

Testimony In Support of the Freedom to Leave Act

Council President Friedson

Council Vice President Stewart

Honorable Council

Greetings

My name is Robert Alex Stubblefield and I am a lifelong resident of Montgomery County. I am also an activist-organizer with several groups including the Bethesda African Cemetery Coalition, Racial Justice NOW, YPP and several others. However I am not speaking on behalf of those groups I am writing in support of the Freedom to Leave Act, which would ban consent searches in Montgomery County.

One of the reasons why I support this legislation is because often when one thinks of police and consent searches, one assumes that this legal. However, nothing can be further than the truth. Research shows that in order for police to search your property, they must produce a warrant. A consent search sidesteps that legal process even if police do not have enough evidence to search you, they will use consent as a guise to search. The main reason why Black and Latine drivers usually allow consent searches is because it is a survival tactic. It is a survival tactic because police wield disproportionate power in traffic stops to cause harm to the driver. In other words, a consent search isn't really consensual because it is done under threat of force.

Continuing on from the preceding paragraph, another reason why I support this bill is because it is a civil rights issue. It is a civil rights issue because one, most people are not aware of their rights to refuse a search and police do not inform people of their right to refuse a search. What this does is that it continues a violent power dynamic in which the driver may feel if they refuse, they can be subject to overt violence such as a beating or shooting. Another way a consent search is a civil rights issue is ties into racial justice. Studies done by the OLO shows that this bill aligns with reducing racial disparities in traffic stop and follows the Racial Equity and Social Justice Act. This is important because far too often Black and Latine drivers are stopped and disproportionately searched more than white drivers. This also ties into a harmful myth that black people are more dangerous and criminal which ties may make black drivers comply just to prove our innocence. More importantly from FY 2018-2022, the research shows that Black and Hispanic drivers, despite only making up 18% and 19% of the population respectively made up 43% of searches for black drivers and 30% for Latine drivers. Unfortunately these escalate into violent encounters such as what happened in Glenmont to Vincent Miller.

The last reason for this is because these searches are a waste of time and resources. Despite the numbers cited above, research conducted show there is little correlation between crime and the use of consent searches. What this shows is that resources are being wasted being wasted of resources and only serves to power trip police.

To be clear, this bill is only a first step. While we must move towards police abolition, which despite it's so called radical overtones already exists in places in Montgomery County, this bill can help reduce racial disparities in traffic stops and hopefully in violent encounters with police. The Freedom to Leave Act is necessary in a long battle for the struggle for racial equity and will hopefully push Montgomery County into the right direction. Thank you for your time.