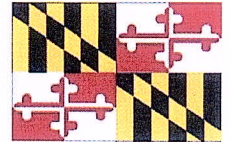




CLYDE BOATWRIGHT  
STATE PRESIDENT

# Maryland State Lodge FRATERNAL ORDER OF POLICE

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KENNY SCHUBERT  
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February 25, 2024

## **Bill 2-24 – Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection**

Distinguished Members of the Montgomery County Council,

The Maryland State Fraternal Order of Police stands in support of the hard-working men and women of the Montgomery County Police Department - FOP Lodge 35 in their **OPPOSITION** to **Bill 2-24**.

**Bill 2-24** seeks to prohibit a police officer from asking for and obtaining consent to search a person or a motor vehicle during a traffic stop, require collection of certain data related to traffic stops, exclude these limitations from collective bargaining, and require annual reporting of traffic stop data in the County.

The MD State Race-Based traffic stop data dashboard shows that in 2022 searches were only performed in 4.63% of the 20,693 traffic stops reported by Montgomery County, with only **0.66%** of those stops resulting in consent searches. Most searches are incident to arrest or with probable cause. When looking specifically at consent searches by race the dashboard shows that in 13.5% of the traffic stops involving Black drivers a consent search was made. That percent was 12.9, 21.2, and 14.2 for Hispanic, White, and Asian drivers respectively. When you look at this statistic for the 7-year period of 2016 - 2022 it shows the percentages as 14.3, 13.3, 17.4, and 12.3 for Black, Hispanic, White, and Asian drivers respectively. Of the 384,508 traffic stops recorded during that period only 3.16 resulted in a search with **0.46%** being consent searches. These results show consistency among the searches and not a disparity as well as an actual low frequency for searches per traffic stop in general over many years.

A consent search is not as simple as just quickly obtaining consent and then searching. Montgomery County requires, as do many other agencies, that an Officer wears a Body-Worn Camera and records the entire traffic stop on a Departmental recording device which includes car cameras and other recording devices. In Directive FC 710 officers are required to show that the consent of a driver for a search is "given voluntarily and not due to duress or intimidation". Officers also need to be able to articulate their rationale for the consent request and advise the involved person of the right to refuse consent. The consent or denial must be obtained on a department authorized recording device and on MCP Form 120 (Consent to Search). The officer is further required to write a report and specify how consent was obtained and list certain required information and transmit the Form 120 to a specific departmental unit for logging and storage. Traffic stop data is captured for State required and Department required reporting and if anything is seized it is also recorded. Much of this reporting, and what is sent into the State for its Race Based dashboard are like what is asked for in **Bill 2-24**. Consent is usually given in writing on the form before a search is performed but there are specific criteria if it is given verbally only. The subject of the search is also able to revoke consent at any time. If there is any



coercion, intimidation, etc.... it would be recorded and easily seen upon review of the recorded footage. This bill asks for a lot of other reporting that would be cumbersome and time-consuming for the agency but serve no real purpose.

Consent searches are an integral tool in the law enforcement arsenal and are vital in the ever fluid dynamics that officers face on the streets daily to fight the proliferation of Drugs, weapons, and other contraband into neighborhoods. Many consent searches have led to seizures and have removed illegal substances and weapons from the streets, making the community safer. To remove this tool would allow for crime to flourish and will also affect other jurisdictions across this State as subjects would be able to travel through Montgomery County without risk and bring their guns, drugs, and other contraband into other jurisdictions within the State.

The fact that **Bill 2-24** also contains a provision that removes the ability for Lodge 35 to collectively bargain is also troubling. This is a disregard for the union management system and the rights of the police officers of Montgomery County and Lodge 35. Within any policy there are always discussions that need to be had and decisions made by all parties in reference to working conditions, safety, compensation, etc.... To put a bar on that would prevent any fruitful discussion from being had which is against the whole principle of bargaining rights. To give the ability to chip away at the rights to bargain through different measures over time weakens and erodes the bargaining rights for employees and is a path that no one should tread on.

On behalf of the more than 20,000 Courageous Men and Women of the Maryland Fraternal Order of Police we thank you for the opportunity to be heard in support of our brothers and Sisters of the Montgomery County Police Department – FOP Lodge 35 and we ask for you to do what is best for the citizens of Montgomery County, for the Law Enforcement efforts in the County, and in support of the Police Departments crime fighting efforts by casting your **UNFAVORABLE** vote on **Bill 2-24 Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection**.

A handwritten signature in black ink, appearing to read 'Angelo L. Consoli Jr.', with a stylized, cursive script.

Angelo L. Consoli Jr,  
2<sup>nd</sup> Vice President, FOP, Maryland State Lodge  
President, FOP Lodge 89, Prince George's County