

Senate Bill 292
Motor Vehicles-Secondary Enforcement and Admissibility of Evidence
Judicial Proceedings Committee – January 28, 2025
FAVORABLE

Thank you for this opportunity to submit written testimony in support of Senate Bill 292. I am a long-time resident of Montgomery County who is concerned about the troubling racial disparities in traffic stops and the impact on Black drivers who are being stopped for minor infractions that do not result in other findings of wrongdoing.

I support this bill because it will reduce unnecessary police encounters for minor traffic offenses that create opportunities for unjust outcomes at the hands of police. The bill would establish limitations on traffic stops for minor non-moving and low-level traffic infractions that are to be distinguished from “collision contributing violations” that involve driving in a dangerous or unsafe manner. The bill takes an approach already implemented in a variety of jurisdictions.¹

Setting limits on traffic stops will reduce racial disparities and community trauma, improve community policing relationships, and promote policing efficiency and safety for all by allowing police to focus on high priority safety strategies.

Racial profiling by law enforcement on American roads is a nation-wide problem that has been well documented. Black drivers are more likely than White drivers to be pulled over by police and Black and Latinx are significantly more likely to be searched. **For Black individuals, the disproportionate impact on them has turned driving, an ordinary American activity, into an experience fraught with discomfort, trauma, if not danger and risk.** Notably, national data show disproportionately higher racial disparities for drivers of color than for White drivers for stops for minor violations as compared to collision contributing violations.² It appears that no person of color is safe from this discriminatory treatment regardless of age, gender, type of car, or compliance with the law.

A stop can be traumatizing for Black individuals who already share collective trauma from the long history of police violence against the Black community in our country. There is a growing body of research that tells us the persistent exposure to police is linked to higher levels of stress and anxiety and that **policing that is more aggressive or intrusive can have deleterious effects on the mental health and well-being of**

¹ Katie Blum and Jill Paperno, “Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color, A Preliminary Report,” Empire Justice Center (January 2023), p. 58-62, <https://empirejustice.org/wp-content/uploads/2023/02/Stop-the-Stops-Empire-Justice-Centers-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf>

² Blum (2023), p. 12-16; Emma Pierson, Camelia Simoiu, Jan Overgoor, et al., “A Large-scale analysis of racial disparities in police stops across the United States,” Nature Human Behavior, Vol. 4 (July 2020), p. 736-745, <https://www.nature.com/articles/s41562-020-0858-1>

individuals and communities.³ Stops often involve language that is insulting, dehumanizing, humiliating, or abusive. However, even politeness on the part of police does not make an unjustified stop acceptable to someone who feels they have been singled out because of their race.

Stops can also lead to physical, even deadly, confrontations. Since 2017, more than 800 people have been killed after being pulled over in the U.S.⁴ America's shameful history of police stops that have resulted in the deaths of Black men has created a visceral fear for people of color—a sense that regardless of how careful one might be, there is a chance that an encounter with police might become volatile and dangerous.

What is particularly problematic is that many of the stops in which people of color are disproportionately impacted are pretextual stops in which the alleged violation is only a pretext for stopping the vehicle to do a search. Even though police can legally do these pretextual stops, the disproportionate impact on Black drivers undermines trust in law enforcement and alienates law-abiding citizens.

Policing practices like pretextual stops send the message that Black residents are not equal and full members of the community, worthy of the same protection.

Moreover, the evidence is that they do not make us safer and that resources are better directed elsewhere. A pretextual stop for a minor violation can create a tense, unpredictable situation that can quickly escalate. The minimal number of arrests or items seized as a result of pretextual stops comes at a great cost.⁵

As is in the case in other jurisdictions, there is no question that people of color are, and have been, disproportionately represented in traffic stops in Montgomery County for a long time.

The Montgomery County Office of Legislative Oversight reported that traffic stop data for FY 2018-2022 show that Black drivers account for 30 percent of the stops while they represent about 18 percent of the population. Black males, who represent about 9 percent of the population, experienced 20 percent of the stops. OLO reported that the data also show that Black and Latinx drivers were stopped and searched for lower-level traffic

³ National Academies of Sciences, Engineering, and Medicine, *Reducing Racial Inequality in Crime and Justice: Science, Practice, and Policy*, Washington, DC: The National Academies Press (2023), p. 162, <https://www.nationalacademies.org/our-work/reducing-racial-inequalities-in-the-criminal-justice-system>

⁴ According to statistics from the Mapping Police Violence data base. See “Why do so many police traffic stops turn deadly”, BBC News, Washington (January 31, 2023), <https://www.bbc.com/news/world-us-canada-64458041>

⁵ Data from different jurisdictions suggest that pretextual stops amount to a needle-in-a-haystack approach to finding contraband. See Sam McCann, “Low-Level Traffic Stops are Ineffective—and Sometimes Deadly. Why are They Still Happening?” Vera News and Stories (March 29, 2023), <https://www.vera.org/news/low-level-traffic-stops-are-ineffective-and-sometimes-deadly-why-are-they-still-happening>

violations (such as expired registrations or equipment issues) at disproportionately higher rates than White drivers.⁶

Traffic stop data from the Maryland Safety Dashboard for 2016-2022 show that Black drivers in Montgomery County were twice as likely to be stopped for traffic violations than White drivers and more than 3 times as likely to be stopped and subsequently subject to a consensual search.⁷ These data also show that pretextual stops with consent searches are less likely to result in an arrest for Black people in Montgomery County than White people, indicating bias.⁸

SB 292 promotes public safety because the approach it takes allows traffic enforcement to focus on the most dangerous driver behavior — impaired, reckless, distracted, and aggressive driving, and driving affecting pedestrian safety. While police might argue that the bill would limit the capacity of law enforcement, it is time to weigh the benefits of making stops that are not related to dangerous driving and that do not typically result in an arrest for criminal activity against the psychological toll they exact on innocent people, the adverse impact on community trust in policing, and the risk of physical danger to all involved.

This bill takes a commonsense step in the right direction toward alleviating the harm caused by unnecessary police interactions with people of color in the state while continuing to support goals relating to improving road safety and eliminating fatalities and severe injuries.

For these reasons, I urge a Favorable report on SB 292.

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⁶ OLO Memorandum Report 2022-12 (October 20, 2022), p. 9 and 20, https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

⁷ Maryland Public Safety Dashboard. <https://goccp.maryland.gov/data-dashboards/traffic-stop-data-dashboard/> Between 2016 and 2022, there were 149,162 stops of Black drivers and 156,938 stops of White drivers by police in the five agencies. Black drivers were stopped at a rate of 76 times for every 100 Black residents (149,162/197,077) compared to a rate of 36 for White drivers (156,938/430,980), resulting in a risk ratio of 2. I used the population data from the 2020 Decennial Census for all the population-based calculations. Over the 7-year period Black drivers were stopped and subject to a consensual search at a rate of almost 5 per 1000 Black residents (922/197,077) compared to the rate of about 1 per 1000 White residents (561/430,980). **These calculations may underestimate the impact on Black drivers because** they assume that Black residents are as likely as White residents to be driving in Montgomery County.

⁸ National Academies of Sciences (2023), p. 71.