



**TESTIMONY IN OPPOSITION TO SB396**  
**Senate Judicial Proceedings Committee, February 2, 2024**

**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 opposition to SB396.**

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, we supported last year's legislation that prohibited police officers from relying solely on the odor of cannabis as the basis for stopping or searching a person or a motor vehicle. We also insisted that the legislation must include an exclusionary rule in the body of the statute so that evidence seized in violation of this prohibition cannot be used against a defendant in a criminal proceeding.

After hearing extensive testimony from many members of the community in support of a prohibition on odor-based stops and searches with a strong exclusionary rule, and no opposition except from law enforcement and prosecutors, the General Assembly did the right thing and passed HB1071. You and your colleagues recognized that this legislation is critical to decreasing the racially disparate and harmful effects that odor-based stops and searches have on Black and brown community members; as you heard over and over again last year, they are the ones who suffer the brunt of these invasive and often dehumanizing practices.

This Committee should reject any attempts to roll back this crucial racial justice reform. Let me remind you of relevant data I shared when I testified last year. Where I live in Montgomery County, from 2018 to 2022, when Black people were only 18% of our population, they were the subject of 31% of all traffic stops and 43% of all searches conducted during a traffic stop.<sup>1</sup>

I also testified last year about the human cost of these disparate interactions: I shared that in 2021, Black people were the targets of 54% of all use of force incidents by Montgomery County

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<sup>1</sup>Office of Legislative Oversight Memorandum Report, October 25, 2022.

[https://www.montgomerycountymd.gov/OLO/Resources/Files/2022\\_reports/OLORReport2022-12.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf)

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police officers. That number rose to 59% of all use of force incidents in 2022.<sup>2</sup> There is simply no excuse to continue to subject so many members of our community to such a significant risk of harm because an officer claims to smell a substance that is now legal in the state of Maryland.

As I explained last year, the need to get firearms off our streets is not an excuse to keep engaging in this harmful practice; not when you consider how infrequently firearms are seized during traffic stops. In Montgomery County in 2022, 172 guns were seized during 35,000 traffic stops<sup>3</sup> – that’s less than ½ of 1% of all traffic stops resulting in gun seizures in my County.

Data from around the country reflect similar numbers. For example, a study of traffic stops and policing strategies in Nashville, Tennessee, found that only 1.6% of all traffic stops resulted in custodial arrests, for all offenses, including firearms.<sup>4</sup> Similarly, a study of 20 million traffic stop records in North Carolina from 2002-2016 showed that, of all stops, just .03% led to the discovery of contraband and an arrest.<sup>5</sup> Moreover, a recent analysis of the eight largest police departments in California found that officers confiscate firearms in an average of 0.5% of searches conducted during vehicle stops.<sup>6</sup>

We cannot allow these fishing expeditions to continue in the name of fighting gun violence; not when the costs are so high and the benefits are so few. For these reasons we respectfully urge you to issue an unfavorable report.

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<sup>2</sup>Montgomery County Department of Police Use of Force Report, 2022.

[https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/UseOfForce/2022/20MCPD%20Use%20of%20Force%20Report%20FINAL\\_ED3\\_saf\\_dh\\_df\\_mj\\_03222023.pdf](https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/UseOfForce/2022/20MCPD%20Use%20of%20Force%20Report%20FINAL_ED3_saf_dh_df_mj_03222023.pdf)

<sup>3</sup>Briefing to the Transportation/Environment and Public Safety Committees of the Montgomery County Council, February 6, 2023, beginning at approximately minute 1:30:00. [https://montgomerycountymd.granicus.com/player/clip/16676?view\\_id=169&redirect=true&h=3eb410096b7046c63f6e892648d30832](https://montgomerycountymd.granicus.com/player/clip/16676?view_id=169&redirect=true&h=3eb410096b7046c63f6e892648d30832)

<sup>4</sup>Chohlas-Wood, A., Goel, S., Shoemaker, A., & Shroff, R. (2018, November 19). *An Analysis of the Metropolitan Nashville Police Department’s Traffic Stop Practices*. Stanford Computational Policy Lab. <https://policylab.stanford.edu/media/nashville-traffic-stops.pdf>

<sup>5</sup>Baumgartner, F. R., Epp, D. A., & Shoub, K. (2018). *Suspect citizens: What 20 million traffic stops tell us about policing and race*. Cambridge University Press. pp. 54, 230.

<sup>6</sup>Premkumar, D., Skelton, A., & Lofstrom, M. (2023). How Often Are Firearms Confiscated During Traffic Stops? Public Policy Institute of California. <https://www.ppic.org/blog/how-often-are-firearms-confiscated-during-traffic-stops/>