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Bill 2-24, Police - Traffic Stops - Consent Search of Motor Vehicle and Data Collection ("Freedom to Leave Act")

February 27, 2024

Council President Friedson and Council Members,

The Washington Area Bicyclist Association (WABA) supports Bill 2-24, the Freedom to Leave Act, which would ban consent searches in Montgomery County.

WABA is a nonprofit organization with 900 Montgomery County members. We envision a just and sustainable transportation system where walking, biking, and transit are the best ways to get around.

We envision a just transportation system, however Montgomery County's police traffic enforcement, including the pattern of searches stemming from traffic stops, is manifestly unjust. As an advocacy organization, WABA can not stand by and asks you to act via the Freedom to Leave Act.

The County's Office of Legislative Oversight has found severe racial disparities in police traffic enforcement. The October 2022 OLO Memorandum Report 2022-12¹ notably states,

"Black drivers accounted for a higher percentage of traffic stops (30%) than the percentage of the adult population that is Black (18%)."

The OLO further reports,

"Data show that Black drivers accounted for 43% of searches and 38% of arrests during traffic stops, while Black adults account for 18% of the County's adult population. Similarly, Latinx drivers accounted for 31% of searches and 35% of arrests, while Latinx adults accounted for 19% of the County's adult population."

Traffic stops can be dangerous and deadly, with officers trained to anticipate danger and act accordingly. In Montgomery County, police use force against Black and brown people at far higher rates than white people – 80% of all use-of-force incidents in 2022 – likely placing the individuals mostly likely to be stopped at even greater risk of harm.

However a large proportion of stops do not significantly contribute to public safety. They are perceived as targeted harassment or worse, with police requests for search consent effectively coercive because of the police-motorist power imbalance. Police officers pursue these searches despite a lack of evidence or a warrant, too often with prejudicial effect regardless of intent.

¹ https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

These searches are ineffective as a valid policing tool. We note that in Montgomery County, only approximately one out of 205 traffic stops leads to the recovery of a firearm.²

These are the reasons WABA supports Bill 2-24, the Freedom to Leave Act, which would curtail the use of traffic stops as a stepping stone to searches. We ask the Council to enact the Freedom to Leave Act and thank you for the opportunity to testify.

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