

Consent Search testimony: Draft 3

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Good evening, my name is Sundjata Suma and I live in District 3. Our society is built upon the premise of "innocent until proven guilty," yet the practice of consent searches undermines this very principle, particularly for Black Americans.

Consent is complicated when involving unequal power dynamics such as those between civilians and law enforcement. Civilians, often unaware of their rights, feel coerced to appease officers due to the inherent power imbalance. Even if an officer explains the right to refuse, for many Black Americans, exercising said right would lead to further suspicion. It seems the only way to maintain innocence is to comply with the search against your will.

Our history is marred by the long-standing mistrust between the Black community and the police. Modern policing still harbors biases from its slave catcher origins, which sustains the relentless criminalization of free Black people. Consent searches only further this divide, reinforcing the stereotype of the Black community as a suspicious group needing constant policing.

My brother was pulled over by a Clarksburg police officer for a broken light and an expired tag. During the stop, my brother was aggressively frisked and his car was searched, despite not having any connection to a specific crime. The officer did not ask my brother for consent and openly voiced his disbelief, asking multiple times if my brother "actually" worked as a corrections officer. Because no corrections officer would have expired tags. During the hour long stop, neither of the other 2 attending officers intervened in the nonsensical search. Instead my brother was humiliated and pressured to prove his innocence for what should've been a brief stop and a fine.

Such unnecessary searches perpetuate harmful stereotypes, leading to biased and unjust outcomes. The fear of being deemed "suspicious" or "non-compliant" stops individuals from exercising their rights, a fear that I, too, can personally attest to.

Throughout my young adult life my mother shared advice which encapsulates this experience: she'd say "I would rather see you come home alive after being wronged than see you lying dead in the street for defending your rights." In this context, consent becomes a survival tactic.

In conclusion, I urge you to vote YES on the Freedom to Leave Act. This bill will not only protect the rights and privacy of citizens but also enhance the relationship between law enforcement and the community, particularly the Black community. Thank you for hearing my voice.