

# **HB0188 No Knock Warrants.pdf**

Uploaded by: Britt, Adiena

Position: FAV

## HB0188 No-Knock Warrants – Elimination (Duncan’s Act)

Stance: Support

Testimony: My name is Adiena Britt of the 45th District of Baltimore City. I am writing to provide testimony and lend my support for Bill HB0188 that will eliminate No Knock Warrants in the State of MD. This is a story of the events that were the result of a No-Knock Warrant.

During 2015, I was attempting to utilize law enforcement to handle a drug operation in my community. I first wrote to the Commander of the Northeast Police District, Major Worley. Our Community Association and the newsletters provided this step as guidance to residents. I received no response. After trying to figure out whom to escalate it to, I called the "Community Liaison" at the District, only to be told that I needed to speak with a Narcotics Detective; and that they "only work at night". I tried calling at night, but was told there was no one to speak to, and that I should come up to the District to file a report. I went to the District, there was a man behind a very large desk who told me there was no one I could speak to, nor file to report. When I became exacerbated, he offered to "text" any information I gave him to a detective. I dictated a text, and he showed it to me to verify the information was correct and sent it while I was standing there. A few days later, I was contacted by a Detective Parker; who claimed he would assist. He began to text me, then he came to perform an "observation" of the home the drugs were being sold out of, but then things got weird. He became inappropriate with things he was asking me in texts, and I only realized later that he was setting me up to have my home raided. To this day I don't know why.

On September 10, 2015; our lives changed forever. After returning from getting some groceries my husband said he felt uneasy. The guy dealing the drugs seemed to have disappeared, so I didn't know why. We were being followed and watched; but didn't know it. After bringing things into the house, we left the main door open, but the screen door closed. My 12-year-old son was playing in the basement, my husband was getting settled to watch the first football game of the season, and I was at my computer. Within minutes, someone rips open our screen door and a bunch of men clad in black are yelling and screaming and pointing guns at us. They NEVER stated they were police officers. They barely had any insignia on their clothing, it just appeared to be a home invasion. It took me a couple of minutes to even realize they were police officers, because they were giving us conflicting orders and cuffing my husband. They had me lie face down on the floor, only then did I notice they were police. I asked if they were kidding or if they had the wrong house. I was yelled at with expletives and told to shut up. I remembered my son in the basement, and told them there was a little kid downstairs by himself, but it was already too late.

My son heard the commotion and also thought it was a home invasion. He was panicking and trying to figure out what to do. He saw legs clad in black clothing coming down the stairs with a gun pointed over the banister as he was grabbing for the doorknob to get out into our darkened back yard. He was ironically going to call police on his phone. When the door flung open, more men dressed in black and pointing guns were on the other side of it. They had "covered" my entire property, even tearing through my garden. Four grown men in black made a 12-year-old get on his knees and put his hands on his head at the gunpoint. He is 18 now and is still receiving therapy. He still has nightmares. Had he reacted quicker, and ran into my darkened back yard, I believe they would have shot and killed him.

A copy of the warrant was left with us when they departed. The details written to "describe" my home were inaccurate. They were executing it based on a mysterious "confidential informant" that supposedly bought ONE gel cap of drugs. There were no drugs, no cutting materials, no packaging, no evidence of prior drug making activities. They ransacked my home, terrorized all of us, and we still don't know why. Since we thought it was a home invasion at first, we could have tried to defend ourselves, but would have been assaulted or murdered; right in our own home. No Knock Warrants are extremely dangerous, and are rarely utilized for anything dangerous. I do not consider drugs dangerous enough to put people's lives at risk of dying at the hands of law enforcement as they barge in, unannounced and acting in a crazed, hostile manner. Please pass this Bill for passage into Law.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214

# **SB0419-NoKnock.pdf**

Uploaded by: Britt, Adiena

Position: FAV

SB0419 No Knock Warrants Elimination

Stance: Support

Testimony: My name is Adiena C. Britt and I reside in the 45<sup>th</sup> Legislative District of Baltimore City. I am writing to offer my support for SB0419 that would completely eliminate No Knock Warrants. I have previously submitted testimony on this for HB0188 and do not wish to re-write that, but want to submit that testimony to be considered for this bill as well. Please read that additional testimony for Duncan's Act also attached.

Thank you.

Adiena C. Britt

6014 Old Harford Rd.

Baltimore, MD 21214

# **Testimony\_JPC\_SB0419 - Google Docs.pdf**

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0419 - No-Knock Warrants - Elimination  
Before the Judicial Proceedings Committee  
on January 28, 2021**

**Chairman Smith and members of the Committee:**

**I am pleased to introduce Senate Bill 419 to repeal the statutory authority for no-knock search warrants. Specifically, this bill prohibits an officer from entering what is being searched if they do not give notice of their authority or purpose.**

**Among the many horrific but all too common accounts of police killings that have riveted national attention is the tragic shooting of Breonna Taylor. Breonna Taylor was sleeping in her own home when it was raided by police officers who never identified themselves and erroneously relied on a no-knock warrant for someone who did not live there and was miles away at the time.**

**Normally, when executing a search warrant, law enforcement is required to knock and announce their presence as well as provide residents an opportunity to answer the door prior to searching a home. This requirement serves several important purposes: it protects privacy; prevents damage to personal property; and, most importantly, minimizes the potential for injury to both civilians and officers.**

**No-knock warrants, which authorize police to, without warning, break into someone's home, are violent -- often escalating what may**

otherwise be a cooperative situation. They also contribute to the racial disparities in the criminal justice system. No-knock warrants are disproportionately authorized for communities of color, against individuals of color and their families. From 2010 through 2016, at least 81 civilians and 13 officers died during SWAT raids, including 31 civilians and eight officers during execution of no-knock warrants. Half of the civilians killed were members of a minority. Of those subject to SWAT search warrants, 42% are black and 12% are Hispanic.

Our criminal justice system is supposed to promote public safety and justice. However, no-knock warrants are currently authorized under Maryland law, even though they clearly undermine those purposes. During the investigation of the death of Baltimore Police Department Detective Sean Suiter, a no-knock warrant based purely on drug allegations was executed as a fishing expedition -- breaking into a family's home, with officers wearing fatigues and carrying rifles into a bathroom while a 6-year-old boy was showering. The house was torn apart and property was taken but never returned. The subject of the raid was subsequently cleared of any involvement in Det. Suiter's death.<sup>1</sup>

Allowing police officers, under the darkness of night while dressed in tactical gear and without notice, to smash open doors - sometimes with explosives, typically destroying property - does not protect the safety of residents or officers. It does exactly the opposite - it puts everyone involved in danger. Here's why. First, it suggests to the residents that someone is breaking into their home. Defensive actions to respond to an intruder often result in gunshots, sometimes by the home's residents and ultimately by the police. Second, no-knock warrants also erode the presumption of innocence, a tenet of our justice system, by refusing to give a suspect the opportunity to

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<sup>1</sup> See:

<https://www.baltimoresun.com/news/crime/bs-md-suiter-dea-harlem-park-20200109-6zxkpsxdbabvevjmwwhlpuzxu-story.html>



**voluntarily comply with the law. And finally, we cannot ignore the racial disparities in the issuance and execution of no-knock warrants. Nor can we ignore the lasting physical, sometimes deadly, harm and emotional trauma these violent intrusions cause to Marylanders.**

**No-knock warrants do not need to be reformed; they must be eliminated. No amount of training and operational planning can remove their inherently violent potential and complete disregard for basic privacy. My bill will repeal the statutory provision that allows courts to authorize no-knock warrants, and allow for Maryland to join the jurisdictions that have banned this dangerous practice.**

**As such, I urge this committee to give a favorable report on SB0419.  
Thank you.**

**Respectfully,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

**Jill P. Carter**

# **Legislative Testimony 419.pdf**

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:  
SB419

I support Senator Jill P. Carter's Senate Bill 419 to ban no-knock warrants in our state. No-knock warrants put families at risk and have little benefit in fighting crime or expanding public safety.

**RICHARD  
ELLIOTT**  
**FOR MARYLAND**

The logo for Richard Elliott For Maryland features the name 'RICHARD ELLIOTT' in a bold, red, outlined font. A stylized red rose is positioned between the 'L' and 'I' of 'ELLIOTT'. Below the name, the words 'FOR MARYLAND' are written in a smaller, red, outlined font.

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

**sb 0372 eliminate no knock warrants.pdf**

Uploaded by: Fraser, Stanford

Position: FAV



## POSITION ON PROPOSED LEGISLATION

Bill: SB 0419 No Knock Warrants – Elimination

Position: Favorable

Date: January 28, 2021

The Office of the Public Defender supports SB 0419, which would eliminate the use of no knock warrants in Maryland.

In 2020 No Knock warrants became a national issue with protests across the nation after Breonna Taylor was killed by police officers while they were executing a no-knock warrant. Unfortunately, the problems with no knock warrants are not exclusive to the city of Louisville. In March 2020, a Montgomery County man, Duncan Lemp, was killed by police officers while they were executing a no-knock raid.<sup>1</sup>

Since this national moment, jurisdictions like the City of Louisville & the Commonwealth Virginia have banned the use of no-knock warrants.<sup>2</sup> Here, Maryland has the chance to do the same. In a Country where individuals have the 2<sup>nd</sup> amendment right to own firearms to protect themselves and their family, no knock warrants are a lethal safety hazard. Therefore, we support this proposed legislation.

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<sup>1</sup> <https://reason.com/2020/03/16/maryland-man-killed-in-no-knock-swat-raid-was-shot-while-asleep-family-says/>

<sup>2</sup> <https://www.npr.org/local/305/2020/12/08/944231385/virginia-gov-northam-signs-breonna-s-law-banning-no-knock-warrants> ; <https://www.nytimes.com/2020/06/12/us/breonna-taylor-law-passed.html>

**2021-01-28 SB 50 & SB 419 (Support in Concept).pdf**

Uploaded by: Kemerer, Hannibal

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

January 28, 2021

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** The Office of the Attorney General

**RE:** Senate Bill 50: Criminal Procedure - Police Officers - Duty to Intervene and  
Senate Bill 419: No-Knock Warrants - Elimination (SUPPORT IN CONCEPT)

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The Office of the Attorney General submits this general statement in support of efforts to advance criminal justice reform. Despite variations in specifics, the proposals in Senate Bill 50 and Senate Bill 419 reflect two important guiding principles: the need to end excessive force and re-evaluate the standards for middle-of-the-night no-knock warrants. Policies implementing these principles would help prevent horrific outcomes while supporting the majority of police officers who perform difficult jobs responsibly.

Central to achieving meaningful police reform is ending the use of excessive force.

First, the State should codify a standard that restricts police use of deadly force, including the use of chokeholds, to that which is necessary to protect the officer or other persons from the imminent threat of death or serious bodily injury. Some common-sense measures include: requiring officers to rely on de-escalation techniques where possible and to intervene to stop another officer from using excessive force; requiring officers to report misconduct by other officers; and requiring agencies to report all use of force incidents for internal and external review and tracking.

Senate Bill 50 seeks to prevent the use of excessive force by establishing a duty for a police officer to intervene if the officer knows or reasonably should know that another officer is using or intends to use excessive force and prescribing criminal penalties for a failure to perform that duty. That an officer should be obligated to intercede to stop or prevent another officer's use of excessive force is a critical component of ending the use of excessive force and improving community trust. Particularly when employed with de-escalation techniques, such intervention

also promotes the increased safety for both civilians and officers. Perhaps for these reasons, the duty to intervene enjoys broad stakeholder support from law enforcement agencies and reform advocates: it is among the list of best practices for police use of force issued by the Maryland Police Training and Standards Commission (MPTSC), is endorsed by the International Association of the Chiefs of Police, and has been incorporated into the policies of many of the largest police departments in the United States, including the Baltimore City and Baltimore County Police Departments.

All Maryland law enforcement officers should be obligated to intervene to stop or prevent another officer's use of force where it is feasible to do so. While we have reservations about whether criminal liability is the appropriate sanction, a duty to intervene should be a part of every law enforcement agency's administrative policies, and officers failing to comply with that policy should face discipline or be terminated consistent with their agency's administrative procedures. To ensure that officers know how and when to intervene, officers should be trained regularly on intervention strategies and scenarios.

No-knock warrants should be used only where they are necessary to protect officer safety.

Breonna Taylor was killed in the middle of the night after police secured a no-knock warrant to enter her home. A woman should not be killed in her own home because the police were authorized to force down her door in the middle of the night to execute a warrant related to a drug investigation of an ex-boyfriend who did not even live there.

Senate Bill 419 eliminates the use of no-knock warrants entirely. Although no-knock warrants are an important tool to protect the safety of law enforcement officers, the enactment of several reforms can reduce the tragic consequences that result from their overuse.

No-knock warrants should be authorized only when necessary to secure the safety of police—not to avoid the destruction of evidence. The level of scrutiny needed for no-knock warrants should also be considered—perhaps requiring high-level approvals within the Police Department and review by the State's Attorneys. Finally, the time at which warrants like these are served—a factor which clearly contributed to Breonna Taylor's death—should be examined. Middle-of-the-night warrant execution should be limited to situations where police and public safety truly require it.

For these reasons, the Office of the Attorney General supports the goals of Senate Bill 50 and Senate Bill 419.

cc: Committee Members



# **SB419 No Knock Warrant LOS.pdf**

Uploaded by: Mosby, Marilyn

Position: FAV



## **SB419- Support**

January 28, 2021

Senator Will Smith  
Chair, Judicial Proceedings Committee  
Miller Senate Building  
11 Bladen Street  
Annapolis, MD 21401

### **Re: Support for Senate Bill 419 – No-Knock Warrants - Elimination**

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I stand in strong support of Senate Bill 419, which repeals a provision of law authorizing an application for a search warrant to consent a request authorizing the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose under certain circumstances.

Late last year, I instructed my Assistant State's Attorney's to no longer authorize "no knock" warrants. Recent events, such as the tragic killing of Breonna Taylor, have shown that the ends do not justify the means. Seventeen states do not allow this tactic, and our office ceased the participation of this dangerous measure.

The increased use of this tactic was a product of the failed "war on drugs," a series of failed federal and local police practices aimed at "warring" against drug use. Data collected in a study conducted by Peter Kraska revealed that "no knock" warrants were used about one thousand-five hundred times in the 1980s, rising to roughly forty thousand per year by the year 2000. By 2010, sixty thousand to seventy thousand "no knock" warrants were being used annually across the nation. The majority of these raids were searching for marijuana.<sup>1</sup> Further, a 2014 report on policing conducted by the ACLU found that sixty-two% of "no knock" entries were drug searches, and that drugs were reportedly found in only thirty-five% of entries.<sup>2</sup>

In the interest of reforming Maryland's policing practices to ensure increased safety and protection of our communities, I urge you to consider a favorable report for Senate Bill 419.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby".

Marilyn J. Mosby  
State's Attorney for Baltimore City

<sup>1</sup> <https://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf>

<sup>2</sup> <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>

**SB 0419-SA Rich Gibson-Oppose-Jan. 2021.pdf**

Uploaded by: Gibson, Rich

Position: UNF



## SENATE BILL 0419

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

**POSITION: UNFAVORABLE SB 0419**

January 26, 2021

My name is Rich Gibson, I am the State's Attorney for Howard County. Part of my obligations as State's Attorney, is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to oppose Senate Bill 0419.

I believe that the elimination of No-Knock Warrants will increase the risk of harm to society. No Knock Warrants are an important tool that, if used appropriately, promotes the safety of officers, the individuals whose home is being searched, and the community in general. I fully support regulations and changes in the law that would provide greater oversight concerning when no knocks are used, such as requiring that a State's Attorney's Office review all No Knock Warrants for reasonableness prior to being submitted to a judge.

There are times when announcing your presence, as an officer, exposes that officer or officers to grave risk of injury or death. Additionally, there are times when an officer announcing his or her presence, prior to entry, would frustrate the entire purpose of the search warrant. Let's take the distribution of Fentanyl, as an example. If this bill becomes a law, then law enforcement would have to go to the door of a drug dealer, knock on that door and announce that they are there to search the residence. One possibility of what might occur next is that the drug dealer would flush the fentanyl down the toilet and the contraband will be removed. The drug dealer would not be

apprehended and instead, remain in the community, re-up his/her supply and continue to flood the community with a highly lethal synthetic opioid. Another possibility, which puts police and the surrounding community at risk, is that the drug dealer decides to shoot it out with the police and now that law enforcement has announced their presence, he/she knows to arm themselves and where to aim their deadly weapons.

Anecdotally, in Howard County, we have had zero (0) deaths due to the execution of No Knock Warrants over the last twenty (20) years. Additionally, due to an agreement between the State's Attorney's Offices of Montgomery County and Howard County, I am aware of every police-involved death in Montgomery County over the last two years. In that span of time, there has been one (1) death that occurred during the execution of a No Knock Warrant in Montgomery County. That loss of life is tragic, but that one death pales in comparison to the seventy-five (75) deaths that have occurred from opioid overdoses, in roughly that same period of time, in Montgomery County.

This bill would take away a beneficial law enforcement tool which, if reasonably used, keeps our communities safe. The Maryland State's Attorney's Association supports reasonable reforms as to when No Knock Warrants can be used, but vigorously opposes a blanket prohibition banning them outright. I ask that the legislature give Senate Bill 0419 an unfavorable report.

# **MCPA-MSA\_SB 419-No-Knock-Warrant-Elimination-Oppos**

Uploaded by: Mansfield, Andrea

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** January 28, 2021

**RE:** **SB 419 No-Knock Warrants - Elimination**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 419**. This bill prohibits law enforcement from seeking a no-knock warrant under any circumstances.

Under current law, law enforcement may seek, when applying for a search warrant, a request to enter a home, building, premises, etc without first providing notice to the occupant of the officer's authority or purpose for entering the premises. These warrants, otherwise referred to as no-knock warrants, are sought when an officer has reasonable suspicion that, if the officer announced him or herself, the property subject to search or seizure may be destroyed or disposed of, or the officer or another person may be in danger. This type of search warrant is a valuable tool for law enforcement and MCPA and MSA cannot support the elimination of this option.

This Committee recently heard a bill, SB 237, which as introduced, required preapproval of an application for a no-knock warrant by an applicant's supervisor and the State's Attorney. In testimony, MCPA and MSA recommended amending the bill to require preapproval by a law enforcement official with the appropriate level of authority and experience. With respect to the State's Attorney, MCPA and MSA suggested the bill should be amended to include a designee should the actual elected State's Attorney not be available. MCPA and MSA believe this is a more reasonable approach for addressing concerns with no-knock warrants. It places a higher standard on their use, but still provides this approach as an option if warranted.

For these reasons, MCPA and MSA **OPPOSE SB 419**, but express our willingness to work with the Committee on alternate approaches to address concerns.

# **SB 419 - No-Knock Warrant - Elimination.pdf**

Uploaded by: Shellenberger, Scott

Position: UNF



**Bill Number: SB 419**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Opposed Requesting Amendment**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**OPPOSED REQUESTING AMENDMENT OF SENATE BILL 419**  
**NO-KNOCK WARRANTS - ELIMINATION**

Senate Bill 419 would ban no-knock warrants. No-knock warrants are used when the safety of officers is in danger. No-knock warrants also can be used when there is a risk that evidence will be destroyed. It is not just drug cases where evidence needs to be preserved. It could be any kind of case including a homicide. If DNA from a murder is on an article of clothing this could be burned in a fireplace and lost forever while officers are knocking and announcing.

I believe no-knock warrants are an important tool for law enforcement's safety and to preserve evidence. Currently the law requires that the officer articulate in the warrant why it must be a no-knock warrant. That provision must be approved by a Judge. These requirements to articulate why and approval by a Judge is what the Fourth Amendment is all about. I do not believe we need Senate Bill 419.

If you would like additional protections, some counties in Maryland and some other states have required that the State's Attorney's Office in the jurisdiction seeking the warrant sign off on the no-knock provision.

You could even add to the law the language from Senate Bill 237 requiring a police supervisor approval.

Under this scenario an officer would have to swear a no-knock warrant is needed, a supervisor would have to approve, a prosecutor would have to agree and sign, and a Judge would have to approve and sign.

With those four requirements there would be more than sufficient checks and balances regarding no-knock warrants. I oppose Senate Bill 419 as written for officer safety. If you feel additional protectors are needed please consider an amendment.

# **MSP Position Paper SB 419.pdf**

Uploaded by: Williams, Thomas

Position: INFO



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** January 28, 2021

**BILL NUMBER:** Senate Bill 419 **Position:** Letter of Information

**BILL TITLE:** No-Knock Warrants - Elimination

**REVIEW AND ANALYSIS:**

This legislation seeks to repeal the law authorizing an application for a search warrant to contain a request authorizing the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose. This legislation also seeks to repeal the provision of law requiring the Maryland Police Training and Standards Commission to consult and cooperate with commanders of SWAT teams to develop certain standards.

Under current law, a law enforcement officer may request that a search warrant may authorize the executing law enforcement officer to enter the building, apartment, premises, place or thing to be searched without giving notice of the officer's authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization: 1. the property subject to seizure may be destroyed, disposed of, or secreted; or 2. the life or safety of the executing officer or another person may be endangered. This provision of law is based on case law *Richards v. Wisconsin* and upheld by the United States Supreme Court. The Court did however not give unilateral authority for waiving the knock and announce requirement. The Court ruled that the state supreme court's blanket exception to the knock-and-announce requirement, that police officers were never required to knock and announce their presence when executing a search warrant in a felony drug investigation, was unconstitutional. The ruling was affirmed in *United States v. Ramirez*.

The Department makes use of the "No Knock" warrant in very specific circumstances and the warrants are only executed by a highly trained team within the Department. The circumstances that the Department uses to determine if a warrant will be served as a "No Knock":

- o Criminal history of the primary suspect(s);
- o Felony nature of the crime being investigated;
- o Is there an arrest warrant for the primary suspect (is it for a crime of violence);
- o Ability to destroy evidence;
- o Fortification of the structure;
- o Terrain to be traversed to get to the structure;
- o Is a surreptitious approach possible;
- o Are there other articulable reasons why it is necessary to remain unknown to the suspect until the time of the service; and
- o Is it safer for the suspects as well as the officers involved to contact them (Knock and Announce) prior to them realizing we are there.

**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

All requests for "No Knock" warrants are screened by a member of the Special Operations Division (SOD). Either a team leader or Unit Commander conducts the screening based on the above available information. Once a decision has been made, the SOD Command staff is notified prior to a final decision being made. In all cases, the warrant team is briefed by the local investigators to ensure the most current and useful information is known. For example, investigators on surveillance, contact the lead investigator and advise they observed subjects bringing firearms into the location prior to the execution of the warrant. The team will consider this new most recent information and may upgrade to a "No Knock". Conversely, if the team has a No Knock warrant, and the main target left the location or was taken away by uniform patrol, they will downgrade the "No Knock" to a "Knock and Announce".

The Department acknowledges the risk taken on all search warrants. The use of a "No Knock" warrant is designed and executed to minimize the risk to both the officers serving the warrant and the citizens who are subject to the warrant. The elimination of all "No Knock" warrants would potentially have a detrimental effect on both groups.

Rather than repeal the current law, the Department would propose amending the existing law to require a second review by the local State's Attorney' Office of the county where the warrant is to be served prior to its execution.