April 25, 2023

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RE: Testimony in Support of BILL 12-23: The STEP Act to Ban Minor Traffic Stops in
Montgomery County

My name is Charlotte Resing and I am the Government Affairs Manager at the Center for
Policing Equity (CPE), a research and action organization that uses science to identify and
reduce the causes of racial disparities in public safety. CPE has worked with law enforcement
agencies across the country to analyze racial disparities and recommend changes in police
practices that address those disparities.

Like the rest of the country, Montgomery County faces two urgent public safety crises: racially
biased traffic enforcement and rising road deaths. Bill 12-23 addresses both crises, and we urge
you to support it. This bill will help police prioritize road safety without the serious risks that
come with being pulled over by police in routine traffic stops for equipment or paperwork issues.

The urgent need for change can be seen in the massive racial disparities in enforcement. In
Montgomery County, Black and Latinx drivers have been stopped, cited, searched, and arrested
at much higher rates than drivers of other races.[1] Those disparities are found both for resident
and non-resident drivers.[2] Everyone who drives has broken a traffic law, but CPE data analysis
consistently finds, across dozens of cities, Black people are more frequently pulled over for
violations with a low safety risk, like expired tags or a single broken tail light.[3] This bill would limit
the enforcement of these low-level violations that drive racial disparities.

Consent searches, like enforcement of low-level offenses, contribute to racial inequities in traffic
stops and searches. Analyses in various jurisdictions around the country have found that police
officers ask Black and Latinx drivers to consent to searches of their vehicles at a
disproportionately high rate in comparison to White drivers, despite the fact that consent
searches of Black and Latinx drivers are less likely to result in discovery of contraband than
those of White drivers.[4] In 2019, the Oregon Supreme Court found that suspicionless consent

[1] Carrizosa, N. (2022). *Analysis of Data Montgomery Traffic Violations.* (OLO Memorandum Report
2022-12). Office of Legislative Oversight.
thttps://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLOReport2022-12.pdf
[2] Carrizosa, N. (2022). *Analysis of Data Montgomery Traffic Violations.* (OLO Memorandum Report
2022-12). Office of Legislative Oversight.
thttps://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLOReport2022-12.pdf
[3] CPE's data analysis consistently finds that White drivers are more likely to be pulled over for
safety-related violations like speeding, while Black drivers are more likely to be pulled over for equipment,
license, and registration violations.
[4] Bandes, 2018. p. 1768; New Jersey Legislature Senate Judiciary Committee. (2006). Report of the New
Jersey Senate Judiciary Committee's investigation of racial profiling and the New Jersey State Police. p.
55. dspace.njstatelib.org/xmlui/handle/10929/25067

searches violated its state constitution. The following year, the Portland Police Department reported its lowest ever recorded search rate. The rates of contraband found in searches increased during the same period, from 41.8% in 2016 to 60% in 2020.[5] It is important however, that consent searches are clearly banned in the bill language to effectively lower disparities. Our research has shown that unambiguous expectations reduce inequity in implementation.[6]

Police departments and commissions across the United States have recognized that enforcement of low-level traffic violations does not improve road safety and drives disparities. Fayetteville, NC; San Francisco, CA; New Haven, CT and others have all started initiatives to reduce the number of low-safety-risk stops allowing officers to focus on the safety-related violations that impact road safety.

When Fayetteville, North Carolina's police department shifted their enforcement priorities, safety-related stops increased from 30% to 80% of all traffic stops, traffic fatalities dropped by 28%, racial disparities were significantly reduced, and crime remained the same.[7] Similar policy changes across the country have seen large increased numbers of stops that resulted in DUI arrests as well as lowered overall crime rates.[8]

Since 2016, Montgomery County has had almost 300 deaths as a result of traffic crashes.[9] The top cited factors in these crashes were speed, aggressive driving, and impairment.[10] By passing the STEP Act, Montgomery County can follow in the footsteps of police departments across the country toaddress these preventable deaths and improve racial disparities in enforcement. We encourage you to pass Bill 12-23. Thank you.

[5] Portland Police Bureau Strategic Services Division. (2021). Stops Data Collection 2020 Annual Report. p. 18-21. portlandoregon.gov/police/article/785420

[6] Dovidio, J. F. (2001). On the nature of contemporary prejudice: The third wave. *Journal of Social Issues*, *57*(4), pp. 829–849; Goff, P. A., & Rau, H. (2020). Predicting bad policing: Theorizing burdensome and racially disparate policing through the lenses of social psychology and routine activities. *The Annals of the American Academy of Political & Social Science, 687*(1), pp. 67–88.

[7] Fliss, M.D., Baumgartner, F., Delamater, P. et al. (2020). Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities. Injury Epidemiology, 7(3). https://doi.org/10.1186/s40621-019-0227-6

[8] Condon, T. (2022, January 31). After poor start, CT anti-racial profiling effort is making progress. Hartford Courant. https://www.courant.com/politics/hc-pol-racial-profiling-20220131-s3goxbcd5fgv7blw4uejfe7gte-story.html; Ross, M. B., Kalinowski, J. J., & Barone, K. (2020). Testing for disparities in traffic stops: Best practices from the Connecticut model. Criminology & Public Policy, 19(4), 1289–1303. https://doi.org/10.1111/1745-9133.12528;

[9] Zero Deaths Maryland. (n.d.). *Fatal Crash Dashboard.* Retrieved April 16, 2023, from https://zerodeathsmd.gov/resources/crashdata/crashdashboard/

[10] Zero Deaths Maryland. (n.d.). *Fatal Crash Dashboard.* Retrieved April 16, 2023, from https://zerodeathsmd.gov/resources/crashdata/crashdashboard/