



# MAINE CHIEFS OF POLICE ASSOCIATION

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## **Statement in Opposition to L.D. 417, An Act To Protect Maine's Drivers from Pretextual Traffic Stops Submitted by Chief Jared Mills February 24, 2021**

LD 417 would prohibit a law enforcement officer from stopping a motor vehicle for an offense in violation of existing Maine law if the officer suspects that the driver or occupant is committing a separate more serious act in violation of law in order to further investigate the totality of the circumstances. If an officer should do this, any evidence obtained that is not directly connected to the reason for the stop would be thrown out. We find this very puzzling. Why is it in the public interest that a law enforcement officer may stop a vehicle for only a motor vehicle offense only to be prohibited from taking further enforcement action on any other offense detected after the initial stop?

You will hear a number of examples today of how pretextual stops are used in the legitimate pursuit of wrongdoing. I could provide many other examples, but that is probably not necessary.

Proponents of this bill apparently believe that what they are calling pretextual traffic stops are somehow nefarious. Dictionaries defines "pretext" as an action that is meant to conceal or hide the real intent of an action. However, this bill goes well beyond preventing law enforcement officers from hiding their real intent. Rather than outlawing all pretextual stops, which the United States Supreme Court has determined to be constitutionally sound, we believe that a better approach is to examine the intent of an officer who may engage inordinately in these type of stops, a procedure that would be facilitated by the collection of data on vehicle stops. For example, we know that drivers who are members of an ethnic minority, especially persons of color, sometimes believe they are being targeted for a pretextual stop because of their race. This is known as racial profiling and it is already illegal for an officer to engage in this type of activity. Other legislation before you aims to determine the extent to which racial or ethnic profiling is a problem in Maine, and we, as chiefs of police, support that effort. But to outlaw all pretextual stops would remove from law enforcement a legitimate and effective means of apprehending those engaged in criminal activity that is not always readily apparent.

Simply put, this bill would make our communities less safe by compelling police officers to simply walk away from ongoing criminal activity occurring in their presence and even worse, allowing that criminal activity to drive away, putting everyone else at risk.

We urge that you give LD 417 an Ought Not To Pass report. Thank you for listening.