

JUFJ OFFICIAL TESTIMONY IN SUPPORT OF BILL 2-24
The Freedom to Leave Act

Council President Friedson, Vice President Stewart, and members of the County Council,

My name is Jerry Kickenson. I am a resident of Wheaton in District 5. On behalf of Jews United for Justice (JUFJ), I am providing this testimony in support of Bill 2-24, the Freedom to Leave Act. JUFJ organizes over 2,000 Jews and allies from across Montgomery County, who act on our shared values to advance social and economic justice and racial equity in our local community.

We thank Councilmember Jawando for sponsoring this bill.

Jewish law is concerned with the lasting consequences, both material and psychological, on people who are detained, particularly if the detained person is later found to have done no wrong. In the *Aseh L'kha Rav*, a collection of legal rulings, Rabbi Hayim David HaLevi wrote: “How is it possible to prevent distress and pain to those who are innocent, on whom suspicion falls, in cases in which it eventually becomes clear that there was no basis for this suspicion?...The requirement of police personnel of a stronger base for their suspicion is very just — it is exceedingly clear that this is something that depends on very careful consideration”.

Searching a stopped driver, even with consent, is a form of temporary detention and it can cause real distress and harm. Drivers often give consent due to fear, confusion, or a deference to authority. And the most vulnerable drivers are most likely to give consent. The Office of Legislative Oversight pointed out in its 2022 report on traffic violation data that Black and Hispanic drivers are disproportionately stopped and searched. My own analysis of traffic violation data in Montgomery County, done out of concern for my next door neighbors who are first generation Black Ethiopian immigrants, indicates that in 2023, Black drivers were subject to five times more consent searches than white drivers.

And what purpose do consent searches serve? Traffic stop searches based on consent do little or nothing to protect public safety. Only 18% of these consent searches overall, and only 13% for Black drivers, found contraband of any kind (compared with 66% of probable cause searches), and vanishingly few found firearms or other dangerous substances. The vast majority (> 99%) of charges associated with consent searches were for traffic violations, not more serious crimes. Of all consent searches in 2023, only 22 resulted in arrest due to the search. The large majority of charges could have been made without any search. In effect, Black drivers are being searched by consent much more often while finding far less contraband!

By passing the Freedom to Leave Act, Montgomery County will join jurisdictions around the country that are embracing this common-sense approach to equity and safety. The California [Committee on Revision of the Penal Code](#) in 2022 recommended elimination of consent only based searches. [Minnesota](#), [New Jersey](#) and [Connecticut](#) have all curtailed consent only based searches, as has the [Austin, Texas police department](#).

As noted, consent-based searches are neither productive nor effective. We need our police officers to spend their valuable time protecting public safety, not searching drivers, and Black drivers disproportionately, for no real reason and with no useful results.

Transforming public safety in our county is a community-wide effort, and the Freedom to Leave Act is one important tool to address long-standing racial inequities and protect our communities from harm. **I urge the County Council to support the Freedom to Leave Act, Bill 2-24.**

Thank you.

References:

[How Often Are Firearms Confiscated During Traffic Stops?](#) - Public Policy Institute of California
(<https://www.ppic.org/blog/how-often-are-firearms-confiscated-during-traffic-stops/>)

[Committee on Revision of the Penal Code](#)
(http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf)