



Maine Municipal Association

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Maine Municipal Association

Testimony in Opposition to

LD 417- An Act To Protect Maine's Drivers from Pretextual Traffic Stops

February 24, 2021

Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham and I am testifying in opposition to LD 417 as directed by MMA's 70 member Legislative Policy Committee.

Municipal officials believe that as drafted, not only does LD 417 eliminate a vital tool enabling law enforcement officers to protect their communities, the proposal sets the stage for a host of unintended consequences that will impact the officers' ability to identify issues of human trafficking, child abduction and other violent crimes. As drafted, the measure could render any evidence seized from a suspect vehicle fleeing from a violent crime scene, where no or little information is available regarding the suspect vehicle, unusable.

Municipal officials believe there is already a robust system of checks and balances associated with traffic stops that is protected by our court system. Traffic stops either adhere to settled federal case law or not. Evidence obtained from improper stops is suppressed during a trial of any violation, effectively eliminating charges for even the most serious offenses. Officers who repeatedly have their traffic stops thrown out send not only a red flag to the prosecutor's office that calls the officer's competency into question, the pattern of incompetence can lead to termination.

While local leaders understand the reasoning behind the introduction of this legislation, as drafted the bill falls short of enhancing the procedural justice culture that results in racial harm reduction. The bill seems to point at a symptom and declare it the problem. Municipal officials understand that the words of Lord Hewitt asserting that "justice must not only be done but must also be seen to be done" accurately defines the true problem.

At issue are perceived abuses of authority by police that feed distrust and erode legitimacy, which in turn influence public attitudes towards law enforcement. Procedural justice principles, including: respect, bias-free decision-making supported by internal written policy, cultural competency education, explaining processes during interactions with the public, and

allowing people to express themselves during interactions with community members (i.e., allowing community voices to be heard) are the keys to harm reduction at all levels.

Municipal officials support the use of evidenced based on-going conversations to improve not only community respect for the important role of law enforcement, but also police officer morale. Municipal police are being encouraged at all levels to evaluate policies, training, and enforcement data for discriminatory practices. However, municipal officials cannot support removing a tool largely used in communities for public safety purposes, which protect our communities from impaired drivers, unsafe motor vehicles and tractor trailers or potentially reduce the prosecution of violent and dehumanizing crimes.

For these reasons, officials ask you vote ought not to pass on LD 417.