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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee

Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 292
Motor Vehicles - Secondary Enforcement
and Admissibility of Evidence
Before the Judicial Proceeding Committee
January 28, 2025**

Good afternoon, Chair Smith, and Members of the Judicial Proceedings Committee,

In 2019, I was pulled over with my entire family during a vacation in Virginia¹. As the officer's lights flashed and I pulled over to the shoulder, my three girls (age 9, 10, and 13 at the time) asked "why did he stop you daddy? What did you do wrong? Are you going to jail?" The entire family shared my anxiety, as I rolled down the window. I thought about Philando Castile, and countless others who did not survive routine traffic stops. I've been pulled over before and it is stressful, but good officers can usually put a driver at ease with clear communication and respect. But this trooper was harsh. He was condescending. It felt as though he was attempting to emasculate me in front of my wife and kids. And what was it all for? Driving too slow in the left lane. I explained to the officer that I had seen a speed limit sign of 45, but he rudely told me that was only when the lights were flashing. This distressing experience left a mark on me. Not only did this unnecessary interaction have no public safety purpose, it made my entire family feel unsafe.

That same year after receiving a tip from a concerned citizen regarding traffic disparities, I set out to uncover the traffic stop data from Baltimore County. After some effort, the data was made available and it was stark. The data showed that Black drivers were 73% more likely to be stopped by the Baltimore County Police than white drivers. Black drivers made up 56.25% of traffic stops in 2018, while making up just 26.1% of the population.²

It was this revelation that led to the creation of and my service on the Baltimore County's Equitable Policing Workgroup in 2020. Our Workgroup was organized to analyze available traffic stop data in Baltimore County and make recommendations on policies and practices on how to ensure equitable policing and bring greater transparency and accountability to the department. In the Workgroup's 2023 *Traffic Stop Deep Dive Report*, Baltimore County's Police Chief Robert

¹ [Driving too slow — a pretext for a Va. traffic stop – Baltimore Sun](#)

² <https://www.wbalte.com/article/work-group-racial-disparities-baltimore-county-police-traffic-stops/29669764>

McCullough has recognized the implementation of training programs including implicit bias, fair and impartial policing, active bystandership for law enforcement, de-escalation, and mindfulness.³ These programs may have had an effect in conjunction with public scrutiny, considering that bias could be inferred in data between 2017 and 2019, but could not be inferred between 2020 and 2022, after their implementation. However, the disparities *after* traffic stops occur continues to persist.

The report stated, “Black Drivers are far more likely to have their person or vehicle searched for probable cause during a traffic stop, even these stops are less likely to find contraband for Black Drivers compared to White drivers.” It also stated, “We also found that Hispanic drivers are issued citations at a higher rate than both Black and White drivers.” While I can appreciate our chief’s efforts and I believe he and his police force are likely the rule rather than the exception, it is these disparities that spur me to seek and introduce a legislative remedy.

Today, I am here to testify in support of Senate Bill 292, which would change the categorization of certain low-level traffic infractions from primary offenses to secondary rather than primary enforcement. When a law enforcement officer conducts a traffic stop, there are two categories those stops can fall into: primary and secondary violations.

Primary violations allow an officer to initiate a traffic stop.⁴ Most traffic violations, such as speeding, disobeying a traffic signal (running a red light, for example), or tailgating are considered primary violations.

Secondary violations, in contrast, are more minor violations. Secondary violations can only be investigated after a stop for a primary offense has occurred. An example of a secondary violation includes an item hanging from a rear-view mirror. Senate Bill 292 does a few things to ensure traffic stops are safer for all. First, Senate Bill 292 adds non-safety-related infractions to the list of secondary violations in Maryland. Under Senate Bill 292, the following types of violations would be recategorized as secondary rather than primary offenses:

- Driving with expired registration tags (for more than three months);
- Obstruction of vehicle registration plates in any manner;
- Driving without a functioning headlight, brake lights, or taillights;
- Driving without a mirror or with obstructed, or damaged mirrors;
- Window tint;
- Failure to illuminate a license plate;
- Driving in a dedicated bus-only lane;

³ [2023- Traffic Stop Deep Dive- Final Report](#)

⁴ Specifically, a primary stop gives police officers the justification, “probable cause,” or “reasonable suspicion” to pull over a driver. A traffic stop is lawful under the Fourth Amendment when there is probable cause to believe that the driver has committed a violation of the vehicle laws, *Brice v. State*, 225 Md. App. 666, 695-96 (2015) (citing *Whren*, 517 U.S. at 810), or when an officer has reasonable, articulable suspicion that “criminal activity may be afoot[.]” *Id.* (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)). *See also Lewis v. State*, 398 Md. 349, 362 (2007) (quoting *Delaware v. Prouse*, 440 U.S. 648, 650 (1979)) (“[A] traffic stop violates the Fourth Amendment where there is no reasonable suspicion that the car is being driven contrary to the laws governing the operation of motor vehicles or that either the car or any of its occupants is subject to seizure or detention in connection with the violation of any other applicable laws.”).

- Excessive noise; and
- Failure to signal a turn (due to equipment not functioning or otherwise).

Second, the legislation also limits the incentives that lead to pretextual traffic stops by implementing an exclusionary rule that applies to evidence obtained in violation of this proposed law. In other words, prosecutors would no longer be permitted to use any evidence in a criminal proceeding that was obtained during a traffic stop that was initiated based on the minor traffic infractions identified in the bill. By shifting police traffic enforcement from making these types of stops to focusing on dangerous driving, jurisdictions can promote road safety and overall public safety, while advancing community trust in the police. The resources, time, and energy that go into traffic stops for non-safety reasons presents a significant opportunity cost. It is far more important for the safety of our roads for our officers engaged in traffic enforcement to be focusing on dangerous behavior that can be life threatening such reckless driving, speeding, running red lights, driving under the influence, or tailgating.

It is also incredibly tedious and time consuming. I received an email in December from a gentleman who went on ride with a Baltimore County police officer who spent the night running plates on the same one mile stretch of road, and if the computer indicated a problem (almost always with insurance or registration) he would conduct a stop. He “asked the officer if he ever wrote tickets for these types of infractions, and he responded that he only did so rarely, if the driver was a jerk. So, I asked why pull people over in the first place? He responded that his superiors expected him to have a certain number of ‘interactions’ each shift, and that because of the way shifts worked, a warning counted the same as a ticket.”⁵

Furthermore, when an officer pulls over a vehicle on a roadway or highway, they are placed at-risk by vehicles traveling at high speeds that are passing by, especially when their vision is obstructed by inclement weather or lack of daylight. Earlier this month, two Baltimore City police officers were hospitalized after being struck by a passing vehicle while attempting to conduct a traffic stop in the early morning.⁶ In 2021, when the Maryland Chiefs of Police Association and the Maryland Sheriffs’ Association opposed legislation, I introduced called Know your Rights Acts, they testified that traffic stops are “the most inherently dangerous activities in which police officers are involved.” But they can also be inherently dangerous for everyone else; especially for Black motorists.

Finally, the legislation would require officers to disclose the reason for a traffic stop before engaging the driver in any questioning related to a criminal investigation or traffic violation, subject to exigency exceptions.

In conclusion, recategorizing non-safety related traffic stops— that are disproportionately enforced on black and brown Marylanders— will enhance public safety by refocusing strained police resources on serious traffic offenses that threaten road safety and rebalancing police workload towards violent crime. I urge a favorable report.

⁵ December 3, 2024 email to Senator Sydnor.

⁶ <https://www.wbalTV.com/article/baltimore-police-officers-struck-by-car-traffic-stop/63392849>