



Testimony of Montgomery County Young Democrats in Support of Bill 2-24—the Freedom to Leave Act

February 27th, 2024

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

My name is Michael DeLong and I am here on behalf of the Montgomery County Young Democrats, urging your support for Bill 2-24—the Freedom to Leave Act. We are a group of young Democrats ages 14-35; we work to elect Democrats, make Montgomery County and Maryland better places to live, and inspire young people to get involved in politics and advocacy. The Freedom to Leave Act will ban consent searches in Montgomery County. It will promote racial justice, strengthen public trust in law enforcement, and improve data analysis for traffic stops.

Normally, police officers cannot search someone or their possessions without either a warrant or a good reason (either reasonable suspicion or probable cause). Consent searches are when police need to get your permission to search your car because they don't have enough evidence alone to search your car. These searches are a way to sidestep the regular legal process because normally police would need more evidence or a warrant to conduct the search.

However, these consent searches are often not truly voluntary. When police officers stop drivers, there is a significant power imbalance because officers have the ability to arrest or harm the driver. Many drivers are unaware of their legal rights or are too intimidated to refuse if an officer asks permission to search their car. Young people especially are unfamiliar with their rights or the long term implications of their decisions, immigrants and residents who do not speak English may not fully understand the officers' words, and vulnerable people are less likely to assert themselves.

Additionally, there are significant racial disparities in traffic stops, with Black drivers being much more likely to be subjected to consent searches. From 2018 to 2022, Black drivers made up 30% of traffic stops in Montgomery County despite being only 18% of residents. Since Black people are often perceived as being dangerous and untrustworthy, they may feel pressured to comply with consent searches in order to prove their innocence or make things easier.

Most of these traffic stops & consent searches don't result in evidence of the recovery of contraband. And over 90% of all warrantless searches in America are conducted by police using consent searches—a tactic that is unhelpful, racist, and worsens relations between civilians and law enforcement.

Bill 2-24, the Freedom to Leave Act, would change that. This proposal would ban consent searches of cars and people by police officers and it would improve data analysis for traffic stops by requiring the collection of additional information and annual reports on traffic stop data. Banning these practices will help prevent officers from acting on stereotypes or bias. The bill is legally allowed under Maryland Attorney General Anthony Brown's opinion. And recently several states, including California, Connecticut, New Jersey, and Minnesota have banned or limited the use of consent searches.

Montgomery County should not perpetuate systemic racism and violate civil rights for a practice that is ineffective in improving safety. We urge the County Council to approve the Freedom to Leave Act.

Please contact us at mocoyoungdems@gmail.com with any questions.

Sincerely,

The Montgomery County Young Democrats