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Date: April 25, 2023

Re: I2-23 - Maryland Safety and Traffic Equity in Policing (STEP) Act

Position: **SUPPORT**

To: Montgomery County Council

Distinguished Councilmembers,

Thank you for the opportunity to testify today in support of the Maryland Safety and Traffic Equity in Policing (STEP) Act. My name is Mike Hilliard, and I am testifying on behalf of myself, having spent my 27-year policing career with the Baltimore Police Department, and as a speaker for the Law Enforcement Action Partnership (LEAP). I believe the STEP Act would improve police effectiveness by strengthening community trust and focusing law enforcement resources on serious crime that impacts road safety.

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience serving in the justice system. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working toward healing police-community relations.

As a patrolman with the Baltimore Police Department, I understood that community trust was paramount to our success in suppressing and preventing crime. In every interaction with the East Baltimore community, our success relied on gaining the trust of the people involved. Across policing, the research underscores that having trust from the people we serve [directly impacts public safety](#) because, without trust, people do not report crimes or cooperate with law enforcement.

This trust we rely upon is quickly destroyed by tragic and unnecessary officer-involved shootings. When people see viral video recordings of people being mistreated or killed by police officers, they are shocked, angry, and distrustful of us. Their reactions are especially strong when an officer kills someone during a needless interaction.

One particularly needless source of officer-involved killings is traffic stops for low-level offenses. Officers cannot pull you over and search your car without probable cause, but we can use a very minor infraction (such as overly tinted windows) as a [pretext](#) to stop your car. We then ask for your consent to search the vehicle or look inside while asking questions to try to find probable cause for a search. It is too common an occurrence that traffic stops turn fatal, as seen in the recent beating and murder of Tyre Nichols in Tennessee.

Traffic stops for low-level offenses create the risk of injury and death not just for motorists, but also for law enforcement officers. Every time an officer walks up to a stopped car, there's a chance a gun is going to come out. We don't know if drivers will suddenly hit the gas pedal, endangering us, bystanders, or other motorists. While these situations are rare, we are trained to expect the worst-case scenario and approach every stop in a state of hypervigilance, which contributes to the escalation of minor infractions into violence.

Even when these stops don't end in tragedy, they destroy trust. Since many drivers commit some sort of low-level traffic offense, officers choose who to pull over based on our own biased hunches about who might be committing a more serious crime. As a result, studies show that [officers are far more likely to pull over African American drivers](#), the vast majority of whom are innocent of any serious wrongdoing. For these drivers, the stops are frightening, humiliating, and infuriating because they know that they have been targeted based on their race. These stops poison the well of police-community trust that I worked so hard to protect.

Fortunately, there is a solution – we can act to preserve trust by banning the lowest-level traffic stops. Virginia passed a law in 2021 that prohibits officers from making stops solely to enforce certain low-level traffic and equipment violations. Oregon passed a similar bill last year, and now states from Connecticut to Minnesota are racing to join them.

Today, the Montgomery County Council has the opportunity to elevate police-community trust and save Maryland lives by passing the STEP Act. Bill 12-23 would prohibit Montgomery County Police Department officers from conducting traffic stops for certain minor offenses under the Maryland Vehicle Law. Such traffic offenses include expired licensing and registration, window tinting, defective headlamp or taillights, illuminated license plate, and minor obstructions on the windshields. The bill would also limit a police officer's authority to request permission to conduct a search of a person or vehicle during a traffic stop. Without reasonable suspicion or probable cause, consent is not permissible for a search.

To promote transparency and police-community trust, Bill 12-23 would also require the collection of data and information related to traffic stops. The police chief would be required to collect regular analysis of traffic stop data, including justifications for each traffic stop, any deidentified data collection for bias-related stops, any complaints received, and a list of alleged and sustained violations of the bill. The police chief is obligated to report annually to the Council and publish findings on its website.

The STEP Act would not pose a threat to public safety, because officers do not need to conduct pretextual stops in order to protect the public. In the overwhelming majority of pretextual stops, [no guns](#), drugs, or even lower-priority violations are found. In California, [data analysis by the Public Policy Institute](#) noted that of the 3.4 million traffic stops conducted by the 15 largest departments, officers confiscated a total of 905 firearms. That is one confiscation every 3,700 stops. Just .02% of stops turned up guns, reflecting that low-level stops rarely produce evidence of serious crime.

The STEP Act would not take needed tools away from the police. It would still allow officers to enforce primary offenses that actually harm road safety, like speeding, running through a light, and talking on a cell phone. If police see actual evidence of a threat to safety or of criminal activity, this bill would not tie our hands – we can still conduct a traffic stop to address the issue. Every officer knows that police have the discretion to make a traffic stop if we determine that the “totality of the circumstances” poses an immediate threat to public safety.

As a law enforcement professional, I know that pretextual stops and unnecessary arrests don’t protect public safety, they just divert public safety resources, keep people of color from trusting the police, and risk injury and death for community members and officers alike. It is time for Montgomery County to pass legislation that builds trust, conserves police resources, and improves law enforcement’s ability to keep us all safe.

Thank you for the opportunity to share my experience and perspective in support of this bill.

Respectfully,

Major Mike Hilliard (Ret.)
Baltimore Police Department
Speaker, Law Enforcement Action Partnership