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Councilmembers,

I urge you to support Councilmember Jawando's STEP Act (Bill 12-23) and begin to shift the focus of traffic enforcement in our county from pretextual stops to moving violations. Pretextual stops for registration, licensure, insurance, and vehicle equipment violations have the largest disparities in enforcement, and do not meaningfully improve traffic safety. As the former staff member who performed much of the underlying research driving earlier versions of this bill, I want to make you aware of my findings. I am only going to focus on the disparities for Black drivers because those are the worst, but I want to note that there were also significant disparities for Hispanic drivers, and I will happily provide that data on request. Additionally, I need to note that the data I reference is from my independent research into this topic using the raw CountyStat data and is not derived from the OLO report on this topic. The OLO report is very well done but I do not believe it shows the true extent of this problem.

Early in the development of this bill, I examined and analyzed data on every traffic stop conducted in Montgomery County from 2012 through 2021, over a million traffic stops resulting in 723,060 citations. I disaggregated that data by offense cited and compared the racial breakout of the individuals cited for each section of state law. I then further compared the relative likelihood of a person of color to be cited relative to a white driver per capita. I went into my research knowing that there were some disparities in traffic enforcement within the State, but I was shocked by how widespread those disparities were in my home county.

Out of the one hundred most frequently cited offenses, for only four are Black drivers cited less often than their share of the population.¹ For 62 of the most frequently cited offenses, Black drivers were at least twice as likely to be cited than white drivers per capita, for 12 sections of code they were over five times more likely to be cited. Many of these citations were for issues that strictly speaking are not directly safety related. Many of the greatest disparities exist in areas such as registration (2.53 times more likely to be cited under Title 13), licensure (3.84 times more likely to be cited under Title 16), insurance (5.19 times more likely to be cited under Title 17), and vehicle equipment (1.89 times more likely to be cited under Title 22).

In comparison, for moving violations under Title 21 Black drivers were only cited 1.49 times more often. Even with moving violations there is still cause for concern. For speeding, at every speed cited other than 9 MPH over the speed limit², Black drivers are 16% to 60% more likely to be cited than white

¹ These include Mobile device usage, driving after consuming alcohol despite a court order prohibiting the driver from drinking alcohol, operating a commercial vehicle without being medically certified to do so, and knowingly permitting an unauthorized driver to use a vehicle.

² Combining 1-8MPH over the speed limit and speeds in excess of 30MPH over the speed limit because there is not a statistically significant number of citations at those speeds.

drivers per capita, at 9MPH over the speed limit they are cited 19% less often than white drivers at almost exactly their share of the population. Coincidentally, 9MPH over the speed limit is the highest speed before which citations generate points on a driver's license and it is the only speed at which white drivers are cited more often than their share of the population.

Despite claims that the driving force behind these disparities is that there are drivers of color entering from outside our county being cited, I conducted a more limited review (5 years instead of 9) and discovered that while the disparities for nonresidents are greater, there are still significant racial disparities in enforcement for Black residents. Where nonresidents were 3.53 times more likely to receive a citation compared to white nonresidents, Black residents were still 2.19 times more likely to be cited compared to white residents.

Despite the breadth of information available publicly, there are still holes in our information that make it difficult to address the problem of traffic stop disparities. As part of my review I discovered that there was not good information on the initial reason a stop was initiated. 12-23 addresses this by requiring reporting on the initial reason for the stop. This bill is a good first step that will better allow us to identify the sources of problems within our traffic enforcement operations to create a fairer county for all our residents.

I urge you to take the first step towards reversing decades of biased policing of people of color in our community by supporting the STEP Act. Be the leaders I know you all are and help guide the rest of the state along by example. I am happy to provide supporting information to anyone who would like it in the form of spreadsheets that are linked to the raw data from CountyStat, and I am more than happy to take the time to review it with you or your staff to explain my methodology and findings.