

Montgomery County Council

Public Hearing on Bill 2-24  
("Freedom to Leave Act")

February 27, 2024

Testimony of Aaron Droller  
Silver Spring, Maryland

Good evening members of the Montgomery County Council. My name is Aaron Droller and I am a resident of Silver Spring. Thank you for the opportunity to testify on Bill 2-24 (“Bill”). I testify tonight in opposition to the Bill.

Montgomery County is no longer the peaceful suburban community where crime was a relatively rare occurrence. Even as certain crimes such as homicides have decreased across the country, Montgomery County has been an exception, with a 38% rise in homicides, 28.6% rise in carjackings, and a 131.1% increase in auto thefts, among others.<sup>1</sup> Given the environment of lawlessness pervading our county, it is irresponsible for the Council to consider this Bill that will increase the sense of impunity that is pervasive among those people that are victimizing our communities.

A consent search is a constitutionally valid and important law enforcement tool. Police need every tool available to them to keep us safe. Montgomery County Police already use best practices for consent searches, including requiring that consent be recorded on video and in writing.<sup>2</sup> At least since 2020, the experience across the country has shown that communities that don’t allow police to do their jobs, even for so-called “minor” crimes, have experienced stark increases in crime.<sup>3</sup> The rationale for the Bill is purportedly due to Black adults accounting for a

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<sup>1</sup> Memorandum to Public Safety Committee, Feb. 5, 2024, available at [https://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=17142&meta\\_id=171223](https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17142&meta_id=171223).

<sup>2</sup> Montgomery County Police Directive FC 710 (Feb. 10, 2023), available at [https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/700/FC%20710\\_ConsentSearches\\_2\\_2023.pdf](https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/700/FC%20710_ConsentSearches_2_2023.pdf).

<sup>3</sup> See, e.g. Cheng Cheng, Wei Long, The effect of highly publicized police killings on policing: Evidence from large U.S. cities, *Journal of Public Economics*, Volume 206, 2022, 104557, ISSN 0047-2727, <https://doi.org/10.1016/j.jpubeco.2021.104557>. See also Premkumar, Deepak, Public Scrutiny, Police Behavior, and Crime Consequences: Evidence from High-Profile Police Killings (September 15, 2019). Available at SSRN: <https://ssrn.com/abstract=3715223> or <http://dx.doi.org/10.2139/ssrn.3715223>.

disproportionate share of consent searches relative to their county population.<sup>4</sup> What is not mentioned in the Bill's report is that the Black community is disproportionately victimized by crime in the county, accounting for 31% of **all victims** of crime.<sup>5</sup> Given this datapoint, it's clear that the Bill will have the opposite of the intended effect and hurt the people you are trying to help.

I can understand the idea that there can be a perceived power imbalance in favor of police during a traffic stop. To that end, I am in favor of an independent audit to review whether police are adhering to best practices. However, while it is no doubt awkward and uncomfortable to refuse consent to a search, discomfort is not, in and of itself, a power imbalance. It is incumbent on the police to appropriately inform the citizen of their rights, and the responsibility of the citizen to assert those rights.

I also oppose the data collection provisions in the Bill because they will disincentive or prevent police from doing their jobs in lieu of collecting mountains of bureaucratic paperwork that can be derived from other sources.<sup>6</sup> Police are not demographers or social scientists. The job of police is to police.

There has been understandable grief and frustration at egregious abuses of police power. I share that frustration. But this Bill is not the answer. Be prudent. Do not perform social experiments on Montgomery County residents the effect of which may be deleterious. Please reject this Bill. Thank you for your time and for your service to our county.

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<sup>4</sup> Staff Report for Bill 2-24 at 3, available at [https://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=16036&meta\\_id=171192](https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16036&meta_id=171192).

<sup>5</sup> Memorandum to Public Safety Committee, Feb. 5, 2024 at 8. Available at [https://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=17142&meta\\_id=171223](https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17142&meta_id=171223).

<sup>6</sup> See, e.g. Assembly Bill 953, the Racial and Identity Profiling Act of 2015 (requiring California officers to fill out an eight-page form with nearly 200 fields when making a custodial stop).