

February 27, 2024

Testimony on Montgomery County Council's Proposed Freedom to Leave Act

County Council Hearing, Tuesday, February 25, 2024

Good evening. I am Anthony W. Brown, a member of **The People's Community Baptist Church** and chair of our **Men's Fellowship Ministry's Police Action Reform Committee (PARC)**. As one of the largest primary Black congregations in the county, we know the meaning of 'driving while Black,' currently and generationally. We therefore appreciate the opportunity to convey our support for the proposed **Freedom to Leave Act**. We also recommend two amendments to improve public understanding of the Act and strengthen its purpose.

We are not anti-police. Any society that has no ability to enforce law and order is one that operates in a state of anarchy. We simply want fair and constitutional policing for all segments of the community. Yet, as people of color, when it comes to police traffic stops and searches, all too often that has not been our lived experience.

Empirical data and studies over time, nationally and locally, document racial profiling in traffic stops. A 2021 report by our own **County Office of Legislative Oversight** documents disparities by race and ethnicity in traffic stops over a five-year period. Black and Latino drivers were stopped and searched during traffic stops for lower traffic violations at disproportionately higher rates compared to White drivers. For example, for the 2018-2022 time period, Black drivers accounted for 30% of traffic stops and 43% of searches, even though the Montgomery County Black population is 18%.

The **Montgomery County Police Department** vigorously opposes this proposed legislation. But from our perspective, rather than hampering law enforcement, the **Freedom to Leave Act** moves the police department closer to the goal recommended in the 2021 comprehensive study by the **County Policing Advisory Commission**. That body concluded that traffic enforcement practices in the County do not meet the basic tests of effectiveness, efficiency, and equal enforcement. They called a change in mission, focus, and strategy.

We support the **Freedom to Leave Act** for the following reasons. (1) It constrains the use of pre-textual traffic stops and potentially reduces racial and ethnic disparities unassociated with traffic safety. (2) It frees up more time for police officers to address **major** traffic violations and helps implement the County's **Vision Zero** strategy to eliminate all traffic fatalities and severe injuries by 2030. (3) It builds upon the traffic stop reform experiences in jurisdictions around the country such as Oakland, California, Lansing, Michigan, Fayetteville, North Carolina, Madison, Wisconsin, the Commonwealth of Virginia, and close by, Takoma Park, Maryland. (4) And, the **Freedom to Leave Act** has the potential for building more trust between the police and the community.

We offer two recommendations. **First**, we recommend that the County Council add to the legislation a list of all **major** traffic violation stops that **are not banned**, along with the existing list of **minor** traffic violations that **are banned**.

Secondly, legislative language should be added that links the elimination of racial and ethnic disparities in traffic stops to a related requirement in the **Maryland Police Accountability Act of 2021**. That Act requires the **Maryland Training and Standards Commission** to develop a test and training program for **implicit bias**. New police officers must complete implicit bias testing and training. And all

incumbent police officers must undergo bias testing and training on an annual basis.

In sum, we support enactment of the **Freedom to Leave Act** with the two amendments just cited.

We thank you.