

QUESTIONS FOR COUNCILMAN JAWANDO
REGARDING
THE FREEDOM TO LEAVE ACT

1. A community's trust in its police is essential to public safety. **How will the Freedom to Leave Act improve trust between our diverse community and MCPD?**
2. During the February 27, 2024, public hearing, witnesses testifying in opposition to the Freedom to Leave Act seemed to have significant misconceptions about what the bill would cover or its impact. **What are your plans to help ensure that the County's diverse community understands the scope and expected impact of the bill?**
3. Some members of the community say they are concerned about the impact of the Freedom to Leave Act on police morale at a time when crime continues to rise in the County and MCPD faces staffing and recruitment challenges. **What would you say to those who may perceive the bill as showing a lack of confidence on, micromanagement of, or a slight to police officers?**
4. MCPD contends that consent searches are a valuable law enforcement tool. **What data is available on the seizure of illegal drugs or weapons as a resulting from consent searches?**
5. Connecticut's prohibition of consent searches of individuals was, in large part, justified by racial profiling statistics that showed consent to search requests being advanced disproportionately toward minority male drivers with these same statistics also reflecting a less favorable "success" rate on these searches than among their white male counterparts. **Does MCPD or Maryland statistics show a similar pattern in Montgomery County?**
6. In weighing the pros and cons of the Freedom to Leave Act, it would help citizens to know more about the experience of other communities that have enacted similar limitations, such as Connecticut (2020), Rhode Island (2004), Minnesota (2003), New Jersey (2001), and San Francisco (2001). **Is there any data available on what the impact has been of these bans/restrictions on consent searches on public safety and RESJ in those communities?**
7. Searches at traffic stops, whether consensual or not, can be a traumatic experience for anyone, let alone someone in a crisis. **Does MCPD have any data on traffic stops that have resulted into an altercation after consent was requested for a search?**

8. In Montgomery County, approximately 1 out of 205 traffic stops (less than 0.5%) lead to the recovery of a firearm. Searches at traffic stops of Blacks and Hispanics appear to be less likely to be consensual than those of Whites, but consensual searches of Blacks and Hispanics still constitute about 80% of all consensual searches. As the Freedom to Leave Act applies only to the relatively small subset of consent searches of all traffic stops, it does not address the larger disparities of traffic stops in general. **Given that consent searches represent a small fraction of all traffic stops (.66%), what impact do you expect the Freedom to Leave Act to have in terms of the RESJ goals for the county?**

9. MCPD's updated policy on consent searches effective February 10, 2023, states that police officers "must show that such consent was given voluntarily and not due to duress or intimidation" and "should be able to articulate their rational for requesting the search." Unlike other jurisdictions, however, it does not require the officer to have a "reasonable and articulable suspicion" that the driver or passenger is or has been involved in criminal activity before asking for consent to search the car. **Could the objectives of the Freedom to Leave Act be achieved by amendments to the current policy?**