off-duty police program, leads to a predetermined conclusion and blinds us to other methods known to increase safety. An objective, comprehensive, holistic review of different approaches is necessary for the Council to determine the best approach.

The report's analysis is flawed.

Showing general, nonspecific crime data¹ and outdated information for another community characterized as applying to Friendship Heights² is **misleading**. This is especially unacceptable given that authoritative, granular, detailed data on crime within the Village's boundaries are available and show that the Village is very safe.³

¹ Report p. 4 and Footnote 4.

² See https://www.bestplaces.net/crime/city/maryland/friendship_heights_village ; link at Report Footnote 5, p 4; The numbers only go to 2019, and the data do not relate to Friendship Heights at all. The cite states that "the city of Friendship Heights Village, Maryland, does not have FBI Crime Statistics" so data for Chevy Chase Village are used instead.

³ Montgomery County Maryland, Police Department, <https://www.montgomerycountymd.gov/pol/crime-data.html>; and the surrounding communities of Bethesda and DC have experienced significant reductions in crime recently; see for example, <https://www.justice.gov/usao-dc/pr/2024-dc-violent-crime-rate-decrease-fact-sheet> and <https://wifitalents.com/statistic/bethesda-crime-rate/>)

Comparing the personnel used by the Village to many larger jurisdictions that have formal, established police departments and to other dissimilar communities is not relevant.⁴

Justifying the program by merely pasting into the report an artificial-intelligence-generated response to the question: “Why should the Village of Friendship Heights hire police officers?”⁵ is not helpful. **This question is biased because the opposite question was not asked.**⁶

Including non-standard duties which are not related to safety into the expected duties of an off-duty police officer such as changing flat tires, jumping batteries, assisting with parking enforcement, and repairing crosswalk signs,⁷ makes consistent comparison impossible.

The report assumes that the functions and duties of a Montgomery County police officer can be “bought” or replicated in the Village.

They cannot. Montgomery County police officers must comply with strict, mandatory ethics rules⁸ that limit the nature and duties of off-duty employment. For example:

- “Security-related secondary employment shall be limited to duties customarily associated with those performed by a watchman or guard...”⁹
- “The officer will work only as a surveillance guard and, if the officer anticipates a situation where the presence of on-duty uniformed officers” would be beneficial, “they will be requested.”¹⁰

⁴See Report p. 10; the Town of Chevy Chase and Chevy Chase Village, comprised exclusively of single family homes in a suburban environment, and the jurisdictions of Capitol Heights, Cheverly, District Heights, and Pokomoke City (which differ from the Village by size, demographics, density, and almost any other feature) are not comparable.

⁵ Report Footnote 1, p. 3.

⁶In a seeming contradiction, the report later concludes that the Village should not recruit and hire off-duty officers. Report p. 14

⁷ Report pp. 5-6.

⁸ Found in Md. Code, Art. 27, § 729A, Montgomery County regulations COMCOR 19A.06.01, Regulations of Secondary Employment (Police), and incorporated into the collective bargaining agreement.

⁹ COMCOR 19A.06.01.06, Section D

¹⁰ COMCOR 19A.06.01.06. Section C

- “Traffic control officer” functions may only be performed on private property, not the streets of Friendship Heights.¹¹
- Concerning an “offense report,” “the officer will call an on-duty officer....to take the report and initiate an investigation *to the same extent as if a private citizen had called the police.*”¹²

Many of Village’s expectations for contracted off-duty police officers conflict with these mandatory ethics rules applicable to Montgomery County police. The Village of Friendship Heights cannot ask or expect these off-duty police officers to violate their own ethics rules. Similarly, the Village should not participate in any scheme that violates law or regulation.

The report presents no cost/benefit analysis.

As the Village’s third largest expenditure,¹³ the off-duty police officer program, within the context of a broader security review, warrants further analysis. The Village pays the officers’ the Montgomery County hourly rate, yet, the officers’ duties “shall be limited to duties customarily associated with those performed by a watchman or guard.”¹⁴ Private sector guard services, which can perform the same functions, cost far less than Montgomery County police.

Any valid analysis of “what the Village can afford” with respect to this program must consider all costs and functions of the Village of Friendship Heights, not only a single function. And, decisions on expenditures constitute trade-offs with other choices. Spending more on one item means there is less available for other items, just like a personal budget. The report’s statement that “revenue is not fixed for the Village”¹⁵ is misleading because it can ONLY be true with a tax increase.

Of particular concern in the report are that:

- There is a “new practice” whereby the Chairman of the Public Safety Committee directs the priorities for deployment of the officers.¹⁶ **It is inappropriate and probably unlawful for a single Councilmember to**

¹¹ COMCOR 19A.06.01.07, Section F

¹² COMCOR 19A.06.01.06. Section B

¹³ Behind salaries and the shuttle.

¹⁴ COMCOR 19A.06.01.06, Section D

¹⁵ Report p. 20.

¹⁶ Report p. 20

direct or allocate resources of the Village. The Village Council’s role is to set policies. The Village Manager’s role is to administer them.

- The program is being used to “strengthen” the “relationship between the Village of Friendship Heights and the Montgomery County Police Department?”¹⁷ Paying off-duty police officers in order to have a better relationship with our own police department (and the officers’ primary employer) **has the appearance of impropriety, if not corruption.**

Use of Friendship Heights tax dollars:

- **Do residents want their tax dollars diverted to protect private businesses,** especially when a) Montgomery County Police are designed to do that, b) the Friendship Heights Alliance, which is partially funded by Montgomery County, is designed to contract for this type of joint service, and c) private businesses can afford to hire their own security guards?¹⁸
- **Do residents want their tax dollars spent for services that Montgomery County already provides?**¹⁹
- **Do residents want their tax dollars spent for non-security duties and bureaucratic meetings?**²⁰

Is the Village paying for a problem that does not exist?

Rather than relying on the flawed analysis in the Public Safety Committee’s report, the Council should develop a comprehensive approach to enhancing safety and security in the Village to include, at a minimum, evaluation of risks and vulnerabilities, with consideration of community education, lighting, technology, neighbor watch programs, and other layered options.

¹⁷ Report p. 6

¹⁸ For example, pp. 2, 7, 8, 20

¹⁹ Report pp. 5-6; e.g., such as welfare checks, mental health checks, missing persons, suicide and more.

²⁰ Report pp. 12-13