

**Testimony Submitted to the Montgomery County Council's Public Safety Committee
Regarding Proposed Bill 35-11, Offenses - Loitering or Prowling - Established**

by James Zepp
November 15, 2011

My name is James Zepp and I live at 10602 Lockridge Drive, Silver Spring, MD. I am testifying as chair of the Montgomery County Civic Federation (MCCF)'s Public Safety Committee. My professional background includes over 25 years' of experience in the criminal justice field working at the state and national levels.

At its November general meeting, the MCCF members voted to support Bill 35-11 as a means of addressing concerns about street crime problems occurring in the County. It provides an approach that applies uniformly to all segments of the population at all times of the day and has a reasonable legal basis for enforcement.

However, laws such as this do have the potential for misuse and abuse by law enforcement officers and could threaten basic citizens' rights if applied in a harsh or oppressive manner. We would strongly recommend that the County Council take a proactive approach in this regard by establishing an annual reporting requirement that would document how this law is being applied by the County's law enforcement personnel. Such a report should include the following data items:

- number of incidents involving loitering/prowling charges
- a frequency count of arrests made per incident for these charges
- day of week/time of day frequency counts for incidents involving these charges
- number of arrestees by appropriate age groups, e.g., <18, 18 to 25, 26 to 65, and >65 years of age
- number of arrestees by race/ethnicity
- number of incidents by location type, i.e., commercial, residential, industrial, public facilities/parks, or other places
- incidents displayed on a County map in order to determine their distribution

This would enable the Council and Executive to assess the effect and application of this law for future decisions regarding its continuation or possible modification.

If the application of this law is primarily intended for periodic crackdowns by the police in particular areas of the County, the cautions raised by the Center for Problem-Oriented Policing for such actions should be heeded.

Poorly planned, ill-conceived, and improperly managed crackdowns, intended merely as a show of police force and resolve, can create more problems than they solve. But carefully planned crackdowns, well supported by prior problem analysis, implemented with other responses to ensure longer-term gains, and conducted in a way that maintains public support and safeguards civil rights, can be an important and effective part of police strategies regarding a range of crime and disorder problems.

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- excerpted from *The Benefits and Consequences of Police Crackdowns*,
www.popcenter.org/responses/police_crackdowns/1

We would hope that these measures would achieve the objective of promoting public safety while also protecting citizen's rights to freedom of movement and to meet and congregate without interference from government.

Thank you for this opportunity to offer our opinion on this matter.