



September 19, 2024

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The Honorable Andrew Friedson  
President, Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Council President Friedson,

The Police Accountability Board (“PAB”) of Montgomery County has considered Council Bill 2-24 (titled the “Freedom to Leave Act”). The PAB has received testimony from multiple parties and interest groups as well as observed related proceedings before the Council.

There are two central components of the proposed legislation. First, Bill 2-24 would prohibit police officers from asking for voluntary consent to search a motor vehicle or person during any traffic stop. Second, the proposed legislation would mandate that police officers collect data and information as delineated in the legislation for every traffic stop initiated by a police officer.

The Montgomery County Police Department (MCPD) policy for consent searches was updated on February 10, 2023, and provides that police officers:

- Must show that consent to a search was not due to “duress or intimidation”;
- “[S]hould be able to articulate their rationale for requesting the search”;
- “[S]hall advise the person(s) involved that they have the right to refuse consent for the search”;
- Must “capture the advisement and the person(s) acknowledgment and verbal approval/disapproval on a department-authorized recording device”; and
- Must, for every consent search, record the nature of the consent along with demographic data.

Both the revised policy and its prior version explicitly recognize the right of “[t]he person giving consent to search [to] place limitations or conditions on the consent search or withdraw consent at any time.”

The PAB intends to engage regularly with the Montgomery County Police Department to review compliance with its consent search policy, including exploring the demographic disparities in persons involved with requests for consent searches and the MCPD's efforts to train its officers concerning the implementation of the policy.

*For more information on Montgomery County’s Police Accountability Board, please visit:*

Website: [www.mocopab.org](http://www.mocopab.org)

Email: [mocopab@montgomerycountymd.gov](mailto:mocopab@montgomerycountymd.gov)

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*The Honorable Andrew Friedson*

September 19, 2024

Page 2 of 2

While the PAB does not take a position regarding a statutory prohibition on voluntary consent searches at this time, the PAB supports additional data collection regarding traffic stops using the same procedural and technological platforms now utilized by police officers to record data under existing law, and this data should include the law enforcement justification and locations of traffic stops. The protocol for data collection developed by the Executive should also take into account practices found to be useful by other jurisdictions.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, cursive 'P' followed by a horizontal line extending to the right.

Bishop Paul L. Walker, Sr., Chair  
Montgomery County Police Accountability Board

PW: fgr

cc: Hon. Marc Elrich, Montgomery County Executive  
Members of the County Council  
Caven West, Council Executive Director  
Dr. Earl Stoddard, Assistant Chief Administrative Officer