



TESTIMONY IN SUPPORT OF SB 51
Senate Judicial Proceedings Committee, February 2, 2023

My name is Joanna Silver. I am a resident of Silver Spring, in District 18. I am testifying on behalf of the Silver Spring Justice Coalition in support of SB 51.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing. In furtherance of this goal, it is essential that we prohibit officers from relying solely on the odor of cannabis as the basis for reasonable suspicion or probable cause to believe someone is engaged in criminal activity.

The odor of cannabis has long served as a pretext for officers to conduct stops, to prolong stops, and to search in the hopes that they will find evidence of some other criminal activity. We know that the weight of these invasive and often dehumanizing stops and searches falls most heavily on Black and brown community members because they are the ones who are most frequently targeted by police. Where I live in Montgomery County, from 2018 to 2022, Black drivers were the subject of 31% of all traffic stops, despite being only 18% of our population, and Black drivers constituted 43% of all searches conducted during a traffic stop.

These racially-biased stops and searches come at a great cost: in 2021, Black people were the targets of 54% of all use of force incidents by Montgomery County police officers. Now that Marylanders have voted to legalize cannabis, there is simply no excuse to continue to subject so many members of our community to an unnecessary risk of harm.

I want to address two of the excuses we frequently hear for allowing officers to continue to rely on odor alone, particularly in traffic stops. First, pretext traffic stops are not a necessary crime-fighting tool. For example, a [report by the Montgomery County Policing Advisory Commission](#) revealed that of all firearms seized in our county in a recent three year period, less than 5% were seized during traffic stops.

Second, this law will not prevent officers from investigating drivers who are under the influence of cannabis; they simply need some evidence of impairment other than odor. This rule makes sense and does not hamstring officers because we know that odor does not equal impairment.

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Moreover, in my day job I have been a public defender for over 20 years and I can't remember a single case in which cannabis was the substance that caused my client's impaired driving - it is almost exclusively alcohol and PCP that I've seen in DUI cases. There is simply no excuse to continue the racist practice of odor-based stops and searches in Maryland.

For these reasons I respectfully urge you to issue a favorable report.