Thank you Chair Mariani, Chair Limmer, conference committee members. And thank you for inviting me to speak with you today.

My name is Maria Ponomarenko, and I am a law professor at the University of Minnesota, and also the co-founder and counsel at the Policing Project at NYU Law. At the Policing Project we’ve worked closely with police departments and community members in more than a dozen jurisdictions—including New York, Chicago, Los Angeles, Tucson, and Nashville—to help make policing more effective, equitable, and just.

I am here today to talk specifically about the bill to prohibit officers from stopping drivers for certain low-level infractions, such as hanging objects from a rearview mirror or driving with expired tags. As others have said, these sorts of stops often are used as “pretext” to look for evidence of more serious crime.

You’ve heard a great deal about the harms of pretext stops, particularly in communities of color. Today I want to address the notion that these harms are something we need to accept in order to give the police the tools they need to keep us safe.

In 2017, the Nashville Mayor’s office and Police Department invited the Policing Project to evaluate the department’s use of pretext stops as a crime fighting tool. Like many agencies, the department instructed its officers to go into higher crime neighborhoods and to look for people to stop. Sometimes the stops were based on vague tips and hunches that would not have amounted
to reasonable suspicion. Other times officers would simply stop the first car they saw. Everyone in the department from the command staff on down emphasized the importance of pretext stops both as a way to establish “presence” and to look for evidence of more serious crime.

The data did not back up these assertions.

Working with researchers from the Stanford Computational Policy Lab we looked at the “hit rates” for stops—which is to say the number of stops that resulted in arrest for more serious crimes. And we also evaluated the impact of stops on crime rates in the neighborhoods in which they were used.

What we found is that only a tiny fraction of stops—less than 1%—resulted in a gun charge, the discovery of an outstanding warrant, or an arrest for a more serious crime like robbery or burglary. The vast, vast majority of people stopped were not guilty of anything other than the low-level offense that justified the stop.

And importantly, we also found no effect on surrounding crime rates. Crime rates naturally varied over time in different parts of the city—but they did so completely independently of whether officers were flooding a particular neighborhood with large numbers of stops.

Indeed, there was some evidence to suggest that Nashville’s stop practices were actually undermining public safety by alienating the very communities from whom the department needed cooperation in order to meaningfully address violent crime.

To the Department’s credit, they quickly recognized that there were much better ways for their officers to spend their time. In the two years after our study, the department cut stops by more than 80%. The Department now emphasizes that traffic enforcement should focus primarily on traffic safety. And it relies on more targeted strategies—often in collaboration with residents—to address violent crime.

Nashville’s story is not unique. In Fayetteville, North Carolina, the department similarly found that by separating traffic enforcement from criminal enforcement, they were more effective both at reducing traffic accidents and at investigating more serious crime. I would be happy to point to other examples as well.

I want to close with just two additional points.

First, I just want to emphasize that a number of other states have also taken steps to curb pretext stops in various ways. Virginia recently passed a bill that looks a lot like what is proposed here. Other states have tried to reduce the incentive for officers to engage in pretext stops—for example by prohibiting officers from asking for consent to search during a stop.
Second, I want to underscore that officers *already* have the authority to pull someone over if they reasonably suspect them of wrongdoing. As the lawyers in this room well know, this is not a particularly demanding standard for officers to meet.

All this bill does is make clear that when someone is guilty of little more than a minor vehicle infraction, an officer’s vague hunch that they may be up to something more would no longer be sufficient to justify making a stop.