

Hearing on Montgomery County, MD, Bill 12-23, The Safety and Traffic Equity in Policing (STEP) Act

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My name is Marta Nelson, and I am the Director of Government Strategy for the Vera Institute of Justice. Vera works to end mass incarceration, protect immigrants' rights, and build safe, thriving communities. Thank you for the opportunity to submit testimony in support of the Step Act.

Nationally, police stop more than 20 million motorists a year for alleged traffic violations.¹ A significant number of these traffic stops are for minor violations that do not affect public safety. For example, Vera's recent report on Suffolk County (Boston), Massachusetts, found that over the past decade, nearly a third of traffic stops (155,210 out of 493,181 total) were for violations such as driving with a single broken taillight, expired or defective vehicle registrations, a missing inspection sticker, or window tint.² Similarly, a study of more than 20 million traffic stops in North Carolina found that more than 46 percent were unrelated to safety.³ For the Montgomery County Police Department (MCPD), these low-level stops make up somewhere between at least 15 to 30 percent of stops that result in at least a warning, which is the only available dataset and may well be a subset of actual stops made.⁴

Addressing these low-level stops is emerging as a key solution to the harms caused by traffic stops, as well as high traffic fatalities nationwide.⁵ Backed by the evidence, cities from Philadelphia to Memphis and states from Virginia to Oregon have enacted policies like the STEP Act that remove police from enforcement of some or all minor traffic violations. By Vera's count, at least 12 jurisdictions nationwide have passed such policies, while at least 10 have done so by police order and four by prosecutorial policy.⁶ Extensive research shows that these policies provide four key benefits:

First, policies like the Step Act improve traffic safety by freeing police to focus enforcement on unsafe driving behavior. A major study showed that by virtually eliminating stops for minor traffic violations, one jurisdiction in North Carolina was able to focus its resources on increasing the number of safety stops for dangerous driving. This reduced traffic accidents and racial disparity in overall stops—with no impact on non-traffic related crime.⁷ Traffic enforcement provides safety when it focuses on high-risk behaviors. This means that the Step Act would support Montgomery County's Vision Zero goals.

Second, ending these low-level stops can promote public safety and community trust. The frequency of these stops and their disparate impact on communities of color compound distrust in government institutions such as police departments and prosecutors' offices, which depend on the public's cooperation to solve crimes.⁸ The wounds to community trust run deep: one study even found that excessive traffic stops led to reduced turnout among potential Black voters.⁹

Third, these policies spare more drivers the physical, psychological, and economic harms caused by traffic stops.¹⁰ More than 1,100 people are killed by police each year, and around 8 to 10 percent of these deaths involve traffic stops.¹¹ Fines and fees from traffic stops can push low-income Americans further into a cycle of debt and poverty.¹² Further, the social costs of police interactions like traffic stops include harms to health, educational development, and economic security.¹³

Fourth, these policies reduce harmful racial disparities. The harms of traffic stops are not equally felt. More than a quarter of people killed in traffic stops are Black, despite Black people making up only 12

percent of the population.¹⁴ And although racial disparities abound throughout traffic enforcement, studies in Montgomery County and elsewhere find greater disparities in non-safety stops than in safety-related stops.¹⁵ Eliminating these stops works: after Philadelphia instituted its policy on low-level stops, traffic stops involving Black men went down 54 percent.¹⁶

Racial disparities in MCPD's traffic enforcement are well-documented. From FY18-22, Black drivers made up 33 percent of traffic stops that resulted in a traffic violation, 43 percent of searches during such stops, and 38 percent of arrests during these stops—despite representing only 18 percent of the population. In that same period, Black and Latinx drivers received more violations per stop (2.1 and 1.9 respectively) compared with white and Asian drivers (1.6).¹⁷ In 2019, Black men were three times more likely to receive any traffic violation than white men.¹⁸ Analysis confirms that these disparities are not the result of police stopping drivers from outside the county.¹⁹

In line with national research, Montgomery County's racial disparities are worst for low-level violations. For example, from FY18-22, Black drivers made up 37 percent of stops that resulted in an equipment violation and 52.6 percent of those searched during such stops.²⁰ When the county's Office of Legislative Analysis calculated a "disparity score" for each category of traffic citation, the categories affected by the Step Act all scored higher (i.e., worse) than average and 12 to 33 points higher than the "Rules of the Road" category. Stops that resulted in violations for "Tail Lamp Requirements" had one the worst disparity scores, with Black drivers making up 42 percent of stops.²¹ While stops overall in Montgomery County have gone down, racial disparities have persisted or worsened; the Step Act would home in on a source of the problem by targeting the violation categories with the worst disparities.²²

Opponents of these policies tend to argue that these stops are necessary for fighting crime and keeping the road safe, both of which are demonstrably false:

Regarding public safety, while the stated reason for conducting these low-level stops is often public safety, they very rarely result in the recovery of guns or other contraband.²³ Analysis of results from across the country has repeatedly confirmed this fact, including Vera's research in Suffolk County, Massachusetts.²⁴ A 2018 study of nonmoving violation traffic stops in Nashville, Tennessee found that less than one-tenth of one percent (0.8 out of every 1,000) of such stops resulted in police charging someone with possessing a weapon. The Nashville study also found—as the previously referenced North Carolina study found—that non-traffic crime did not go up when the volume of traffic stops went down.²⁵

Looking more broadly at *all* traffic stops, studies find that they are not an effective crime fighting tool.²⁶ For example, a recent study of the largest eight California police departments revealed that firearms were confiscated in only about 0.5 percent of stops.²⁷ MCPD's numbers are even lower: in 2022, MCPD confiscated firearms in just 172 out of 35,945 traffic stops, a 0.4 percent hit rate, or one seizure per 209 stops.²⁸ While addressing gun violence is an important goal, police should use methods far more precise than the needle in a haystack approach of searching vehicles for firearms during tens of thousands of unrelated traffic stops, given the grave risk to drivers' safety and community trust caused by these stops.

Regarding road safety, banning low-level stops does not prohibit police from making traffic stops due to more serious equipment violations, like two missing headlights or anything causing visibly reckless driving. A Connecticut analysis found that the equipment violations enforced in low-level traffic stops do

not contribute to accidents.²⁹ For example, defective lighting accounted for 9.4 percent of all Connecticut traffic stops, but only 0.1 percent of crashes between 2015 and 2019.³⁰ Arguments that eliminating these low-level stops will prevent police from stopping dangerous driving are not backed by evidence.

The Step Act's jaywalking provision is also a step forward for equity and evidence-backed policy. Jaywalking laws were not invented to protect pedestrians, but rather to deflect blame from automakers and drivers.³¹ Enforcement of these laws primarily targets people of color, a double burden when considering that Black pedestrians are considerably more likely to be struck by cars.³² Further, pedestrians are equally likely to be struck by a car whether in a crosswalk or crossing midblock.³³ If policymakers want to address pedestrian deaths, the best solutions are to pass laws and change the built environment to promote safer driving, and to prioritize enforcement of dangerous driving via policies like the Step Act.³⁴

Finally, **policies like the Step Act have bipartisan voter support.** Recent polling from Safer Cities Research indicates that 69 percent of all voters support such policies, with support from 81 percent of Democrats and 59 percent of Republicans. When asked the best approach to dealing with a driver with a single burned-out brake or taillight, for example, only 21% of voters selected a stop by an armed police officer.³⁵ Voters clearly understand there are better ways to handle these issues.

The Step Act takes a meaningful yet commonsense approach to the harms of low-level traffic stops, curtailing police enforcement for a targeted and evidence-backed list of minor violations unrelated to public safety. We applaud Montgomery County for not only joining in this national momentum of support for traffic equity, but also for pushing it forward a well-crafted policy with great potential to save lives and reduce harmful racial disparities. Everyone in Montgomery County deserves to be safe behind the wheel, and the Step Act is a crucial step in that direction.

Thank you for the opportunity to contribute testimony in support of this important bill. Please do not hesitate to contact me if the Vera Institute of Justice may provide further support.

¹ Stanford Open Police Project, "Findings," 2021, perma.cc/6BYX-XWF4.

² Seleeke Flingai, Mona Sahaf, Nicole Battle, et al., *An Analysis of Racial Disparities in Police Traffic Stops in Suffolk County, Massachusetts, from 2010 to 2019* (New York: Vera Institute of Justice, 2022), 8, perma.cc/26EN-F7S7.

³ Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*, (Cambridge, UK: Cambridge University Press, 2018).

⁴ Because MCPD does not break down equipment-related stops by type, the exact percentage cannot be determined. Of stops made from 2017-2021, 15.5 percent were for "Equipment of Vehicles," 12.5 percent were for "Certificates of Title and Registration of Vehicles," and 2 percent were for "Drivers' Licenses." See Natalia Carrizosa, Memorandum from Montgomery County (MD) Office of Legislative Oversight to County Council, "OLO Memorandum Report 2022-12 (Subject Analysis of data Montgomery Traffic Violations Dataset)", Appendix B, (5), October 25, 2022, perma.cc/DQG6-VNXN.

⁵ See Sarah Holder, "These Cities Are Limiting Traffic Stops for Minor Offenses," Bloomberg CityLab + Equality, February 2, 2023, perma.cc/AJW7-ZMFY. For high traffic fatalities in the United States, see Jonathan Adkins, "U.S. Traffic Deaths Remain Unacceptably High Despite Minor Decrease," press release (Washington, DC: Governors Highway Safety Association, January 9, 2023), perma.cc/9ZGK-HPSX.

⁶ Jurisdictions passing these policies include Virginia, Philadelphia (PA), San Francisco (CA), Pittsburgh (PA), West Hollywood (CA), Brooklyn Center (MN), Berkeley (CA), Oregon, Evanston (IL), New York, Chapel Hill (NC), Memphis (TN), and New York. Jurisdiction enacting such policy through police order include Fayetteville (NC), Nashville (TN), Lansing (MI), Los Angeles (CA), Seattle (WA), Portland (OR), Culver City (CA), Oakland (CA), Minneapolis (MN), and Mecklenburg County (NC). Jurisdictions with relevant prosecutorial policies include Ingham County (MI), Ramsey County (MN), Chittenden County (VT), and Washtenaw County (MI).

⁷ Mike Dolan Fliss et al., “Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities,” *Injury Epidemiology* 7, no. 3 (2020), perma.cc/S75L-HMUE.

⁸ Libby Doyle and Susan Nembhard, “Police Traffic Stops Have Little to Do with Public Safety,” Urban Institute, April 16, 2021, perma.cc/UG9K-Z7X2; and Simone Weichselbaum, Emily R. Siegel, and Andrew Blankstein, “Police face a ‘crisis of trust’ with Black motorists. One state’s surprising policy may help.” NBC News, October 7, 2021, perma.cc/T2FX-WW4H.

⁹ Jonathan Ben-Menachem and Kevin T. Morris, “Ticketing and Turnout: The Participatory Consequences of Low-Level Police Contact,” *American Political Science Review* (2022), 1–13, perma.cc/7S3E-UJPS.

¹⁰ See Sarah Holder, “These Cities Are Limiting Traffic Stops for Minor Offenses,” Bloomberg CityLab + Equality, February 2, 2023, perma.cc/AJW7-ZMFY. For more on the physical harms of traffic stops, see Sam Levin, “US Police Have Killed Nearly 600 People in Traffic Stops Since 2017, Data Shows,” *Guardian*, April 21, 2022, perma.cc/YS2U-SZD4; for psychological harms, see Rheana Murray, “The Conversation Black Parents Have With Their Kids About Cops,” ABC News, December 8, 2014, perma.cc/J7ZZ-HVAW; for economic harm, see German Lopez, “The Tyranny of a Traffic Ticket,” *Vox*, August 10, 2016, perma.cc/K6E5-3BGU; for high traffic fatalities in the United States, see Jonathan Adkins, “U.S. Traffic Deaths Remain Unacceptably High Despite Minor Decrease,” press release (Washington, DC: Governors Highway Safety Association, January 9, 2023), perma.cc/9ZGK-HPSX.

¹¹ Levin, “US Police Have Killed,” 2022. In 2022, the number of killings resulting from traffic stops was closer to 8 percent, though estimates vary. See Sam Levin, “‘It Never Stops’: Killings by US Police Reach Record High in 2022,” *Guardian*, January 6, 2023, perma.cc/Z4P7-HVXQ; and Mapping Police Violence, “2022 Police Violence Report,” accessed April 4, 2023, policeviolencereport.org.

¹² The Crime Report, “Driven to Debt: How Traffic Fines ‘Punish Americans for Their Poverty,’” March 8, 2019, perma.cc/6RQ4-2ZQR.

¹³ Aaron Stagoff-Belfort, Daniel Bodah, Daniela Gilbert, *The Social Costs of Policing* (New York: Vera Institute of Justice, 2022), perma.cc/6ZN7-M2UT.

¹⁴ Levin, “US Police Have Killed,” 2022. See also, Mapping Police Violence, “2022 Police Violence Report,” 2023.

¹⁵ For racial disparities in all traffic enforcement, see Emma Pierson, Camelia Simoiu, Jan Overgoor, et al., “A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States,” *Nature* 4 (2020), 736–745, perma.cc/3LR6-ZBDF. For racial disparities in low-level stops, see Baumgartner, Epp, and Shoub, *Suspect Citizens*, 2018. For racial disparities in Montgomery County traffic stops, see Carrizosa, “OLO Memorandum Report 2022-12,” 2022, 15–19.

¹⁶ Sammy Caiola, “Data Shows Philly Traffic Stops Involving Black Men are Down 54%” WHYY, March 6, 2023, perma.cc/LMJ3-FFSH. The findings from Fayetteville, NC also showed that eliminating low level traffic stops reduced racial disparities. See Fliss et al., “Re-prioritizing traffic stops,” 2020.

¹⁷ Carrizosa, “OLO Memorandum Report 2022-12,” 2022, 10.

¹⁸ Elaine Bonner-Tompkins and Natalia Carrizosa, “Report Number 2020-9: Local Policing Data and Best Practices”, (Montgomery County, MD: Office of Legislative Oversight, 2020), 65, perma.cc/5QJC-PRAK.

¹⁹ Carrizosa, “OLO Memorandum Report 2022-12,” 2022, 11.

²⁰ Maryland Governor’s Office of Crime Prevention, Youth, and Victim Services, “Race-Based Traffic Stop Data Dashboard,” accessed April 5, 2023, app.powerbigov.us/view?r=eyJrIjoiaZTBhNDYzMTMtZTRhMy00OWRkLTk3ZGltZmJlMGMQZ0TRjMDQzliwidCI6IjYwYWZlOWUyLTQ5Y2Q0NDliMS04ODUxLTQ5ZGYwMjc2YTJlOjI9&pageName=ReportSection. To find the racial makeup of equipment violations, set “Agency” as “Montgomery County Police Department,” set “Stop Reason” as “21.13 (Registration)” and scroll down to “Race/Ethnicity of Driver.” To find the racial makeup of searches for equipment violations, follow the same steps, but then “Search Conducted” as “Yes.” Using this tool, we find that the disparities in Montgomery County are comparably large for other categories

affected by the Step Act. For registration violations, Black drivers make up 36.6 percent of stops and 56.2 percent of stops with searches. For license violations, Black drivers make up 41.8 percent of stops and 50.4 percent of stops with searches.

²¹ Carrizosa, “OLO Memorandum Report 2022-12,” 2022, 15-19.

²² *Ibid.*, 9.

²³ ACLU-DC & ACLU Analytics, *Racial Disparities in Stops by the D.C. Metropolitan Police Department: Review of Five Months of Data* (Washington, DC: ACLU, 2020), perma.cc/N4B8-AA86.

²⁴ Flingai, et al., *Police Traffic Stops in Suffolk County*, 2022, 34.

²⁵ The Policing Project at New York University School of Law, *An Assessment of Traffic Stops and Policing Strategies in Nashville* (New York: New York University School of Law, 2018), 9, perma.cc/YFD2-7RJJ.

²⁶ Geoff Pearson and Mike Rowe, “Gone fishing: The operation of police vehicle stops in England and Wales,” *Criminology and Criminal Justice*, February 25, 2023, doi.org/10.1177/17488958231155275.

²⁷ Deepak Premkumar, Andrew Skelton, and Magnus Lofstrom, “How Often Are Firearms Confiscated During Traffic Stops?” Public Policy Institute of California, February 16, 2023, perma.cc/92WP-RHWJ.

²⁸ Montgomery County Council, Transportation & Environment and Public Safety Committees, *Discussion: OLO Memorandum Report 2022-12: Analysis of Data Montgomery Traffic Violations Dataset*, February 6, 2023, 1:32:00 (statement of Captain Brian Dillman, Traffic Operations Division, MCPD), youtube.com/watch?v=y0d_5_FhGxo.

²⁹ Connecticut Racial Profiling Prohibition Advisory Board, “RE: Evaluation and recommendations,” 2021.

³⁰ Memorandum from Connecticut Racial Profiling Prohibition Advisory Board to Logistics Subcommittee, Police Transparency and Accountability Task Force, re: “Evaluation and Recommendations of a Primary and Secondary Traffic Enforcement System,” February 4, 2021, perma.cc/9DLL-H98G.

³¹ Sarah Goodyear, “The Invention of Jaywalking: The Forgotten History of How the Auto Industry Won the Right of Way for Cars,” Bloomberg CityLab Transportation, April 24, 2012, perma.cc/59PK-NYQS.

³² For the uneven application of jaywalking laws, see Topher Sanders, Kate Rabinowitz, and Benjamin Conarck, “Walking While Black,” ProPublica and Florida Times-Union, November 16, 2017, perma.cc/334F-9LEC. For pedestrian deaths, see David Montgomery, “Low-Income People of Color Bear Brunt of Rising Pedestrian Deaths,” Pew Stateline, July 2, 2021, perma.cc/34Y5-VXVB.

³³ B.J. Campbell, Charles V. Zegeer, Herman H. Huang, et al., *A Review of Pedestrian Safety Research in the United States and Abroad* (McLean, VA: U.S. Department of Transportation, 2004), rosap.ntl.bts.gov/view/dot/16111.

³⁴ For information on effective ways to reduce pedestrian deaths, see U.S. Department of Transportation, “What Is a Safe System Approach?” transportation.gov/NRSS/SafeSystem.

³⁵ Vera Institute of Justice, *New Polling Shows Support for Limiting Police Stops for Low-Level Traffic Violations* (New York: Vera, 2023), perma.cc/DY9L-9FAQ.