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Gino Renne, UFCW Local 1994 Testimony in Opposition to Bill 2-24

On behalf of the sworn safety professionals represented by UFCW Local 1994 MCGEO, we urge you to reject Councilmember Will Jawando's Bill 2-24, the so-called "The Freedom to Leave Act."

As we understand it, this bill would:

- (1) prohibit consent search of a motor vehicle or person by a police officer during a traffic stop;
- (2) require the collection of certain data and information related to traffic stops;
- (3) require annual reporting of traffic stop data in the County;
- (4) exclude the prohibitions on traffic stops from collective bargaining; and
- (5) generally amend the County law regarding the policing of motor vehicles.

The current policy of the Montgomery County Police Department allows an officer to obtain consent for a search from an individual during a traffic stop. MCPD's policy regarding consent searches not only meets the constitutional requirement for voluntariness, but the officer is required to articulate a rationale for the search, advise the person they may refuse, and if consent is given, the consent must be recorded on the officer's body-worn camera and the person must sign a department-approved consent form.

Consent searches can expedite investigations and help law enforcement officers quickly gather evidence. Obtaining a warrant can be a time-consuming process, especially in situations where immediate action is necessary. Sometimes, officers need flexibility, such as when responding to a disturbance call when waiting on a warrant is not necessarily feasible.

Consent searches rely on the voluntary cooperation of individuals. If a person consents to a search, they waive their Fourth Amendment rights against unreasonable searches and seizures. Individuals who have nothing to hide should have no problem consenting to a search.

Mr. Jawando's over-arching concern always seems to be that our sworn safety officers in Montgomery County are all racially biased and targeting certain ethnic groups in their interactions with the public. Consent searches and racial profiling

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are two very different issues. A ban on consent searches will not reduce or eliminate racial profiling.

A council Public Safety Committee packet prepared by council analyst Susan Farag observed that in 2023, overall crime increased for the third year in a row.

- Crimes against persons increased 6.6% and crimes against property increased 10.9%.
- Auto thefts spiked by 131.1%, fueled by Hyundai and Kia thefts.
- Carjackings rose by 28.6%.
- Crimes against society, which include drug offenses, fell by 13.8%.
- Firearms continue to play a significant role in violent crime.

Most importantly, according to the Council packet, our police are confiscating weapons in traffic stops. Last year, county police found 87 firearms offenses in traffic incidents and recovered 99 firearms. According to that packet, the increase in weapon offenses in 2023 can be attributed to the increase in the number of contacts officers have made with people who had weapons. Of the 504 weapon offenses, 351 (70%) are offenses where subjects possessed weapons or concealed weapons. In other words, the officers had interactions with the persons in possession of these weapons. Imagine if they were disallowed from consent searches, how many of these weapons would still be in our community, in the hands of potential offenders?

We need to balance the need for effective law enforcement and ensure accountability within the criminal justice system. Banning consent searches does not accomplish that goal. What it would do is embolden those who would commit crimes. The continued use of legal consent searches is vital if our law enforcement officers are to fulfill their duty to protect the public.

I urge you to reject Bill 2-24.