



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.