

Montgomery County Budget Testimony of Robert Landau

April 6, 2021

Subject: Policing and Traffic

As an attorney and long-time Montgomery County resident, I add my support of the efforts of the Silver Spring Justice Coalition, Young People for Progress, and the Action Committee for Transit. I further support efforts of various Council members and the County Executive to eliminate the abusive power of Montgomery County (County) police.

I note that County officials for several years have expressed concern about the abuse of police power with respect to car drivers and traffic, and there has been very little to show for this concern.

False and misleading objections to racial justice have often raised irrational fears that our well-ordered society will fall apart. Let us try, in some small but meaningful ways to test whether reduced policing of traffic can create a more fair and just County.

The following proposals for changing traffic enforcement approaches are intended to reduce the number of MCPD FTEs below what the County Executive's budget currently recommends.

Proposal: This is to request that the County Council and County Executive Elrich initiate a series of pilot projects to test the viability of reducing County police traffic stops, reducing unnecessary use of police in handling accidents, and reducing police pursuits.

Reduce Police Traffic Stops By Undertaking Pilot Project

It is well known that traffic stops are highly racially discriminatory, and hostile to liberty and justice in our County. As reported in OLO Report 2020-9 (issues 7/21/20), Blacks represent 18% of County residents, but 32% of police traffic stops, almost twice the demographic rate. Moreover, traffic stops of Blacks are more often pretexts for other reasons for arrests.

To reduce and eventually stop unnecessary traffic stops the Council and County Executive should undertake a pilot project to prohibit police from stopping drivers for minor vehicular violations such as broken tail lights, failure to stop, missing license plates, driving without license and registration, and similar minor infractions that could lead to racially discriminatory pretextual arrests.

Reduce Use of Police Handling of Traffic Accidents

It's impossible to not notice that whenever there's been an accident, there's a swarm of police cars and police around the scene to divert traffic and presumably perform other ministerial functions. This is a very poor and very expensive use of valuable police resources. Why do we need police to set up traffic cones, divert traffic and perform other ministerial functions,

particularly when police resources are so desperately needed to reduce gang violence, crimes, and reduce other serious crimes?

To optimize use of police, the Council and County Executive should undertake a pilot project to substitute DOT staff or contractors to divert traffic around traffic accidents. If police are needed to investigate the accident scene, the number of police needed for that investigation should be strictly limited to those absolutely needed to perform the investigation, and then leave the scene as soon as the investigation is completed.

Reduce Police Pursuits

Although I note that in the County's 2018 Police Chase Report the number of police pursuits had declined, there remains an alarming number of police pursuits in our County, which seriously threaten the safety of our citizens, our police, and impose unnecessary costs. As noted in that Report, a disproportionate number of police pursuits involve Black suspects and suggest a strong possibility of racial discrimination in such pursuits. To alleviate these problems police pursuits should be prohibited except where there is an imminent threat to human life; where, for example, a shooting suspect is escaping by motor vehicle. DUIs and non-deadly felonies should not be reasons for high-speed police pursuits.

All of these pilot programs should be followed by year-end reports that document the efforts and results, with recommendations for follow-up measures.

Thank you for your efforts in these regards, and for this opportunity to testify.