

Senator Deschambault, Representative Warren, and honorable members of the Criminal Justice and Public Safety Committee, it is an honor to be with you here with you today to present LD 417, An Act to Protect Maine's Drivers from Pretextual Traffic Stops.

The intent of this bill is to create a law enforcement policy that prioritizes public safety and ends the focus on minor traffic infractions that disproportionately impact poor people and Black, brown and Indigenous people.

The truth of the matter is that there are so many traffic violations that if a law enforcement officer were to follow any one of us for 10-15 minutes, they would have the discretion to pull us over for a number of minor traffic violations: following another car too closely, going 4 miles per hour over the speed limit, not fully stopping at a stop sign, turning too wide, driving in the left hand lane, turning too narrow, touching a white or center line, etc.

A pretext traffic stop is exactly what it says: an officer stops a vehicle for one reason, usually a minor, albeit unlawful, reason - but not because they want to enforce the law and write a ticket for that reason. No, that reason is only a pretext, a tool the officer uses to stop the vehicle and then explore whether further crimes are being committed based on hunches and intuition as opposed to reasonable articulable suspicion. The problem with this is that both hunches and intuitions are based on implicit bias, which we know to be “the attitudes or stereotypes that affect our understanding and decisions in an unconscious manner.” Because pretext stops are discretionary, bias often becomes the driver of the officer's decisions and ultimately results in stopping more people of color and poor people.

Pretext stops became legal in 1996, when Justice Scalia wrote the Wren opinion. We've come a long way since then in terms of how this policy impacts our communities.

I submit to you that this practice of using pretext reasons to stop Maine drivers damages the public trust and is harmful to those disproportionately impacted. According to the US Department of Justice, in 2015, 8.6% of the driving population was pulled over, and black or males earning less than \$24,999 are more likely to be pulled over. According to the

Stanford Open Policing Project, an interdisciplinary team of researchers that have gathered over 200 million police records to analyse vehicle and pedestrian stops, black drivers are 20 percent more likely to be stopped than white drivers relative. Further, once stopped, black drivers were searched about 1.5 to 2 times as often as white drivers, even though they were less likely to be carrying drugs, guns, or other illegal contraband compared to their white peers.

We often hear that pretext stops are an effective tool to battle the war on drugs. However, an Illinois study in 2016 showed that out of the 2.17 million traffic stops in 2016, just 8,938 or 1 in every 242 stops, resulted in contraband being found. Given how little is gained from these stops, it is difficult to justify the harassment, the embarrassment or the inconvenience, particularly when those most impacted are people of color and poor people. Although Maine doesn't collect data on pretext stops, yet, there is no reason to think we are exceptional given that 12% of our adult prison population is Black and 23% of our juvenile prison population is Black.

A deep review of pretext policy falls squarely within the legislature purview, and we can set this policy right in Maine and make sure law enforcement efforts prioritize public safety by requiring that they have reasonable articulable suspicion of a true public safety violation that they are ready to act on when they pull a vehicle over.