



Democratic Socialists of America

Montgomery County, Maryland

Testimony in Favor of Bill 2-24, the Freedom to Leave Act

My name is Krista Lindhard, and I am testifying on behalf of the Montgomery County Democratic Socialists of America in support of Bill 2-24, the Freedom to Leave Act. Montgomery County DSA has over 500 due-paying members in the county, with our membership ranging from high school students to retirees, all dedicated to furthering social and economic justice in our county.

Consent searches threaten people's civil rights and disproportionately burden Black and brown drivers. Despite the name, consent searches are not truly consensual because of the unequal power relationship between police and drivers. Drivers who are members of more vulnerable groups may be more likely to agree to a search under pressure. For example, young people may not fully understand their right to refuse a search, and non-English speakers may not understand what the officer is saying and thus mistakenly agree to a search.

The OLO Racial Equity and Social Justice Impact Statement on Bill 2-24 concludes that the Bill would have a positive impact on racial equity and social justice in Montgomery County, and that "Black and Latinx drivers would disproportionately benefit from limitations on consent searches." The Statement includes a summary of consent searches by race and ethnicity during traffic stops conducted by the Montgomery County Police Department between 2016 and 2022. Black drivers made up 45.4% of consent searches, even though Black people only comprised 17.3% of the County population. Latinx drivers made up 22.1% of consent searches, even though Latinx people only comprised 18.6% of the County population. In contrast, white drivers made up only 26.9% of consent searches, even though they comprised 45.9% of the County population.

Despite the cost that consent searches impose in terms of civil rights and racial justice, consent searches produce relatively little reward. In testimony at a Public Safety Committee hearing on December 4, 2023, it was stated that approximately 1 in 205 traffic stops (less than 0.5%) lead to the recovery of a firearm. The Racial Equity and Social Impact Statement provides additional evidence that the effectiveness of consent searches in improving public safety is questionable. Data from traffic stops by MCPD between 2016 and 2022 showed that only 15 percent of drivers subjected to a consent search were arrested as a result of the search.

By passing the Freedom to Leave Act, Montgomery County would be joining a growing number of other jurisdictions that have banned or otherwise limited the use of consent searches.

Connecticut, Oregon, New Jersey, Rhode Island, and San Francisco have all limited the use of consent searches. It is time that our county follows their lead.

Consent searches are a civil rights issue and a racial justice issue, and do not significantly improve public safety. By banning consent searches, the Freedom to Leave Act would have a positive impact on racial equity and social justice, and the Montgomery County DSA strongly supports this legislation.