



Committee: PS
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #freedomtoleaveact

AGENDA ITEM #10
February 27, 2024
Public Hearing

SUBJECT

Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection
("Freedom to Leave Act")

Lead Sponsor: Councilmember Jawando

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive public testimony

DESCRIPTION/ISSUE

Bill 2-24 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 limitations on traffic stops from collective bargaining; and
- (5) generally amend the County law regarding the policing of motor vehicles.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

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Bill 2-24	© 1
Maryland Transportation Article §25-113	© 6
Climate Assessment	© 9
Economic Impact Statement	© 12
Racial Equity and Social Justice Impact Statement	© 15

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M E M O R A N D U M

February 22, 2024

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 2-24, Police – Traffic Stops - Consent Search of Motor Vehicle and Data Collection (“Freedom to Leave Act”)

PURPOSE: Public Hearing – to receive testimony

Bill 2-24, Police – Traffic Stops - Consent Search of Motor Vehicle and Data Collection, may also be referenced as the “Freedom to Leave Act,” sponsored by Lead Sponsor Councilmember Jawando, was introduced on February 6, 2024. A public hearing is scheduled for February 27, 2024 at 7:00 p.m.¹ and a Public Safety Committee worksession will be scheduled at a later date.

Bill 2-24 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.

PURPOSE

The purpose of Bill 2-24 is to build community trust by prohibiting consent searches of motor vehicles during a traffic stop, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement. Bill 2-24 also seeks to improve data collection related to traffic stops, promote transparency, and strengthen data analysis capabilities related to traffic stops within the County.

BACKGROUND

I. The Fourth Amendment Search and Seizure Clause

The Fourth Amendment of the United States Constitution provides that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated (U.S. Const. amend. IV). Similarly, the Maryland Constitution provides the right of the people to be secure in their persons, houses, papers and effects against

¹ #freedomtoleaveact

unreasonable searches and seizures. In a nutshell, when the 4th Amendment applies, it requires that a search and seizure be pursuant to 1) a **warrant**, or 2) be justified by one of the **exceptions to the warrant requirement**. There are many exceptions to the constitutional right that make a warrantless search or seizure reasonable and legal.

When a police officer makes a traffic stop, a passenger, like the driver, is seized for Fourth Amendment purposes and therefore to conduct a warrantless search of the person or motor vehicle – an exception must apply. The Supreme Court has established valid exceptions, which among others, these are the most common exceptions used by an officer during a traffic stop: 1) probable cause to believe that there is evidence of a crime in a vehicle; 2) the owner or occupant of the vehicle has been arrested and the search is related to the arrest (SIR), or 3) **the owner or occupant has given the officer consent for the search**.

Automobile Exception – Probable Cause

In *Nathan v. State*, 370 Md. 648, 665-66 (2002), the Maryland Court of Appeals, now called the Maryland Supreme Court, held that police officers with probable cause to believe that contraband or other evidence of criminal activity is inside an automobile during a traffic stop may search without obtaining a warrant. In essence, the Court makes it clear that probable cause alone is insufficient for a warrantless search, but rather, its **probable cause PLUS evidence of a crime would be found**. If supported by probable cause, every part of the vehicle that may conceal an object of the search may be searched. (citing, *United States v. Ross*, 456 U.S. 798, 825 (1982)).

Automobile Exception – Consent Search

Consent search is a valid exception because a person independently waives their Fourth Amendment right. To be effective, there are **two requirements for consent to be valid**: first, it must be **voluntary** and second, it must be **not given under threat or compulsion**. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

During a traffic stop, Montgomery County Police Department (MCPD) officers can request consent from individuals. The department's policy² ensures that consent searches comply with constitutional voluntariness standards. Officers must explain the reason for the search, inform individuals of their right to refuse, and if consent is granted, record it on their body-worn camera and have the person sign a department-approved consent form.

Other Jurisdictions - Ban on Consent Searches

Once a traffic stop occurs, the power dynamic increases in the favor of the police; police officers have the *discretion* to solicit a consent search. Many jurisdictions have sought to level the bargaining power by prohibiting or limiting consent searches with the intent to provide a different framework that put safeguards in place, so a driver would not feel compelled to submit to a search during a traffic stop.

² FC 710 – MCPD Consent Searches Policy Directive. [Directives - 700 -Search, Seizure, and Evidence, Montgomery County Police, Montgomery County, MD \(montgomerycountymd.gov\)](#)

A few jurisdictions that have implemented limitations on consent searches, include Connecticut (2020), Rhode Island (2004), Minnesota (2003), New Jersey (2001), and San Francisco (2001).

II. Duration of Motor Vehicle Traffic Stop

The U.S. Constitution also provides limits on what an officer may do once the driver has been stopped. A stop generally cannot last longer than necessary to accomplish its original purpose, which is normally to investigate the traffic violation and issue a warning or citation, if appropriate, for that violation. *See, e.g., Ferris v. State*, 355 Md. 356, 372 (1999). But an officer may continue to detain the person if the officer has reasonable suspicion that some other criminal activity is afoot. *Id.* Further, an officer may also request consent because of the reasonable suspicion to search the vehicle or its occupants. *See id.*; *Scott v. State*, 247 Md. App. 114, 132, 150-52 (2020).

The Traffic Management System³ of MCPD provides guidance for police officers to ensure that a traffic stop should be the least intrusive and must address the specific purpose of the stop absent an exception; however, the policy also allows for a traffic stop to extend beyond the underlying basis of the stop if the driver provides consent to the continuation.

III. Maryland Transportation Article (§25-113) – Race-Based Traffic Stop Data

Since 2001, State law requires law enforcement officers in Maryland to annually report aggregated data regarding traffic stops to the Maryland Statistical Analysis Center.⁴ The most recent [Governor's Office of Crime Control and Prevention, Race-based Traffic Stop Data Analysis](#) was released in March 2022.

The data elements reported include gender of driver; race of driver; driver's date of birth; name of the agency that made the stop; time of day the stop occurred; approximate duration of stop; vehicle registration; driver's county of residence; reason for the stop; type of search (if a search occurred); outcome of the search (if search occurred); outcome of the traffic stop; and arrest reason (if an arrest occurred).

The data analysis dashboard provides a breakdown on total traffic stops and if it resulted in a search, the search reason by ethnicity/race, see: <https://goccp.maryland.gov/>.

The Office of Legislative Oversight (OLO) Report 2021-10, *A Study on Reassigning Traffic Enforcement from the Montgomery County Police Department to the Montgomery County Department of Transportation*, provided a statistical summary of searches and arrests made during traffic stops, and the data show that...Black drivers accounted for 43% of searches and 38% of arrests during traffic stops, while Black adults account for 18% of the County's adult population. Similarly, Latinx drivers accounted for 31% of searches and 35% of arrests, while Latinx adults

³ FC No. 1000, dated July 1, 2022, [Traffic Management System](#). Last accessed on February 1, 2024.

⁴ Governor's Office of Crime Control and Prevention. Traffic Stop Data Reporting. <https://goccp.maryland.gov/crime-statistics/law-enforcement-reports/traffic-stop-data/>. Last accessed on February 1, 2024.

accounted for 19% of the County’s adult population. On the other hand, Asian and White drivers were underrepresented in searches and arrests.” (Page 10 of OLO Report 2021-10).

BILL SPECIFICS

First, Bill 2-24 would prohibit a police officer from asking a driver or occupant of a motor vehicle consent to search the vehicle or person during a traffic stop. It would also prohibit the officer from solely relying on consent voluntarily provided by the driver or occupant as the authority or basis to search the motor vehicle.

Second, a police officer may not prolong or exceed the time necessary to address the primary purpose of the stop (*i.e., traffic violation*) by asking the driver or occupant consent to continue engagement with the officer; in addition, the officer may not base the authority to search a motor vehicle or person during a traffic stop solely on consent provided by the driver or occupant of the motor vehicle.

An officer who violates a provision under this Article would be subject to disciplinary action in accordance with the State-Approved Uniform Disciplinary Matrix.

Third, the Bill requires a police officer must collect several data points during each traffic stop, including:

- (1) the number of police officers that responded to the traffic stop;
- (2) the number of police officer vehicles present during the duration of the traffic stop;
- (3) the specific violation of the Maryland Vehicle Code the police officer initially observed prior to conducting the traffic stop;
- (4) the duration of the stop measured in minutes;
- (5) indicate whether an officer performed a frisk or full search of a person or any occupant during the traffic stop;
- (6) the type and amount of contraband found, if any;
- (7) the type of detention form used during the stop, whether the person: remained in the vehicle; was removed from the vehicle; was placed in handcuffs, or was placed in the patrol car; and
- (8) if initiated, specify the nature of force used against the person and the reason for the force.

Further, the Chief of Police must annually collect and report the analysis of traffic stop data mentioned above for each preceding year, including the race-based data already reported to the State. The report must be submitted to the County Executive and County Council and made publicly available on the Department’s website. In addition to each traffic stop data points stated above, the report must include:

- an explanation related to the Department’s rationale for emphasizing traffic enforcement in certain areas;
- any deidentified data collected that provides information on trends or patterns on a per-police officer basis; and

- any complaints and deidentified data collected related to complaints received by the MCPD or the County’s Police Accountability Board concerning a traffic stop, in which a police officer is alleged to have inappropriately considered certain characteristics in deciding whether to initiate a traffic stop.

Lastly, the provisions of this Bill would not be subject to collective bargaining and must comply with the U.S. and State Constitution.

IMPACT STATEMENTS

CLIMATE ASSESSMENTS

The Office of Legislative Oversight (OLO) anticipates Bill 2-24 will have no impact as the proposed changes to traffic stop procedures would not affect the County’s contribution to addressing climate change, nor community climate resilience. © 9.

ECONOMIC IMPACT STATEMENT

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 2-24 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators. © 12. While OLO identifies that changes to policing practices could have indirect economic impacts on individuals, information limitations prevent OLO from estimating them. © 13.

RACIAL EQUITY AND SOCIAL JUSTICE (RESJ)

The Office of Legislative Oversight anticipates Bill 2-24 will have a positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx drivers would disproportionately benefit from limitations on consent searches. Bill 2-24 also aligns with several recommendations for reducing racial disparities in police stops. OLO evaluates Bill 2-24 to be an equitable policy through its prioritization of RESJ.

Further, the RESJ statement highlights “that compared to other searches, consent searches are more likely to be used by law enforcement in a racially disparate way. For example, a study from researchers at the University of Texas at Austin of over 900,000 traffic stop searches by police across five states found that Black people were more likely to be subject to consent searches.” © 17.

Specifically, in the County, the data shows consent searches by race and ethnicity during traffic stops conducted by MCPD between 2016 and 2022 illustrates that Black drivers were largely overrepresented in consent searches – while Black constituents accounted for 17 percent of the population, they accounted for 45 percent of consent searches. Latinx drivers were slightly overrepresented in consent searches, while White and Asian drivers were largely underrepresented.© 17.

FISCAL IMPACT

The Council has not received the fiscal impact statement from the Office of Management and Budget (OMB).

This packet contains:

	<u>Circle #</u>
Bill 2-24	1
Maryland Transportation Article §25-113	6
Climate Assessment	9
Economic Impact Statement	12
Racial Equity and Social Justice Impact Statement	15

Bill No. 2-24
Concerning: Police – Traffic Stops –
Consent Search of Motor Vehicle & Data
Collection (“Freedom to Leave Act”)
Revised: 2/1/2024 Draft No. 7
Introduced: February 6, 2024
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando

AN ACT to:

- (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.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-80

By adding

Montgomery County Code
Chapter 35, Police
Article V, Traffic Stops
Sections 35-26, 35-27, 35-28, and 35-29

Boldface	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland, approves the following act:

Sec 1. Section 33-80 is amended and Article V of Chapter 35 (Sections 35-26, 35-27, 35-28, and 35-29) is added as follows:

33-80. Collective bargaining.

* * *

(c) Exemptions.

(1) Nothing contained in this article shall be construed to limit the discretion of the employer voluntarily to discuss with the representatives of its employees any matter concerning the employer's exercise of any of the enumerated rights set forth in subsection 33-80(b) above, but such matters shall not be subject to bargaining.

(2) The minimum standards of the policies adopted by the Police Chief under Section 35-22 must not be subject to bargaining.

(3) The provisions under Article V in Chapter 35 are not subject to collective bargaining.

* * *

ARTICLE V. TRAFFIC STOPS.

35-26. Short Title.

This Article may be known and cited as the "Freedom To Leave Act."

35-27. Definitions.

Definitions. In this Section, the following terms have the meanings indicated:

Consent search means a search that occurs when a person gives a police officer permission, whether verbally or implied by conduct, to search the person, property, or motor vehicle.

Motor vehicle has the same meaning as defined in §11-135 of the Maryland Transportation Article.

Police officer means a sworn officer employed by the County to direct

or regulate traffic or arrest for violations of any provisions of the Maryland Vehicle Law, local traffic laws, or regulations.

Traffic stop means any instance when a police officer stops the driver of a vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

35-28. Traffic Stops

(a) *Intent. The intent of this Article is to:*

(1) build community trust by prohibiting consent searches of motor vehicles, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement and the government; and

(2) improve data collection related to traffic stops to promote transparency and strengthen data analysis capabilities related to traffic stops within the County.

(b) *Consent search of motor vehicle – prohibited.*

(1) A police officer may not ask consent to search a motor vehicle or person during a traffic stop; and

(2) may not base the authority to search a motor vehicle or person during a traffic stop solely on consent provided by the driver or occupant of the motor vehicle.

(c) *Duration of traffic stop based on consent – prohibited.*

(1) A police officer must not ask consent of a driver or occupant of a motor vehicle to extend the duration of the traffic stop beyond the time needed to address the primary purpose of the stop; and

(2) the police officer may not base the authority to extend the duration of the traffic stop solely on consent by the driver or occupant of the motor vehicle.

(d) Disciplinary action. A violation of this Section by a police officer is subject to disciplinary action in accordance with the Approved Uniform Disciplinary Matrix prepared by the Maryland Police Training and Standards Commission.

(e) Compliance with laws. The provisions under this Article must comply with the Constitution of the United States and the State of Maryland.

(f) Scope of liability. The heightened standard to prohibit consent search of motor vehicle by a police officer under this Section must not be construed to alter standards of civil or criminal liability.

35-29. Data Collection and Reporting Requirements.

(a) Data collection of traffic stops. A police officer must, in conjunction with requirements under §25-113 of the Transportation Article of the Maryland Code, collect data and information for each traffic stop and report the following:

- (1) the number of police officers that responded to the traffic stop;
- (2) the number of police officer vehicles present during the duration of the traffic stop;
- (3) the specific violation of the Maryland Vehicle Code the police officer initially observed prior to conducting the traffic stop;
- (4) the duration of the stop time-stamped in minutes;
- (5) indicate whether an officer performed a frisk or full search of a person or any occupant during the traffic stop;
- (6) the type and amount of contraband found, if any;
- (7) the type of detention form used during the stop, whether the person:
 - (A) remained in the vehicle;
 - (B) was removed from the vehicle;

(C) was placed in handcuffs, or

(D) was placed in the patrol car; and

(8) if initiated, specify the nature of force used against the person and the reason for the force.

(b) Annual report – required. By April 1 of each year, the Chief of Police must submit to the County Executive, the County Council, and publish on its website, a report on traffic stops for the preceding year on the following:

(1) all race-based data collected and reported to the State under §25-113 of the Transportation Article of the Maryland Code;

(2) data on each traffic stop as specified in subsection (a);

(3) an explanation related to the Department’s rationale for emphasizing traffic enforcement in certain areas;

(4) any deidentified data collected that provides information on trends or patterns on a per-police officer basis; and

(5) any complaints and deidentified data collected related to complaints received by the Montgomery County Police Department or the County’s Police Accountability Board concerning a traffic stop, in which a police officer is alleged to have inappropriately considered characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, or disability, in deciding whether to initiate a traffic stop.

(c) The data elements required under subsection (a) and (b) are the minimum the Department must collect and report.

(d) Nothing in this section prohibits the Department from voluntarily collecting additional data.

Statutes Text

Article - Transportation

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§25–113.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” means an agency that is listed in § 1–101(c) of the Public Safety Article.

(3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

(4) “Maryland Police Training and Standards Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.

(5) “Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

(6) (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop;
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology.

(b) The Maryland Police Training and Standards Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against race–based traffic stops that a law enforcement agency may use in developing its policy in accordance with subsection (g) of this section.

(c) (1) Subject to paragraph (2) of this subsection, this section applies to each law enforcement agency that has one or more law enforcement officers.

(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires the law enforcement agency to collect data on the race or ethnicity of the drivers of motor vehicles stopped.

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

- (1) The date, location, and time of the stop;
 - (2) The approximate duration of the stop;
 - (3) The traffic violation or violations alleged to have been committed that led to the stop;
 - (4) Whether a search was conducted as a result of the stop;
 - (5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;
 - (6) Whether any contraband or other property was seized in the course of the search;
 - (7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;
 - (8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;
 - (9) Whether an arrest was made as a result of either the stop or the search;
 - (10) If an arrest was made, the crime charged;
 - (11) The state in which the stopped vehicle is registered;
 - (12) The gender of the driver;
 - (13) The date of birth of the driver;
 - (14) The state and, if available on the driver's license, the county of residence of the driver; and
 - (15) The race or ethnicity of the driver as:
 - (i) Asian;
 - (ii) Black;
 - (iii) Hispanic;
 - (iv) White; or
 - (v) Other.
- (e) (1) A law enforcement agency shall:
- (i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and
 - (ii) Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.
- (2) A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.
- (f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section based on a methodology developed in consultation with the Maryland Police Training and Standards Commission.
- (2) (i) On or before September 1 each year, the Maryland Statistical Analysis Center shall post on its website in a location that is easily accessible to the public a filterable data display showing all data collected under this section for the previous calendar year.
- (ii) A filterable data display under this paragraph shall allow a person to:

1. Filter the traffic stop data by county or municipality or law enforcement agency; and

2. Review various visuals associated with data items reported under subsection (d) of this section.

(iii) Beginning with data collected for calendar year 2018, the Maryland Statistical Analysis Center shall include and maintain data from all prior years in the filterable data display.

(iv) When the Maryland Statistical Analysis Center updates a filterable data display under this section, the Governor's Office of Crime Prevention, Youth, and Victim Services shall provide electronic and written notice of the update to the General Assembly in accordance with § 2-1257 of the State Government Article.

(g) (1) A law enforcement agency shall adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the Maryland Police Training and Standards Commission.

(2) The Maryland Police Training and Standards Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the Maryland Police Training and Standards Commission, the Maryland Statistical Analysis Center and the Maryland Police Training and Standards Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

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Climate Assessment

Office of Legislative Oversight

Bill 2-24: Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection (“Freedom to Leave Act”)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 2-24 will have no impact as the proposed changes to traffic stop procedures would not affect the County’s contribution to addressing climate change, nor community climate resilience.

BACKGROUND AND PURPOSE OF BILL 2-24

The Fourth Amendment to the U.S. Constitution, “protects citizens from unreasonable search and seizure.”¹ The Fourth Amendment establishes that, “[t]he government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.”²

The U.S. Supreme Court has established exceptions “that make a warrantless search or seizure reasonable and legal.”³ During a traffic stop, the most common exceptions used by a police officer include:⁴

- Probable cause to believe there is evidence of a crime in a vehicle;
- The owner or occupant of the vehicle has been arrested and the search is related to the arrest; or
- The owner or occupant has given the officer consent for the search.

The purpose of Bill 2-24, The Freedom to Leave Act, “is to build community trust by prohibiting consent searches of motor vehicles during a traffic stop, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement and the government.” Bill 2-24 would replace Bill 12-23, the STEP Act, to include components that do not conflict with state law.⁵ If enacted, Bill 2-24 would:⁶

- **Prohibit consent search of a motor vehicle or person during a traffic stop.** Bill 2-24 would prohibit a Montgomery County Police Department (MCPD) officer from asking a driver or occupant for consent to search a vehicle or person during a traffic stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the search of a vehicle or person during a traffic stop.
- **Prohibit consent to extend duration of a traffic stop.** Bill 2-24 would prohibit an MCPD officer from asking a driver or occupant for consent to extend the duration of a traffic stop beyond the time needed to address the primary purpose of the stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the extended duration of a traffic stop.
- **Require the collection of certain data and information related to traffic stops.** Bill 2-24 would require an MCPD officer to collect several data points during each traffic stop, ranging from the number of police officers that responded to the traffic stop to the observed violation that initially prompted the stop and the type of detention used during the stop.

- **Require annual reporting of traffic stop data.** Bill 2-24 would require MCPD to provide an annual report to the County Executive and County Council on the analysis of traffic stop data points and race-based data that is reported to the state and make the report publicly available on MCPD’s website. Other information that would be required in the report includes MCPD’s rationale for emphasizing traffic enforcement in certain areas; any de-identified data that shows trends or patterns on a per-police officer basis; and any complaints and de-identified data on discrimination-related traffic stop complaints received by MCPD or the Police Accountability Board.

An MCPD officer who violates a provision of the Bill would be subject to disciplinary action in accordance with the state-approved Uniform Disciplinary Matrix.⁷ Additionally, the provisions of this Bill would not be subject to collective bargaining.⁸

The Council introduced Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection, on February 6, 2024.

ANTICIPATED IMPACTS

As the bill proposes changes to traffic stop procedures, OLO anticipates Bill 2-24 will have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁹ OLO does not offer recommendations or amendments as Bill 2-24 is likely to have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [The Constitution](#), The White House.

² Ibid.

³ [Introduction Staff Report for Bill 2-24](#), Montgomery County Council, Introduced February 6, 2024.

⁴ Ibid.

⁵ Ginny Bixby, "[Jawando tries a new bill to limit police searches after AG nixes STEP Act](#)," MoCo360, February 6, 2024.

⁶ Introduction Staff Report for Bill 2-24

⁷ [Statewide Police Disciplinary Matrix Resource Guide](#), Maryland Police and Correctional Training Commissions, Updated March 9, 2023.

⁸ Introduction Staff Report for Bill 2-24

⁹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Economic Impact Statement

Montgomery County, Maryland

Bill 2-24

Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection (“Freedom to Leave Act”)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 2-24 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

BACKGROUND AND PURPOSE OF BILL 2-24

The Fourth Amendment to the U.S. Constitution, “protects citizens from unreasonable search and seizure.”¹ The Fourth Amendment establishes that, “[t]he government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.”²

The U.S. Supreme Court has established exceptions “that make a warrantless search or seizure reasonable and legal.”³ During a traffic stop, the most common exceptions used by a police officer include:⁴

- Probable cause to believe there is evidence of a crime in a vehicle;
- The owner or occupant of the vehicle has been arrested and the search is related to the arrest; or
- The owner or occupant has given the officer consent for the search.

The purpose of Bill 2-24, The Freedom to Leave Act, “is to build community trust by prohibiting consent searches of motor vehicles during a traffic stop, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement and the government.” Bill 2-24 would replace Bill 12-23, the STEP Act, to include components that do not conflict with state law.⁵ If enacted, Bill 2-24 would:⁶

- **Prohibit consent search of a motor vehicle or person during a traffic stop.** Bill 2-24 would prohibit a Montgomery County Police Department (MCPD) officer from asking a driver or occupant for consent to search a vehicle or person during a traffic stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the search of a vehicle or person during a traffic stop.

¹ [The Constitution](#), The White House.

² Ibid.

³ [Introduction Staff Report for Bill 2-24](#), Montgomery County Council, Introduced February 6, 2024.

⁴ Ibid.

⁵ Ginny Bixby, [“Jawando tries a new bill to limit police searches after AG nixes STEP Act.”](#) MoCo360, February 6, 2024.

⁶ Introduction Staff Report for Bill 2-24

- **Prohibit consent to extend duration of a traffic stop.** Bill 2-24 would prohibit an MCPD officer from asking a driver or occupant for consent to extend the duration of a traffic stop beyond the time needed to address the primary purpose of the stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the extended duration of a traffic stop.
- **Require the collection of certain data and information related to traffic stops.** Bill 2-24 would require an MCPD officer to collect several data points during each traffic stop, ranging from the number of police officers that responded to the traffic stop to the observed violation that initially prompted the stop and the type of detention used during the stop.
- **Require annual reporting of traffic stop data.** Bill 2-24 would require MCPD to provide an annual report to the County Executive and County Council on the analysis of traffic stop data points and race-based data that is reported to the state and make the report publicly available on MCPD’s website. Other information that would be required in the report includes MCPD’s rationale for emphasizing traffic enforcement in certain areas; any de-identified data that shows trends or patterns on a per-police officer basis; and any complaints and de-identified data on discrimination-related traffic stop complaints received by MCPD or the Police Accountability Board.

An MCPD officer who violates a provision of the Bill would be subject to disciplinary action in accordance with the state-approved Uniform Disciplinary Matrix.⁷ Additionally, the provisions of this Bill would not be subject to collective bargaining.⁸

The Council introduced Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection, on February 6, 2024.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 2-24 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁹ While changes to policing practices could have indirect economic impacts on individuals, information limitations prevent OLO from estimating them. For this reason, OLO anticipates that the Bill would have an insignificant, direct impact on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

⁷ [Statewide Police Disciplinary Matrix Resource Guide](#), Maryland Police and Correctional Training Commissions, Updated March 9, 2023.

⁸ Introduction Staff Report for Bill 2-24

⁹ Montgomery County Code, Sec. 2-81B.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

Ginny Bixby. [“Jawando tries a new bill to limit police searches after AG nixes STEP Act.”](#) MoCo360. February 6, 2024.

[Introduction Staff Report for Bill 2-24](#). Montgomery County Council. Introduced February 6, 2024.

[Statewide Police Disciplinary Matrix Resource Guide](#). Maryland Police and Correctional Training Commissions. Updated March 9, 2023.

[The Constitution](#). The White House.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the Bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 2-24: POLICE – TRAFFIC STOPS – CONSENT SEARCH OF MOTOR VEHICLE AND DATA COLLECTION

SUMMARY

The Office of Legislative Oversight anticipates Bill 2-24 will have a positive impact on racial equity and social justice (RESJ) in the County. Black and Latinx drivers would disproportionately benefit from limitations on consent searches. Bill 2-24 also aligns with several recommendations for reducing racial disparities in police stops. OLO evaluates Bill 2-24 to be an equitable policy through its prioritization of RESJ.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 2-24

The Fourth Amendment to the U.S. Constitution, “protects citizens from unreasonable search and seizure.”³ The Fourth Amendment establishes that, “[t]he government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.”⁴

The U.S. Supreme Court has established exceptions “that make a warrantless search or seizure reasonable and legal.”⁵ During a traffic stop, the most common exceptions used by a police officer include:⁶

- Probable cause to believe there is evidence of a crime in a vehicle;
- The owner or occupant of the vehicle has been arrested and the search is related to the arrest; or
- The owner or occupant has given the officer consent for the search.

The purpose of Bill 2-24, The Freedom to Leave Act, “is to build community trust by prohibiting consent searches of motor vehicles during a traffic stop, which disproportionately affect Black and Brown residents and corrode public trust in law enforcement and the government.” Bill 2-24 replaces Bill 12-23, the STEP Act, to include components that do not conflict with state law.⁷ If enacted, Bill 2-24 would:⁸

- **Prohibit consent search of a motor vehicle or person during a traffic stop.** Bill 2-24 would prohibit a Montgomery County Police Department (MCPD) officer from asking a driver or occupant for consent to search a vehicle or person during a traffic stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the search of a vehicle or person during a traffic stop.

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- **Prohibit consent to extend duration of a traffic stop.** Bill 2-24 would prohibit an MCPD officer from asking a driver or occupant for consent to extend the duration of a traffic stop beyond the time needed to address the primary purpose of the stop. The Bill would also prohibit an officer from using consent as the sole basis to authorize the extended duration of a traffic stop.
- **Require the collection of certain data and information related to traffic stops.** Bill 2-24 would require an MCPD officer to collect several data points during each traffic stop, ranging from the number of police officers that responded to the traffic stop to the observed violation that initially prompted the stop and the type of detention used during the stop.
- **Require annual reporting of traffic stop data.** Bill 2-24 would require MCPD to provide an annual report to the County Executive and County Council on the analysis of the traffic stop data points and race-based data that is reported to the state and make the report publicly available on MCPD's website. Other information that would be required in the report includes MCPD's rationale for emphasizing traffic enforcement in certain areas; any de-identified data that shows trends or patterns on a per-police officer basis; and any complaints and de-identified data on discrimination-related traffic stop complaints received by MCPD or the Police Accountability Board.

An MCPD officer who violates a provision of the Bill would be subject to disciplinary action in accordance with the state-approved Uniform Disciplinary Matrix.⁹ Additionally, the provisions of this Bill would not be subject to collective bargaining.¹⁰

The Council introduced Bill 2-24, Police – Traffic Stops – Consent Search of Motor Vehicle and Data Collection, on February 6, 2024.

This RESJIS builds on the RESJIS for Bill 12-23, Police – Traffic Stops – Limitations (The STEP Act), which OLO published in April 2023.¹¹ Please refer to this RESJIS for more background on police stops and racial equity.

CONSENT SEARCHES AND RACIAL EQUITY

A consent search is one of several exceptions that allow police officers to legally conduct a search or seizure without a warrant or probable cause. As described in *Was that a Yes or a No? Reviewing Voluntariness in Consent Searches*, in a typical consent search,

“a police officer asks a person for permission to search their person, home, car, or belongings, and the person either says “yes” or “no.” When a person consents to a search, their consent acts as a waiver of the Fourth Amendment protections they would otherwise enjoy.”¹²

A series of Supreme Court rulings through the late 1960s and mid-1990s enabled the growth of consent searches¹³ just as investigatory stops were becoming an increasingly common policing practice. In *Pulled Over: How Police Stops Define Race and Citizenship*, the authors describe an investigatory stop as “a police stop where the intent is not to sanction a driving violation but to look for evidence of more serious criminal wrongdoing.”¹⁴ The authors distinguish investigatory stops from traffic-safety stops, arguing “[t]he investigatory stop is why [B]lacks are stopped at much higher rates than [W]hites and why police pursue intrusive lines of questioning and searches more commonly in stops of [B]lacks than of [W]hites.” Observations from the book include:¹⁵

- Investigatory stops arose as a practice in police departments in the 1970s and 1980s amid harsher enforcement of ordinary street disorder and drugs and have since evolved to become an institutionalized practice.

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- Regardless of officer discriminatory intent, investigatory stops inherently exacerbate racial disparities and sacrifice “the liberty and dignity of large numbers of innocent people, who are disproportionately racial minorities, in pursuit of a small number who are dangerous or carrying contraband.”
- Black drivers recognize when they are being subjected to an investigatory stop, and recall these experiences with fear and resentment, despite officer politeness. The experiences of BIPOC with investigatory stops “erodes drivers’ overall trust in the police, willingness to call the police for help, sense of their own freedom to drive, and sense of their place in society.”

Research supports that compared to other searches, consent searches are more likely to be used by law enforcement in a racially disparate way.¹⁶ For example, a study from researchers at the University of Texas at Austin of over 900,000 traffic stop searches by police across five states found that Black people were more likely to be subject to consent searches.¹⁷

Racial disparities also characterize consent searches locally. Table 1 summarizes consent searches by race and ethnicity during traffic stops conducted by MCPD between 2016 and 2022. The data shows that Black drivers were largely overrepresented in consent searches – while Black constituents accounted for 17 percent of the population, they accounted for 45 percent of consent searches. Latinx drivers were slightly overrepresented in consent searches, while White and Asian drivers were largely underrepresented.

Table 1: MCPD Traffic Stop Consent Searches by Race and Ethnicity, 2016-2022

Race and ethnicity	Number of Consent Searches	Percent of Consent Searches	County Population
Asian	41	2.3%	14.5%
Black	811	45.4%	17.3%
Latinx	394	22.1%	18.6%
White	480	26.9%	45.9%
Other	60	3.4%	0.4%
Total	1,786		

Source: OLO Analysis of Race-Based Traffic Stop Data Dashboard, Maryland Governor's Office of Crime Prevention, Youth, and Victim Services; Table DP05, 2016 American Community Survey 5-Year Estimates, Census Bureau.

In order for a consent search to be valid, the consent must be voluntary and come from someone who is authorized to give it.¹⁸ However, advocates and scholars have questioned whether consent searches can truly be voluntary.¹⁹ In *Eliminate Consent Searches*, the DC Justice Lab and STAAND explain:

"It is not easy to say no to an officer. After all, police have the badge, the gun and the authority to arrest. In addition to controlling every situation, police have a reputation for punishing individuals who are uncooperative or not sufficiently submissive. In every officer-civilian encounter, officers hold all the power. Consent searches are never really consensual."²⁰

Their report also notes the legacy and current reality of police violence against Black people has fostered distrust and fear in police that makes consent "a survival tactic, not a choice" for many Black people.²¹

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The effectiveness of consent searches for improving public safety has also been questioned. The University of Texas at Austin study found that compared to probable cause searches, consent searches were on average 30 percent less likely to successfully locate contraband.²² Table 2 summarizes arrests resulting from consent searches by race and ethnicity during traffic stops conducted by MCPD officers between 2016 and 2022. The data shows that 15 percent of drivers subjected to a consent search were arrested as a result of the search. Further, while MCPD officers subjected Black drivers to nearly double the consent searches of White drivers, they were less likely to arrest Black drivers as a result of a consent search than White drivers.

Table 2: MCPD Arrests Resulting from Traffic Stop Consent Searches by Race and Ethnicity, 2016-2022

Race and ethnicity	Number of Consent Searches	Number of Arrests Resulting from Consent Searches	Percent of Arrests Resulting from Consent Searches
Asian	41	9	22.0%
Black	811	106	13.1%
Latinx	394	51	12.9%
White	480	81	16.9%
Other	60	12	20.0%
Total	1,786	259	14.5%

Source: OLO Analysis of Race-Based Traffic Stop Data Dashboard, Maryland Governor's Office of Crime Prevention, Youth, and Victim Services.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 2-24 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the likely demographics of drivers who could no longer be subjected to consent searches. Table 1 in the previous section demonstrates that from 2016 to 2022, Black drivers, and to a lesser extent, Latinx drivers were overrepresented among consent searches, while White and Asian drivers were largely underrepresented. As such, OLO anticipates that Black and Latinx drivers are the primary beneficiaries of Bill 2-24.

For the second question, OLO considered how the Bill could address racial inequities in police stops. As discussed in the RESJIS for Bill 12-23, racial inequities in police stops are particularly harmful for BIPOC communities in terms of health, relations with police, and general sense of equality in society.²³ Through limiting consent searches, Bill 2-24 is aligned with recommendations for reducing racial disparities in police stops. Requiring data collection on the initial reason justifying each stop also supports recommendations for limiting pretextual stops – stops for minor traffic violations that facilitate discriminatory investigatory stops.

OLO anticipates Bill 2-24 will have a positive impact on RESJ in the County. Black and Latinx drivers would disproportionately benefit from limitations on consent searches. Bill 2-24 also aligns with several recommendations for reducing racial disparities in police stops, which could improve health, relations with police, and general sense of equality in the community for BIPOC constituents. Overall, OLO evaluates Bill 2-24 to be an equitable policy through its prioritization of RESJ.

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RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.²⁴ OLO anticipates Bill 2-24 will have a positive impact on RESJ. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid.

³ [The Constitution](#), The White House.

⁴ Ibid.

⁵ [Introduction Staff Report for Bill 2-24](#), Montgomery County Council, Introduced February 6, 2024.

⁶ Ibid.

⁷ Ginny Bixby, [“Jawando tries a new bill to limit police searches after AG nixes STEP Act,”](#) MoCo360, February 6, 2024.

⁸ Introduction Staff Report for Bill 2-24

⁹ [Statewide Police Disciplinary Matrix Resource Guide](#), Maryland Police and Correctional Training Commissions, Updated March 9, 2023.

¹⁰ Introduction Staff Report for Bill 2-24

¹¹ [RESJ Impact Statement for Bill 12-23](#), Office of Legislative Oversight, April 17, 2023.

¹² James C. McGlinchy, [“Was that a Yes or a No? Reviewing Voluntariness in Consent Searches,”](#) Virginia Law Review, April 2018, pg. 305.

¹³ Megan Dias, et. al., [“Consent Searches: Evaluating the Usefulness of a Common and Highly Discretionary Police Practice,”](#) Journal of Empirical Legal Studies, December 2023, pg. 38.

¹⁴ Charles R. Epp, Steven Maynard-Moody, Donald Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (University of Chicago Press, 2014)

¹⁵ Ibid.

¹⁶ Megan Dias, et. al., pg. 36.

¹⁷ Ibid., pg. 37.

¹⁸ [Warrantless Searches and Seizures: Consent Searches](#), Georgetown Law Journal 45th Annual Review of Criminal Procedure, 2016.

¹⁹ Roseanna Sommers and Vanessa K. Bohns, [“The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance,”](#) Yale Law Journal, May 23, 2019, pg. 1968.

²⁰ [“Eliminate Consent Searches,”](#) DC Justice Lab and STAAND, October 2020, pg. 4.

²¹ Ibid., pg. 1-2.

²² Megan Dias, et. al., pg. 36.

²³ RESJ Impact Statement for Bill 12-23

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²⁴ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council