

Presbyterians for Police Transformation

Takoma Park Presbyterian Church

ADVOCACY PRIORITIES
FOR 2023



GOAL 1: Shift to Non-Police Crisis Intervention

What is this Goal About?

Shifting a portion of public funds now going to policing to non-policing services, i.e., other interventions that are less dangerous, particularly to people of color, and more successful at de-escalation and preventing violence. This would help prevent the criminalizing of non-criminal behavior and address the real causes of a safety situation such as mental illness, substance abuse, homelessness, etc.

Why Do We Need This?

Right now, police are called upon to deal with many situations where another approach is called for– e.g., behavior caused by mental illness, substance abuse and domestic disputes. In the US people in a mental health crisis are more likely to interact with police than treatment providers and incidences of violence and death are much more frequent in these police interventions. Too many people with serious mental illness and addiction end up in jail/prison. Since 2015, 25 percent of police shooting deaths involved people with serious mental health conditions, and 26 percent of people in jail have serious mental health issues, compared to 5 percent of the general population. Police budgets now are a huge portion of city and county budgets. We need to move a portion of this money from policing to other more effective approaches.

What Takes the Place of Police Intervention?

Bolstered emergency response and social/medical services must be put in place in order to reduce the police role. Luckily there are existing models and a range of efforts to learn from: Examples include:

- San Francisco's Street Crisis Response Team program has moved closer to removing police involvement by creating a separate call system that goes directly to these teams.
- The CAHOOTS program for Crisis Intervention Teams remains a model program being copied by other cities. Police and crisis professionals collaborate with an emphasis on de-escalation and getting people services.
- Anne Arundel County's Crisis response program offers a "Community Warmline" where non-emergency calls are handled by staff who provide information, support and referrals and Crisis Response System Staff intervene with emergencies.

The Opportunities

With a new Mayor and Council in Takoma Park we will work to educate city leaders about our priorities and press for progress on creating the new crisis response team . On State and County advocacy we have a strong partner in the Silver Spring Justice Coalition (SSJC) which we have joined, and which has a mental health committee. The new mental

health/suicide hotline - 988 - created by the federal government is now operational - but it is up to states to staff and support and that will be a focus..

Takoma Park

This year's priority is to see successful implementation of a mental health crisis response capacity in the city. Last year, at the urging of TPPC and other city residents who we helped to mobilize and supported by the Takoma Park Task Force to Reimagine Public Safety, the City agreed to devote a significant amount of ARPA money to setting up such a program outside of the police department with two crisis staff working out of the municipal center. Adventist Health made a proposal offering space on its medical campus hospital for an overnight crisis service as part of a new primary care facility to be paired with a behavioral health clinic. Because city staff lacks the expertise to recruit and supervise crisis workers the city engaged the Montgomery County Department of Health and Human Service, which operates crisis response teams, to set up and supervise the TP program. But getting a contract negotiated between city and county to move this forward. has been very slow and remains pending as we write this update.

County

DHHS Mobile Crisis and Outreach Teams. (MCOTS.) Montgomery County, by executive action and with a federal grant, has expanded the number from one to three but still lags behind the goal of six teams. This past October County Executive Elrich indicated his intention to move towards responses that do not involve police as opposed to initiated or coordinated with police as at the present and we will advocate for that outcome. But we have learned recently (January) that only one MCOT team is currently staffed and not sufficiently to provide 24/7 services which is the commitment. We will work with other groups to press for solutions, so this key element of transforming policing does not flounder.

Restoration Center. This recently announced new facility (construction to start 2024) is to separate mental health intervention from policing and reduce the use of ER's, hospitals, and jails, with a range of behavioral health services including triage, crisis stabilization and referrals for those in crisis. The goals are good, but we are opposed to the intended site on 7 Locks Road where the MoCo Detention Center site is located. We will advocate for another location in mid or east County separate from police facilities.

Police. The Final Report of an Audit conducted of the MoCo police department including its crisis response teams (CRTs), released in October, included recommendations for more training of police in how to handle people in mental/emotional crisis, and instituting data collection and evaluation. A new (October 2022) police department policy MCPD Policy 921 - Responding to Behavioral Health Emergencies and Persons with An Altered Mental Status responds to legislation passed by the General Assembly last session HB 129/SB 12 requiring development of written policies on procedures for when a call is received that includes someone suffering an active mental health crisis. The challenge is there is nothing in either of these issuances reflecting commitment to prioritizing mobile crisis units over

law enforcement. Our goal will be to educate ourselves and work with other groups to advocate for this goal.

State

At the state level we will work with others like SSJC and with our General Assembly legislators to follow and make our views heard on these issues (and likely others) that are emerging from the first weeks of the General Assembly session: Additional funding for the 988 Trust Fund established last year, so there is sufficient capacity for local responses to this new crisis hotline; prioritizing immediate treatment when people in a mental health crisis are arrested for a misdemeanor; following on last year's legislation mandating police planning for mental health crises, a new proposal extends this to all types of emergency responders.

Additional Reading

- Fund Maryland988 Campaign <https://www.fundmd988.org/about-md-988>
- <https://trone.house.gov/2022/12/07/maryland-delegation-announces-more-than-55-million-for-public-health-infrastructure-and-workforce/>
- See description of Restoration center in MoCo Capital Budget <https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/Project.aspx?ID=P602301&CID=5&SCID=41#:~:text=The%20Restoration%20Center%20will%20complement,or%20other%20types%20of%20crisis.>
- “Given that we all wish to decriminalize mental health needs, the placement of this center next to a jail may be a deterrent to those who seek care and may be afraid of its proximity to a correctional facility.” <https://www.mymcmedia.org/ahead-of-forum-officials-clash-over-proposed-restoration-center-in-rockville/>
- [Re-imagining public safety amid calls to defund police \(PCUSA, Aug 2020\)](#)
- [Innovative solutions to address the mental health crisis: Shifting away from police as first responders \(Brookings, Nov 23, 2020\)](#)
- [Reimagining Police Departments with Safety and Justice in Mind \(CBS News: 60 Minutes, November 11, 2021\)](#)
- [Building a Sustainable Behavioral Health Crisis Continuum \(Brookings, January 6, 2022\)](#)

GOAL 2: Remove School Resource Officers

Background

School Resource Officers (SROs) are sworn officers employed by the police department and stationed in schools. This means school boards do not have oversight of the officers. These officers usually do not receive additional training related to working in a school.

Children of color are disproportionately arrested by SROs. In addition, there are countless examples of children of color being brutalized by SROs. Children are traumatized by the presence of SROs, as the threat of being arrested or abused is pervasive.

The data below shows the disproportionate rate of arrests by race in Montgomery County.

- In MCPS, 460 students were arrested in the past three school years, according to data presented to the school board. Of those arrests, 382 (83%) were of Black and Hispanic students. Eleven percent of arrests were of white students during the same time period.
- MCPS' student population is about 27% white, 21% Black and 32% Hispanic, according to district data.

Children with an arrest record are more likely to drop out of school, harming their future opportunities. Those who do graduate may have difficulty being accepted to college. SROs do not prevent gun violence in schools. Out of 197 incidents of gun violence in schools nationwide, only three had successful intervention from a SRO. Rather than prevent harm to students, SROs perpetuate it.

Update

Montgomery County removed SROs from schools starting in the 2021-2022 school year, which was a positive change. They reassigned the officers to the surrounding neighborhoods and rebranded them Community Engagement Officers (CEOs), so there was not a net decrease in the number of overall police officers employed by the County.

For the 2022-2023 school year, the CEO program was updated. The new agreement allows CEOs to be in a space near the front office of a cluster's high school. In the prior version of the CEO program, officers patrolled schools within a cluster, but couldn't remain inside. The new CEO program also mandates that CEOs undergo 40 hours of training on topics that include conflict resolution, alcohol and drug awareness, threat assessment and child abuse, among others.

Next Steps

Next steps for this year are still a work in progress.

Additional Reading

[MCPS and police outline role of community engagement officers in training session](#)

[When Schooling Meets Policing \(The Atlantic, Sept 2015\)](#)

[How one city removed the police from schools, and why others should follow \(June 2020\)](#)

[Council Members Want to End MCPS School Resource Officer Program \(Bethesda Magazine, Nov 2020\)](#)

[Floyd Death Prompts MCSP to Explore Whether to Remove School Resource Officers \(Bethesda Magazine, June 2020\)](#)

GOAL 3: Establish effective civilian oversight of police institutions

Current opportunity

When the State of Maryland repealed the **Law Enforcement Officers' Bill of Rights** (LEOBR) during the 2021 legislative session, a structure for civilian oversight of police misconduct investigations was established. This structure was required to be implemented by all jurisdictions in the state by July 2022. The structure involves the institution of three new bodies:

- A **Police Accountability Board**, selected by the County/City Council, which may have no active police officers and must “reflect the County/City’s diversity,” can receive complaints of police misconduct and must forward them to the relevant police department for investigation. The board has no power to investigate or review cases. It is also charged with meeting on a regular basis with the police chief to discuss issues of citizen concern.
- An **Administrative Charging Committee** consists of the civilian chair of the Police Accountability Board (or designee), two civilians appointed by that Board, and two civilians appointed by the County Executive. The Committee will review the results of police misconduct investigations completed by police departments, can carry out further investigation if warranted, and then can administratively charge an officer and recommend discipline, which then must be imposed by the police chief. The officer may appeal the chief’s decision to the Trial Board.
- A **Trial Board**, consisting of a civilian appointed by the Police Accountability Board, a current or former judge appointed by the Chief Executive Officer of the jurisdiction, and a police officer, will hear appeals of the decision of the Administrative Charging Committee and the police chief. The Trial Board’s decision is final unless the officer appeals the decision to the circuit court. The Trial Board hearings will be open to the public.

This structure has been established in Montgomery County and will oversee the activities of both the Montgomery County Police Department and the Takoma Park Police Department. Only the PAB and the ACC are up and running as the TB will be formed and convened as needed. The PAB is only just beginning its oversight work, and the ACC is still getting organized, so there are plenty of opportunities to continue monitoring their activities, how their procedures and policies are refined, and how they respond to instances of alleged police misconduct. In particular, there is activity in the state legislature to move legislation that would give Takoma Park a seat on Montgomery County’s PAB. Our goals for 2022 were to monitor the establishment of these bodies, ensure that no “backtracking” legislation was passed that would erode the authority of this structure, and ensure that no new police union contracts were negotiated before July 2022. We did accomplish these goals, and in particular we closely monitored the detailed rules

established by the Montgomery County Council concerning the make-up of the PAB and ACC.

Our 2023 goal

PfPT wishes to see increased effective civilian oversight of policing in Takoma Park, Montgomery County, and the State of Maryland. To this end we will:

- Continue to monitor the activities of the PAB and ACC in Montgomery County
- Monitor the establishment of Trial Boards as they are formed
- Monitor cases of alleged misconduct that are processed by the PAB, ACC, and Trial Board
- Monitor the level of support provided to these bodies by the Montgomery County Council
- Advocate for changes in any of these processes as they unfold that would increase their effectiveness
- Monitor legislation and activities at the State level that would affect (positively or negatively) civilian oversight in Montgomery County or elsewhere in Maryland.

GOAL 4: Ensure Data Collection, Analysis, Transparency and Accountability

Background

There are currently no national standards for data collection as it relates to police misconduct. Data, if it is kept at all, is tracked at the local level. Why is this a problem? If police officers have a history of using unnecessary force, displaying racist behavior, or enacting other problematic practices, that history will not follow them if they resign before they are charged or if they are fired, and they can continue to use their power in harmful ways. The ideal would be a national database detailing the ways officers have abused their status, so they would not be able to find employment as police in new communities. Until that exists, it is important to advocate for local/state data collection, analysis for training and management purposes, access to misconduct information for the public, and ultimately, accountability.

Maryland

H.B. 120 (cross-filed with S.B. 178) or Anton's Law is named after 19-year-old Anton Black, an unarmed Black man who died in police custody in 2018 and whose family struggled for months to have access to police records and the autopsy report. The new law, passed in the 2021 session of the General Assembly, declassifies police administrative and criminal misconduct records from personnel records to public records, allowing them to be inspected by civilians through the Maryland Public Information Act. It became effective October 1, 2021. Our goal for 2022 was to track implementation of Anton's Law via MD ACLU and others who will use the Public Information Act to review and document police records and advocate for full compliance as needed. Our summary of the state of implementation follows.

Update

According to the [Baltimore Fishbowl](#), attempts by various reporters, journalism students and social justice groups to obtain police data from around the state since Anton's Law went into effect have led to mixed results. Police departments say that Anton's Law did not provide for additional staff to retrieve the files and videos--and review them to remove private information, then to copy and distribute them. The situation is further hampered by the lack of a uniform method of record collection. Implementation is irregular at best. In the meantime, Anton Black's family filed a federal wrongful death lawsuit against David Fowler, the state medical examiner from 2002 to 2019. In a [Washington Post article](#), Steve Thompson reports that Black's lawyers discovered that of the 57 cases in which people died in police custody during Fowler's watch (including Black), 88% were not recorded as homicides, even when the person had been Tased, pepper sprayed, struck with batons, or subjected to other forms of force.

In other signs that implementing the 2021 policing legislation is more difficult than passing it, Jasmine Hilton of the [Washington Post](#) writes about the newly created Independent Investigations Division (IID) of Maryland's Attorney General's Office. They have investigated 23 fatal encounters from October 1, 2021 to September 30, 2022, and none have yet led to charges against officers. Some jurisdictions have actively pushed back.

Montgomery County

In early November 2021, the County Council unanimously enacted Bill 45-20, which aims to ensure greater transparency in the Montgomery County Police Department (MCPD) by creating publicly available data related to the race, ethnicity, gender, and other information about residents involved in policing actions. The goals of this legislation are to enhance the Council's data-driven decision-making, reduce biases in policing, and increase transparency in the county to help build public trust.

Bill 45-20 made the following changes to county law:

- Require MCPD to report demographic information about residents stopped (including a stop and frisk that does not result in an arrest) to the Council by Feb. 1 annually.
- Require MCPD to maintain data on race and ethnicity, use of force incidents, criminal citations, and juvenile citations, among others, and to post the data on its web portal.

Our research on the county's implementation has yielded some problematic issues surrounding transparency.

Update

While Montgomery County provides annual reports on policing and various data sets related to internal and external complaints, crime, etc., on [DataMontgomery](#), an audit by the outside firm, Effective Law Enforcement for All (ELEFA), notes that the system for tracking and classifying use of force, Crisis Intervention Team responses, and calls for service are "outdated and woefully inadequate." The [126-page report](#) details numerous offices across the department where data collection and analysis need to be improved to support management decisions involving strategy and operations and to offer the transparency demanded by the public. Among other things, ELEFA recommends hiring more analysts, upgrading software, and using existing software to its full capacity, e.g., dispatchers need to be trained to properly code mental health calls. A new records management system is in the police department's plan.

In a disturbing development described by Steve Thompson in a [Washington Post](#) article, a woman who had experienced "inappropriate behavior" by Officer John Gloss during a traffic stop in 2010, decided to test Anton's Law. When Alexa Renehan requested the disciplinary file, the police department told her it would cost her \$63,030 to have the

2,711-page file redacted and the video and audio reviewed. After she negotiated for a subset of the records at \$270, the Fraternal Order of Police (FOP) arranged an agreement with the county to inspect--and be allowed to object to the release of--the files. This violates Anton's Law, which essentially informs the officer that the record is being inspected. The FOP filed a complaint on July 5th, the day before Renehan was to receive the records. The union filed sealed arguments on September 4th; the county had 30 days to respond. As of October 5th, no hearings had been scheduled.

Takoma Park

In August 2021, the city created a [Policing Data](#) webpage. The interactive pages present data on traffic stops, computer-assisted dispatch calls, and arrests between 2015 and 2020. The software, that allows users to build graphic representations, are in line with a recommendation made by the Takoma Park Reimagining Public Safety Task Force to increase transparency and awareness surrounding public safety data.

Update

Takoma Park's [Policing Data](#) webpage has no new information, since it was first published. The police department's annual reports (compiled each March) and the latest quarterly crime statistics may be found on the [city's webpage](#). The [2021 Annual Report](#) offers descriptions and statistics on public and internal complaints about police (there were 13) and use of force. For the latter, all (18) were found to be justified. While it is possible to get some sense of the department from this information, a more sophisticated system of data collection and analysis would be preferable.

NEXT STEPS

Pay particular attention to Alexa Renehan's case with the FOP in Montgomery County.

Continue to track implementation of Anton's Law at the state and local levels via MD ACLU and others who will use the Public Information Act to review and document police records and advocate for full compliance as needed.

Note whether Montgomery County's Police Department purchases the records management system they indicated they would, and track other recommendations by ELEFA, e.g., hiring more analysts, properly coding mental health calls, etc.

We will monitor the City's policing data webpage over time and potentially use what we learn for future advocacy with the City Council.

GOAL 5: Completely Ban Chokeholds and Strangleholds

Background

Neck restraints fall into two broad categories: a chokehold, which restricts the airway when pressure is applied to the front of the neck, and a stranglehold, which restricts blood flow to the brain when pressure is applied to the sides of the neck.

We watched the tragedy of Eric Garner, who died after being put in a chokehold by a New York City police officer in July 2014 for suspicion of selling a single cigarette. Last year we watched George Floyd die as a police officer kneeled on this neck for 8 minutes and 47 seconds, following questioning about a counterfeit twenty- dollar bill.

But there are many others: James Thompson in Chicago. Allen Simpson in Dallas. Rodney Lynch in Gallup, N.M. Dustin Boone in Las Vegas. Roger Owensby Jr. in Cincinnati. Carl Glen Wheat in Amarillo, Texas. Gerald Arthur in New Orleans. Torris Harris in Chattanooga, Tenn.

Paul Butler, a former federal prosecutor, and author of the book *Chokehold: Policing Black Men*, says part of the problem is a lack of accountability. "If we look at the ban in New York City, it's kind of like a rule in an employee handbook: 'Don't use a chokehold.' We shouldn't expect those kinds of light bans to work," he says.

Maryland

In April 2021, the Maryland General Assembly approved a police reform bill that includes new use of force rules. The new Maryland law will now only allow police to use force when, based on the totality of the circumstances, it is EITHER necessary and proportional to prevent an imminent threat of injury OR to accomplish a legitimate law enforcement objective and must stop using force as soon as the target of the force is under control, or the officer determines it will no longer accomplish a legitimate law enforcement objective. It also requires officers to intervene to prevent the excessive use of force and to provide or obtain medical assistance after use of force. An officer who intentionally uses excessive force that results in death or serious physical injury may be guilty of a newly defined misdemeanor crime which carries a sentence of up to 10 years in prison and/or charged with other relevant crimes (e.g., felony assault, murder, etc.) which presents an additional, easier-to-prove avenue for criminal liability.

Montgomery County

In the wake of George Floyd's death, Montgomery County passed a Use of Force Bill in the summer of 2020. TPPC's subcommittee on police reform spoke with members of the county council to obtain information about the bill, learn who was in favor or "on the fence," share information with the church via our list serve, and communicate our support

for the bill. Thirty- three members of TPPC signed a letter in support of Bill 27-20 and included suggestions regarding alternative approaches to responding to public safety calls.

The language in the bill regarding chokeholds says carotid restraints and neck restraints are prohibited in all circumstances, unless deemed necessary:

1. As a last resort to prevent imminent and serious bodily harm or death to the officer or another person;
2. It creates no substantial risk of injury to a third person; and
3. Reasonable alternatives to the use of such force have been exhausted.

It also creates additional protections beyond those included in the 2021 state law including higher standards for (1) deadly force: force must be necessary as a last resort to prevent imminent and serious bodily injury; (2) non-lethal force: must be necessary and proportional to arrest someone who the police officer has probable cause to believe committed a crime; and (3) officers must first exhaust alternatives to the use of force.

Although bill required that the Police Chief issue an updated Use of Force Policy six months after its enactment on August 10, 2020, the new policy was not issued until July 1, 2022, when the 2021 state law took effect. The 2021 Use of Force Report shows increasing rates even though service calls have decreased.

We will work with the Silver Spring Justice Coalition (SSJC), with whom we are now members to review the policies to ensure their compliance with both state and county laws and, advocate for Council oversight, and if needed, for changes.

Federal Law

The George Floyd Justice in Policing Act of 2021 is a human rights and police reform bill drafted by Democrats in Congress, passed the House on March 3, 2021, but was blocked by Republicans in the Senate. One of the provisions in this bill prohibited federal police officers from using chokeholds or other carotid holds and required state and local law enforcement agencies that receive federal funding to adopt the same prohibition. The Senate did not act on the bill in either 2021 or 2022.

We will continue to monitor the status of the George Floyd Federal bill and consider ways to advocate for this bill if it is reintroduced.

GOAL 6: Mandate Effective Anti-Implicit Bias and De-escalation Training

Background

Research shows that even when people consciously embrace values of equality and fairness, we still unconsciously lean on implicit biases (stereotypes) to fill in blanks about people we don't know. These biases can influence almost everything but can have the greatest impact in split-second decisions about a stranger. Given the authority and weapons police have, it is incumbent on them to overcome their biases in their responses.

It is also critical that their immediate response be one of trying to make a personal connection and to de-escalate the situation. To make this the default response there must be effective ongoing de-escalation training and practice. Otherwise, as we have seen all too often, even a non-threatening situation results in death.

Testing for implicit bias provides the needed information to know our biases—the first step in overcoming them by allowing us to work through the dissonance between our biases and the values we hold and espouse. Research is mixed on the effects of training; however, training that is behaviorally based has been shown to have an impact in reducing implicit bias. Research also shows that effective de-escalation training can reduce use of force by 15%. Additionally, the Police Executive Research Forum supports rewarding officers who de-escalate situations.

Recommendations and Legislative Results

We recommended mandatory implicit bias testing for all police and police applicants be required and that existing adversarial based training that is quasi-military be replaced with training that emphasizes recognizing the dignity and humanity of all (the God in each of us) and has been shown to effectively de-escalate situations and overcome implicit biases.

We met with several county legislators and presented testimony on the Maryland Police Accountability Act and members of the congregation signed an AIM letter in support of the bill. The bill which passed in April 2021 and took effect on July 1, 2022, potentially met these recommendations by requiring:

1. All police candidates must undergo a state-wide implicit bias screening test, and all police must complete annual implicit bias training to be developed by the Maryland Police Training and Standards Commission (MPTSC) subject to the availability of implicit bias testing standards that are generally accepted by experts in the field of police psychology. (As of December, 2022, MPTSC has not developed or adopted an implicit bias test.)
2. Each police officer must undergo training on when a police officer may or may not draw a firearm or point a firearm at a person, and enforcement options that are less likely to

cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury.

3. Each officer has the duty to: de-escalate when time, circumstances, and safety allow; to intervene to prevent the excessive use of force; to provide or obtain medical assistance after use of force; and to document all use-of-force incidents. (Note that Montgomery County has a higher standard in that officers must first exhaust alternatives to the use of force and must have a de-escalation policy.)

4. Requires each police officer to sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others.

Although the law took effect in June 2021, over 18 months later MCPD has still not issued a de-escalation policy and is out of compliance with state law. The County has only included one paragraph in its use of force policy and has not issued a separate de-escalation policy as required by law. Training for Montgomery County Police includes an initial training on de-escalation and annual training thereafter. However, the 2021 Use of Force report shows that training has not reduced use of force. A robust de-escalation of force policy is especially urgent given significant increases in MCPD's use of force against vulnerable people in 2021, according to numerous measures included in [MCPD's 2021 Annual Use of Force Report](#).

We will advocate that the 2024 County police budget not include additional funds for training that has not been effective. We will also press the County Council to provide oversight of policing to ensure that existing laws are followed.

Additional Reading

[Montgomery County 2021 Use of Force Report](#)

[Montgomery County Public Safety Briefing on Police Training \(Jan 2020\)](#)

[Is it Possible to Rid Police Officers of Bias? \(BBC, Aug 2020\)](#)

[Can Cops Unlearn Their Unconscious Biases? \(The Atlantic, Dec 2017\)](#)

[University of Maryland researchers, Google to offer virtual reality police training \(WJLA 7, Nov 30, 2021\)](#)

GOAL 7: Shift Traffic Enforcement to Traffic Agencies

What is this Goal About?

More than 20 million Americans – [more than 50,000 on a typical day](#) - are stopped each year for traffic violations, making this one of the most common ways in which the public interacts with the police. Studies of traffic stop data show that police [disproportionately stop](#) people of color, often for [pretextual reasons](#), and subject them to [additional intrusive police activity](#) through questioning, searching, citing, arresting and applying force.

All too often, the results can be devastating. According to a [New York Times investigation](#), over the past 5 years, over 400 drivers or passengers – more than one per week - have been shot and killed by police in the U.S. despite having no weapon and not being under pursuit for a violent crime. According to the Times, “Many stops began with common traffic violations like broken taillights or running a red light; relative to the population, Black drivers were overrepresented among those killed.”

While other police reforms such as de-escalation training, stricter use of force rules, and changing liability rules might help reduce discrimination and police violence during traffic stops, this goal is about changing the fundamentals of traffic enforcement. By moving basic traffic enforcement to new traffic agencies or existing transportation departments whose staff would conduct routine in-person traffic stops as well as red light and speed camera enforcement, we can greatly reduce the need for police intervention.

Why Do We Need This?

National, state, and local data show that officers generally stop Black drivers at higher rates than white drivers (though they stop Hispanic drivers at similar or lower rates than white drivers). Data analysis also reveals that police require less suspicion to search Black and Hispanic drivers than white drivers.

- In Maryland, Blacks represent 31% of the population but nearly 45% of traffic stops.
- During the past 5 year (2018-2022) in Montgomery County, Blacks are 18% of the adult population but 30% of the stops, 43% of the searches, and 38% of arrests, versus Whites at 43% of the adult population but 35% of stops and just 21% of searches and arrests.
- While overall traffic stops in MoCo during that 5-year period have declined in half, the racial disparity has persisted.
- In Takoma Park between 2015 and 2020, Blacks and Hispanics represented 47% and 26% of all stops, respectively. As in the County, total traffic stops have declined precipitously, but racial disparities remain high. More recent Takoma Park data has not been made publicly available as yet.

According to the Urban Institute, “[Although the vast majority of traffic stops and searches do not result in an arrest](#), the highly racialized nature of these interactions erodes community

trust in the police. Further, [police stops of innocent people exact a psychological toll](#), particularly for [Black Americans, who continue to experience collective trauma](#) from police violence. [Black people are murdered by police at more than twice the rate of white people](#), despite comprising 13 percent of the US population.”

In the more than 400 instances during the 2017-2021 period of police killing drivers or passengers during traffic stops despite the absence of a weapon and when not in pursuit of a violent crime suspect, the New York Times investigation found that only 32 officers were ever charged with a crime and only five of those officers were ever convicted of wrongdoing. While traffic enforcement is over 80% of police stops of civilians, of the 280 officers killed during the same 5-year period, only 20% of those were at the hands of motorists. By greatly reducing the number of police-initiated traffic stops, reform would also reduce the chance for such despicable shootings from happening.

What Takes the Place of Police Enforcement?

Under the proposed new approach, traffic monitors would not get into police work, and police would not get into routine traffic enforcement. Traffic monitors would not have the power to search, arrest, detain, or run criminal background checks, but would rather be limited to stopping vehicles for traffic violations and issuing traffic tickets. They would not be armed but would be trained in violence prevention and de-escalation tactics.

Police would no longer do routine traffic stops or respond to speeding, failing to obey traffic devices, and other similar traffic violations, which would be responded to by the traffic monitors. The traffic monitors could request police assistance when necessary, such as in the case of driving while intoxicated or kidnapping. But most traffic stops would be handled by un-armed non-police traffic monitors, eliminating something close to 80 percent of police-initiated contacts with citizens. It would also eliminate most pretextual stops, where police use minor traffic violations as a reason to search for non-traffic crime.

The Opportunities

In July 2020, Berkeley, California, voted in favor of a proposal that would be the first in the country to remove police from conducting traffic stops as part of a comprehensive plan to reimagine public safety. What are the prospects closer to home?

Maryland. The Montgomery County delegation in Annapolis proposed a bill the last two terms to give the Department of Transportation rather than Police Departments the responsibility to implement automated traffic enforcement programs. Twice it passed the House but was not taken up by the Senate. If introduced again, we will support it. Though it is limited simply to automated systems, it could be a small step toward a more comprehensive approach in the future.

The power of counties and municipalities in this arena is very much limited by state authority. State law limits where counties and cities can place speed and red-light cameras and the State must approve all automated enforcement devices on state roads. State law

would also need to change to end pretextual traffic stops for secondary offenses, and state law also requires police officers to enforce traffic laws, meaning shifting the policy at the county or city level would require a change in state law. Therefore, we will continue to monitor bills introduced in the 2023 General Assembly to see if any additional first step legislation might be introduced that we could potentially rally around.

Montgomery County. The County's [Reimagining Public Safety Task Force report](#) from early 2021 included numerous traffic-related recommendations:

- Move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion to the amount of officer time currently spent on in-person traffic enforcement by sworn officers
- Transfer a portion of funds from these sworn officer FTE reductions to HHS and MCDOT (or could be applied to other social services). Funds to HHS should be used for annual reviews of individual officer performance on traffic enforcement matters where human contact is still required with a special focus on racial equity. Funds to MCDOT should also be applied to new traffic calming construction focused on areas with high pedestrian casualties.
- Eliminate pre-textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. Because vehicle and pedestrian stops have long been assessed as disproportionately burdening communities of color, MCPD should establish a pilot program to test the efficacy of eliminating pretextual stops for minor offenses.
- When drivers are stopped and police wish to make a search of the vehicle, drivers should be informed of their right to refuse a search, and that refusal will not be held against them.

We expect legislation to be introduced on certain traffic stop issues by Councilmember Will Jawando and are awaiting to learn the details. At a later date, we may decide to make this bill a priority action issue for our county-level advocacy.

Takoma Park. The Takoma Park Re-imagining Public Safety Task Force also addressed traffic issues in its recommendations, including:

- Focus TPPD policing resources on serious crime and deprioritize minor infractions.
- Use TPPD discretion to end police traffic stops for low-level offenses.
- Develop speed camera policies that appropriately balance the need for traffic safety and for assuring that civil fines do not unfairly burden those of limited financial means. Create a poverty exemption/fine reduction program for recipients of speed

camera tickets, whereby if an individual's income falls below a certain amount, their fine for speeding tickets issued via speed camera is excused.

- Make the establishment of additional speed camera zones subject to properly noticed public engagement and focused on areas with high rates of traffic accidents.

One already implemented recommendation of the Task Force led to a [new data dashboard](#) that details traffic stops by race, ethnicity, and gender.

Initially in 2023 we will prod TPPD and the City Council to continue to update the dashboard beyond 2020, the last year data was added.

Additional Reading

[Pulled Over: Why Many Police Traffic Stops Turn Deadly](#) (New York Times, October 31, 2021, updated, November 30, 2021)

[Police Traffic Stops Have Little to do with Public Safety](#) (Urban Institute, April 26, 2021)

[An Empirical Assessment of Pretextual Stops and Racial Profiling](#) (Stanford Law Review, March 2021)

[2021 Montgomery County Re-imagining Public Safety Taskforce Recommendations Report](#), (February 2021)

[Analysis of Data: Montgomery Traffic Violations Dataset](#), Office of Legislative Oversight (October 2022)