



TESTIMONY ON HOUSE BILL 81

Motor Vehicles – Police Stops – Secondary Enforcement and Excludable Evidence

Committees

Original:

Judiciary

Environment and Transportation

Sponsored by

Delegate Phillips

POSITION: FAVORABLE WITH AMENDMENT

People on the Go Maryland is Maryland's statewide self-advocacy and systems advocacy organization run for and by people with intellectual and/or developmental disabilities.

People on the Go Maryland respectfully submits this testimony in support of House Bill 81 with a recommended amendment to strengthen documentation requirements for police traffic stops. While we support the bill's intent to increase accountability and reduce pretextual stops that disproportionately affect vulnerable populations, we believe an additional provision is necessary to ensure meaningful oversight and protection for people with intellectual and/or developmental disabilities.

I. Support for House Bill 81

House Bill 81 takes important steps toward police accountability by requiring officers to document all reasons for traffic stops on citations or police reports. This transparency

mechanism is critical for protecting Maryland residents, including people with intellectual and/or developmental disabilities, who may be particularly vulnerable during police encounters. The bill's secondary enforcement provisions will also help reduce unnecessary stops that can escalate into dangerous situations.

People with intellectual and/or developmental disabilities often face unique challenges during traffic stops, including difficulty understanding rapid instructions, communication barriers, and behaviors that may be misinterpreted by law enforcement. Creating clear documentation standards helps protect both community members and law enforcement officers by establishing an objective record of what occurred.

II. Proposed Amendment: Specific Documentation Standards

We respectfully propose amending Section 2-109(b) to establish specific documentation standards that require observable facts rather than vague or subjective language. Our proposed amendment would read:

Section 2-109(b) A POLICE OFFICER SHALL DOCUMENT ALL REASONS FOR A TRAFFIC STOP OR OTHER STOP ON ANY CITATION OR POLICE REPORT RESULTING FROM THE STOP. DOCUMENTATION SHALL INCLUDE SPECIFIC OBSERVABLE FACTS, INCLUDING BUT NOT LIMITED TO: (1) THE EXACT TRAFFIC VIOLATION OR SUSPECTED VIOLATION OBSERVED; (2) THE TIME, DATE, AND SPECIFIC LOCATION OF THE OBSERVED CONDUCT; (3) OBJECTIVE DESCRIPTIONS OF DRIVER OR VEHICLE BEHAVIOR (E.G., "VEHICLE CROSSED THE CENTER LINE TWICE WITHIN 200 FEET"); AND (4) ANY OTHER FACTUAL CIRCUMSTANCES THAT CONTRIBUTED TO THE DECISION TO INITIATE THE STOP. DOCUMENTATION MAY NOT RELY SOLELY ON VAGUE OR CONCLUSORY LANGUAGE SUCH AS "SUSPICIOUS BEHAVIOR" OR "APPEARED NERVOUS" WITHOUT ACCOMPANYING SPECIFIC OBSERVABLE FACTS.

III. Why Specific Documentation Standards Matter

A. Protection for People with Disabilities

Without clear documentation standards requiring specific observable facts, police officers could document traffic stops using vague justifications that provide no meaningful

accountability. For people with intellectual and/or developmental disabilities, this lack of specificity creates several serious problems:

- **Misinterpretation of disability-related behaviors:** Behaviors associated with disabilities—such as stimming, difficulty making eye contact, delayed responses to questions, or atypical communication patterns—may be described as "suspicious," "evasive," or "nervous" without context. Specific documentation requirements would compel officers to describe actual observable conduct rather than subjective interpretations.
- **Difficulty challenging unlawful stops:** When documentation is vague, people with intellectual and/or developmental disabilities and their supporters face significant barriers in understanding what occurred and whether their rights were violated. Detailed documentation creates an objective record that can be reviewed by advocates, attorneys, and family members.
- **Inadequate training identification:** Patterns in documentation can reveal where law enforcement agencies need additional training on disability awareness and interaction with vulnerable populations. Vague documentation obscures these patterns and prevents systemic improvements.

B. Practical Example

Consider two documentation scenarios for the same traffic stop:

Vague Documentation (Current Risk):

"Driver appeared suspicious and was not making proper eye contact. Vehicle driving erratically."

Specific Documentation (Proposed Standard):

"At 2:45 PM on Route 50 near mile marker 23, I observed the vehicle cross the right fog line twice within a 0.3-mile stretch, each time with approximately half of the right-side tires leaving the travel lane for 2-3 seconds before correcting. The first incident occurred at 2:43 PM and the second at 2:45 PM. I initiated the stop at 2:46 PM."

The first example relies on subjective interpretations that could reflect disability-related characteristics rather than violations. The second provides an objective, factual record that can be independently verified and fairly evaluated. For a person with an intellectual

and/or developmental disability who may have difficulty explaining the interaction, this detailed documentation is essential for ensuring fair treatment.

C. Accountability Without Burden

This amendment does not create unreasonable burdens for law enforcement. Officers already observe specific facts when deciding to initiate stops—the amendment simply requires that these observations be documented with the same specificity. Modern reporting systems can easily accommodate detailed documentation, and the practice benefits officers by creating clear records that support legitimate stops while protecting them from unfounded complaints.

IV. Conclusion

House Bill 81 represents an important step forward in police accountability and community protection. By adding specific documentation standards that require observable facts rather than subjective interpretations, Maryland can ensure that the bill's transparency requirements have real teeth and provide meaningful protection for all Marylanders, especially people with intellectual and/or developmental disabilities who face heightened vulnerability during police encounters.

We respectfully request the committee to adopt this amendment and give House Bill 81 a favorable report.

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