



ADVISORY COMMISSION ON POLICING

Dear esteemed members of the County Council,

We are writing on behalf of the Advisory Commission on Policing to recommend that the Council pass Bill 2-24, the Freedom to Leave Act, with a full ban on consent searches. Although this bill covers a small fraction of all traffic stops, we believe that it would improve racial equity in policing, build trust between the community and our police, and improve public safety by diverting police towards more effective investigatory methods. Extensive data suggests that a ban on consent searches may actually improve public safety, in addition to supporting racial justice in the County.

Consent searches are ineffective as law enforcement tools; in a December 2023 Public Safety Committee worksession, now-Chief Yamada stated that only one out of 205 consent searches performed led to the recovery of an illegal firearm. A University of Texas study finds that consent searches are less likely to return contraband than probable cause searches, and are therefore a significantly less efficient use of law enforcement resources. Similarly, data Dr. Earl Stoddard provided to the Police Accountability Board indicated that since MCPD changed its consent search policy about a year ago by requesting written approvals for consent searches, only about a dozen items of contraband have been found as a result of consent searches. Additionally, Connecticut, New Jersey, and Rhode Island, as well as Minneapolis and several jurisdictions in the San Francisco area, have all banned or severely restricted consent searches with no adverse impact on public safety.

Not only are consent searches largely unproductive, they can also be actively counterproductive. As Councilmember Jawando mentioned during our detailed July 8th discussion on the bill, multiple law enforcement experts have stated that the widespread use of consent searches disincentivizes officers from honing the investigative skills necessary to carry out their duties. Thus, banning consent searches would increase the effectiveness and efficiency of MCPD officers by having them focus on more productive efforts to prevent and solve crimes, while preserving the dignity and safety of drivers from disproportionately-affected marginalized groups. The data available on consent searches suggests that when they are banned or limited, there are fewer pretextual stops and the searches that do take place become more productive.

For these reasons, we ask that you pass the Freedom to Leave Act, and fully ban consent searches in Montgomery County.

Thank you for your consideration.

Rev. Brian Bellamy
Chair, Advisory Commission on Policing

Eva Quittman
Chair, Freedom to Leave Act subcommittee

Advisory Commission on Policing

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